

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: French

No.: ICC-01/04  
Date: 23 May 2007

**PRE-TRIAL CHAMBER I**

**Before:** Judge Sylvia Steiner, Single Judge

**Registrar:** Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**Public document**

**Decision authorising the filing of observations on applications for participation in the proceedings**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo  
Ms Fatou Bensouda  
Mr Ekkehard Withopf

**Office of Public Counsel for the Defence**

Mr Xavier-Jean Keïta

**Legal Representatives of the Applicants**

Ms Carine Bapita Buyangandu  
Mr Sylvestre Bismwa  
Mr Michael Verhaege

**I, Sylvia Steiner, Judge at the International Criminal Court (“the Court”),**

**NOTING** the application for participation in the proceedings a/0106/06<sup>1</sup> registered in the record of the investigation into the situation in the Democratic Republic of the Congo (“DRC”) on 7 December 2006; applications for participation a/0107/06,<sup>2</sup> a/0108/06,<sup>3</sup> a/0109/06,<sup>4</sup> a/0110/06<sup>5</sup> registered in the record on 16 October 2006; application for participation a/0188/06 registered in the record on 21 March 2007<sup>6</sup>; applications for participation a/0128/06 to a/0162/06, a/0199/06, a/0203/06, a/0209/06 and a/0214/06 filed on 11 April 2007,<sup>7</sup> applications for participation in the proceedings a/0220/06 to a/0222/06, a/0224/06, a/0227/06 to a/0230/06, a/0234/06 to a/0236/06 and a/0240/06 registered in the record on 23 April 2007,<sup>8</sup> together with applications for participation in the proceedings a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06 registered in the record on 25 April 2007,<sup>9</sup> whereby all the applicants request that they be granted the right to participate in the proceedings as victims (“Applications for participation”);

**NOTING** the decision rendered by the Chamber on 10 May 2007 whereby Judge Sylvia Steiner was designated Single Judge of Pre-Trial Chamber I. for the situation in the DRC;<sup>10</sup>

<sup>1</sup> ICC-01/04-264-Conf-Exp, ICC-01/04-264-Conf-Exp-Anx.

<sup>2</sup> ICC-01/04-265-Conf-Exp, ICC-01/04-265-Conf-Exp-Anx.

<sup>3</sup> ICC-01/04-266-Conf-Exp, ICC-01/04-266-Conf-Exp-Anx.

<sup>4</sup> ICC-01/04-267-Conf-Exp, ICC-01/04-267-Conf-Exp-Anx.

<sup>5</sup> ICC-01/04-268-Conf-Exp.

<sup>6</sup> ICC-01/04-324-Conf-Exp-Anx I.

<sup>7</sup> ICC-01/04-325-Conf-Exp, Annexes 1 to 40.

<sup>8</sup> ICC-01/04-326-Conf-Exp, Annexes 1 to 13.

<sup>9</sup> ICC-01/04-327-Conf-Exp, Annexes 1 to 20.

<sup>10</sup> ICC-01/04-328.

**NOTING** articles 57(3)(c) and 68(1) of the Statute, rules 86 and 89 of the *Rules of Procedure and Evidence* (“the Rules”) and regulations 86 and 77(4) of the *Regulations of the Court*;

**CONSIDERING** that pursuant to article 57(3)(c) of the Statute, one of the functions of the Pre-Trial Chamber is, where necessary, to provide for the protection and privacy of victims and witnesses, and that rule 86 of the Rules establishes as a general principle that a Pre-Trial Chamber, in making any direction or order, and other organs of the Court in performing their functions under the Statute or the Rules, shall take into account the needs of all victims and witnesses in accordance with article 68 of the Statute;

**CONSIDERING** that under rule 89(1) of the Rules, the Prosecutor and the Defence are entitled to reply to any application for participation within a time limit to be set by the Pre-Trial Chamber, and that in order to enable them to effectively exercise this right, the Registrar shall provide them with a copy of such application;

**CONSIDERING** that under regulation 77(4) of the *Regulations of the Court*, the tasks of the Office of Public Counsel for the Defence shall include representing and protecting the rights of the defence during the initial stages of the investigation;

**CONSIDERING** therefore that the Office of Public Counsel for the Defence must have the right to reply to applications for participation at this initial stage of the investigation;

**CONSIDERING** that in order not to expose them to further risks, the applicants should not be contacted directly by any organ of the Court, but only through their

legal representatives or through the Victims Participation and Reparations Section if they have no legal representatives and, if necessary, through the Victims and Witnesses Unit;

**FOR THESE REASONS,**

**ORDERS** the Registrar to provide at the earliest opportunity the Prosecutor and the Office of Public Counsel for the Defence with a copy of the applications for participation;

**DECIDES** to grant the Office of the Prosecutor and the Office of Public Counsel for the Defence the opportunity to present, no later than 25 June 2007, observations on the applications for participation and on the possibility of granting the applicants the status of victims authorised to participate in the proceedings before the Chamber at the investigation stage of the situation in the Democratic Republic of the Congo;

**ORDERS** all organs of the Court to abstain from any direct contact with the applicants and, if necessary, only through their legal representatives, the Victims Participation and Reparations Section for those applicants who have no legal representatives and, if necessary, through the Victims and Witnesses Unit.

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

[signature] \_\_\_\_\_

**Judge Sylvia Steiner**

**Single Judge**

Dated this Wednesday 23 May 2007

At The Hague, The Netherlands