

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-01/07
Date: 28 September 2015

**THREE JUDGES OF THE APPEALS CHAMBER
APPOINTED FOR THE REVIEW CONCERNING REDUCTION OF SENTENCE**

Before: Judge Piotr Hofmánski, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Christine Van den Wyngaert

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

**Public
with two confidential annexes**

**Observations from the Democratic Republic of the Congo on the criteria set out in
rule 223 of the Rules of Procedure and Evidence**

Source: The Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart, Deputy Prosecutor

Counsel for Mr Katanga

Mr David Hooper

Ms Caroline Buisman

Legal Representatives of Victims

Mr Jean-Louis Gilissen

Mr Fidel Nsita Luvengika

REGISTRY

Registrar

Herman von Hebel

Division of Judicial Services

Marc Dubuisson

Detention Section

Patrick Craig

Other

The Presidency

THE REGISTRAR of the International Criminal Court (the “Court”);

NOTING the “Scheduling Order for the review concerning reduction of sentence of Mr Germain Katanga” (“the Scheduling Order”) issued on 13 August 2015 by the panel of three judges of the Appeals Chamber appointed for review concerning reduction of sentence (the “Panel”);¹

NOTING the “Registrar’s Observations on the criteria set out in rule 223 of the Rules of Procedure and Evidence” issued on 4 September 2015;²

NOTING article 110 of the Rome Statute, rules 211, 223 and 224 of the Rules of Procedure and Evidence (“RPE”), regulation 156 of the Regulations of the Registry, and regulation 23*bis*(2) of the Regulations of the Court (“RoC”);

INFORMS the Panel as follows:

- 1- Pursuant to regulation 23*bis* (2) of the RoC, the present report is classified as public in accordance with the classification of the Scheduling Order.
- 2- The documents contained in annex I to this report are classified as confidential as they contain names of staff members of the Court and of representatives of the DRC; the Observations of the DRC contained in Annex II are classified as confidential, as per the instructions of the Congolese authorities.
- 3- On 20 August 2015, the Registry sent a *note verbale* to the Parquet Général de la République (“Parquet Général”) in the Democratic Republic of the Congo (“DRC”), inviting the Congolese authorities to provide their observations on

¹ ICC-01/04-01/07-3574

² ICC-01/04-01/07-3584

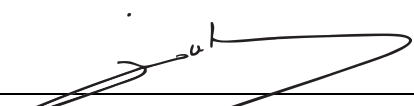
the question of reduction of sentence of Mr Germain Katanga on the criteria enumerated in rule 223 of the RPE by 2 September 2015.

- 4- On 24 August 2015, the Parquet Général copied the Registrar on an internal correspondence to the « Auditeur Général des Forces Armées de la République Démocratique du Congo ».
- 5- On 23 September 2015, the Parquet Général provided to the Registry the Observations of the DRC authorities, dated the same day.

TRANSMITS in annexes:

1. The *note verbale* sent by the Registry to the Parquet Général dated 20 August 2015, along with its Memorandum of Notification signed 21 August 2015 and the transmission letter from the Parquet Général to the “Auditeur Général des Forces Armées” of the DRC dated 24 August 2015 (Annex I-Confidential);
2. The Observations from the DRC authorities on the reduction of sentence of Mr Germain Katanga, dated 23 September 2015 (Annex II-Confidential).

RESPECTFULLY SUBMITTED,



 Marc Dubuisson, Director of Division Judicial Services, Director of Division of
 External Relations

On behalf of the Registrar

Dated this 28 September 2015

At The Hague, the Netherlands