

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04
Date: 16 August 2010

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

**Order for the submission of observations in response to a request made by the
legal representative of VPRS 3 and VPRS 6**

Decision 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

Counsel for the Defence

Legal Representatives of Victims

Me Emmanuel Daoud

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

M. Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

I, Judge Sanji Mmasenono Monageng, Judge of Pre-Trial Chamber I (“Chamber”) of the International Criminal Court (“Court”);

NOTING the “Decision on the designation of a Single Judge of Pre-Trial Chamber”, issued on 26 July 2010, whereby the Chamber designated me as Single Judge responsible for carrying out the functions of the Chamber including all the issues relating to victims’ applications for participation, in relation to the situation in the Democratic Republic of the Congo (“DRC”) and any case emanating therefrom;¹

NOTING the “Demande du représentant légal de VPRS 3 et 6 aux fins de mise en cause de Monsieur Jean-Pierre Bemba en sa qualité de chef militaire au sens de l’article 28-a du Statut pour les crimes dont ses troupes sont présumées coupables en Ituri” (“Request”),² filed on 30 June 2010 by the legal representative of victims VPRS 3 and VPRS 6, whereby he requests that the Chamber review the Prosecutor’s decision not to proceed with respect to crimes allegedly committed in Ituri;

NOTING the “Response of the Office of Public Counsel for the Defence to the «Demande du représentant légal de VPRS 3 et 6 aux fins de mise en cause de Monsieur Jean-Pierre Bemba en sa qualité de chef militaire au sens de l’article 28-a du Statut pour les crimes dont ses troupes sont présumées coupables en Ituri»”,³ filed on 15 July 2010 by the Office of Public Counsel for the Defence (“OPCD”), in which the OPCD requests the Chamber to dismiss the Request;

NOTING article 53 of the Rome Statute and regulation 28 of the Regulations of the Court;

¹ ICC-01/04-569.

² ICC-01/04-564.

³ ICC-01/04-566.

CONSIDERING that the Prosecution has not to date filed any observations in response to the Request and that such observations could be of assistance to the Chamber's consideration of the matter, and in particular of the legal representative's submissions regarding an investigation into crimes allegedly committed in Ituri by the soldiers of the "Mouvement de Libération du Congo" and an alleged decision by the Prosecutor not to charge Jean-Pierre Bemba with any of these crimes, as well as of the OPCD's submission that VPRS 3 and VPRS 6 have no standing to seize the Chamber of the Request;

FOR THESE REASONS,

ORDER the Prosecution to file observations in response to the Request by 15 September 2010.

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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Judge Sanji Mmasenono Monageng

Single Judge

Dated this 16th day of August 2010

At The Hague, The Netherlands