



Original: French

No: ICC-01/04

Date: 17 July 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

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

Mr Xavier-Jean Keïta

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

NOTING applications to participate in the proceedings a/0163/06 to a/0187/06¹ (“the Applications for Participation”) registered in the record of the investigation in the situation in the Democratic Republic of the Congo (“the DRC”) on 3 July 2007 in which all the applicants request to be granted the right to participate in the proceedings as victims;

NOTING the Registry’s report on applications to participate in the proceedings a/0163/06 to a/0187/06 submitted to Pre-Trial Chamber I (“the Chamber”) on 3 July 2007;²

NOTING the “*Decision on matters of confidentiality and the Request for extension of the page limit*”, rendered by the Chamber on 19 June 2007;³

NOTING the decision rendered by the Chamber on 11 May 2007⁴ appointing Ms Sylvia Steiner as Single Judge for the situation in the DRC;

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 under 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

¹ ICC-01/04-356-Conf-Exp-Anx2 to Anx26.

² ICC-01/04-356-Conf-Exp.

³ ICC-01/04-341-Conf.

⁴ ICC-01/04-328.

privacy of victims and witnesses, and that rule 86 of the Rules establishes as a general principle the duty of the Pre-Trial Chamber, in making a direction or order, and the other organs of the Court in performing their functions under the Statute or the Rules, to 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 include representing and protecting the rights of the Defence during the initial stage of the investigation;

CONSIDERING, therefore that, the Office of Public Counsel for the Defence must have the right to respond to any Application for Participation of victims at this initial stage of the investigation;

CONSIDERING, furthermore, that the members of the Office of the Prosecutor and the Office of public Counsel for the Defence are legally bound by a confidentiality obligation;⁵

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;

⁵ ICC-01/04-341-Conf.

FOR THESE REASONS,

ORDER 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 and the report submitted to the Chamber by the Registry;

ORDER 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;

INVITE the Office of the Prosecutor and the Office of Public Counsel for the Defence to respect the confidentiality of the Applications for Participation and to refer to the applicants solely by the numbers assigned to them by the Victims Participation and Reparation Section;

DECIDE to grant the Office of the Prosecutor and the Office of Public Counsel for the Defence the opportunity to present, no later than 30 days with effect from the notification of the Applications for Participation and the report submitted to the Chamber by the Registry, observations on the Applications for Participation and 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.

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

/signed/

Judge Sylvia Steiner

Single Judge

Dated this Tuesday, 17 July 2007

At The Hague, The Netherlands