



Original : English

No.: ICC-02/05
Date: 23 July 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 a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 for participation in the proceedings

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ade Omofade, 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/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07¹ (“the Applications”) all filed confidential, *ex parte* on 10 July 2007 in the record of the Situation in Darfur, Sudan, seeking recognition of the right to participate as victims in the proceedings in the Situation in Darfur, Sudan;

NOTING the “Decision on Confidentiality Matters and Extension of Page Limit” issued by the Single Judge on 8 June 2007;²

NOTING the “Decision on the Designation of a Single Judge”, issued by the Pre-Trial Chamber I on 11 May 2005;³

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”);

¹ ICC-02/05-84-Conf-Exp – Anx 1 - 18

² ICC-02/05-79.

³ ICC-02/05-73

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;

CONSIDERING that under rule 89 (1) of the Rules, the Prosecutor and the Defense are entitled to submit observations on 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 all the Applications and the report prepared by Victims Participation and Reparations Section;

CONSIDERING that pursuant to regulation 77(4) of the Regulations, the Office of Public Counsel for the defence has been entrusted with the power of 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 submit observations on the applications for participation of victims at this initial stage of the investigation;

CONSIDERING further 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;

CONSIDERING also that, members of the Office of the Prosecutor and of the Office of the Public Counsel for the defence are under a strict legal obligation to confidentiality;

FOR THESE REASONS

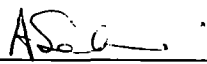
ORDERS the Registrar, as soon as practicable, to provide the Prosecution and the Office of the Public Counsel for the defence with a copy of the Applications ;

GIVES the Prosecution and the Office of the Public Counsel for the defence 30 days from the notification of the Applications to submit their observations on the Applications;

ORDERS the Office of the Prosecutor and the Office of the Public Counsel for the defence to respect the confidentiality of the applications and to only refer to the applications according to the numbers assigned to them by the Victims Participation and Reparation Section;

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 Monday 23 July 2007

At The Hague

The Netherlands