



Original: **French**

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

Date: **24 March 2017**

TRIAL CHAMBER II

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. GERMAIN KATANGA

Public Document

Order Instructing the Parties to Propose Redactions and the Victims to Consent to Disclosure of their Contact Information to the Trust Fund for Victims

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

Legal Representative 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 articles 68 and 75 of the Rome Statute (“Statute”), rule 87 of the Rules of Procedure and Evidence, and regulation 118(2) of the Regulations of the Registry, hereby orders as follows:

I. Procedural History

1. On 24 March 2017, the Chamber issued its Order for Reparations concerning Germain Katanga (“Mr Katanga”), finding that 297 of the 341 applicants for reparations in the instant case had shown to the standard of proof of a balance of probabilities that they were victims of the crimes of which Mr Katanga had been convicted¹ (“Order for Reparations”). Accordingly, for the purpose of reparations, the Chamber recognized the victim status of the 297 applicants for reparations and ordered that they be awarded both individual and targeted collective reparations.²
2. The Chamber recalls that, to enhance readability and presentation, it had set out its individual analysis of the applications for reparations in an annex to the Order for Reparations³ (“Annex II”). In order to protect the identity of the persons accorded the status of victim, the Chamber labelled Annex II as “confidential *ex parte* Legal Representative of Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga”. However, the Chamber deems it appropriate to file a public version of Annex II, with the necessary redactions. To that end, the Chamber instructs the Legal Representative of Victims (“Legal Representative”), the Office of Public Counsel for Victims (“OPCV”), and the Defence team of Mr Katanga (“Defence”) to propose redactions to Annex II.

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, the Office of Public Counsel for Victims and the Defence team for Germain Katanga.

² Order for Reparations, p. 118.

³ Annex II to the Order for Reparations, ICC-01/04-01/07-3728-Conf-Exp-AnxII.

3. Furthermore, the Chamber recalls that it had directed the Trust Fund for Victims (“Trust Fund”) to prepare by 27 June 2017 a draft plan for implementation of the Order for Reparations.⁴ The Chamber also recalls in this regard that participation in the reparations process is entirely voluntary and that the informed consent of beneficiary victims is a precondition to any award of reparations, including their participation in collective reparations.⁵
4. The Chamber therefore instructs the Legal Representative and the OPCV to contact the victims they each represent to obtain their informed consent to the disclosure of confidential information to the Trust Fund, for the purposes of consultation and their participation in the reparations projects. Once the victims’ consent has been obtained, the Registry shall, in compliance with regulation 118(1) of the Regulations of the Registry, provide the Trust Fund with their application files or contact details.

⁴ Order for Reparations, paras. 307-310.

⁵ See *The Prosecutor v. Thomas Lubanga Dyilo*, “Order for Reparations (amended)”, dated 3 March 2015, ICC-01/04-01/06-3129-AnxA, para. 30.

FOR THESE REASONS, the Chamber,

INSTRUCTS the Legal Representative, the OPCV and the Defence to propose redactions to Annex II by 24 April 2017; and

INSTRUCTS the Legal Representative and the OPCV to seek the consent of the victims they each represent to the disclosure of their contact details to the Trust Fund by 24 April 2017.

Done in both 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 24 March 2017

At The Hague, Netherlands