

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-01/09

Date 27 August 2009

**PRE-TRIAL CHAMBER I**

**Before: Judge Sanji Mmasenono Monageng, Single Judge**

**SITUATION IN DARFUR, SUDAN**

**IN THE CASE OF**

**THE PROSECUTOR v.  
OMAR HASSAN AHMAD AL BASHIR ("Omar Al-Bashir")**

**Public Document**

**Decision on the 'Legal Representative's Request to Expedite the Consideration of  
Applications for Victim Status'**

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Essa Faal

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

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

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar & Deputy Registrar**

Ms Silvana Arbia & Mr Didier Daniel

Preira

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Fiona Mckay

**Other**

**I, Judge Sanji Mmasenono Monageng**, judge of Pre-Trial Chamber I (the “Chamber”) of the International Criminal Court (the “Court”),

**NOTING** the “Legal Representative’s Request to Expedite the Consideration of Applications for Victims Status”, filed on 27 August 2009, by the legal representative of victim’s applicants a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 and a/0450/09 in the case of *The Prosecutor v Omar Hassan Ahmad Al Bashir* (“*Omar al-Bashir*”);<sup>1</sup>

**NOTING** the “Report on applications to participate on the proceedings” (“the VPRS Report”), filed on 14 August 2009 as confidential and *ex-parte*, by which the Registry transmitted to the Chamber the VPRS Report on the above mentioned applications, in accordance with rule 89 of the *Rules of Procedure and Evidence* (“the Rules”) and regulation 86 (5) of the *Regulations of the Court* (“the Regulations”);<sup>2</sup>

**NOTING** article 68(3) of the *Rome Statute* (“the Statute”), rule 86 of the Rules and regulations 24(1), 34(b) and 86 of the Regulations,

**CONSIDERING** that according to article 68(3) of the Statute, and the established jurisprudence of the Court, in particular the Judgments of the Appeals Chamber in relation to the right of victims to participate in the proceedings, victims are entitled to participate at any stage of the procedure, since the relevant Chamber considers that they have a personal interest involved in a specific act or fact<sup>3</sup>

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<sup>1</sup> ICC-02/05-01/09-34

<sup>2</sup> ICC-02/05-01/09-30-Conf-Exp and Conf-Exp-Anxs 1-5

<sup>3</sup> ICC-01/04-101-tEN Corr ICC-01/04-01/06-925 paras 24-28, ICC-02/05-138, paras 53, ICC-01/04-503, para 92 ICC-01/04-01/06-1432, para 53-66, ICC-01/04-01/06-925 para 24-28

**CONSIDERING** that, under rule 89(1) of the Rules, the Prosecution and the Defence are entitled to make observations concerning the applications within a time limit set by the Chamber, and that the Single Judge deems it necessary, in order to be in a position to make a decision as to whether the applicants should be granted the status of victims in the *Omar al-Bashir* Case , to give the opportunity to the Prosecution and the Defence to submit their observations on the merits of the applications,

**CONSIDERING** that, unless otherwise decided by the Chamber, the parties have 21 days to respond to any filing made by a party or a participant, in accordance with regulations 34(a) and (b) of the Regulations, and that in the current case there is still no Defence Counsel assigned to the suspect, that, in such case, the interests of the Defence must be ensured through the assignment of a counsel from the Office of Public Counsel for the Defence to submit its observations on the applications,

**CONSIDERING** finally that, in order for the Prosecution and the Defence to submit their observations on the applications for victims participation an order of the Single Judge is needed, due to the level of confidentiality attached to the VPRS Report and to the applications attached as Annexes 1-5 to the report,

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY:**

**ORDERS** the Registry to transmit to the Prosecution and the Office of Public Counsel for the Defence the applications a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 and a/0450/09 by Monday 31 August 2009,

**GRANTS** the Prosecution and the Office of Public Counsel for the Defence until 10 September 2009, 16h00, to submit their observations on the applications for participation

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

A handwritten signature in black ink, consisting of a series of loops and horizontal strokes, positioned above the printed name of the judge.

**Judge Sanji Mmasenono Monageng**

**Single Judge**

Dated this Thursday 27 August 2009

At The Hague, The Netherlands