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PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, President
Judge Sanji Mmasenono Monageng
Judge Cuno Tarfusser

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

Public Document

Application of Legal Representatives of Victims a/0011/06, a/0012/06, a/0013/06 and a/0015/06 to Participate in and Submit Observations on the Proceedings on Remand In Connection with the Application for a Warrant for the Arrest of Omar Hassan Ahmad al-Bashir

Source: Wanda M. Akin and Raymond M. Brown, Legal Representatives of Victims a/0011/06, a/0012/06, a/0013/06 and a/0015/06

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

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**Victims Participation and Reparations
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Other

Introduction

Victims a/0011/06, a/0012/06, a/0013/06 and a/0015/06 (hereafter, “Recognised Victims”), by their Legal Representatives, hereby respectfully submit the within “Application of Legal Representatives of Victims a/0011/06, a/0012/06, a/0013/06 and a/0015/06 to Participate in and Submit Observations on the Proceedings on Remand In Connection with the Application for a Warrant for the Arrest of Omar Hassan Ahmad al-Bashir”.

i. The Status of the Applicants As Victims Recognised in the Case

The Legal Representatives of Victims a/0011/06, a/0012/06, a/0013/06 and a/0015/06 note the decision of Pre-Trial Chamber I, “Decision on Applications a/0011/06 to a/0013/06, a/0015/06 and a/0443/09 to a/0450/09 for Participation in the Proceedings at the Pre-Trial Stage of the Case”¹.

This decision determined that there were reasonable grounds to believe that each of these Recognised Victims had provided sufficient evidence to establish prima facie that the victim suffered emotional harm and economic loss as a result of the crimes allegedly committed in the course of the prolonged armed conflict not of an international nature that allegedly took place in the Darfur region between March 2003 and 14 July 2008. Given the nature of the charges against the accused Omar Hassan Ahmad Al-Bashir, Pre-Trial Chamber I granted these Recognised Victims the right to participate in the case against Al-Bashir.

We submit it is clear that each of the Recognised Victims has suffered harm as a result of the commission of crimes within the jurisdiction of the Court and within the scope of the warrant of arrest for the accused.²

¹ See “Decision on Applications a/0011/06 to a/0013/06, a/0015/06 and a/0443/09 to a/0450/09 for Participation in the Proceedings at the Pre-Trial Stage of the Case” (Pre-Trial Chamber I), No. ICC-02/05-01/09-62, 10 December 2009.

² On 4 March 2009, Pre-Trial Chamber I issued a warrant of arrest, listing seven counts on the basis of his individual criminal responsibility under Article 25(3)(a) of the Rome Statute as an indirect (co) perpetrator including five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape) and two counts of war crimes (intentionally directing attacks against

By this application, the Recognised Victims seek leave, in their capacity as Recognised Victims in this case pursuant to the decision of 10 December 2009, to submit their “views and concerns” (or, in the alternative, pursuant to the discretion of the Pre-Trial Chamber under Rule 103, to submit observations) in the proceedings on remand with respect to the “Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir”, concerning whether to issue a warrant of arrest against President Omar Al Bashir for three charges of genocide. In particular, the Recognised Victims wish to present observations concerning whether there are reasonable grounds to believe that Omar Hassan Ahmad Al Bashir had the requisite *dolus specialis*/specific intent, and is criminally responsible, for the crime of genocide.

The Recognised Victims note the decision of Trial Chamber II of 22 January 2010, “Décision relative aux modalités de participation des victimes au stade des débats sur le fond,”³ in which the Trial Chamber held that each victim individually had to demonstrate their personal interest in order to be granted victim's status and that their legal representatives would not have to demonstrate that personal interest again at the substantive hearings' stage. Recognition of victims' status would thus automatically imply recognition of the personal interest of the victims at this stage of the case⁴. Nonetheless, as a matter of prudence, the Recognised Victims set forth herein their personal interests as they are affected by these proceedings on remand.

As set forth in detail below: (1) the Recognised Victims' *personal interests are affected* by the issue on remand; (2) participation by these Recognised Victims is appropriate as a matter of fact and law; and (3) the manner of participation proposed by these Recognised Victims (submission of written observations on the issues on remand) is “*not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial*”.

civilians and pillaging). See “Warrant of Arrest for Omar Hassan Ahmad Al Bashir” (Pre-Trial Chamber I), No. ICC-02/05-01/09-1, 4 March 2009.

³ See “Décision relative aux modalités de participation des victimes au stade des débats sur le fond” (Pre-Trial Chamber II), ICC-01/04-01/07-1788, 22 January 2010.

⁴ ICC-01/04-01/07-1788, paras. 61-64.

Procedural History

1. On July 14, 2008, the Office of the Prosecutor filed its Application under Article 58 for a warrant of arrest against Omar Hassan Ahmad Al Bashir.⁵
2. On 4 March 2009, Pre-Trial Chamber I issued its "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir", authorizing the issuance of a warrant of arrest against Al-Bashir for crimes against humanity and war crimes.⁶ Pre-Trial Chamber I rejected the application for an arrest warrant with respect to three charges of genocide.
3. On 13 March 2009, the Office of the Prosecutor filed "Prosecution's Application for Leave to Appeal the 'Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir'"⁷, in which the Prosecutor asserted that the Pre-Trial Chamber I erred in rejecting the Prosecutor's application with respect to the three counts of genocide.
4. On 24 June 2009, Pre-Trial Chamber I granted the Office of the Prosecutor leave to appeal with respect to the following issue: "Whether the correct standard of proof in the context of Article 58 requires that the only reasonable conclusion to be drawn from the evidence is the existence of reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court".⁸
5. On 6 July 2009, the Prosecution filed its document in support of its Appeal.⁹

⁵ See "Summary of Prosecutor's Application under Article 58", No. ICC-02/05-152, 14 July 2008.

⁶ See "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir" (Pre-Trial Chamber I), No. ICC-02/05-01/09-3, 4 March 2009. See also ICC-02/05-01/09-1.

⁷ See "Prosecution's Application for Leave to Appeal the 'Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir'", No. ICC-02/05-01/09-12, 13 March 2009.

⁸ See "Decision on the Prosecution's Application for Leave to Appeal the 'Decision on the Prosecution's Application for Warrant of Arrest against Omar Hassan Ahmad Al-Bashir'" (Pre-Trial Chamber I), No. ICC-02/05-01/09-21, pp. 5-10., 24 June 2009.

⁹ See "Prosecution Document in Support of Appeal against the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir", No. ICC-02/05-01/09-25, 6 July 2009.

6. On 20 July 2009, several organizations (so-called "Sudan Workers Trade Unions Federation" (SWTUF) and the "Sudan International Defence Group" (SIDG)) filed an application under Rule 103 to submit observations in connection with the Appeal.¹⁰

7. On 18 September 2009, the Appeals Chamber granted the STWUF and the SIDG leave to submit their observations in relation to the sole issue on appeal.¹¹

8. On 4 January 2010, the Legal Representatives of Victims a/0443/09 to a/0450/09 filed a second request to participate in and submit observations on the Prosecutor's appeal,¹² the first having been rejected by the Appeals Chamber inasmuch as those victims had not yet been recognized by Pre-Trial Chamber I as victims in the case against Al-Bashir.¹³ This second request was granted by the Appeals Chamber on 28 January 2010.¹⁴

9. On 3 February 2010, the Appeals Chamber issued its decision which reversed the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir" to the extent that Pre-Trial Chamber I decided not to issue a warrant of arrest in respect of the crime of genocide, in view of an erroneous standard of proof. In its decision, the Appeals Chamber directed the Pre-Trial

¹⁰ See "Application under Rule 103 in respect of Prosecution Appeal against 'Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir'", No. ICC-02/05-01/09-27, 21 July 2009.

¹¹ See "Decision on the Application of 20 July 2009 for Participation under Rule 103 of the Rules of Procedure and Evidence and on the Application of 24 August 2009 for Leave to Reply" (Pre-Trial Chamber I), No. ICC-02/05-01/09-43, 18 September 2009.

¹² See "Second Request for Participation and Observations on the Prosecution's Appeal against the Decision on the Application for a Warrant of Arrest for the Arrest of Omar Hassan Ahmad al-Bashir", No. ICC-02/05-01/09-65-Red, 4 January 2010.

¹³ See "Decision On the Applications by Victims a/0443/09 to a/0450/09 to Participate in the Appeal against the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir" and on the Request for an Extension of Time" (Pre-Trial Chamber I), No. ICC-02/05-01/09-48, 23 October 2009.

¹⁴ See "Decision on the Second Application by Victims a/0443/09 to a/0450/09 to Participate in the Appeal against the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir" (Pre-Trial Chamber I), No. ICC-02/05-01/09-70, 28 January 2010.

Chamber “to decide anew, on the basis of the correct standard of proof, whether a warrant of arrest in respect of the crime of genocide should be issued”.¹⁵

Requirements for Victim Participation

10. As Recognised Victims in the case, as established by Pre-Trial Chamber I in its December 2009 Decision¹⁶, we address the three criteria of Article 68(3) of the Rome Statute: (1) the personal interests of these victims are affected; (2) the proceeding on remand is an “appropriate stage” for the participation by these victims; (3) the manner of their participation – the submission of their views and concerns on the matter on remand, relating to the charges of genocide -- is “not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”.

i. The Personal Interests of the Victims Are Affected

11. The Pre-Trial Chamber’s recognition of victim status in the Al-Bashir case necessarily determined that these victims have established *prima facie* that: (1) they have suffered harm; (2) the crime from which the harm ensued is within the jurisdiction of the Court and within the scope of the charges against Al-Bashir; and (3) there is a direct link between the crimes charged and the harm suffered¹⁷.

ii. Prior Findings By The Pre-Trial Chamber Which Are Relevant To The Victims’ Application For Participation

12. In the decision of 14 December 2007, concerning victim participation at the investigation stage of the Situation in Darfur, Pre-Trial Chamber I determined that there were grounds to believe that each of the Recognised Victims suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to Article 5. This harm included economic loss, physical injury and suffering, and emotional harm as a result of attacks on the victims’ villages by the

¹⁵ See “Judgment on the appeal of the Prosecutor against the ‘Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir’” (Appeals Chamber), No. ICC-02/05-01/09-73, p.3, 3 February 2010.

¹⁶ See ICC-02/05-01/09-62.

¹⁷ See, generally, No. ICC-02/05-01/09-62.

Sudanese military and the Janjaweed, the displacement, killing and mutilation of family members, the destruction and theft of property, and attacks upon and the burning of villages within Darfur¹⁸.

13. These determinations were confirmed and amplified by the findings of Pre-Trial Chamber I recognizing these applicants as victims *specifically in the case against Al-Bashir*. In its “Decision on Applications a/0011/06 to a/0013/06, a/0015/06 and a/0443/09 to a/0450/09 for Participation in the Proceedings at the Pre-Trial Stage of the Case”¹⁹, Pre-Trial Chamber I found the following:

- Application a/0011106

31. The Applicant submits that he is a member of the Zaghawa tribe. He states that in June 2004, the Janjaweed Militia and the Government of Sudan ("GoS") attacked an area where the Applicant and his family owned crop and livestock farms. The Applicant alleges that all the animals were stolen and the village was burnt down.

As a result of the attack people died, including his brother-in-law, his uncle and his two cousins. The Applicant further alleges that in December 2004 he was arrested, beaten and tortured for several days by the GoS forces and the Militia Janjaweed. He alleges to have seen several persons being tortured, killed and buried in mass graves. He further explains that he is currently residing in the United States and has extreme difficulties in sending financial aid to his family that remains in Darfur.

32. The Single Judge is satisfied that Applicant a/0011/06 has appended the necessary documents to prove his identity and nationality and has provided sufficient evidence to establish *prima facie* that he suffered physical and emotional harm and economic loss as a result of the

¹⁸ See the “Corrigendum to decision on the Applications for participation in the proceedings of applicants a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/0033/07, and a/0035/07 to a/0038/07” (Pre-Trial Chamber I), No. ICC-02/05-111-Corr, 14 December 2007.

¹⁹ See ICC-02/05-01/09-62.

crimes allegedly committed in the course of the prolonged armed conflict, not of an international nature that allegedly took place in the Darfur region between March 2003 and 14 July 2008.

- Application a/0012/06

34. The Applicant states that on April 2003 he was detained for two months by the GoS forces. The Applicant alleges to have suffered various forms of physical and verbal abuse as well as inhuman and degrading treatment until he escaped in June 2003 and returned to his hometown. He further alleges that his brother was killed by an aerial bombing by the GoS, and that he was unable to give his brother a proper burial due to the danger.

35. The Single Judge is satisfied that Applicant a/0012/06 has appended the necessary documents to prove his identity and nationality and has provided sufficient evidence to establish prima facie that he suffered physical and emotional harm as a result of the crimes allegedly committed in the course of the prolonged armed conflict, not of an international nature that allegedly took place in the Darfur region between March 2003 and 14 July 2008.

- Application a/0013/06

37. The Applicant submits that he is a member of the Zaghawa tribe. The Applicant states that in March 2003 he was taken away by GoS soldiers and imprisoned for 46 days. He submits that during his imprisonment he suffered various forms of physical and verbal abuse, as well as, inhuman and degrading treatment, until he escaped and returned to his hometown. He further alleges that at the end of August 2003, as a result of bombings from Antonov planes in his village his house, his uncle's house and his mother-in-law's house were destroyed and that his uncle and cousins died. Further he claims that his wife miscarried as they made their way to the IDP camp.

38. The Single Judge is satisfied that Applicant a/0013/06 has appended the necessary documents to prove his identity and nationality and has provided sufficient evidence to establish prima facie that he suffered physical and emotional harm and economic loss as a result of the crimes allegedly committed in the course of the prolonged armed conflict, not of an international nature that allegedly took place in the Darfur region between March 2003 and 14 July 2008.

- Application a/0015/06

40. The Applicant submits that he is a member of the Zaghawa tribe. The Applicant states that in September 2003, his village was completely destroyed by the Janjaweed Militia, his crops were burnt, some of the livestock were killed and the rest stolen.

He further states that his cousin was shot dead and that his family was able to escape from the village, but since then it became extremely difficult to support them financially.

41. The Single Judge is satisfied that Applicant a/0015/06 has appended the necessary documents to prove his identity and has provided sufficient evidence to establish prima facie that he suffered emotional harm and economic loss as a result of the crimes allegedly committed in the course of the prolonged armed conflict not of an international nature that allegedly took place in the Darfur region between March 2003 and 14 July 2008.

14. These determinations should be viewed in the context of the findings of Pre-Trial Chamber I in authorizing the issuance of a warrant of arrest of Al-Bashir and further in the context of the type of harm which would result from the commission of the crime of genocide.

15. All of these findings support the determination of Pre-Trial Chamber I that the Recognised Victims are victims of crimes within the jurisdiction of the Court which

were committed in Darfur for which Al-Bashir bears criminal responsibility. Moreover, the harm suffered by these victims and the circumstances in which this harm was inflicted are consistent with the implementation of a campaign of genocide against the Fur, Masalit and the Zaghawa groups. In fact, the events described by these Recognised Victims and the harm they and their family members have suffered is entirely consistent with the elements of the crime of genocide.²⁰ This is especially so when viewed in the context of the other findings made by Pre-Trial Chamber I that reasonable grounds exist to support the charges against Al-Bashir of crimes against humanity, including extermination. Each of the Recognised Victims has a personal interest in assuring that the Pre-Trial Chamber will apply a correct legal characterization of the criminal conduct which caused the harm they have suffered.

iii. Participation in the Proceedings on Remand is Appropriate

16. As we noted above, on 28 January 2010, the Appeals Chamber granted the second request²¹ of the Legal Representatives of Victims a/0443/09 to a/0450/09 to participate in and submit observations on the Prosecutor's appeal against the decision with respect to the charges of genocide in the application for a warrant for the arrest of Al-Bashir.²² We respectfully submit that inasmuch as those Victims and the Recognised Victims herein are similarly situated as victims in this case, and the Appeals Chamber has determined that the participation of those Victims in the Appeal was appropriate, it should follow that it is appropriate for the Recognised

²⁰ See, e.g., Elements of Crimes, Article 6(a), 6(b) and 6(c). With respect to Article 6(a), the elements include : "1. The perpetrator killed one or more persons. 2. Such person or persons belonged to a particular national, ethnical, racial or religious group. 3. The perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group, as such. 4. The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction." In addition to the common elements nos. (2)-(4), with respect to Article 6(b), the elements include "caused serious bodily or mental harm to one or more persons." With respect to Article 6(c), the elements include : "inflicted certain conditions of life upon one or more persons," which are "calculated to bring about the physical destruction of that group, in whole or in part".

²¹ See "Second Request for Participation and Observations on the Prosecution's Appeal against the Decision on the Application for a Warrant of Arrest for the Arrest of Omar Hassan Ahmad al-Bashir", No. ICC-02/05-01/09-65-Red, 4 January 2010.

²² See "Decision on the Second Application by Victims a/0443/09 to a/0450/09 to Participate in the Appeal against the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir" (Pre-Trial Chamber I), No. ICC-02/05-01/09-70, 28 January 2010.

Victims herein to participate in the issues on remand with respect to the charges of genocide.

17. The observations of the Single Judge, Pre-Trial Chamber II, in the Situation in Uganda concerning the “personal interests” criterion merit their repetition here:

9. Pursuant to article 68, paragraph 3, of the Statute, the paramount criterion for participation to be allowed is that the "personal interests" of the applicant victims have to be affected. There seems to be little doubt...that this requirement is met whenever a victim...applies for participation in proceedings following the issuance of a warrant of arrest or of a summons to appear for one or more individuals. These proceedings have a bearing on a case (i.e., one or more incidents during which one or more crimes within the jurisdiction of the Court appear to have been committed by one or more identified suspects) where the said victim was allegedly involved; subject to the need for the Chamber to determine whether the constituent elements of the definition of victim under rule 85 of the Rules are present, the fact that such a victim's personal interests are "affected" by criminal proceedings relating to the event or events in question seems incontrovertible. Indeed, commentators regard the fact "that individuals who suffered harm from a criminal conduct have a personal interest in the criminal process related to that conduct" as a self-evident assumption; accordingly, they consider that reference to "personal interests" as a condition for being allowed to present views in Court under these circumstances does nothing but mirror such assumption.²³

18. Indeed, “these interests – namely the identification, prosecution and punishment of those who have victimized them by preventing their impunity – *are at the root* of the well-established right to justice for victims of serious violations of human rights”.²⁴

19. Thus, here, the “personal interests” of these victims are plainly affected by Pre-Trial proceedings which involve the scope of the charges against (and thus will shape the trial against) the person alleged to be at the apex of the decision making

²³ See, “Decision on Victims’ Applications for Participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0011/06 to a/0127/06” (Pre-Trial Chamber II), No. ICC-02/04-101, 10 August 2007, pp. 8-9.

²⁴ See, “Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case” (Pre-Trial Chamber I), Prosecutor v. Katanga and Chui, Situation in the Democratic Republic of Congo, No. ICC-01/04-01/07, 13 May 2008, p. 19, para. 39 [emphasis added; footnotes omitted].

and implementation structures of the instrumentalities of state which are responsible for the crimes which so grievously harmed them.

20. In particular, each has been the victim of unlawful attacks against their Zaghawan villages in which everything they had was destroyed or stolen, and their friends and family members were murdered in an all-too-familiar pattern which was repeated again and again against the Fur, Masalit, and Zaghawan people. They are entitled to have the harm they have suffered and the crimes of which they were victims fully and properly evaluated under a correct legal characterization.

21. How their harm, and the circumstances under which they suffered and their family members died, will be evaluated under the law – and thus the measure of justice they will receive – will depend on the outcome of these proceedings on remand. Bluntly put, are these victims the victims of the "crime of the crimes"²⁵, or not? On this pivotal question, their voices must be heard.

iv. The Relief Requested Is “Not Prejudicial To Or Inconsistent With The Rights Of The Accused And A Fair And Impartial Trial”.

22. The Legal Representatives are of the opinion that the protection of the rights of the Defence is a fundamental principle, without which the integrity of the criminal proceedings before this Court can not be safeguarded and justice can not be done. We are aware of no decision by the Court that has held that victim participation in remand proceedings concerning the inclusion of certain charges requested by the Office of the Prosecutor within the scope of an arrest warrant would be “prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”.

23. The Legal Representatives note that the participation of victims in the proceedings before the Court is not in itself likely to affect the rights of the Defence. Indeed, as pointed out by the Judge René Blattmann, in the “Decision Relative to the Participation of Victims”, dated 18 January 2008, “both the rights of victims and that

²⁵ See, ICC-02/05-01/09-3, para. 133. "The Majority considers that the definition of the crime of genocide, so as to require for its completion an actual threat to the targeted group, or a part thereof, . . . (iii) is fully consistent with the traditional consideration of the crime of genocide as the "crime of the crimes".

of the accused are amply protected under the Statute. Further, many major legal systems are able to incorporate victims' participation into their proceedings while ensuring the rights of the accused to both a fair and expeditious proceeding.”²⁶

24. In this regard, the Legal Representatives also note that the statement of basic principles of justice for victims of crimes and abuse of power adopted by the General Assembly of the United Nations, 29 November 1985, establishes the principle of access to justice for victims and a right to fair treatment.²⁷ The participation of victims in these proceedings on remand has to do with the effective implementation of victims' rights at all stages of the proceedings, as recognized in the Rome Statute, and has no negative impact on the right of Defence.

25. Furthermore, rule 24-1 of the Rules of Procedure and Evidence²⁸ allows the Defence to respond to all documents that are submitted by applicants at any stage of the proceedings, including presentation of factual findings to the Pre-Trial Chamber. As such, the participation of victims in these proceedings is not contrary or prejudicial to the rights of the Defence, nor does it hamper or preclude the Defence from participating in this or any stage of proceedings.

26. The rights of victims are a continuation of the International Law of Human Rights and are recognized in many national systems. Participation of victims at the investigation, appeals and trial stages does not negatively affect the proceedings. Consideration of their interests is a factor that contributes to the balance of these procedures, particularly as they relate to the violation of human rights of victims themselves.

27. The participation of victims through the submission of written observations strictly directed to the issues to be decided on remand by the Appeals Chamber cannot be said to be prejudicial to the rights of the accused, nor to a fair and impartial trial.

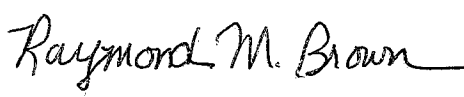
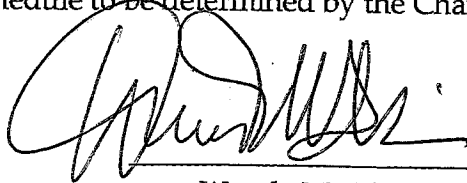
²⁶ See “Decision Relative to the Participation of Victims”, No. ICC-01/04-01/06-1119-tFRA. 18 January 2008.

²⁷ See “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” (29 November 1985), A/RES/40/34.

²⁸ See Regulations of the Court, ICC-BD/01-02-07, 24.

Conclusion

28. For the reasons set out above, the Legal Representatives of these Victims respectfully request that Pre-Trial Chamber I set forth, pursuant to the provisions of article 68(3) of the Rome Statute and rule 89(1) of the Rules of Procedure and Evidence, an order that applications for participation in this appeal be filed pursuant to a schedule to be determined by the Chamber.



Wanda M. Akin and Raymond M. Brown
Legal Representatives

Dated this 10 March 2010

Done in English

At Newark, New Jersey,

United States of America