



Original: **French**

No.: ICC-01/04

Date: **11 February 2008**

THE APPEALS CHAMBER

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

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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Application

Application for Extension of Time for the Legal Representatives of Victims VPRS 1 to 6 and a/0071/06 to file a Brief in Response to the Observations submitted by the OPCD 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”

Counsel for the Victims

Emmanuel DAOUD

Patrick BAUDOUIN

NOTING 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 Pre-Trial Chamber I of 7 December 2007;

NOTING the “Request for leave to appeal the “Decision on the request 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 the Office of Public Counsel for the Defence of 13 December 2007;

NOTING the *Decision on Request for leave to appeal 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 Pre-Trial Chamber I of 23 January 2008 (“the Decision”), granting the OPCD leave to appeal the Decision of 7 December 2007;

NOTING article 82(1)(d) of the *Rome Statute*, rule 155 of the *Rules of Procedure and Evidence* (“the Rules”), and regulation 65 of the *Regulations of the Court*;

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CONSIDERING that, in compliance with regulation 65(4) of the *Regulations of the Court*, the OPCD filed a document in support of its appeal within the ten day time limit following the date of notification of the decision granting leave to appeal, that is, 4 February 2008;¹

CONSIDERING that on 8 February 2008 the Legal Representatives of VPRS 1 to 6 and a/0071/06 filed a brief seeking leave to participate in the appeal

¹ 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*”, filed on 4 February 2008.

proceedings authorised by Pre-Trial Chamber I on 23 January 2008² (“the Application for Participation”);

CONSIDERING that the Legal Representatives of VPRS 1 to 6 and a/0071/06 wish to file a response to the observations of the OPCD notified on 4 February 2008;

CONSIDERING that regulation 65(5) of the *Regulations of the Court* provides that “[p]articipants may file a response within **ten days** of notification of the document in support of the appeal”;

CONSIDERING NEVERTHELESS that the Chamber has not yet been able to render its decision on the application for participation in the appeal proceedings of the Legal Representatives of victims VPRS 1 to 6 and a/0071/06;

CONSIDERING that unless the ten-day time limit stipulated in regulation 65(5) of the *Regulations of the Court* is extended, there is a risk that the Legal Representatives’ right to respond will be disregarded;

ACCORDINGLY, the Legal Representatives of victims VPRS 1 to 6 and a/0071/06 respectfully request the Appeals Chamber Judges:

to order that the ten-day time limit provided under regulation 65(5) of the *Regulations of the Court* for filing a response to the OPCD brief start to run on the date on which the Court’s decision on the Application for Participation in the appeal proceedings was notified to the Legal Representatives of the victims.

[signed]

Emmanuel DAOUD

² Application from the Legal Representatives of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and 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.

[*signed*]
Patrick BAUDOUIN

Dated this 11 February 2008

At Paris