



Original : English

No.: ICC-01/04
Date: 28 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 Request of the Trust Fund for Leave to Respond to the Observations

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 Walleyrn
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

The Trust Fund for Victims
André Laperrière, Executive Director

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”¹ (“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 the “Decision on the time limit for the filing of observations on the Notification by the Board of Directors of the Trust Fund for Victims”² issued by the Chamber on 5 February 2008 (“the Decision of 5 February 2008”);

NOTING the “Additional information on the Notification by the Board of Directors of the Trust Fund for Victims and annex”³ (“the Additional Information”) filed by the Board as confidential, and notified to the Prosecution and the Office of Public Counsel for the Defence (“the OPCD”);

NOTING the observations on the Notification filed on 20 February 2008 by the Prosecution⁴; the Office of Public Counsel for the Defence (“the OPCD”)⁵; the Office

¹ ICC-01/04-439.

² ICC-01/04-441.

³ ICC-01/04-445-Conf + Conf-Anx.

⁴ ICC-01/04-462.

⁵ ICC-01/04-459-Conf and ICC-01/04-458.

of Public Counsel for Victims (“the OPCV”)⁶; the Legal Representative of Victims a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06 and a/0228/06⁷; and the Legal Representatives of VPRS1 et de a/0071/06⁸ (collectively, “the Observations”);

NOTING the “Board of Directors of the Trust Fund for Victim’s application for Leave to Respond to the ‘OPCD Observations on the Notification by the Board of Directors of the Trust Fund for Victims’”⁹ (“the Request”) filed on 25 February 2008, in which the Board requests leave to respond to the observations of the OPCD in order to “address clarifications and [provide] explanations on the identified issues”;

NOTING article 79 of the Rome Statute (“the Statute”), rule 98 of the Rules of Procedure and Evidence (“the Rules”), regulation 28 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 Decision of 5 February 2008, pursuant to regulation 28 of the Regulations, the Chamber decided that the parties and the participants may provide observations on the Notification¹⁰, but the Chamber did not designate the Board as a participant in the proceedings;

⁶ ICC-01/04-460.

⁷ ICC-01/04-461.

⁸ ICC-01/04-463.

⁹ ICC-01/04-441.

¹⁰ ICC-01/04-441, page 2.

CONSIDERING that, as the Board also indicated in the Request¹¹, no provision in the Statute, Rules or Regulations designates the Trust Fund as a participant in the proceedings;

CONSIDERING however that, as regulation 28(3) of the Regulations emphasizes, “these provisions are without prejudice to the inherent powers of the Chamber”;

CONSIDERING further that, as the Trust Fund stated in the Request, “this is the first time the Board has notified the Chamber of its intention to undertake specified activities”¹² and that “as the Chamber is dealing with new issues that have arisen from the Notification, the present proceeding has also produced a novelty which necessitates leave to respond”;¹³

CONSIDERING that, although the Trust Fund is not a participant pursuant to the Statute, Rules and Regulations, the Chamber would greatly benefit from having additional clarifications and explanations from the Board on the Observations made by the Prosecution, the OPCD, the OPCV and the Legal Representatives of Victims;

¹¹ ICC-01/04-471, para. 10.

¹² ICC-01/04-471, para. 17.

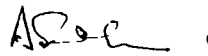
¹³ Id.

FOR THESE REASONS

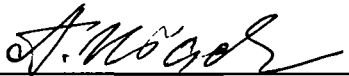
DECIDES to give the Board until 6 March 2008, at 4:00 p.m. to file its clarifications and explanations on the Observations;

DECIDES that the 45-day deadline which commenced on 24 January 2008, plus the 60-day extension granted by the Board, shall be suspended until the Board files its clarifications and explanations.

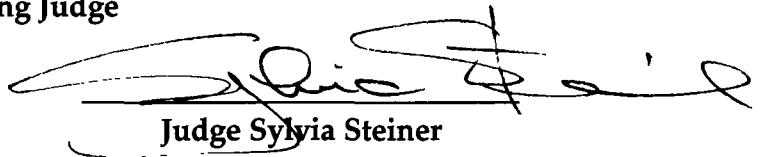
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka



Judge Sylvia Steiner

Dated this Thursday 28 February 2008

At The Hague, The Netherlands