

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**

No.: ICC-01/04

Date: 5 August 2005

Original: English

**PRE-TRIAL CHAMBER I**

**Before:** Judge Sylvia Steiner, Single judge

**Registrar:** Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO**

**Public Redacted Version**

**Decision on the Requests REDACTED**

**The Office of the Prosecutor**

**REDACTED**

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Ms Lyne Decarie

***Ad Hoc Counsel for the Defence***

Mr Joseph Tshimanga

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

**NOTING REDACTED**

- (i) Requested the opportunity to review the written responses of the Prosecutor and the *Ad Hoc* Counsel for the Defence to their observations at the hearing on the protection of victims REDACTED Democratic Republic of Congo held on 8 July 2005 (“the Hearing”);
- (ii) Requested to present their views in writing to the Chamber prior to it taking a final decision on the level of confidentiality of the two Annexes II; and
- (iii) Offered to address by way of written submissions any issues raised by the Prosecutor and/or the *Ad Hoc* Counsel for the Defence in their respective responses;

**NOTING** rule 103 of the Rules of Procedure and Evidence (“the Rules”);

**CONSIDERING** that at this stage of the proceedings, the Chamber is satisfied that REDACTED have presented all necessary observations on the issue of the protection of victims REDACTED DRC;

**CONSIDERING** that rule 103 of the Rules only provides for a response from the Prosecutor and the *Ad Hoc* Counsel for the Defence to the written and oral observations presented REDACTED;

**CONSIDERING** that the procedure provided for in that rule was completed with the filing by the Prosecutor and the *Ad Hoc* Counsel for the Defence of their respective responses<sup>1</sup>;

**CONSIDERING** in addition that, in the framework of the proceedings at hand under rule 103 of the Rules, the Chamber cannot decide *in abstracto* on the question of whether local actors assisting any organ of the Court at its specific request are legally entitled to protective measures under the Rome Statute ("the Statute"), the Rules and the Regulations of the Court ("the Regulations") in the event of threats linked to such assistance;

**CONSIDERING**, however, that the Prosecutor would be prepared to provide for the protection of local actors assisting either the Prosecutor or the Court at his specific request whenever concrete threats are linked to such assistance, even if such local actors were not legally entitled to protective measures under the Statute, the Rules and the Regulations;<sup>2</sup> and that it would be desirable for all organs of the Court to have a consistent approach to the issue of protection of local actors assisting any organ of the Court at its specific request;

## **FOR THESE REASONS**

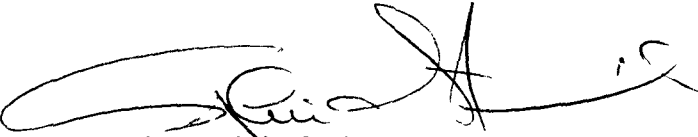
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<sup>1</sup> REDACTED.

<sup>2</sup> REDACTED.

**DECIDES** to reject the above-mentioned requests REDACTED

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



**Judge Sylvia Steiner**  
**Single Judge**

Dated this Friday, 5 August 2005

At The Hague

The Netherlands