

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

No.: **ICC-01/04-01/07**
Date: **18 September 2018**

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

Confidential

With one Confidential Annex *Ex parte* OPCV

Second Application for Resumption of Action Brought by Victim a/0117/09

Source: Office of Public Counsel for Victims

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

Official Court Translation

18 September 2018

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

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Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

I. INTRODUCTION

1. In compliance with the decision of Trial Chamber II (“Chamber”) of 18 July 2018, the Principal Counsel of the Office of Public Counsel for Victims (“OPCV”) hereby submits the statement by the family of deceased Victim a/0117/09 appointing a person to assume the right to the reparations awarded to the deceased victim.

II. PROCEDURAL HISTORY

2. On 24 March 2017, the Chamber issued the “Order for Reparations pursuant to Article 75 of the Statute” granting the status of victim for the purposes of reparations to 297 applicants, including 14 victims represented by the OPCV, one of whom is Victim a/0117/09, and awarding both individual and dedicated collective reparations.¹

3. On 19 April 2018, the Principal Counsel filed an application for resumption of the action brought by Victim a/0117/09.²

4. On 18 July 2018, the Chamber directed the OPCV to transmit to it a statement by the family of deceased Victim a/0117/09 appointing the new holder of the right to the reparations awarded to that victim.³

III. CONFIDENTIALITY

¹ “Order for Reparations pursuant to Article 75 of the Statute”, 24 March 2017, ICC-01/04-01/07-3728-tENG. See also Confidential Annex II to the Order for Reparations.

² “Application to Resume the Claims Brought by Victims a/0117/09 and a/0351/09 and Motion for Partial Variation of the Order for Reparations Issued Pursuant to Article 75 of the Rome Statute”, 19 April 2018, ICC-01/04-01/07-3789-Conf-Exp-tENG. A public redacted version was filed on 14 May 2018.

³ “Decision on the Applications for Resumption of Action Submitted by the Legal Representative of Victims in respect of Victims a/0117/09 and a/0351/09”, 18 July 2018, ICC-01/04-01/07-3803-Conf-tENG.

5. This document is filed as Confidential as it contains information about a deceased victim and refers to confidential documents. Annex I is filed as Confidential *Ex parte* OPCV as it contains information about the person resuming the action and the relatives of the deceased victim. A public redacted version will be filed as soon as possible.

IV. SUBMISSIONS

6. The Principal Counsel notes that the Chamber has already found that the documents submitted are sufficient to establish the death of Victim a/0117/09 and the family relationship between the deceased victim and the person resuming the action.⁴

7. Therefore, and in order to complete the application for resumption of action and allow the person resuming the action to become the new holder of the right to benefit from the reparations awarded to deceased Victim a/0117/09,⁵ the Principal Counsel, acting in compliance with the directions of the Chamber in the decision of 18 July 2018, submits hereby the record of appointment by the family council and relevant identity documents.⁶ The Principal Counsel points out that the statement has been signed by relatives who are living with the person wishing to resume the action of the deceased victim.

8. Accordingly, the Principal Counsel respectfully moves the Chamber to authorize the resumption of action by the relative appointed by the family of deceased

⁴ “Decision on the Applications for Resumption of Action Submitted by the Legal Representative of Victims in respect of Victims a/0117/09 and a/0351/09”, 18 July 2018, ICC-01/04-01/07-3803-Conf-tENG para. 15.

⁵ “Decision on Applications for Resumption of Action Lodged by Family Members of Deceased Victims a/0281/08 and a/25049/16”, 21 March 2018, ICC-01/04-01/07-3782-Conf-tENG.

⁶ Confidential Annex I *ex parte* BCPV.

Victim a/0117/09. She also requests that the same protective measures ordered in respect of the deceased victim be ordered in respect of the successor of the action.

[signed]
Paolina Massidda
Principal Counsel

Dated this 18 September 2018

At the Hague, Netherlands