



Original : English

No.: ICC-02/05
Date: 23 May 2007

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single judge

Registrar: Mr Bruno Cathala

**SITUATION
IN
DARFUR, SUDAN**

Public Document

**Decision authorising the filing of observations on applications for participation in
the proceedings a/0011/06 to a/0015/06**

The Office of the Prosecutor
Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Andrew Cayley, Senior Trial Lawyer
Legal Representatives of the Applicants
Ms Wanda M. Akin
Mr Raymond M. Brown

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

I, Judge Akua Kuenyehia, Judge at the International Criminal Court (the "Court");

NOTING the applications for participation in the proceedings a/0011/06¹, a/0012/06², a/0013/06³, a/0014/06⁴ and a/0015/06⁵ ("the Applications") all filed confidential, *ex parte* on 27 June 2006 in the record of the investigation into the Situation in Darfur, Sudan, whereby the applicants seek recognition of the right to participate as victims in the proceedings in the situation in Darfur, Sudan;

NOTING the decision of Pre-Trial Chamber I of 10 May 2007 designating Judge Akua Kuenyehia as single judge of the Situation in Darfur, Sudan;⁶

NOTING articles 57(3)(c) and 68(1) of the Statute, rules 86 and 89 of the Rules of Procedure and Evidence (the "Rules") and regulations 77(4) and 86 of the Regulations of the Court (the "Regulations");

CONSIDERING that, according to article 57(3)(c) of the Statute, one of the functions of the Pre-Trial Chamber is to provide, where necessary, for the protection and privacy of the victims and witnesses; and that rule 86 of the Rules establishes as a general principle that the Pre-Trial Chamber in making any direction or order, as well as the other organs of the Court in performing their functions under the Statute and the Rules, shall take into account the needs of all victims and witnesses in accordance with article 68 of the Statute;

¹ ICC-02/05-4-Conf-Exp.

² ICC-02/05-5-Conf-Exp.

³ ICC-02/05-6-Conf-Exp.

⁴ ICC-02/05-7-Conf-Exp.

⁵ ICC-02/05-8-Conf-Exp.

⁶ ICC-02/05-73.

CONSIDERING that under rule 89(1) of the Rules, the Prosecutor and the Defence are entitled to reply to any application for participation within a time limit to be set by the Pre-Trial Chamber and that in order to allow them to effectively exercise this right, the Registrar shall provide them with a copy of any such application;

CONSIDERING that pursuant to regulation 77(4) of the Regulations, the Office of Public Counsel for the Defence is tasked, *inter alia*, with representing and protecting the rights of the defence during the initial stages of the investigation;

CONSIDERING therefore that the Office of the Public Counsel for the Defence shall be entitled to reply to the application for participation of victims at this initial stage of the investigation;

CONSIDERING that in order not to be exposed to further risks, the Applicants should not be directly contacted by any organ of the Court, but only through their legal representatives;

FOR THESE REASONS

ORDERS the Registrar, as soon as practicable, to provide the Prosecution and the Office of the Public Counsel for the Defence with a copy of the Applications;

GIVES the Prosecution and the Office of the Public Counsel for the defence 15 days from the above-mentioned notification to submit their observations on the Applications;

ORDERS all organs of the Court to abstain from any direct contact with the Applicants, and only to contact them through their legal representatives when necessary.

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



Judge Akua Kuenyehia
Single judge

Dated this Wednesday, 23 May 2007

At The Hague

The Netherlands