

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04
Date: 17 September 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

Urgent

Order on the request by the OPCV for access to certain documents regarding applications a/0026/06, a/0145/06, a/0203/06 and a/0220/06

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mrs Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial
Lawyer

Legal Representatives of the Applicants

Ms Carine Bapita Buyangandu
Mr Sylvestre Bismwa
Mr Michael Verhaeghe
Mr Joseph Keta

**Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta, Principal Counsel

Office of Public Counsel for Victims

Mrs Paolina Massida, Principal Counsel

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

NOTING the "Decision on the Requests of the legal Representative of applicants on application process for victims' participation and legal representation" ("the Decision") rendered by the Chamber on 17 August 2007¹;

NOTING the "Order concerning the transmission of further information on victims' application" rendered by the Single Judge on 24 August 2007², by which the Single Judge ordered the Registry to extract from the reports submitted to the Chamber pursuant to Regulation 86(4) of the Regulations of the Court ("the Regulations") the further information related to a number of applications and to transmit them, with a copy of the applications concerned, to the Office of Public Counsel for the defence ("the OPCD") and to the Prosecution in order for them to submit observations on the applications for which further information have been sent;

NOTING the "Decision on the Request by the OPCD for access to previous filings", rendered by the Chamber on 11 September 2007,³ whereby the Chamber, *inter alia*, ordered the Prosecution to file a formatted version of its *ex parte* annex⁴ containing the Prosecution's observations on a number of applications;

¹ ICC-01/04-374

² ICC-01/04-376.

³ ICC-01/04-389

⁴ ICC-01/04-315-Conf-Exp-Anx

NOTING the Prosecution's submission of a formatted and redacted version of its confidential *ex parte* annex ICC-01/04-315-Conf-Exp filed on 13 September 2007⁵ pursuant to the order of the Single Judge of 11 September 2007;

NOTING the "*Demande du BCPV d'accéder à certains documents concernant les demandeurs a/0026/06, a/0145/06, a/0203/06 et a/0220/06*"⁶ whereby the Office of Public Counsel for victims ("the OPCV") requests to be notified of:

- (i) the further information regarding applications a/0026/06, a/0145/06, a/0203/06 and a/0220/06 submitted by the Registry on 3 September 2007 pursuant to the order issued by the single judge on 24 August 2007; and
- (ii) the portion concerning the application a/0026/06 contained in the document submitted by the Prosecution on 13 September 2007;

NOTING article 68 of the Rome Statute ("the Statute"), rules 16, 89(1), 90 and 92 of the Rules of Procedure and Evidence ("the Rules"), regulation 86 of the Regulations and regulation 116 of the Regulations of the Registry ("theRoR");

CONSIDERING that in the Decision of 17 August 2007 the Chamber stated that, when an applicant has no legal representation, the Registrar shall automatically appoint the OPCV as his or her legal representative until the applicant has been granted and a legal representative is appointed;

⁵ ICC-01/04-391 and confidential annex ICC-01/04-391-Conf-Exp-Anx1

⁶ ICC-01/04-392.

CONSIDERING further that the Registrar shall automatically transfer to OPCV all information regarding unrepresented applicants simultaneously with the notification of the applications to other participants;

CONSIDERING that Applicants a/0026/06, a/0145/06, a/0203/06 and a/0220/06 do not have any legal representation and therefore they shall be legally represented by OPCV at the present stage of the proceedings;

CONSIDERING therefore that all information regarding Applicants a/0026/06, a/0145/06, a/0203/06 and a/0220/06 shall be automatically notified to the OPCV, pursuant to regulation 116 of the RoR;

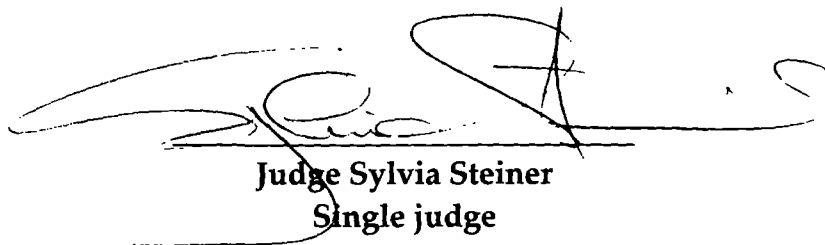
FOR THESE REASONS,

ORDER the Registry to notify OPCV, at the latest by Wednesday 19 September 2007 at 4 p.m., of the further information regarding applications a/0026/06, a/0145/06, a/0203/06 and a/0220/06, which were submitted by VPRS on 3 September 2007;⁷

⁷ ICC-01/04-384-Conf-Exp.

ORDER the Registry to notify OPCV, at the latest by Wednesday 19 September 2007 at 4 p.m., of page 3 of document number ICC-01/04-391-Conf-Exp-Anx1, containing the observations of the Prosecution on Applicant a/0026/06.

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



Judge Sylvia Steiner
Single judge

Dated this Monday 17 September 2007

At The Hague, The Netherlands.