



Original: **French**

No.: **ICC-01/04**
Date: **7 July 2006**

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

**Decision on the Application by Applicants a/0001/06 to a/0003/06 for Leave to
Respond to the Observations of the Prosecutor and Ad Hoc Counsel for the
Defence**

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf

Ad Hoc Counsel for the Defence

Mr Tshimanga

Legal Representatives of the Applicants

Mr Luc Walley
Mr Franck Mulenda

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

NOTING the “*Decision on the applications for participation in the proceedings of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 AND VPRS 6*”, rendered by the Chamber on 17 January 2006;¹

NOTING the Applications for participation in the proceedings a/0001/06, a/0002/06 and a/0003/06 (“the Applications for participation”), filed in the record of the situation in the Democratic Republic of the Congo (“the DRC”)² on 11 May 2006;

NOTING the Prosecution’s Observations on the applications for participation filed in the record of the situation in the DRC on 6 June 2006;³

NOTING the observations of Ad Hoc Counsel for the Defence on the applications for participation,⁴ registered in the record of the situation in the DRC on 26 June 2006;

NOTING the Application by Applicants a/0001/6, a/0002/6 and a/0003/6 for Leave to Respond to the Observations of the Prosecutor and Ad Hoc Counsel for the Defence (“the Application”);

NOTING article 68(3) of the *Rome Statute* (the Statute”);

¹ ICC-01/04-101 tEN.

² ICC-01/04-144-Conf-Exp, ICC-01/04-145-Conf-Exp, ICC-01/04-146-Conf-Exp.

³ ICC-01/04-151.

⁴ ICC-01/04-163.

CONSIDERING that pursuant to article 68(3) of the Statute, the Chamber considers that victims may present their views and concerns at the investigation stage of the situation in the Democratic Republic of the Congo once the Chamber grants them victim status;⁵

CONSIDERING that in the instant case, the decision of the Chamber on Applications for participation a/0001/6, a/0002/6 and a/0003/6 is still pending;

FOR THESE REASONS,

DECIDES to reject the request.

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

/signed/

Judge Claude Jorda
Presiding Judge

/signed/

Judge Akua Kuenyehia

/signed/

Judge Sylvia Steiner

Dated this Friday 7 July 2006

At The Hague, The Netherlands

⁵ See the Decision.