

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04
Date: 3 July 2008

PRE-TRIAL CHAMBER I

Before: Judge Anita Ušacka, Single judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

Public Document

**Decision Authorizing the Submission of Observations Pursuant to rule 89(1) of the
Rules on Applications a/0332/07, a/0334/07 to a/0337/07, a/0001/08, a/0030/08 and
a/0031/08**

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Mr Joseph Keta
Mr Jean Chrisostome Mulamba Nsokoloni

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda, Principal Counsel

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta, Principal Counsel

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

I, Judge Anita Ušacka, judge at the International Criminal Court (the “Court”);

NOTING the applications for participation in the proceedings a/0332/07, a/0334/07 to a/0337/07 and a/0001/08 (“the Applications”)¹ filed on 30 January 2008 as confidential, *ex parte* in the record of the case *The Prosecutor v. Germain Katanga*;

NOTING the “Prosecution's Observations on the applications for Participation in the Proceedings of Applicants a/0327/07 to a/0337/07 and a/0001/08”² filed by the Prosecution on 6 March 2008;

NOTING the “Defence's observations on the 12 applications for participation as victims”³ filed by the Defence for Germain Katanga on 7 March 2008;

NOTING the “*Observations de la Défense Relatives aux 12 Demandes de Participation a/0327/07 à a/0337/07 et a/0001/08*”⁴ filed by the Defence for Mathieu Ngudjolo Chui on 20 March 2008;

NOTING the “Decision on the applications for Participation in the Proceedings of Applicants a/0327/07 to a/0337/07 and a/0001/08”⁵ issued by Judge Sylvia Steiner, acting as Single Judge, on 2 April 2008, in which the Single Judge denied the procedural status of victim of the case to applicants a/0332/07, a/0334/07, a/0335/07, a/0336/07, a/0337/07 and a/0001/08, but decided that their “applications shall be examined by the Chamber in due course” for procedural status at the stage of the investigation of the situation in the Democratic Republic of the Congo (“the DRC”);

¹ ICC-01/04-01/07-171-Conf-Exp-Anx6 and ICC-01/04-01/07-171-Conf-Exp-Anx8 to 12

² ICC-01/04-01/07-250-Conf-Exp

³ ICC-01/04-01/07-253

⁴ ICC-01/04-01/07-332

⁵ ICC-01/04-01/07-357

NOTING the "*Décision portant désignation d'un juge unique chargé des questions relatives aux demandes de participation des victimes au stade de l'enquête de la Situation en RDC*"⁶ issued by the Pre-Trial Chamber I on 11 April 2008, designating Judge Anita Ušacka as Single Judge on questions related to applications for participation in the Situation in the DRC;

NOTING the "*Transmission de 97 demandes de participation*"⁷ (collectively, "the Applications") filed by the Registrar on 26 May 2008, in which the Registrar transmitted applications for participation in the proceedings of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*;

NOTING the "*Observations de la Defense relatives à la question de la recevabilité de demandes de participation de présumées victimes*"⁸ filed by the Defence for Mathieu Ngudjolo Chui on 4 June 2008;

NOTING the "Prosecution's Observations on the applications for Participation in the Proceedings of Applicants a/0009/08 to a/0016/08 and a/0022/08 to a/0112/08"⁹ filed by the Prosecution on the 4 June 2008;

NOTING the "Defence Observations on 97 applications for participation as victims"¹⁰ filed by the Defence for Germain Katanga on 4 June 2008;

NOTING the "Decision on the 97 applications for Participation at the Pre-Trial Stage of the Case"¹¹ and the "Decision rectifying errors in the "Decision on the 97

⁶ ICC-01/04-493.

⁷ ICC-01/04-01/07-510-Conf-Exp-Corr-Anx43

⁸ ICC-01/04-01/07-548-Conf

⁹ ICC-01/04-01/07-549-Conf-Exp

¹⁰ ICC-01/04-01/07-550-Conf-Exp

¹¹ ICC-01/04-01/07-578-Conf

applications for Participation at the Pre-Trial Stage of the Case"¹² issued by Judge Akua Kuenyehia, acting as Single Judge, on 10 and 13 June 2008, in which the Single Judge denied the procedural status of victim in the case to applicants a/0030/08 and a/0031/08, but decided that the Chamber shall examine their applications in due course for the procedural status of victim at the stage of the investigation in the situation of the DRC;

NOTING article 68(3) of the *Rome Statute* ("the Statute"), rules 85 and 89 of the *Rules of Procedure and Evidence* ("the Rules"), and regulation 86 of the *Regulations of the Court* ("the Regulations");

CONSIDERING that observations on the Applications for participation for the procedural status of victim in respect of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* were filed by the Prosecution, the Defence for Germain Katanga and the Defence for Mathieu Ngudjolo Chui;

CONSIDERING that applications a/0332/07, a/0334/07 to a/0337/07, a/0001/08, a/0030/08 and a/0031/08 for the procedural status of victim in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* were denied; and therefore, shall be considered for the procedural status of victim at the stage of the investigation in the situation of the DRC;

CONSIDERING, however, that the Prosecution and Office of Public Counsel for the Defence ("the OPCD") have not submitted observations on applications a/0332/07, a/0334/07 to a/0337/07, a/0001/08, a/0030/08 and a/0031/08 concerning whether the applicants may be granted the procedural status of victim at the stage of the investigation in the situation of the DRC;

¹² ICC-01/04-01/07-589

FOR THESE REASONS

ORDER the Registrar to notify, as soon as practicable, applications a/0332/07, a/0334/07 to a/0337/07, a/0001/08, a/0030/08 and a/0031/08 to the OPCD;

DECIDE that the Prosecution and the OPCD shall have until 18 July 2008 at 16h00 to submit, pursuant to rule 89(1) of the Rules, observations on whether applicants a/0332/07, a/0334/07 to a/0337/07, a/0001/08, a/0030/08 and a/0031/08 may be granted the procedural status of victim at the stage of the investigation in the situation of the DRC;

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



Judge Anita Ušacka
Single judge

Dated this Thursday, 3 July 2008
At The Hague, The Netherlands