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Public Document
Decision authorising the filing of observations on applications for participation in the proceedings

Headline

DRC—Single Judge (Pre-Trial Chamber I) orders Registry to transmit victim applications and report to Prosecution and Office of Public Counsel for the Defence (OPCD) and authorises Prosecution and OPCD to file observations on applications.

[See the Pre-Trial Chamber I Decision of 17 August 2007¹ in which the Chamber granted the request of the legal representative of victims not to have the Registry's report on the applications transmitted to the Prosecution and the OPCD.]

Brief Summary

On 17 July 2007, the Single Judge (Pre-Trial Chamber I) ordered the Registry to transmit victim applications for participation in the proceedings, as well as its report submitted to the Chamber on the applications, to the Prosecution and the Office of Public Counsel for the Defence (OPCD). She also authorised the Prosecution and the OPCD to file observations on the applications under rule 89(1) of the Rules of Procedure and Evidence².

[See the Pre-Trial Chamber I Decision of 17 August 2007³ in which the Chamber granted the request of the legal representative of victims not to have the Registry's report on the applications transmitted to the Prosecution and the OPCD.]

The Single Judge noted that one of the functions of the Pre-Trial Chamber under article 57(3)(c) of the Statute⁴ is, where necessary, to provide for the protection and privacy of victims and witnesses. As a general principle, rule 86⁵ establishes the duty of the Chamber, when making directions or orders, to take into account the needs of all victims and witnesses in accordance with article 68⁶. In order for

¹ 17 August 2007 Pre-Trial Chamber I Decision (ICC-01/04-374).

² Rule 89(1) of the Rules of Procedure and Evidence.

³ 17 August 2007 Pre-Trial Chamber I Decision (ICC-01/04-374).

⁴ Article 57(3)(c) of the ICC Statute.

⁵ Rule 86 of the Rules of Procedure and Evidence.

⁶ Article 68 of the ICC Statute.

the parties to effectively exercise their right to reply to applications under rule 89(1), the Registrar shall provide them with a copy of the applications. Furthermore, considering the OPCD's task under regulation 77(4) of the Regulations of the Court⁷ to represent and protect the right of the Defence during the initial stage of the investigation, the OPCD must have the right to respond to applications for participation.

The Single Judge ordered the Registry to provide the Prosecution and the OPCD with a copy of the applications. She also granted the Prosecution and the OPCD an opportunity to present their observations on the applications and the possibility of granting the applicants the status of victim authorised to participate in the proceedings at the investigation phase of the situation in the Democratic Republic of the Congo.

The Single Judge ordered all Court organs to abstain from any direct contact with the applicants and, if necessary, only through their legal representatives. Victims without legal representatives should be contacted through the Victims Participation and Reparations Section and, if necessary, through the Victims and Witnesses Unit.

⁷ Regulation 77(4) of the Regulations of the Court.