



Original: **English**

No.: **ICC-01/04-01/07**
Date: **21 January 2015**

TRIAL CHAMBER II

Before: Judge Silvia Fernandez de Gurmendi, Presiding
Judge Christine Van den Wyngaert
Judge Olga Herrera Carbuca

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

Public

**Scheduling order
for interested States or other interested persons to apply for leave to file
submissions pursuant to Article 75 of the Statute**

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Éric MacDonald

Counsel for the Defence

Mr David Hooper

Legal Representatives of the Victims

Mr Fidel Nsita Luvengika

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Mr Pieter de Baan

Trial Chamber II (“Trial Chamber” or “Chamber”) of the International Criminal Court, in the case of *The Prosecutor v. Germain Katanga* (“Katanga case” or “case”), issues the following Scheduling order setting a deadline for interested States or other interested persons to apply for leave to file submissions pursuant to Article 75 of the Statute:

1. On 7 March 2014, the Chamber issued its Judgment pursuant to Article 74 of the Statute (“Judgment”).¹
2. On 16 April 2014, the Presidency of the Court issued a decision replacing two judges in Trial Chamber II and decided that such reconstitution should be effective as of the date of the issuance of the Article 76 decision.²
3. On 23 May 2014, the Chamber issued its Decision pursuant to Article 76 of the Statute (“Sentencing decision”) and sentenced Mr Katanga to 12 years imprisonment.³
4. On 25 June 2014, the Defence and the Prosecutor withdrew their appeal on the Judgment and indicated that they did not intend to appeal the Chamber’s Sentencing decision.⁴
5. On 21 August 2014, the Legal Representative of victims requested the Chamber to set out a timetable for the submission of observations on

¹ Jugement rendu en application de l’article 74 du Statut, 7 March 2014, ICC-01/04-01/07-3436.

² Decision replacing two judges in Trial Chamber II, 16 April 2014, ICC-01/04-01/07-3468 and annex.

³ Décision relative à la peine (article 76 du Statut), 23 May 2014, ICC-01/04-01/07-3484.

⁴ Defence, Defence Notice of Discontinuance of Appeal against the ‘Judgement rendu en application de l’article 74 du Statut’ rendered by Trial Chamber II on 7 April 2014, 25 June 2014, ICC-01/04-01/07-3497 and annex; Prosecutor, Notice of Discontinuance of the Prosecution’s Appeal against the Article 74 Judgment of Conviction of Trial Chamber II date 7 March 2014 in relation to Germain Katanga, 25 June 2014, ICC-01/04-01/07-3498.

the principles relating to reparations that could be applied in the case, and the procedure to be followed.⁵

6. On 27 August 2014, the Chamber requested the Registry to file a report with additional and up to date information setting out the number of victims, the harm suffered, the crimes as a result of which the victims suffered harm, and the types and modalities of the reparations requested.⁶
7. On 15th December 2014, the Registry filed a 'Report on applications for reparations in accordance with Trial Chamber II Order of 27 August' ("Report").⁷ On 19 December 2014, the Chamber directed the Registry to file a public redacted version of annex 1 of the Report.⁸ On 13 January 2015, the Chamber directed the Registry to file confidential versions of annexes 2 and 3 of the Report.⁹
8. On 21 January 2015, the Registry filed a public redacted and a confidential version of annex 1 of the Report.¹⁰
9. In accordance with Article 75(3) of the Statute, the Chamber may invite and shall take into account representations from or on behalf of the convicted persons, victims, and other interested persons or interested States. In the view of the Chamber, the areas where these representations may be appropriate include the issues specifically addressed in the Report.

⁵ Requête sollicitant la fixation d'un calendrier en vue de permettre aux victimes de soumettre leurs observations sur les réparations (Articles 68, 75 et 76 du Statut), 21 August 2014, ICC-01/04-01/07-3507.

⁶ Order instructing the Registry to report on applications for reparations, 27 August 2014, ICC-01/04-01/07

⁷ Report on applications for reparations in accordance with Trial Chamber II Order of 27 August, ICC-01/04-01/07-3512, with confidential ex parte annexes 1 to 3.

⁸ Email from the Chamber to the Registry, 19 December 2014, at 13:29.

⁹ Email from the Chamber to the Registry, 13 January 2015, at 17:08.

¹⁰ ICC-01/04-01/07-3512-Conf-Anx1-Red and ICC-01/04-01/07-3512-Anx1-Red2.

10. If interested States or other interested persons seek to file submissions on any of these areas, they are to apply in writing for leave to participate by 2 February 2015 specifying their expertise and the issues they wish to address. The Chamber may extend this period depending on the publication of reparations proceedings pursuant to Rule 96, if applicable.
11. In due course, the Chamber will set out a timeline to receive submissions on behalf of the convicted person, the victims, the Prosecution and the Trust Fund for Victims.

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



Silvia Fernández de Gurmendi
Presiding Judge



Christine Van den Wyngaert
Judge



Olga Herrera Carbuccion
Judge

Dated this 21 January 2015

At The Hague, The Netherlands