



Original: **French**

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

Date: **13 April 2017**

TRIAL CHAMBER II

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

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

Public Document

**Decision rejecting the Request from the Legal Representative of Victims of
5 April 2017**

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

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

Counsel for Germain Katanga

Mr David Hooper

Ms Caroline Buisman

Office of Public Counsel for Victims

Ms Paolina Massidda

Trust Fund for Victims

Mr Pieter de Baan

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

TRIAL CHAMBER II of the International Criminal Court (“Chamber”), acting pursuant to regulation 35 of the Regulations of the Court, decides as follows.

1. On 24 March 2017, the Chamber issued an Order for Reparations against Germain Katanga, in which it acknowledged the victim status, for the purposes of reparations, of 297 of the 341 applicants for reparations and ordered that they be awarded individual as well as targeted collective reparations (“Order for Reparations”).¹
2. On the same day, having noted that Annex II to the Order for Reparations (“Annex II”) had been filed “*ex parte* Legal Representative of Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga” to protect the identities of the applicants for reparations, the Chamber issued an order stating that it would be appropriate to file a public version of Annex II² (“Order of 24 March 2017”). The Chamber therefore instructed the Legal Representative of Victims (“Legal Representative”), the Office of Public Counsel for Victims (“OPCV”) and the Defence team for Germain Katanga to submit to it proposals for redactions to Annex II by 24 April 2017.
3. On 5 April 2017, the Legal Representative filed observations on the Order of 24 March 2017, in which he requested an extension of three months to file proposals for the redactions to Annex II that he might consider to be suitable (“Request”).³
4. In support of his Request, the Legal Representative submitted that the applicants for reparations whom he represents feel that, at this stage, it is

¹ “Order for Reparations pursuant to Article 75 of the Statute”, 24 March 2017, ICC-01/04-01/07-3728-tENG, with one public annex and one confidential annex *ex parte*, Legal Representative of Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (“Annex II”).

² “Ordonnance enjoignant aux parties de soumettre des propositions d’expurgations et aux victimes de donner leur consentement à la communication au Fonds au profit des victimes de leurs coordonnées”, 24 March 2017, ICC-01/04-01/07-3729.

³ “Observations déposées en application de l’Ordonnance enjoignant aux parties de soumettre des propositions d’expurgations et aux victimes de donner leur consentement à la communication au Fonds au profit des victimes de leurs coordonnées” (ICC-01/04-01/07-3729), 5 April 2017, ICC-01/04-01/07-3730.

unthinkable to have their identities disclosed in Annex II because of the attention drawn to them, especially by the media, since the Order for Reparations was issued and because of the prospect of an appeal against this Order.⁴ The Legal Representative suggests that a three-month extension will enable him to put forth proposals for redactions to Annex II, which will be guided either by the implemented reparations or a potential appeal against the Order for Reparations.⁵

5. The Chamber opines that granting the Legal Representative a three-month extension to submit his proposals for the redaction of Annex II according to developments in the current proceedings is not warranted for the following reason. The Chamber considers it in the interests of justice to issue a public redacted version of Annex II as promptly as possible, as it contains an individual analysis of each of the 341 applications for reparations and cannot be disassociated from the Order for Reparations.⁶ Accordingly, the Chamber is of the view that any proposal for redactions that the Legal Representative, the OPCV or the Defence might consider appropriate, such as redactions of information on the identities of the 341 applicants for reparations, must be submitted to it by 24 April 2017, in accordance with the Order of 24 March 2017. It nevertheless wishes to point out that a second public version of Annex II may be issued should the applicants for reparations ultimately decide to disclose their identities.

⁴ ICC-01/04-01/07-3729, para. 6.

⁵ *Ibid.*, para. 7.

⁶ Order for Reparations, para. 64 and footnote 109.

FOR THESE REASONS, the Chamber

REJECTS the Request.

Done in English and French, the French version being authoritative.

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccion

[signed]

Judge Péter Kovács

Dated this 13 April 2017

At The Hague, Netherlands