**Cour
Pénale
Internationale**

**International
Criminal
Court**

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

Date: **25 April 2017**

THE APPEALS CHAMBER

Before:　　　**Judge Silvia Fernández de Gurmendi**
　　　　　　　Judge Sanji Mmasenono Monageng
　　　　　　　Judge Christine Van den Wyngaert
　　　　　　　Judge Howard Morrison
　　　　　　　Judge Piotr Hofmański

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF
THE PROSECUTOR v. GERMAIN KATANGA

Public

Notice of Appeal against the

˝*Ordonnance de réparation en vertu de l'article 75 du Statut*˝ and its Annex II

Source:　　　**Legal Representative of Victims**

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

Office of the Prosecutor	**Counsel for the Defence of Germain Katanga** Mr David Hooper
Legal Representatives of Victims Mr Fidel Nsita Luvengika	**Legal Representatives of Applicants**
Unrepresented Victims	**Unrepresented Applicants for Participation/Reparation**
Office of Public Counsel for Victims Ms Paolina Massidda	**Office of Public Counsel for the Defence**
States' Representatives	**Amicus Curiae**

REGISTRY

Registrar Mr Herman von Hebel	**Counsel Support Section**
Victims and Witnesses Unit	**Detention Section**
Victims Participation and Reparations Section Mr Philipp Ambach	**Other** **Trust Fund for Victims** Mr Pieter de Baan

I.   PROCEDURAL HISTORY

1. On 24 March 2017, Trial Chamber II ("Chamber") issued its *˝Ordonnance de réparation en vertu de l'article 75 du Statut˝* ("Order for Reparations").[1] In the Order, for the purpose of reparations it recognized the victim status of two hundred and ninety-seven (297) applicants for reparations – of whom two hundred and eighty-three (283) are represented by the Legal Representative[2] – and ordered that they be awarded both individual and targeted collective reparations.[3]

2. The Order for Reparations includes a second annex containing an individual analysis of applications for reparations ("Annex II").[4]

II.   NOTICE OF APPEAL

3. Pursuant to article 82(4) of the Statute and rule 150 of the Rules of Procedure and Evidence, the Legal Representative may appeal against an order under article 75 of the Statute not later than 30 days from the date on which he was notified of the order.

4. In accordance with regulation 57 of the Regulations of the Court, the notice of appeal shall state:

    a) The name and number of the case;

    b) The date of the decision of conviction or acquittal, sentence or reparation order appealed against;

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[1] *˝Ordonnance de réparation en vertu de l'article 75 du Statut˝*, 24 March 2017, ICC-01/04-01/07-3728, with one public annex (Annex I) and one confidential *ex parte* annex available only to the Common Legal Representative of the Victims, the Office of Public Counsel for Victims and the Defence team for Germain Katanga (Annex II).

[2] In a decision of 15 March 2017, after having stated that it had agreed to terminate the representation agreement of the Legal Representative concerning some of the applicants, the Chamber decided to appoint the Office of Public Counsel for Victims ("OPCV") to represent them should they wish to appeal (*˝Décision relative à la requête du Représentant légal commun des victimes du 2 mars 2017˝*, ICC-01/04-01/07-3727, para. 12 *et seq.*)

[3] Order for Reparations, operative part, pp. 129-131.

[4] ICC-01/04-01/07-3728-Conf-Exp-AnxII.

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    c) Whether the appeal is directed against the whole decision or part thereof;

    d) The relief sought.

5. The Legal Representative hereby gives notice of appeal against part of the Order for Reparations and its Annex II issued on 24 March 2017 in the case of *The Prosecutor v. Germain Katanga* (ICC-01/04-01/07-3728 and ICC-01/04-01/07-3728-Conf-Exp-AnxII).

6. With respect to the Order for Reparations itself, this notice of appeal concerns <u>only</u> the part concerning transgenerational harm, insofar as the Chamber holds that there is no causal link between this harm and the attack on Bogoro, owing to a lack of evidence (paragraphs 132-134 of the Order for Reparations). In his document in support of the appeal, the Legal Representative will develop the errors of law and of fact committed by the Chamber in its analysis of the evidence and its content as well as the standards of proof applied with respect to this harm.

7. The notice of appeal also concerns Annex II of the Order for Reparations in its entirety.

8. In addition to the part of Annex II concerning the assessment of individual applications corresponding to the above-mentioned paragraphs of the Order (paragraphs 132-134), the Legal Representative will develop his grounds of appeal in relation to a very small number of other individual assessments contained in Annex II. In his document in support of the appeal, the Legal Representative will develop the errors of law and/or of fact committed in the assessments of these applications for reparations.

9. For the reasons to be set out in the document in support of the appeal, the Legal Representative will request the Appeals Chamber to amend the Order for Reparations and its Annex II only on the points that will be the

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subject of his document in support of the appeal and to uphold the Order for Reparations and its Annex II on all other points.

10. The Legal Representative states that he has no intention whatsoever of invoking the application of article 82(3) of the Statute, requesting that his notice of appeal have a suspensive effect. Given its extremely limited scope, the notice in no way obstructs the execution of the Order for Reparations. It is unlikely in any case to create an irreversible situation as concerns the preparation of the implementation plan by the Trust Fund for Victims, which will take place, pursuant to the Order for Reparations, in collaboration with the Legal Representative. Given its highly specific and limited purpose, nor is it likely to undermine the plan's completion.

For these reasons, may it please the Appeals Chamber to admit this notice of appeal filed pursuant to regulation 57 of the Regulations of the Court.

[Signed]

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Mr Fidel Nsita Luvengika

Legal Representative of Victims

Dated this 25 April 2017

At Gilly/Charleroi, Belgium

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