

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original :English

No.: ICC-01/04 OA4

Date: 13 February 2008

THE APPEALS CHAMBER

Before: Judge Navanethem Pillay, Presiding Judge
Judge Philippe Kirsch
Judge Georgios M. Pikis
Judge Sang-Hyun Song
Judge Erkki Kourula

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

**Decision of the Appeals Chamber on the OPCV's request for clarification and the legal representatives' request for extension of time and
Order of the Appeals Chamber on the date of filing of applications for participation and on the time of the filing of the responses thereto by the OPCD and the Prosecutor**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Fabricio Guariglia, Senior Appeals Counsel
Mr Ekkehard Withopf

The Legal Representatives of Victims

Mr Emmanuel Daoud
Mr Patrick Baudoin
Ms Carine Bapita Buyangandu
Mr Joseph Keta
Mr Michel Shebele
Mr Michael Verhaeghe
Mr Sylvestre Bisimwa

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Appeals Chamber of the International Criminal Court,

In the appeal of the Office of Public Counsel for the Defence entitled “OPCD appeal brief on the ‘Decision on the Requests of the OPCD on the Production of Relevant Supporting Documentation Pursuant to Regulation 86(2)(e) of the Regulations of the Court and on the Disclosure of Exculpatory Materials by the Prosecutor’” of 4 February 2008 (ICC-01/04-440),

Having before it

The request from the Office of Public Counsel for Victims (OPCV), for “Clarifications on Victim Participation in the Interlocutory Appeal filed by the OPCD under article 81(2) of the *Rome Statute*” of 6 February 2008 (ICC-01/04-442-tENG), hereinafter referred to as “request for clarifications”,

The “Application from the Legal Representatives of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5, VPRS 6, and a/0071/06 for Leave to Participate in the Appeal filed by the OPCD on 13 December 2007 and Authorised by Pre-Trial Chamber I on 23 January 2008” of 8 February 2008 (ICC-01/04-446-tENG),

The “Demande du représentant legal de la victime a/0105/06 aux fins de la autorisation de participer a l’appel déposé par l’OPCD le 13/12/2007 et autorisé par la chambre préliminaire le 23/1/2008” dated 11 February 2008 (ICC-01/04-448), and

The “Demande de prorogation du délai de dépôt du mémoire des Représentant légaux des victimes VPRS 1 à 6 et a/0071/06 en réponse aux observations présentées par le BPCD relatives à la « decision portent sur la requête du BCPD sur la production de pièces pertinentes selon l’article 86(2)(e) du Règlement de la Cour et sur la communication de pièces incriminantes par le Procureur »” of 11 February 2008 (ICC-01/04-447), hereinafter referred to as “request for extension of time”,

Issues the following

DECISION

1. The request for clarifications by the Office of Public Counsel for Victims is dismissed.
2. The request for extension of time filed by the Legal Representatives of victims VPRS 1 to VPRS 6 and a/0071/06 is rejected.

And *issues*, Judge Song dissenting, pursuant to the provisions of article 68(3) of the Statute and rule 89(1) of the Rules of Procedure and Evidence the following

ORDER

1. Applications for participation in this appeal may be filed by 21 February 2008.

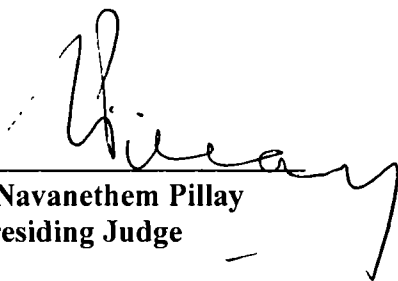
Such applications shall include a statement in relation to whether and how the personal interests of the victims concerned are affected by this appeal, indicating why it is appropriate for the Appeals Chamber to permit their views and concerns to be presented at this stage of the proceedings and why the presentation of such views and concerns would not be prejudicial to or inconsistent with the rights of the Defence.

2. The Office of Public Counsel for the Defence and the Prosecutor may file by 4 March 2008 a consolidated response to all applications received to date and those received by 21 February 2008, which may include submissions with regard to the right of victims to participate in this appeal, and the modalities for such participation.

Reasons for the decision and reasons for the order (of the majority and the dissent of Judge Song) will be given in the decision of the Appeals Chamber on the participation of victims.



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



Judge Navanethem Pillay
Presiding Judge

Dated this 13th day of February 2008

At The Hague, The Netherlands