

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**

No.: ICC-01/04

Date: 1 June 2005

Original: English

**PRE-TRIAL CHAMBER I**

**Before:** Judge Claude Jorda, Presiding Judge  
Judge Akua Kuenyehia  
Judge Sylvia Steiner

**Registrar:** Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO**

**Public redacted version**

**Decision on the Prosecutor's Communication to the Pre-Trial Chamber**

**The Office of the Prosecutor**

Mr. Luis Moreno Ocampo

Mrs. Fatou Bensouda

Mr. Ekkehard Withopf

Ms. Lyne Decarie

**PRE-TRIAL CHAMBER I** of the International Criminal Court (the “Court”);

**NOTING** the “Prosecutor’s Request for Measures under Article 56” filed on 19 April 2005 (the “Prosecutor’s Request”), in particular its Annex 4;

**NOTING** the “Decision on the Prosecutor’s Request for Measures under Article 56” issued by Pre-Trial Chamber I on 26 April 2005 (the “Decision”), whereby the Chamber authorises the Prosecutor to request the Netherlands Forensic Institute (the “NFI”) to perform the forensic examinations as detailed in Annex 4 to the Prosecutor’s Request;

**NOTING** the NFI’s letter dated 20 May 2005 (“the NFI’s Letter”), in which the NFI requests additional information concerning the forensic examinations from the Prosecutor and seeks the Prosecutor’s approval for the Investigation Plan appended to the NFI’s Letter, which proposes in detail the steps to be taken in respect of the forensic examinations;

**NOTING** the Prosecutor’s “Communication to the Pre-Trial Chamber” dated 27 May 2005 (the “Prosecutor’s Communication”), whereby the Prosecutor submits the said requests from the NFI to Pre-Trial Chamber I for approval;

**NOTING** article 56, paragraphs 1 (b) and 2;

**CONSIDERING** that the Prosecutor has assured Pre-Trial Chamber I that he will not be in any way involved in the forensic examinations to be performed by the NFI;

**CONSIDERING** that, in this context, it falls to Pre-Trial Chamber I to give final approval for the Investigation Plan proposed by the NFI in respect of the forensic examinations;

**CONSIDERING** that the Prosecutor's forensic coordinator has examined the NFI's Investigation Plan and, in his view, it appears to be correct<sup>1</sup>; that, at this stage and given the information at the disposal of the Chamber, this conclusion seems reasonable;

**CONSIDERING** that, as is noted by the Prosecutor, items REDACTED and REDACTED should be examined in accordance with Annex 4 to the Prosecutor's Request<sup>2</sup>;

**CONSIDERING** that the Prosecutor is, at this stage, in a better position than Pre-Trial Chamber I to provide the additional information requested by the NFI, and that the provision of such information does not constitute an infringement of the assurances given by the Prosecutor to Pre-Trial Chamber I that he would not be involved in the forensic examinations;

**FOR THESE REASONS,**

**DECIDES** to approve the NFI's Investigation Plan, subject to:

- (a) item REDACTED being included in the Investigation Plan, and thereby the forensic examination being conducted on it as originally stipulated in Annex 4 to the Prosecutor's Request;

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<sup>1</sup> Prosecutor's Communication, para. 6(i).

<sup>2</sup> Prosecutor's Communication, paras. 6(i) and 6(ii).

(b) the examination of item REDACTED being performed strictly in accordance with Annex 4 to the Prosecutor's Request;

**AUTHORISES** the Prosecutor to provide the additional information requested by the NFI.

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



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**Judge Claude Jorda**  
**Presiding Judge**

Dated this Wednesday, 1 June 2005

At The Hague,

The Netherlands.