

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/04
Date: 11 June 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

Prosecution's Observations on the "Demande du représentant légal des victimes a/0107/06 à a/0109/06, a/0128/06 à a/0162/06, a/0188/06, a/0199/06, a/0203/06, a/0209/06 à a/0214/06, a/0220/06 à a/0222/06, a/0224/06 à a/0230/06 et a/0234/06 à a/0241/"

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Legal Representatives for the Victims
[REDACTED]

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

Mr Xavier-Jean Keïta

**The Office of Public Counsel
for Victims**

Ms Paolina Massidda

Background

1. On 10 May 2007, the Pre-Trial Chamber designated Judge Sylvia Steiner as Single Judge for the Situation in the Democratic Republic of the Congo (DRC) and any related case from that date until otherwise decided.¹
2. On 23 May 2007, the Single Judge rendered the “Décision autorisant le dépôt d’observations sur les demandes de participation à la procédure”,² inviting the Prosecution and the Office of Public Counsel for the Defence (OPCD) to submit their observations on the applications to participate in the investigation of the situation of the DRC (the applications),³ by 25 June 2007.
3. On 5 June 2007, the Legal Representative of victims a/0107/06 to a/0109/06, a/0128 to a/0162/06, a/0188/06, a/0199/06, a/0203/06, a/0209/06 to a/0214/06, a/0220/06 to a/0222/06, a/0224/06 to a/0230/06, a/0234/06 to a/0241/06 filed an urgent request,⁴ requesting the Single Judge (a) to order the OTP and the OPCD to respect the confidentiality of the applications and therefore to refer to the applicants, in their

¹ “Decision on the Designation of a Single Judge”, public, 10 May 2007 (ICC-01/04-328-tEN).

² “Décision autorisant le dépôt d’observations sur les demandes de participation à la procédure”, public, 23 May 2007 (ICC-01/04-329).

³ Application a/0106/06 (ICC-01/04-264-Conf-Exp, ICC-01/04-264-Conf-Exp-Anx) filed in the situation of the Democratic Republic of the Congo (the “DRC”) on 7 December 2006; Applications a/0107/06 (ICC-01/04-265-Conf-Exp, ICC-01/04-265-Conf-Exp-Anx.), a/0108/06 (ICC-01/04-266-Conf-Exp, ICC-01/04-266-Conf-Exp-Anx.), a/0109/06 (ICC-01/04-267-Conf-Exp), a/0110/06 (ICC-01/04-268-Conf-Exp) filed in the situation of the DRC on 16 October 2006 ; Application a/0188/06 filed in the situation of the DRC on 21 March 2007 (ICC-01/04-324-Conf-Exp-Anx l.); Applications a/0128/06 to a/0162/06, a/0199/06, a/0203/06, a/0209/06 and a/0214/06 filed in the situation of the DRC on 11 April 2007 (ICC-01/04-325-Conf-Exp, Annexes 1 to 40); Applications a/0220/06 to a/0222/06, a/0224/06, a/0227/06 to a/0230/06, a/0234/06 to a/0236/06 and a/0240/06 filed in the situation of the DRC on 23 April 2007 (ICC-01/04-326-Conf-Exp, Annexes 1 to 13), and Applications a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06 filed in the situation of the DRC on 25 April 2007 (ICC-01/04-327-Conf-Exp, Annexes 1 to 20).

⁴ Demande du représentant légal des victimes a/0107/06 à a/0109/06, a/0128 à a/0162/06, a/0188/06, a/0199/06, a/0203/06, a/0209/06 à a/0214/06, a/0220/06 à a/0222/06, a/0224/06 à a/0230/06, a/0234/06 à a/0241/06, ICC-01/04-332, public redacted version, urgent, 5 June 2007.

respective submissions, solely with the numbers given by the Victims Participation and Reparations Section (VPRS) to the applications and to refrain from any observations in public filings that can lead to the identification of the applicants; (b) to ensure that the identity of the Legal Representative remains confidential and redacted in public documents at this stage of the application process; and (c) to be heard on matters related to the protection and safety of the applicants before any decision potentially affecting their safety and security is taken.⁵

Observations

4. In the context of all previous applications for participation for which the Prosecution was instructed by the Pre-Trial Chamber to provide its views, in both the situation in the DRC⁶ and in the case against Thomas LUBANGA DYILO⁷, the Prosecution consistently took all necessary measures to maintain the confidentiality of the applicants to protect their security in accordance with the obligations set forth in the Statute, the Rules of Procedure and Evidence and the

⁵ "Demande du représentant légal des victimes a/0107/06 à a/0109/06, a/0128 à a/0162/06, a/0188/06, a/0199/06, a/0203/06, a/0209/06 à a/0214/06, a/0220/06 à a/0222/06, a/0224/06 à a/0230/06, a/0234/06 à a/0241/06, ICC-01/04-332, public redacted version, urgent, 5 June 2007, pp. 6 to 7.

⁶ See "Prosecution's Observations on the Applications for Participation of Applicants a/0004/06 to a/0009/06, a/0016/06 to a/0063/06, a/0071/06, a/0072/06 to a/0080/06 and a/0105/06", public, 30 November 2005 (ICC-01/04-315); "Prosecution's Observations on the Applications for Participation of Applicants a/0001/06 to a/0003/06", public (with confidential - *ex parte*- Prosecution only Annex), 6 June 2006 (ICC-01/04-151).

⁷ "Prosecution's Observations on the Applications for Participation of Applicants a/0004/06 to a/0009/06 and a/0016/06 to a/0046/06", public redacted and formatted version, 22 August 2006 (ICC-01/04-01/06-345); "Prosecution's Observations on the Applications for Participation of Applicants a/0047/06-a/0052/06", public redacted and formatted version, 6 September 2006 (ICC-01/04-01/06-390); "Prosecution's Observations on the Applications for Participation of Applicants a/0053/06 to a/0063/06 and a/0071/06", public redacted version, 12 October 2006 (ICC-01/04-01/06-560); and "Prosecution's Observations on the Applications for Participation of Applicants a/0072/06 to a/0080/06 and a/105/06", public redacted version, 19 October 2006 (ICC-01/04-01/06-589).

Regulations of the Court. For this purpose, the Prosecution in its respective filings referred to the applicants solely by their allocated numbers and redacted such information in public filings that could lead to their identification. The Prosecution undertakes to continue to incorporate such protective measures in its Response to the applications, which should serve to allay the concerns raised by the Legal Representative of victims a/0107/06 à a/0109/06, a/0128 à a/0162/06, a/0188/06, a/0199/06, a/0203/06, a/0209/06 à a/0214/06, a/0220/06 à a/0222/06, a/0224/06 à a/0230/06, a/0234/06 à a/0241/06, ICC-01/04-332.⁸

5. The Prosecution does not oppose the request of the Legal Representative that his or her name remain confidential and redacted in all public filings at this stage of the proceeding.
6. Lastly, the Prosecution supports the request of the Legal Representative to be heard on matters related to the protection and safety of the applicants prior to any decision being taken that could potentially affect the safety and security of the applicants.

 
 Luis Moreno-Ocampo
 Prosecutor

Dated this 11th day of June 2007
 At The Hague, The Netherlands

⁸ The Prosecution notes that in a decision in the Darfur Situation on 8 June 2007, the Single Judge ordered that the OTP and the OPCD respect the confidentiality of the applications by referring to the applicants only with the numbers assigned to them by the VPRS. See “Decision on Confidentiality Matters and Extension of Page Limit”, ICC-02/05-79, public, at page 4.