

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-02/05  
Date: 8 June 2007

**PRE-TRIAL CHAMBER I**

**Before: Judge Akua Kuenyehia, Single judge**

**Registrar: Mr Bruno Cathala**

**SITUATION IN DARFUR, SUDAN**

**Public Document**

**Decision on Confidentiality Matters and Extension of Page Limit**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor  
Mr Andrew Cayley, Senior Trial Lawyer

**Office of Public Counsel for Victims**

Ms Paolina Massidda

**Office of Public Counsel for the  
Defence**

Mr Xavier-Jean Keita

**Legal Representatives of the Applicants**

Ms Wanda M. Akin  
Mr Raymond M. Brown

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

**NOTING** the applications for participation in the proceedings a/0011/06 to a/0015/06 ("the Applications") which were filed confidential, *ex parte* on 27 June 2006 in the record of the Situation in Darfur, Sudan, whereby the applicants ask the Chamber to grant them 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;

**NOTING** the "Decision authorizing the filing of observations on applications for participation in the proceedings a/0011/06 to a/0015/06" ("the Decision") issued on 23 May 2007, whereby the Single Judge ordered the Registrar to provide the Prosecution and the Public Office for the Defence ("the OPCD") with a unredacted copy of the Applications and gave 15 days to the Prosecution and the OPCD to submit their observations on the Applications;

**NOTING** the "Request on behalf of applicants a/0011/06, a/0012/06, a/0013/06, a/0014/06, a/0015/06" ("the Request") filed on 31 May 2007 in the record of the Situation in Darfur, Sudan, whereby the Legal Representatives of the applicants requested the Single Judge to order the Prosecution and the OPCD to respect the confidentiality of the applications, in particular by referring to the applicants only with the identifying numbers; and to be heard on matters related to the protection and safety of the applicants;

**NOTING** the "Request for an Extension of Page Limit" filed on 8 June 2007 by the OPCD, requesting the Chamber for an authorization to file a response of 25 pages;

**NOTING** articles 54 (1)(b), 54 (3)(f) and 68 of the Rome Statute ("the Statute"), rules 6, 17 and 89 of the Rules of Procedure and Evidence ("the Rules"), regulations 37 and 77(2) of the Regulations of the Court ("the Regulations") and regulations 86, 144(2) and (3) of the Regulations of the Registry;

**CONSIDERING** that article 68 of the Statute provides that the Court shall take appropriate measures to protect the safety and privacy of victims;

**CONSIDERING** that pursuant to rule 17 of the Rules of Procedure and Evidence, the Victims and Witness Unit ("the VPRS") has adopted a system of protection of the victims which also encompasses the measure of assigning them an identification number in order to keep their identity secret; and that such measure has been taken also with regard to the applicants;

**CONSIDERING** that pursuant to regulation 77(2) of the Regulations, the OPCD is an independent office of the Court that falls within the remit of the Registry solely for administrative purposes; and that pursuant to regulation 144(2) and (3) of the Regulations of the Registry, the members of the OPCD in discharging their responsibilities shall be bound by the Code of Professional Conduct for Counsel and by the provisions applicable to all staff members;

**CONSIDERING** that article 54(1)(b) and 54(3)(f) of the Statute give the Prosecution, *inter alia*, the responsibility to ensure the protection of victims and the confidentiality of information;

**CONSIDERING** that pursuant to rule 6 of the Rules, every staff member of the Office of the Prosecutor and the Registry shall solemnly undertake to respect the confidentiality of the investigations and prosecutions;

**CONSIDERING** therefore that, under the Statute, the Rules, the Regulations and the Regulations of the Registry, members of the Office of the Prosecutor and the OPCD are under a strict legal obligation to confidentiality;

**CONSIDERING** moreover that the consistent practice of the proceedings before the Chamber has been to refer to the victims or applicants by their identification number;

**CONSIDERING** that pursuant regulation 37 of the Regulations, the Chamber may, under exceptional circumstances, extend the page limit of a document; and that the observations for which the extension of page limit is sought relate to the first applications for victims' participation in the Situation in Darfur, Sudan;

**FOR THESE REASONS**

**DECIDE** that the Office of the Prosecutor and the OPCD shall respect the confidentiality of the applications and shall refer to the applicants only with the numbers that were assigned to them by the Victims Participation and Reparation Section,

**DECIDE** that if and when the need arises, the Chamber will hear the Legal Representatives of the applicants on matters related to their protection and safety and that such decision will be taken on a case-by-case basis.

**GRANT** the OPCD's request to file a response of 25 pages (not including the coverpage);

**ORDER** the OPCD to only file a confidential version of its observations on the Applications until otherwise decided by the Chamber.

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



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**Judge Akua Kuenyehia**  
**Single judge**

Dated this Friday 8 June 2007

At The Hague,

The Netherlands.