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No.: ICC-01/04  
Date: 24 August 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**

**Order concerning the transmission of further information on victims' applications**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo, Prosecutor  
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Mr Ekkehard Withopf, Senior Trial  
Lawyer

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Defence**

Mr Xavier-Jean Keïta, Principal Counsel

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**Legal Representatives of the Applicants**

Ms Carine Bapita Buyangandu  
Mr Sylvestre Bismwa  
Mr Michael Verhaeghe  
Legal Representative of Applicants  
a/0026/06, a/0027/06, a/0038/06, a/0144/06,  
a/0145/06, a/0148/06, a/0203/06, a/0214/06,  
a/0220/06, a/0221/06, a/0224/06, a/0227/06  
to a/0230/06, a/0234/06, a/0235/06,  
a/0237/06 and a/0238/06.

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

**NOTING** the Applications for participation in the proceedings filed between 7 June 2006 and 25 April 2007 on a confidential and *ex parte* basis in the record of the investigation into the Situation in the Democratic Republic of the Congo (“the DRC”), by which the Applicants request to be granted the right to participate in the proceedings as victims at the investigation stage in the Situation in the DRC;<sup>1</sup>

**NOTING** the reports on victims’ application for participation pursuant to regulation 86 (5) and (6) of the Regulations of the Court (“the Reports”) submitted to Pre-trial Chamber I on the aforesaid Applications filed by the Victims Participation and Reparations Section (“VPRS”);<sup>2</sup>

<sup>1</sup> ICC-01/04-152-Conf-Exp; ICC-01/04-153-Conf-Exp; ICC-01/04-157-Conf-Exp; ICC-01/04-158-Conf-Exp; ICC-01/04-159-Conf-Exp; ICC-01/04-160-Conf-Exp; ICC-01/04-178-Conf-Exp; ICC-01/04-179-Conf-Exp; ICC-01/04-180-Conf-Exp; ICC-01/04-181-Conf-Exp; ICC-01/04-182-Conf-Exp; ICC-01/04-183-Conf-Exp; ICC-01/04-184-Conf-Exp; ICC-01/04-185-Conf-Exp; ICC-01/04-186-Conf-Exp; ICC-01/04-187-Conf-Exp; ICC-01/04-188-Conf-Exp; ICC-01/04-189-Conf-Exp; ICC-01/04-190-Conf-Exp; ICC-01/04-191-Conf-Exp; ICC-01/04-192-Conf-Exp; ICC-01/04-193-Conf-Exp; ICC-01/04-194-Conf-Exp; ICC-01/04-195-Conf-Exp; ICC-01/04-196-Conf-Exp; ICC-01/04-197-Conf-Exp; ICC-01/04-198-Conf-Exp; ICC-01/04-199-Conf-Exp; ICC-01/04-200-Conf-Exp; ICC-01/04-201-Conf-Exp; ICC-01/04-202-Conf-Exp; ICC-01/04-203-Conf-Exp; ICC-01/04-204-Conf-Exp; ICC-01/04-205-Conf-Exp; ICC-01/04-206-Conf-Exp; ICC-01/04-207-Conf-Exp; ICC-01/04-208-Conf-Exp; ICC-01/04-171-Conf-Exp; ICC-01/04-172-Conf-Exp; ICC-01/04-173-Conf-Exp; ICC-01/04-174-Conf-Exp; ICC-01/04-175-Conf-Exp; ICC-01/04-176-Conf-Exp; ICC-01/04-215-Conf-Exp; ICC-01/04-216-Conf-Exp; ICC-01/04-216-Conf-Exp-Anx; ICC-01/04-217-Conf-Exp; ICC-01/04-217-Conf-Exp-Anx; ICC-01/04-218-Conf-Exp; ICC-01/04-218-Conf-Exp-Anx; ICC-01/04-219-Conf-Exp; ICC-01/04-220-Conf-Exp; ICC-01/04-221-Conf-Exp; ICC-01/04-222-Conf-Exp; ICC-01/04-223-Conf-Exp; ICC-01/04-224-Conf-Exp; ICC-01/04-224-Conf-Exp-Anx; ICC-01/04-225-Conf-Exp; ICC-01/04-225-Conf-Exp-Anx; ICC-01/04-227-Conf-Exp; ICC-01/04-231-Conf-Exp; ICC-01/04-232-Conf-Exp; ICC-01/04-233-Conf-Exp; ICC-01/04-235-Conf-Exp; ICC-01/04-234-Conf-Exp; ICC-01/04-236-Conf-Exp; ICC-01/04-237-Conf-Exp; ICC-01/04-238-Conf-Exp; ICC-01/04-239-Conf-Exp; ICC-01/04-240-Conf-Exp; ICC-01/04-264-Conf-Exp; ICC-01/04-264-Conf-Exp-Anx; ICC-01/04-265-Conf-Exp; ICC-01/04-265-Conf-Exp-Anx; ICC-01/04-266-Conf-Exp; ICC-01/04-266-Conf-Exp-Anx; ICC-01/04-267-Conf-Exp; ICC-01/04-267-Conf-Exp-Anx; ICC-01/04-268-Conf-Exp; ICC-01/04-324-Conf-Exp-Anx1; ICC-01/04-325-Conf-Exp-Anx1 to Anx40; ICC-01/04-326-Conf-Exp-Anx1 to Anx13 and ICC-01/04-327-Conf-Exp-Anx1 to Anx20.

<sup>2</sup> ICC-01/04-317-Conf-Exp; ICC-01/04-318-Conf-Exp; ICC-01/04-320-Conf-Exp; ICC-01/04-324-Conf-Exp; ICC-01/04-325-Conf-Exp; ICC-01/04-326-Conf-Exp and ICC-01/04-327-Conf-Exp.

**NOTING** the *"Décision autorisant le dépôt d'observations sur les demandes de participation à la procédure a/0004/06 à a/0009/06, a/00016/06 à a/0063/06 et a/0071/06"* rendered by the Chamber on 22 September 2006;<sup>3</sup>

**NOTING** the *"Décision autorisant le dépôt d'observations sur les demandes de participation à la procédure a/0072/06 à a/0080/06 et a/0105/06"* rendered by the Chamber on 29 September 2006;<sup>4</sup>

**NOTING** the decision authorising the Prosecution and the OPCD to file observations on the applications to participate a/0106/06 to a/0110/06; a/0188/06; a/0128/06 to a/0162/06; a/0199/06; a/0203/06; a/0209/06; a/0214/06; a/0220/06 to a/0222/06; a/0224/06; a/0227/06 to a/0230/06; a/0234/06 to a/0236/06; a/0240/06; 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 rendered by the Single Judge on 23 May 2007;<sup>5</sup>

**NOTING** the *"Observations du Conseil ad hoc de la Défense sur les demandes de participation à la procédure a/0004/06 à a/0009/06, a/0016/06 à a/0063/06, a/0071/06 à a/0080/06 et a/0105/06 dans le cadre de l'enquête en République démocratique du Congo"* filed by the *ad hoc* Counsel for the defence in the record of the investigation in the Situation in the DRC on 28 November 2006;<sup>6</sup>

**NOTING** the *"Observation du Bureau du conseil public pour la Défense sur les demandes de participation à la procédure en qualité des Victimes"* filed by the

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<sup>3</sup> ICC-01/04-228.

<sup>4</sup> ICC-01/04-241.

<sup>5</sup> ICC-01/04-329-tEN.

<sup>6</sup> ICC-01/04-314-Conf.

OPCD in the record of the investigation in the Situation in the DRC on 25 June 2007;<sup>7</sup>

**NOTING** the “Prosecution’s Observations on the Applications for Participation of Applicants a/0004/06 to a/0009/06, a/0016/06 to a/0063/06, a/0071/06, a/0072/06 to a/0080/06 and a/0105/06” filed by the Prosecution in the record of the investigation in the Situation in the DRC on 30 November 2006;<sup>8</sup>

**NOTING** the Prosecutor’s observations on the applications for participation a/0106/06 to a/0110/06, a/0128/06 to a/0162/06, a/0188/06, a/0199/06, a/0203/06, a/0209/06, a/0214/06, a/0220/06 to a/0222/06 and a/0224/06 to a/0250/06 filed in the record of the investigation in the Situation in the DRC on 25 June 2007;<sup>9</sup>

**NOTING** articles 57 (3) (c) and 68 of the Rome Statute (“the Statute”), rule 89 of the Rules of Procedure and Evidence (“the Rules”) and regulation 86 of the Regulations of the Court (“the Regulations”);

**CONSIDERING** that pursuant to regulation 86 (4) of the Regulations, the Registrar may request further information from victims or those presenting an application in accordance with rule 89 (3) of the Rules, in order to ensure that such application contains, to the extent possible, the information referred to in regulation 86 (2) of the Regulations, before transmission to the Chamber;

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<sup>7</sup> ICC-01/04-347-Conf.

<sup>8</sup> ICC-01/04-315, ICC-01/04-315-Conf-Exp-Anx.

<sup>9</sup> ICC-01/04-345-Conf.

**CONSIDERING** that the Register has requested further information from Applicants a/0009/06, a/0018/06, a/0026/06, a/0027/06, a/0038/06, a/0144/06, a/0145/06, a/0148/06, a/0203/06, a/0214/06, a/0220/06, a/0221/06, a/0224/06, a/0227/06, a/0228/06, a/0229/06, a/0230/06, a/0231/06, a/0232/06, a/0233/06, a/0234/06; a/0235/06; a/0237/06, a/0238/06, a/0242/06, a/0243/06, a/0244/06, a/0245/06, a/0246/06, a/0247/06, a/0248/06, a/0249/06 and a/0250/06;

**CONSIDERING** that these further information received pursuant to regulation 86 (4) of the Regulations, although brought to the attention of the Chamber through the Reports, has not been appended to the related Applications and transmitted to the Prosecution and to the defence;

**CONSIDERING** that neither the Prosecution nor the *ad hoc* Counsel for the Defence and the OPCD have access to the Reports submitted to the Chamber;

**CONSIDERING** however that pursuant to rule 89 (1) of the Rules, the Prosecution and the defence are entitled to reply to the Applications transmitted pursuant to the Chamber's order; that the information obtained pursuant to regulation 86 (4) of the Regulations are part of the applications for participation; and that therefore both the Prosecution and OPCD shall be entitled to file observations on those further information;

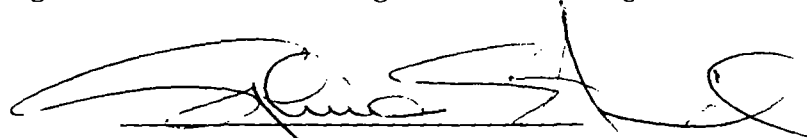
**FOR THESE REASONS,**

**ORDER** the VPRS to extract from the relevant Reports all the further information related to the Applications a/0009/06, a/0018/06, a/0026/06,

a/0027/06, a/0038/06, a/0144/06, a/0145/06, a/0148/06, a/0203/06, a/0214/06, a/0220/06, a/0221/06, a/0224/06, a/0227/06, a/0228/06, a/0229/06, a/0230/06, a/0231/06, a/0232/06, a/0233/06, a/0234/06; a/0235/06; a/0237/06, a/0238/06, a/0242/06, a/0243/06, a/0244/06, a/0245/06, a/0246/06, a/0247/06, a/0248/06, a/0249/06 and a/0250/06, and to transmit them to the OPCD with a copy of the Applications concerned and to the Prosecution within ten days from the notification of the decision;

**DECIDE** to give ten days from the notification of the further information to the Prosecution and the OPCD to submit observations on the Applications for which further information have been sent.

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



**Judge Sylvia Steiner**  
**Single judge**

Dated this Friday 24 August 2007

At The Hague, The Netherlands.