



Original : English

No.: ICC-01/04  
Date: 5 February 2008

**PRE-TRIAL CHAMBER I**

**Before:** Judge Akua Kuenyehia, Presiding Judge  
Judge Anita Ušacka  
Judge Sylvia Steiner

**Registrar:** Mr Bruno Cathala

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

**Public Document**

**Decision on the time limit for the filing of observations on the Notification by the Board of Directors of the Trust Fund for Victims**

**The Office of the Prosecutor**  
Mr Luis Moreno Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor

**Office of Public Counsel for Defence**  
Mr Xavier-Jean Keïta, Principal Counsel

**Legal Representatives for the Victims**  
Mr Emmanuel Daoud  
Mr Luc Walley  
Mr Frank Mulenda  
Ms Carine Bapita Buyangandu  
Mr Michel Shebele  
Mr Patrick Baudoin  
Mr Michael Verhaeghe  
Mr Sylvestre Bisimwa  
Mr Joseph Keta

**Office of Public Counsel for Victims**  
Ms Paolina Massidda, Principal Counsel

**PRE-TRIAL CHAMBER I** of the International Criminal Court (“the Chamber” and “the Court”, respectively);

**NOTING** the “Notification of the Board of Directors of the Trust Fund for Victims in accordance with Regulation 50 of the Regulations of the Trust Fund for Victims with Confidential Annex”<sup>1</sup> (“the Notification”) filed on 24 January 2008 in the record of the Situation of the Democratic Republic of Congo by the Board of Directors (“the Board”) of the Trust Fund for Victims (“the Trust Fund”);

**NOTING** articles 68 and 79 of the Rome Statute (“the Statute”), rule 98 of the Rules of Procedure and Evidence (“the Rules”), regulations 23bis(3), 28 and 34 of the Regulations of the Court (“the Regulations”), and regulation 50 of the Regulations of the Trust Fund (“the Regulations of the Trust Fund”);

**CONSIDERING** that, in the Notification, the Board informs the Chamber of its intention to undertake specified activities for the benefit of victims pursuant to regulation 50 of the Regulations of the Trust Fund;

**CONSIDERING** that, pursuant to the same regulation, within a period of 45 days of receiving such Notification, the Chamber may inform the Board whether any of the specified activities or projects would, *inter alia*, pre-determine any issue to be determined by the Court, including “the determination of jurisdiction pursuant to article 19, admissibility pursuant to articles 17 and 18” or would “violate the presumption of innocence pursuant to article 66, or be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”;

**CONSIDERING** that, in order for the Chamber to respond to the Notification, the Chamber requires additional information, including: the specific places the activities

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<sup>1</sup> ICC-01/04-439.

will be pursued, the types of victims the activities are intended to benefit, and the particular crimes allegedly falling within the Court's jurisdiction that the activities are intended to address;

**CONSIDERING**, however, that "to avoid that a victim who will benefit from the specified activities of the Trust Fund would be identified and considered as having contact with the Court through the Trust Fund"<sup>2</sup> and "to avoid letting the beneficiaries be identified because of the physical and/or psychosocial rehabilitation and/or material support"<sup>3</sup> this additional information should remain confidential, and available to the Prosecution and the OPCD only;

**CONSIDERING** further that the Chamber would benefit from the Prosecution, OPCD and legal representatives of those who have been granted procedural status of victim in the DRC situation making observations on the Notification;

**CONSIDERING** further that, according to the Chamber's previous jurisprudence<sup>4</sup>, unless otherwise expressly provided by the Chamber, those who have been granted the procedural status of victim in the Situation only have been given access to public documents;

**CONSIDERING** that the confidential annex to the Notification<sup>5</sup> only provides general information as to the activities or projects of the Board; and that the legal representatives of those who have been granted procedural status of victim in the DRC situation should all have access to the same documents in respect of this particular proceeding;

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<sup>2</sup> ICC-01/04-439, para. 44.

<sup>3</sup> ICC-01/04-439, para. 46.

<sup>4</sup> ICC-01/04-101.

<sup>5</sup> ICC-01/04-439-Conf-Anx.

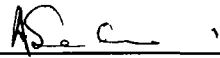
**FOR THESE REASONS**

**DECIDES** that the Board shall file, as *confidential*, additional information as set forth above concerning the proposed activities, which shall be notified to the Prosecution and OPCD only, by Thursday 7 February 2008 at 4:00 p.m.;

**ORDERS** the Registrar to notify document ICC-01/04-439-Conf-Anx to the Legal Representatives of the Victims of the DRC Situation;

**DECIDES** that the Prosecution, the OPCD, and the legal representatives of those who have been granted the procedural status of victim may file observations on the Notification by 20 February 2008 at 4:00 p.m.;

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



**Judge Akua Kuenyehia**  
**Presiding Judge**

  
**Judge Anita Ušacka**  
**Judge Sylvia Steiner**

Dated this Tuesday 5 February 2008

At The Hague, The Netherlands