

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original :English

No.: ICC-02/05 OA
Date: 29 February 2008

THE APPEALS CHAMBER

Before: Judge Navanethem Pillay, Presiding Judge
Judge Philippe Kirsch
Judge Georghios M. Pikis
Judge Sang-Hyun Song
Judge Erkki Kourula

Registrar: Mr Bruno Cathala

SITUATION IN DARFUR, SUDAN

Public Document

**Decision of the Appeals Chamber on the OPCV's request for clarification
and
Order of the Appeals Chamber on the date of filing of applications for participation and
on the time of the filing of the responses thereto by the OPCD and the Prosecutor**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Fabricio Guariglia, Senior Appeals
Counsel
Mr Essa Faal, Senior Trial Lawyer

The Legal Representatives of Victims

Ms Wanda M.Akin
Mr Raymond M.Brown

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta, Principal Counsel

The Office of Public Counsel for Victims

Ms Paolina Massidda, Principal Counsel

The Appeals Chamber of the International Criminal Court,

In the appeal of the Office of Public Counsel for the Defence (OPCD) entitled “OPCD appeal brief on the ‘Decision on the Requests of the OPCD on the Production of Relevant Supporting Documentation Pursuant to Regulation 86(2)(e) of the Regulations of the Court and on the Disclosure of Exculpatory Materials by the Prosecutor’” of 4 February 2008 (ICC-02/05-119),

Having before it

The request from the Office of Public Counsel for Victims (OPCV) on behalf of the Legal Representatives, for “Clarifications on Victim Participation in the Interlocutory Appeal filed by the OPCD under article 81(2)(d) of the Rome Statute” of 13 February 2008 (ICC-02/05-122), hereinafter referred to as “request for clarifications”, and

The “Response of Legal Representatives of Victims to the ‘OPCD appeal brief on the ‘Decision on the Requests of the OPCD on the Production of Relevant Supporting Documentation Pursuant to Regulation 86(2)(e) of the Regulations of the Court and on the Disclosure of Exculpatory Materials by the Prosecutor’ and Alternative Request for Permission to Participate in the Appeal” dated 15 February 2008 (ICC-02/05-124), hereinafter referred to as “response of Legal Representatives of victims”,

Issues, by majority, Judge Song partially dissenting, the following

DECISION

1. The request for clarifications by the Office of Public Counsel for Victims is dismissed.
2. The response of Legal Representatives of victims is rejected.

And *issues*, Judge Song dissenting, pursuant to the provisions of article 68(3) of the Statute and rule 89(1) of the Rules of Procedure and Evidence the following



ORDER

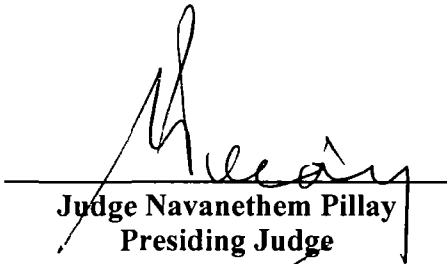
1. Applications for participation in this appeal may be filed by 10 March 2008.

Such applications shall include a statement in relation to whether and how the personal interests of the victims concerned are affected by this appeal, indicating why it is appropriate for the Appeals Chamber to permit their views and concerns to be presented at this stage of the proceedings and why the presentation of such views and concerns would not be prejudicial to or inconsistent with the rights of the Defence.

2. The Office of Public Counsel for the Defence and the Prosecutor may file by 20 March 2008 a consolidated response to all applications received by 10 March 2008, which may include submissions with regard to the right of victims to participate in this appeal, and the modalities for such participation.

Reasons for the decision and the order (of the majority and the dissent of Judge Song) will be given in the decision of the Appeals Chamber on the participation of victims.

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



Judge Navanethem Pillay
Presiding Judge

Dated this 29th day of February 2008

At The Hague, The Netherlands