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No.: **ICC-01/04-01/07**

Date: **15 April 2016**

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Olga Herrera Carbuccion
Judge Péter Kovacs

***SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR v. GERMAIN KATANGA***

Public

**Defence Response to the Requête des victimes sollicitant par l'entremise de la Chambre
l'intervention de la République Démocratique du Congo au processus des réparations**

Source: Defence for Mr Germain Katanga

Document to be notified in accordance with regulation 31 of the *Regulations of the Court*
to:

The Office of the Prosecutor

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Mr Eric MacDonald

Counsel for the Defence for Germain

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Ms Caroline Buisman

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

State Representatives

Democratic Republic of Congo

REGISTRY

Registrar

Mr Herman von Hebel

Victims Participation and Reparations

Section

Ms Fiona McKay

Other

M. Pieter de Baan, Victims Trust Fund

1. On 24 March 2016, the Legal Representative of the Victims (LRV) called upon the Chamber to disclose a request to the authorities of the Democratic Republic of Congo (DRC), through the Registry, to assist the victim reparations.¹ Amongst others, he suggests that the DRC build a monument for the victims and allocate funds to the reconstruction of houses. The LRV submits that the fact that the ICC and through it the Trust Fund are engaged in allocating reparations in the case of Mr Katanga for victims of crimes committed in the Bogoro attack does not exonerate the DRC government from its obligations towards its citizens.
2. The defence for Mr Katanga supports the essence of this application. Pursuant to Part 9 of the Rome Statute, the DRC is obligated to cooperate fully with the Court in its investigations and prosecution of crimes within the jurisdiction of the Court (art 86). To be effective, this cooperation obligation should be interpreted broadly and apply to the post-conviction stage as well.
3. Pursuant to article 93(1)(l), the Court may request a State to provide “[a]ny other type of assistance which is not prohibited by the law of the requested State, with a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the Court”. This provision is broad enough to encompass the assistance sought.
4. Accordingly, the defence supports the essence of the LRV application of 24 March 2016 and requests that the Chamber submit to the DRC, through the Registry, the request to provide its assistance in the reparation stage.
5. The defence again stresses that, as with other measures that have been taken, any re-building or compensatory measures should be taken into account in making any final decision on levels of compensation.

¹ ICC-01/04-01/07-3674.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'D Hooper', with a long horizontal flourish extending to the right.

David Hooper Q.C.

Dated this 15th April 2016,
London. W.C.1