

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06

Date: 27 November 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR *v.* THOMAS LUBANGA DYILO**

Public

**Order on the Office of Public Counsel for Victims' request filed on
21 November 2007**

Office of the Prosecutor

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

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

a/0001/06 to a/0003/06 and a/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Office of Public Counsel for Victims

Ms Paolina Massidda

1. On 21 November 2007, the Office of Public Counsel for Victims filed the "OPCV's request to submit observations or otherwise be heard on point E of the Order of 14 November 2007 and on the issue of the dual status of witnesses/victims".¹
2. The Trial Chamber will allow the Office of Public Counsel for Victims to present oral observations on point E of the Order of 14 November on protective measures for victim applicants at the hearing on 4 December 2007,² subject to objections of the parties and participants.
3. The Chamber notes that submissions by the parties and participants on the issue of the dual status of witnesses/victims were heard at the hearing on 29-30 October 2007 at the request of the presiding Judge.³ The Office of Public Counsel for Victims was allowed to file written observations on the victims issues dealt with at the hearing on 9 November as it was not in a position to make submissions at the hearing.⁴ Although the Office of Public Counsel for Victims' observations⁵ covered the issues of witness proofing and expert witnesses which the Office of Public Counsel for Victims was not specifically invited to comment upon, it did not deal with the issue of the dual status of witnesses/victims discussed at the hearing. Notwithstanding that history, the Chamber will allow the Office of Public Counsel for Victims to make oral submissions at the hearing (subject to objections of the parties and participants) but only if the issue remains extant.
4. The Chamber orders that objections, if any, to the Office of Public Counsel for Victims's participation at the hearing on the two issues set out shall be filed in

¹ ICC-01/-04-01/06-1038.

² Order scheduling a hearing, 14 November 2007, ICC-01/-04-01/06-1027; see also Order amending schedule for hearing, 16 November 2007, ICC-01/-04-01/06-1031, and Order amending schedule for hearing and adding an item to the agenda, 27 November 2007, ICC-01/-04-01/06-1044.

³ Transcript of hearing on 30 October 2007, ICC-01/-04-01/06-T-58-ENG, page 17, lines 17-24; page 18 lines 5-24; pages 80- 82; pages 85-87; transcript of hearing on 29 October 2007, ICC-01/-04-01/06-T-57-ENG, pages 18-19.

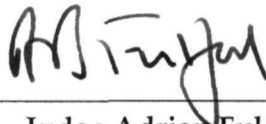
⁴ ICC-01/-04-01/06-T-58-ENG, page 14; Order on the Office of Public Counsel for Victims' request for extension of time limit, ICC-01/-04-01/06-1015.

⁵ Observations du Bureau du conseil public suite à l'invitation de la Chambre de première instance, ICC-01/-04-01/06-1020.

writing by 30 November 2007.

5. The Trial Chamber has adopted this approach on an exceptional basis, considering the short time available before the hearing, and because, at this stage of the case, the Chamber may be assisted by the views of the Office of Public Counsel for Victims on these issues of principle. However, the request generally raises the issue of the role of the Office of Public Counsel for Victims in its capacity as legal representative of victim applicants and as an independent body established to "provide support and assistance to the legal representatives for victims and to victims".⁶ The Chamber may list this issue for submissions from the parties and participants in due course.
6. The Chamber hereby partially grants the Office of Public Counsel for Victims' request, as set out above.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 27 November 2007

At The Hague, The Netherlands

⁶ See Regulation of the Court 81(4).