

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 2 July 2014

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Cuno Tarfusser
Judge Erkki Kourula
Judge Joyce Aluoch

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

**IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public

**Prosecution's Response to the *Communication* of the Legal Representative of the
child soldier group of victims**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms. Fatou Bensouda, Prosecutor
Mr. James Stewart
Ms. Helen Brady
Mr. Eric Macdonald

Counsel for Germain Katanga

Mr. David Hooper
Ms. Caroline Buisman
Ms. Kate Gibson

Legal Representatives of Victims

Mr. Fidel Nsita Luvengika
Mr. Jean-Louis Gilissen

Legal Representatives of 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

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

Ms. Fiona McKay

1. The Office of the Prosecutor (OTP or the Office) also expresses disappointment at the *Communication* made by the legal representative of the child soldier group of victims (Legal representative)¹ concerning the OTP's discontinuance of its appeal against the Trial Judgement² and the Prosecutor's public statement dated 25 June 2014 on this matter (Statement).³

2. The OTP stands behind both its Statement and its Response to the observations of the Legal representative of the principal group of victims filed in the record of the case on 27 June 2014 (Response).⁴ Both the Statement and the Response conveyed the Prosecutor's and her Office's good faith understanding of the position of the Legal representative, based on two telephone conversations the Office had had with him, the first on 24 June 2014, the day before it filed the Notice, and the second on 26 June 2014, the day before it filed the Response. The Office accordingly firmly rejects any suggestion or claim that it has misrepresented facts or made inaccurate factual assertions.

3. The OTP reiterates that the decision to discontinue its appeal took into account all of the relevant factors, including sensitivity to the interests of victims in the present case. The Prosecutor took the decision in conformity with her statutory obligations and in the responsible exercise of her prosecutorial discretion.

¹ ICC-01/04-01/07-3501 ("*Communication*").

² See ICC-01/04-01/07-3498 ("Notice of Discontinuance of the Prosecution's Appeal").

³ Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on Germain Katanga's Notice of the Discontinuation of his Appeal against his Judgment of Conviction, 25 June 2014: http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/otp-statement-25-06-2014.aspx.

⁴ ICC-01/04-01/07-3500.

4. The Prosecutor and her Office continue to hope that the final resolution of this case will help assist in reconciliation efforts and contribute to the healing process for the victims of the attack on the village of Bogoro of 24 February 2003.



Fatou Bensouda
Prosecutor

Dated this 2nd day of July 2014

At The Hague, The Netherlands