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No.: ICC-02/05
Date: 22 August 2007

PRE-TRIAL CHAMBER I

Before: Judge Anita Ušacka , Single judge

Registrar: Mr Bruno Cathala

SITUATION IN DARFUR, SUDAN

Public Document

**Decision on the time limit to submit observations on applications for participation
as victims a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 and on the
extension of page limit**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ade Omofade , Trial Lawyer

Legal Representatives of the Applicants

Ms Wanda M. Akin
Mr Raymond M. Brown

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

Mr Xavier-Jean Keïta, Principal Counsel

I, Judge Anita Ušacka, judge at the International Criminal Court (the “Court”);

NOTING the applications for participation in the proceedings a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07¹ (“the Applications”) all filed confidential, *ex parte* on 10 July 2007 in the record of the Situation in Darfur, Sudan, where by the applicants seek recognition of the right to participate as victims in the proceedings in the situation in Darfur, Sudan;

NOTING the “Decision authorizing the filing of observations on application a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 for participation in the proceedings”, issued by the Single Judge on 23 July 2007, giving the Prosecution and the Office of the Public Counsel for the defence (“OPCD”) the opportunity to submit their observations on the Applications, within 30 days from notification;²

NOTING the “Request for Access to the Report of the Registry, and an Extension of Page Limit” filed by the OPCD on 01 August 2007, requesting the Chamber (1) to order the Registry to transmit the Report from the Registry on the Applications to the OPCD; and (2) to authorize the OPCD to file a response of 30 pages (not including the cover-page);³

NOTING the “Decision suspending the time limit for the submission of observations on applications for participation in the proceedings” issued on 2 August 2007 in which the Single Judge suspended the time limit for filing observations until otherwise decided by the Single Judge;

¹ ICC-02/05-84-Conf-Exp – Anx I - 18

² ICC-02/05-85.

³ ICC-02/05-87- Conf

NOTING the “Decision on the Requests of the Legal Representative of Applicants on application process for victims’ participation and legal representation” issued in the Situation of the Democratic Republic of Congo (“the DRC situation”) on 20 August 2007 which, *inter alia*, established a system whereby the Registrar shall notify unredacted versions of the Applications to the Prosecution and the OPCD, triggering an automatic submission of their observations within 30 days from the notification of the Applications; and ordered the Registrar to notify only the Applications to the Prosecution and the OPCD, without the Report of the Registry on the Applications;⁴

NOTING the “Decision on the Requests of the OPCD and the Legal Representatives of the Applicants Regarding the Transmission of the Report of the Registry under Rule 89 of the Rules of Evidence and Procedure” issued by the Single Judge on 21 August 2007, rejecting the requests that the Chamber order that the Report of the Registry be transmitted to the OPCD and the Legal Representative;⁵

NOTING rule 89(1) of the Rules of Procedure and Evidence (the “Rules”) and regulation 37 of the Regulations of the Court (“the Regulations”);

CONSIDERING that pursuant to rule 89(1) of the Rules, the Prosecution and the defence are entitled to reply to the Applications transmitted on 17 July 2007 within a time limit set by the Single Judge;

⁴ ICC-01/04-374

⁵ ICC-01/05-93

CONSIDERING that the Single Judge suspended the deadline for the submission of observations on the Applications by the Prosecution and the OPCD; and that due to the suspension of time limit, the deadline needs to be reopened upon the determination of the Single Judge;

CONSIDERING that pursuant to regulation 37 of the Regulations the documents filed with the Registry may not exceed 20 pages; that pursuant to the same regulation the Single Judge may, under exceptional circumstances, extend the page limit of a document; that the aim of this regulation is to ensure both the expeditiousness of the proceedings and the brevity of the participants; and that the Single Judge is not convinced that the number of applications constitute exceptional circumstance which would warrant an extension of the page limit;

FOR THESE REASONS

REJECT the request for an extension of the page limit;

DECIDE that the Prosecution and the OPCD may submit observations on the Applications within 30 days from notification of this decision.

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



Judge Anita Ušacka
Single judge

Dated this Wednesday 22 August 2007

At The Hague

The Netherlands