

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

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 Office of the Prosecutor

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

Ad Hoc Counsel for the Defence

Mr Tshimanga

Counsel for the victims

Mr Luc Walley
Mr Franck Mulenda

Other participants

1. Noting the decision of the Chamber dated 18 May 2006;
2. On 2 June 2006, the Prosecutor submitted observations on the applicants' request to take part in the proceedings concerning the situation in the Democratic Republic of the Congo;
3. On 26 June 2006, the Ad Hoc Counsel for the Defence also submitted observations;
4. The two submissions requested, albeit on different grounds, that the applicants' application be denied.
5. Regulation 86(7) provides as follows:

Before deciding on an application, the Chamber may request, if necessary with the assistance of the Registrar, additional information from, inter alia, States, the Prosecutor, the victims or those acting on their behalf or with their consent. If information is received from States or the Prosecutor, the Chamber shall provide the relevant victim or victims with an opportunity to respond.

6. While this regulation does not make express provision for the right of the applicants to submit observations in response to observations of the Prosecutor or any other participant, the applicants are of the view that this right should be granted to them by analogy with the provisions for the submission of additional information, but also pursuant to article 68(3) of the Statute, which establishes the right of victims to present their views and concerns where their interests are concerned.
7. If ever there were a stage in the proceedings at which the victims have a personal interest in being able to present their views and concerns, it is the procedure leading up to a decision on an application to intervene.

8. This is particularly true if, as in this case, other participants submit that their application should be denied.
9. The applicants submit that the leave to submit observations to the Court in response to the arguments put forward by the Prosecutor and the Defence is not prejudicial to the rights of the Defence or to the requirements of a fair and impartial trial.

RELIEF SOUGHT

10. The representatives of the applicants request the Court to grant them leave to submit observations in response to the observations of the Prosecutor and Ad Hoc Counsel for the Defence within a timeframe to be fixed by the Court.

/signed/

Luc Walley and Franck Mulenda (absent at signature)
Legal Representatives of Victim Applicants a/0001/06, a/0002/06 and a/0003/03

Dated this 30 June 2006

At Brussels