

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04
Date: 24 September 2010

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

Order setting a new time limit for observations

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 Victims

Me Emmanuel Daoud

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

M. Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

I, Judge Sanji Mmasenono Monageng, Judge of Pre-Trial Chamber I of the International Criminal Court (“Court”), acting as a Single Judge responsible for carrying out the functions of the Chamber including all the issues relating to victims’ applications for participation, in relation to the situation in the Democratic Republic of the Congo and any case emanating therefrom;¹

NOTING the “Order for the submission of observations in response to a request made by the legal representative of VPRS 3 and VPRS 6” (“Order”),² which I issued on 16 August 2010 and in which the Prosecutor was ordered to file, by 15 September 2010, observations in response to a request by the legal representative of victims VPRS 3 and VPRS 6,³ regarding the Prosecutor’s alleged decision not to proceed with respect to crimes allegedly committed in Ituri;

CONSIDERING that no such observations have been submitted to date, despite the expiry of the time limit set out in the Order;

NOTING article 71 of the Statute of the Court (“Statute”), rule 171 of the Rules of Procedure and Evidence (“Rules”), and regulations 28 and 29 of the Regulations of the Court (“Regulations”);

CONSIDERING that the Prosecutor failed to comply with an order made under regulation 28 of the Regulations and that the Single Judge may thus issue any order that is deemed necessary in the interests of justice, as set out in regulation 29;

¹ “Decision on the designation of a Single Judge of Pre-Trial Chamber”, 26 July 2010, ICC-01/04-569.

² ICC-01/04-572.

³ ICC-01/04-564.

CONSIDERING that a “deliberate refusal to comply with [the Court’s] directions” constitutes misconduct liable to sanctions envisaged in article 71 of the Statute and rule 171 of the Rules;

FOR THESE REASONS,

ORDER the Prosecutor to file, by 1600 hours on 29 September 2010, observations on the matters set out in the Order and detailing the reasons for the Prosecutor’s failure to comply with the Order; and

WARN the Prosecutor that sanctions in accordance with article 71 of the Statute and rule 171 of the Rules may be applied in case of a breach of the present order.

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

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Judge Sanji Mmasenono Monageng

Single Judge

Dated this Friday, 24 September 2010

At The Hague, The Netherlands