



Original: English

No.: ICC-02/04  
Date: 28 August 2007**PRE-TRIAL CHAMBER II****Before: Judge Mauro Politi, Single Judge****Registrar: Mr Bruno Cathala****SITUATION IN UGANDA****Public****Decision on legal representation of Victims a/0101/06 and a/0119/06****The Office of the Prosecutor**Mr Luis Moreno Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor  
Mr Eric MacDonald, Trial Lawyer**Ad hoc Counsel for the Defense**Ms Michelyne C. Saint-Laurent  
**The Office of Public Counsel for  
Victims**  
Ms Paolina Massidda

**I, Judge Mauro Politi**, judge at the International Criminal Court (“the Court”);

**NOTING** the “*Decision designating a Single Judge on victims’ issues*”, dated 22 November 2006,<sup>1</sup> whereby Pre-Trial Chamber II (“the Chamber”) designated Judge Mauro Politi as Single Judge responsible for all issues arising in connection with victims’ participation in the proceedings in respect of the situation in Uganda (“the Situation”) and in the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* (“the Case”);

**NOTING** the victims’ applications for participation in the proceedings, filed by the Registrar in the record of the Situation on 19 June 2006<sup>2</sup> and 17 August 2006,<sup>3</sup> and in the record of the Case on 21 August 2006;<sup>4</sup>

**NOTING** the *ex parte* report filed by the Registrar in accordance with rule 89, sub-rule 1, of the Rules of Procedure and Evidence and regulation 86, sub-regulation 5, of the Regulations of the Court (“the Regulations”) in the Situation on 16 October 2006,<sup>5</sup>

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<sup>1</sup> ICC-02/04-01/05-130.

<sup>2</sup> *Application to participate a/0010/06* (ICC-02/04-22-Conf-Exp).

<sup>3</sup> *Application for participation a/0064/06* (ICC-02/04-23-Conf-Exp); *Application for participation a/0065/06* (ICC-02/04-24-Conf-Exp); *Application for participation a/0066/06* (ICC-02/04-25-Conf-Exp); *Application for participation a/0067/06* (ICC-02/04-26-Conf-Exp); *Application for participation a/0068/06* (ICC-02/04-27-Conf-Exp); *Application for participation a/0069/06* (ICC-02/04-28-Conf-Exp); *Application for participation a/0070/06* (ICC-02/04-29-Conf-Exp).

<sup>4</sup> *Application for participation a/0010/06* (ICC-02/04-01/05-98-Conf-Exp); *Application for participation a/0064/06* (ICC-02/04-01/05-99-Conf-Exp); *Application for participation a/0065/06* (ICC-02/04-01/05-100-Conf-Exp); *Application for participation a/0066/06* (ICC-02/04-01/05-101-Conf-Exp); *Application for participation a/0067/06* (ICC-02/04-01/05-102-Conf-Exp); *Application for participation a/0068/06* (ICC-02/04-01/05-103-Conf-Exp); *Application for participation a/0069/06* (ICC-02/04-01/05-104-Conf-Exp); *Application for participation a/0070/06* (ICC-02/04-01/05-105-Conf-Exp).

<sup>5</sup> *Report to Pre-Trial Chamber II on applications a/0010/06, a/0064/06 to a/0070/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Court* (ICC-02/04-30-Conf-Exp).

23 October 2006<sup>6</sup> and 16 November 2006,<sup>7</sup> and in the Case on 4 September 2006,<sup>8</sup> 16 October 2006,<sup>9</sup> 26 October 2006<sup>10</sup> and 16 November 2006<sup>11</sup>, as well as the victims' applications for participation annexed thereto;

**NOTING** the Single Judge's "*Decision on legal representation, appointment of counsel for the defence, protective measures and time-limit for submission of observations on applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06*" dated 1 February 2007 ("the 1 February 2007 Decision");<sup>12</sup>

**NOTING** the "*Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06*" ("the Decision on victims' participation"), filed on 13 August 2007 in the record of the Situation<sup>13</sup> and in the record of the Case,<sup>14</sup> whereby the Single Judge *inter alia* granted Applicants a/0101/06 and a/0119/06 the status of victim in the context of the Situation and requested the Registrar to assist them in the appointment of a common legal representative;

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<sup>6</sup> Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Court (ICC-02/04-32-Conf-Exp).

<sup>7</sup> Report to Pre-Trial Chamber II on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Court (ICC-02/04-33-Conf-Exp).

<sup>8</sup> Report to Pre-Trial Chamber II on application a/0010/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-109-Conf-Exp).

<sup>9</sup> Report to Pre-Trial Chamber II on applications a/0064/06 to a/0070/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-120-Conf-Exp).

<sup>10</sup> Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-123-Conf-Exp).

<sup>11</sup> Report to Pre-Trial Chamber II on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-128-Conf-Exp).

<sup>12</sup> ICC-02/04-01/05-134.

<sup>13</sup> ICC-02/04-100-Conf-Exp; ICC-02/04-101.

<sup>14</sup> ICC-02/04-01/05-251-Conf-Exp; ICC-02/04-01/05-252.

**NOTING** the "*Prosecution's Application for Leave to Appeal the Decision on Victims' Applications for Participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06*" ("the Application for Leave to Appeal"), filed by the Prosecutor in the record of the Situation on 20 August 2007;<sup>15</sup>

**NOTING** regulation 65, sub-regulation 3, of the Regulations, which entitles participants in the proceedings to file a response to an application for leave to appeal under article 82, paragraph 1 (d), of the Statute of the Court within three days of notification of such application, unless the Pre-Trial or Trial Chamber concerned orders an immediate hearing of the application;

**NOTING** regulation 24, sub-regulation 2, of the Regulations, which allows victims or their legal representatives to "*file a response to any document when they are permitted to participate in the proceedings in accordance with article 68, paragraph 3, and rule 89, sub-rule 1, subject to any order of the Chamber*";

**CONSIDERING** that, at the time when the Application for Leave to Appeal was filed, none of the Applicants whose status of victim has been recognised in the context of the Situation could yet rely on a legal representative;

**CONSIDERING** that while a victim's participation in the proceedings is not conditional upon him or her being assisted by a legal representative, even after his or her application has been granted,<sup>16</sup> it appears to be in the interests of justice to provide Victims a/0101/06 and a/0119/06 with a legal representative, pending the appointment of a common legal representative in accordance with the Decision on victims' participation, and in order to effectively enable Victims a/0101/06 and

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<sup>15</sup> ICC-02/04-103.

<sup>16</sup> See the 1 February 2007 Decision, para. 10.

a/0119/06 to exercise their right to file a response to the Application for Leave to Appeal;

**NOTING** that pursuant to regulation 80, sub-regulation 2, of the Regulations, counsel from the Office of Public Counsel for Victims ("the OPCV") may be appointed by the Chamber as legal representative of victims;

**FOR THESE REASONS:**

**APPOINT** the Principal Counsel of the OPCV, Ms Paolina Massidda, or a counsel from the OPCV designated by her, as legal representative of Victims a/0101/06 and a/0119/06, pending the appointment of a common legal representative in accordance with the Decision on victims' participation, and for the purpose of effectively enabling Victims a/0101/06 and a/0119/06 to exercise their right to file a response to the Application for Leave to Appeal;

**GRANT** Victims a/0101/06 and a/0119/06, and their legal representative as appointed by this decision, three days, starting from the notification of this decision, to file a response to the Application for Leave to Appeal.

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

*Mauro Politi*

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**Judge Mauro Politi**  
**Single Judge**

Dated this 28 August 2007

At The Hague, The Netherlands.