



Original: English

No.: ICC-02/05-01/09

Date: 10 December 2009

**PRE-TRIAL CHAMBER I**

**Before: Judge Sanji Mmasenono Monageng, Single Judge**

**SITUATION IN DARFUR, SUDAN**

***IN THE CASE OF PROSECUTOR v.  
OMAR HASSAN AHMAD AL BASHIR***

**Public**

**Request for a Decision on Victim Participation**

**Source: Legal Representative for Victim Applicants a/0443/09, a/0444/09,  
a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 & a/0450/09**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor  
Mr. Essa Faal, Senior Trial Lawyer

***Ad Hoc* Counsel for the Defence**

Ms. Michelyne C. Saint-Laurent

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

Mr. Nicholas Kaufman

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Defence Support Section**

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod Jacome

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

Pre-Trial Chamber I is hereby requested to render a decision on the participation of victim applicants a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 & a/0450/09 on the basis of the observations of the Prosecution alone:

### Relevant Procedural Background

1. On 6 November 2009, the learned Single Judge ordered the Prosecution and *ad hoc* counsel for Omar Hassan Ahmad al-Bashir (the "Accused") to submit their observations on eight victim applications - a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 & a/0450/09 (the "Applications") for participation in the proceedings by 4 December 2009 at 16:00.<sup>1</sup>

2. On 1 December 2009, the Prosecution filed its observations on the Applications and submitted that all eight of the applicants meet the *prima facie* criteria required for participation in the proceedings pursuant to Article 68(3) of the Rome Statute.<sup>2</sup>

3. On 9 December 2009, the Legal Representative for the Victim Applicants (the "Legal Representative") enquired with Court Management Services as to whether observations had been filed by *ad hoc* counsel for the Accused. Court Management Services informed the Legal Representative that no such observations had been filed.<sup>3</sup>

### Submission and Requested Relief

4. *Ad hoc* counsel for the Accused has not filed observations on the Applications nor has she notified the Legal Representative of a defence application pursuant to

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<sup>1</sup> ICC-02/05-01/09-50.

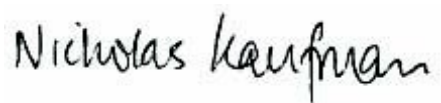
<sup>2</sup> ICC-02/05-01/09-58 at paras. 13 & 14.

<sup>3</sup> Email from CMS to the Legal Representative dated 9 December 2009 at 14:40.

Regulation 35 of the Regulations of the Court to vary the time limit fixed for the filing of such observations.

5. In the circumstances, the learned Single Judge is respectfully requested to rule on the Applications on the basis of the Prosecution observations alone.

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Nicholas Kaufman

Legal Representative for Victim Applicants

a/0443/09, a/0444/09, a/0445/09, a/0446/09,

a/0447/09, a/0448/09, a/0449/09 & a/0450/09

Done this 10th day of December 2009,

Jerusalem, Israel