

<b>Cour Pénale Internationale</b> <hr/> <b>International Criminal Court</b>	No. ICC-01/04  Date: 27 January 2006  Original: French
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**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 THE CONGO**

**Public**

**Observations of the Legal Representative of VPRS 1 to VPRS 6 following the  
Prosecution's Application for Leave to Appeal Pre-Trial Chamber I's Decision on  
the Applications for Participation in Proceedings of VPRS 1 to VPRS 6**

**Legal Representative of VPRS 1 to VPRS 6**

No. ICC-01/04

27 January 2006

*Official Court Translation*

1. In his Application of 23 January 2006 (the “Application”) the Prosecutor of the International Criminal Court<sup>1</sup> sought leave to appeal the decision of Pre-Trial Chamber I (the “Chamber”) dated 17 January 2006 on the applications for participation in proceedings of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6 (the “Decision”).<sup>2</sup> The Prosecutor’s Application relies on article 82 (1) (d) of the ICC Statute, which reads:

“1. Either party may appeal any of the following decisions in accordance with the Rules of Procedure and Evidence:

[...]

(d) A decision that involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Pre-Trial or Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings.”

2. The legal representative of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6 asks the Chamber to reject the Prosecutor’s Application on the ground that it does not fall within the scope of that provision. Before examining the arguments of the Prosecutor, it is appropriate to review the function of article 82 (1) (d) and the content of the contested Decision.

3. Article 82 (1) (d) provides recourse that must be interpreted as restrictive, as the appeal is not a right but subject to the authorisation of the Chamber itself. The intention of the Statute’s drafters in this respect was to prevent interlocutory appeals

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<sup>1</sup> See ICC-01/04-103.

<sup>2</sup> See ICC-01/04-101

from unnecessarily slowing proceedings before the Court. Another Pre-Trial Chamber at the ICC has already had occasion to rule on the function of this provision and to specify the conditions for its implementation<sup>3</sup>. To this end, it carried out an in-depth analysis of the preparatory work, statutes and rules of procedure of other international or internationalised criminal courts. The task of the party seeking leave to appeal is presented as follows:

“What the party seeking leave needs to demonstrate is that the issue at stake affects, first and foremost, the fairness and expeditiousness of the proceedings currently before the Chamber or the outcome of the related trial, as well as the impact (in terms of material advancement) of an immediate resolution of the issue on such proceedings.” (para. 21)

For article 82 (1) (d) to be implemented, two conditions must be met *cumulatively*: (i) the decision rendered by the Chamber must involve an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial; (ii) the immediate resolution by the Appeals Chamber may materially advance the proceedings.

4. The Chamber’s Decision of 17 January 2006 does not involve any such issue. The Chamber limited itself to applying article 68.3 of the Statute of the Court, hereby using the interpretation techniques described in article 31 of the Vienna Convention on the Law of Treaties of 25 May 1969, that is, a literal, contextual and teleological interpretation<sup>4</sup>. The three methods lead to the same result: the provision clearly implies that victims may participate in all stages of the proceedings, including the investigation stage. Paradoxically, for the purpose of seeking leave to appeal, the

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<sup>3</sup> ICC-02/04-01/05, 19 August 2005, Pre-Trial Chamber II, Situation in Uganda, Decision on the Prosecutor’s Application for Leave to Appeal in Part Pre-Trial Chamber II’s Decision on the Prosecutor’s Applications for Warrants of Arrest under Article 58.

<sup>4</sup> Article 31 (1): A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

Prosecutor himself is obliged to acknowledge that the Decision granting rights to victims as of the investigation stage can only fall within the scope of the provision if it is admitted that the investigation stage does indeed form part of the “proceedings”. Accordingly, it is difficult to see how the Appeals Chamber could reach a different conclusion than that of the Pre-Trial Chamber with regard to the meaning of article 68 (3).

5. Moreover, it should be pointed out that the Prosecutor’s Application is presented in overly general terms and continually underlines the “dangers”<sup>5</sup> of pure conjecture. The Application seeks to block *in advance* the possibility of adopting certain decisions with regard to victims, whereas nowhere in the Decision of 17 January 2006 are those decisions involved, and whereas, on the contrary, that Decision makes an attempt to distinguish between the various phases of the proceedings and the various applications the victims might present, and whereas such decisions, even if taken, might be challenged by the Prosecutor at a later date. As such, it is the victims’ rights, as set out in the Statute, that the Prosecutor is attempting to restrict in a general and abstract manner.

6. The Prosecutor’s stance is all the more paradoxical because at no point does his application call into question what constitutes the founding element of the Chamber’s Decision – the recognition of the fact “that the victims’ guaranteed right of access to the Court entails a positive obligation for the Court to enable them to exercise that right concretely and effectively.”<sup>6</sup> To the contrary, the Prosecutor admits “*the existence of a body of procedural rights*”.<sup>7</sup> The general principles defined by the Chamber in its Decision do no more than state those rights explicitly. Their application in practice will of course depend on each case, in accordance with the

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<sup>5</sup> See application, for example para. 17.

<sup>6</sup> See decision, para. 71.

<sup>7</sup> See application, para. 6.

Chamber's proposed casuistic approach. The fears which the Prosecutor manifests in advance could relate only to future situations, and not to the general principles dealt with in the Decision, which accompany rights whose existence he himself acknowledges. From the point of view of the representative of the victims, the hypothetical nature of the Prosecutor's position is in itself an obstacle to the authorisation to appeal the Decision, in that the dangers evoked are not *significant* in the present state of the proceedings.

7. Regrettably, the Prosecutor's Application systematically fails to take into consideration the many provisions of the Statute and the Rules of Procedure and Evidence which provide for and organise the participation of victims. These provisions clearly demonstrate that the founders of the Court wanted such participation, which at no point was perceived as a risk to the fairness or expeditiousness of the proceedings. It would therefore be quite illogical to authorise an appeal against a decision which does no more than implement certain aspects of the proceedings in full accordance with the basic documents.

8. These over-arching remarks having been made, specific answers to the Prosecutor's arguments are still called for. Those arguments do not allow us to consider the two conditions stipulated in article 82 (1) (d) as being met *cumulatively*, as (i) the Decision by the Chamber does not significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial and (ii) an examination of the Decision by the Appeals Chamber would not materially advance the proceedings.

**I. THE DECISION OF THE CHAMBER DOES NOT SIGNIFICANTLY AFFECT THE FAIR AND EXPEDITIOUS CONDUCT OF THE PROCEEDINGS OR THE OUTCOME OF THE TRIAL**

9. The Prosecutor puts forward three main arguments with regard to the fairness of the proceedings (paragraph 13 and following of the Application): *first*, “external participation” adversely affects the integrity of the investigation and the safety of victims and witnesses; *second*, the broad scope of victim participation might create a serious imbalance between victims’ rights and the rights of the Defence; *third*, the Pre-Trial Chamber is ruling on the existence of crimes over which only the Court has jurisdiction.

10. Article 82 (1) (d) of the Statute requires that the party applying for leave to appeal provide the *specific* facts, information and ground upon which the negative consequences on the fairness of the proceedings can be demonstrated, and which would allow the Chamber to make an assessment of the validity of the application.<sup>8</sup> The legal representative of the victims asserts that the arguments put forward by the Prosecutor are not of this nature.

11. The Statute, the Rules and the Regulations of the Court systematically make respect for the right of the Defence and respect for a fair and impartial trial conditional on victim participation in proceedings before the Court. The competent Chamber must therefore organise the manner of such participation, as did the Pre-Trial Chamber in its Decision.

12. Article 68 (3) of the Statute, applicable to different stages of the proceedings, states: “Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be

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<sup>8</sup> Decision by Pre-Trial Chamber II of 19 August 2005, cited above, paragraphs 26 and 29.  
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*presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence”.*

13. In accordance with the afore-cited texts, the Prosecutor and the Defence shall be notified of any applications for participation by victims wishing to present their views and preoccupations, and have the right to reply. Therefore at the request of the Prosecutor or the Defence, the Chambers may reject an application if they believe that its author is not a victim or that the conditions stipulated in article 68 (3) have not been met (rule 89 (1) and (2)). The Prosecutor and the Defence are allowed to reply to any oral or written observation by the legal representative for victims, including his written request to question a witness, expert or accused (rule 91 (2) and 91 (3) (a)). Rule 91 (3) (b) adds: “the Chamber shall then issue a ruling on the request [to question a witness, an expert or an accused], taking into account *the stage of the proceedings, the rights of the accused, the interests of witnesses, the need for a fair, impartial and expeditious trial and in order to give effect to article 68, paragraph 3*. The ruling may include directions on the manner and order of the questions and the production of documents in accordance with the powers of the Chamber under article 64. The Chamber may, if it considers it appropriate, put the question to the witness, expert or accused on behalf of the victim’s legal representative”.<sup>9</sup> The exercise of this right falls within the more general framework of the Pre-Trial Chamber’s functions as defined in articles 56 and 57 of the Statute, and in particular its power under article 56 (1) (b) to take “such measures as may be necessary to ensure the efficiency and integrity of the proceedings and, in particular, to protect the rights of the Defence”.

14. In accordance with article 64 (2) and (8) (b) of the Statute, the Trial Chamber must also ensure “that a trial is fair and expeditious and is conducted with full respect for the rights of the accused”, and “the presiding judge may give directions

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<sup>9</sup> Emphasis added.

for the conduct of proceedings, including to ensure that they are conducted in a fair and impartial manner. Subject to any directions of the presiding judge, the parties may submit evidence in accordance with the provisions of this Statute”.

15. Accordingly, the Chamber having jurisdiction sets the conditions for participation by victims and their legal representatives with due regard to the fair and expeditious conduct of the proceedings.

16. In the proceedings in question, the Chamber appointed *ad hoc* counsel to represent the interests of the Defence<sup>10</sup> and duly notified the Defence and the Prosecutor. The Chamber decided to transmit a redacted version of the applications to the *ad hoc* Defence counsel, “considering that the proceedings concerning the DRC record are still at the stage of investigation of the situation, [REDACTED] and that, therefore, under the current circumstances the scope of the redactions allows for a meaningful exercise by the *ad hoc* counsel for the Defence of his right to reply to the Applications and it is in no way prejudicial to, or inconsistent with, the rights of the accused and a fair and impartial trial”. A non-redacted version was transmitted to the Prosecutor, “considering that according to rule 5, paragraph 1 (b) and rule 6, paragraphs 1 and 2 of the Rules, the Prosecutor, the Deputy Prosecutors and all staff members of the Office of the Prosecutor are bound by the principle of confidentiality; that to date the Pre-Trial Chamber has no indication of any breach of such confidentiality obligations; and that according to article 68, paragraph 1 of the Statute, the Prosecutor is also under an obligation to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses”.<sup>11</sup> The

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<sup>10</sup> See “Decision on Protective Measures Requested by Applicants 01/04-1/dp to 01/04-6/dp”, 21 July 2005, ICC-01-04-72-Conf, pp.5-6. [English date and page]

<sup>11</sup> See “Decision on Protective Measures Requested by Applicants 01/04-1/dp to 01/04-6/dp”, ICC-01-04-73, 21 July 2005, p.5.



Defence and the Prosecutor were therefore able to respond to the applications for participation.<sup>12</sup>

17. Giving persons with the status of victims the right to “present in general terms their views and concerns regarding the investigation of a situation” and to “submit material to the Pre-Trial Chamber”, “without giving access to the record of the investigation”, the Chamber reasonably concluded that victim participation in such a framework “cannot have an adverse impact on the investigation”, and that it does not “affect the Prosecutor’s capacity to conduct the investigation”.<sup>13</sup> By drawing a distinction between the situation stage and the case stage in relation to the victims participation regime, the Chamber takes full account of the rights of the Defence and the fair conduct of the proceedings.<sup>14</sup> And thus, notwithstanding the claims of the Office of the Prosecutor, and under rule 131 (2), it is not a question of allowing victims access to confidential documents which might prejudice the diligence of investigations and the proceedings, but of allowing victims to participate within the framework of that diligence.<sup>15</sup>

18. As Pre-Trial Chamber II recalls in the abovementioned decision, “fairness is closely linked to the concept of “equality of arms”, or of balance, between the parties during the proceedings. As commonly understood, it concerns the ability of a party to a proceeding to adequately make its case, with a view to influencing the outcome of the proceedings in its favour. From the experience of the ad hoc tribunals, it appears in fact that the question of the possible impact of the issue on which interlocutory appeals is sought on the fairness of the proceedings is usually raised at

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<sup>12</sup> See ICC-01/04-81-Conf, (“Réponse du Conseil ad hoc de la défense aux demandes de participation”) filed 11 August 2005 and ICC-01/04-84-Conf (“Réponse de l’accusation”) filed 15 August 2005. [available in French only]

<sup>13</sup> See decision, paragraph 59.

<sup>14</sup> See decision, paragraphs 65-76

<sup>15</sup> See application, paragraph 14 and following

a stage of the trial when both the Prosecutor and the defense have made their respective cases before the Chamber”.<sup>16</sup>

The presentation of the views and concerns of the victims participating in adversarial proceedings could not violate the principle of fairness of those proceedings.

Mention has already been made in the Memorandum in Support of the Applications for Participation, of the fact that “victims’ participation cannot be considered contrary to the rights of the Defence. At the current stage of the investigation, the Prosecutor has not issued any indictment, and the defence is not identifiable. As soon as it is, the views and concerns of victims may be discussed in the presence of both parties before the Chamber. It is particularly important to stress that victims have their own interests to defend, which are different from those of both the Prosecution and the Defence. Consequently, at the current stage, to contend that there is a contradiction between their application to participate and the rights of the Defence according to an abstract standard would amount to denying the very existence of this interest, thereby contradicting the clear provisions of the Statute and Rules of Procedure and Evidence.”

Participation is “neither prejudicial to nor inconsistent with a fair and impartial trial. Generally speaking, victims’ participation is part of the concept of a fair trial [...] [I]nternational human rights law highlighted the idea, already known to many domestic legal systems, that victims must enjoy certain rights in criminal proceedings. The balance of criminal trials is not affected by the participation of victims; on the contrary, taking their interests into account constitutes one of the factors contributing to the balance which is all the more essential since the

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<sup>16</sup> See ICC-02/04-01/05-20-US-Exp, 19 August 2005, paragraph 30.  
*Official Court Translation*

proceedings concern the violation of their fundamental rights and since the reparation for the harm suffered depends directly on the outcome of the criminal trials. This was clearly the intention of the drafters of the Statute of the International Criminal Court, which permits victims to participate at all stages in the proceedings [...] At the current stage in the proceedings, and in view of its objective, the application for participation should not be problematic, as it is only to permit victims to present views and concerns which will then be debated in the presence of both parties, in keeping with the Statute's rules on fair trials".<sup>17</sup>

19. Thus, contrary to the argument of the Prosecutor, victim participation at the investigation stage does not call into question the independence and impartiality of the Office of the Prosecutor. Rather, and to the contrary, it is necessary in maintaining this independence and impartiality which the Pre-Trial Chamber recognised when it concluded in its Decision that the application of article 68 (3) of the Statute can be seen "in the context of the growing emphasis placed on the role of victims by the international body of human rights law and by international humanitarian law". It adds that "the participation of victims during the stage of investigation of a situation does not *per se* jeopardise the appearance of integrity and objectivity of the investigation, nor is it inherently inconsistent with basic considerations of efficiency and security".<sup>18</sup>

20. The Pre-Trial Chamber must therefore implement this victims participation regime and discharge its functions on any future applications for participation by victims, according to, in particular, article 68 (3) of the Statute, rule 89 and 93 of the Rules of Procedure and Evidence, and regulation 86 of the Regulations of the Court.

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<sup>17</sup> See ICC-01/04-31-Conf-Exp-tEN, paragraphs 20-22

<sup>18</sup> See decision, paragraphs 50 and 57.

21. In his application the Prosecutor asserts also that there could be so many victims that the proceedings might be submerged by their “views and preoccupations” and that the Court does not have the necessary resources to process such applications. The Prosecutor also states that “the Chamber can potentially allow any person who claims to have suffered prejudice as a result of attack (or other potentially international criminal act) in the DRC since 1 July 2002 to participate in the investigation”.<sup>19</sup>

22. It should first be recalled that, under rule 101 (1) of the Rules of Procedure and Evidence, “[i]n making any order setting time limits regarding the conduct of any proceedings, the Court shall have regard to the need to facilitate fair and expeditious proceedings, bearing in mind in particular the rights of the Defence and the victims”.

23. Irrespective of the stage at which the victims participate in the proceedings (investigation, trial, appeal or victims reparations), and considering in particular the nature of the crimes under the jurisdiction of the Court, there might in fact be a very large number of victims participating. It has not been established that victims’ participation at the investigation stage would result in participation of a greater number of victims than at subsequent stages of the proceedings. In the present case, consideration of the requests for participation of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6 has not affected the expeditiousness of the proceedings before Pre-Trial Chamber I. The Chamber has set rather strict criteria for allowing a person claiming to be a victim to participate in the proceedings before the Court. Amongst other things, such a person would have to demonstrate the causal relation between the damage suffered and the crime falling under the jurisdiction of the Court.

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<sup>19</sup> See Application.

24. In order for the victims to exercise their new rights effectively, and in order to prevent the Court from becoming submerged, the drafters of the Statute and Rules of Procedure and Evidence established a very clearly defined system for victims' participation. The participation of victims will be implemented by way of legal representatives, most often common to the various groups of victims, including those designated by the Chamber having regard to the effectiveness of the proceedings and the time limits decided by the Chamber: "Where there are a number of victims, the Chamber may, for the purposes of ensuring the effectiveness of the proceedings, request the victims or particular groups of victims, if necessary with the assistance of the Registry, to choose a common legal representative or representatives. (...) If the victims are unable to choose a common legal representative or representatives within a time limit that the Chamber may decide, the Chamber may request the Registrar to choose one or more common legal representatives." In addition, the involvement of the victims' representatives may be confined to written interventions submitted at a time considered appropriate by the Chamber having jurisdiction: "A legal representative of a victim shall be entitled to attend and participate in the proceedings in accordance with the terms of the ruling of the Chamber (...) This shall include participation in hearings unless, in the circumstances of the case, the Chamber concerned is of the view that the representative's intervention should be confined to written observations or submissions." Accordingly, the Chamber having jurisdiction must organise the participation of victims with due regard not only to the rights of the Defence and the fairness of the proceedings, as explained above, but also to their expeditiousness.<sup>20</sup>

25. Frameworks have thus been established within the Court in view of facilitating the conditions of participation of victims and the effectiveness of the proceedings. The Victims Participation and Reparations Section was created within

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<sup>20</sup> See article 68 (3) and rules 90 (2), 90 (3) and 91 (2), emphasis added.  
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the Registry to organise and facilitate victims' participation in the proceedings. The Office of Public Counsel for victims must support the legal representatives, including by appearing before the Chamber on their behalf when they are unable to respond to a summons from the Chamber.

26. The submissions of the Prosecutor in relation to any failings of the Court are therefore without merit. The victims' enjoyment of their right to participate in the proceedings before the Court cannot turn upon technical difficulties.

27. To this effect also, the Office of the Prosecutor has not established how the Chamber's Decision to authorise the participation of victims at the investigation stage might endanger their security and protection.

The legal representative would first recall that the adoption of special protective measures arises out of the obligation imposed on all the organs of the Court to take "appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses", pursuant to the principle set out in article 68 (1) of the Statute. The Registry, and especially the Victims and Witnesses Unit, must provide for the protection of victims appearing before the Court, hence including the participating victims, in accordance with article 68 (1) of the Statute, rules 16, 17, 87 and 89 of the Rules of Procedure and Evidence, regulations 41 and 42 of the Regulations of the Court and regulations 101 to 105 of the Draft Regulations of the Registry dated 8 April 2005.

It is therefore appropriate to point out that victims who request to participate find themselves in an even more vulnerable position when they have not yet been authorised to participate, as only such authorisation may entitle them to the potential enjoyment of the protection system provided by the Court.

Based on these provisions, the protection system for the victims having requested to participate in the proceedings which the Chamber implemented through its decision of 21 July 2005 has proven effective.<sup>21</sup>

28. Accordingly, the legal representative for victims submits that the contested Decision does not affect the fair and expeditious conduct of the proceedings and will not affect the outcome of the trial.

29. The Prosecutor does not put forward any argument on this issue. In his view, the negative effect on the fair and expeditious conduct of the proceedings and the significant impact on the outcome of the trial are alternative tests. However, in its above mentioned Decision, Pre-Trial Chamber II indicated that both aforementioned criteria must be applied cumulatively (para. 9 of the Application).

30. As previously mentioned, the legal representative for victims invites this Chamber to follow the case law of Pre-Trial Chamber II and to dismiss the Prosecutor's Application on the basis that he is unable to demonstrate the effect of the contested Decision on the outcome of the trial. Alternatively, the Chamber is requested to conclude that immediate resolution by the Appeals Chamber would not "materially advance the proceedings".

## **II. REVIEW OF THE DECISION BY THE APPEALS CHAMBER WOULD NOT MATERIALLY ADVANCE THE PROCEEDINGS**

31. Pre-Trial Chamber II has held that a party requesting leave to appeal must show a specific link between the immediate resolution of the issue at stake and the

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<sup>21</sup> See the Application, paras. 19 and 35 and the "Decision on Protective Measures Requested by Applicants 01/04-1/dp to 01/04-6/dp", ICC-01/04-73, 21 July 2005, p. 7.

impact on the current proceedings.<sup>22</sup> It concluded that the fact that an issue is new and has never been the subject of the scrutiny by the Appeals Chamber necessarily constitutes a ground for admitting interlocutory appeals.<sup>23</sup>

32. The Prosecutor makes three submissions concerning the intervention of the Appeals Chamber, two of which relate to the fairness and expeditiousness of the proceedings and have already been discussed above. According to the third submission (para. 39 (c) of the Application), intervention by the Appeals Chamber will provide certainty about the scale of victims' rights, thereby allowing all organs of the Court to plan and conduct their tasks in an organised manner.

33. The legal representative for victims reiterates that the scope of the victims' rights set out in the contested Decision is clear (present their views and concerns, submit material, request from the Pre-Trial Chamber "special procedures", see para. 1, above).

34. As already stated, the rights of victims do not in any way affect the rights of the Prosecution or the Defence, or the operation of the organs of the Court. This is why the Prosecutor's Application must be dismissed.

*Considering* that Pre-trial Chamber has rightfully authorised the participation of the victims at the investigation stage in the Democratic Republic of the Congo;

*Considering* that the participation of the victims at that stage, under the relevant provisions of the Statute and Rules of Procedure and Evidence of the Court, and the application framework defined by Pre-Trial Chamber I in its Decision, can in no way "significantly affect the fair and expeditious conduct of the proceedings or the

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<sup>22</sup> Decision by Pre-Trial Chamber II of 19 August 2005, *cit.*, para. 54.

<sup>23</sup> *Ibid.*, para. 55.



outcome of the trial” and therefore does not require an “immediate resolution by the Appeals Chamber”;

The legal representative of victims VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6 therefore requests Pre-Trial Chamber I to dismiss the Prosecutor’s Application for Leave to Appeal Pre-Trial Chamber I’s Decision on the Applications for Participation in the Proceedings of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6.

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Done this twenty-seventh day of January 2006

In Paris

*/Signed/*

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