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No.: **ICC-01/04**
Date: **7 December 2010**

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public redacted version

**Prosecution's Observations on one additional Application for Victim Participation
in the Situation in the Democratic Republic of the Congo**

Source: Office of the Prosecutor

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

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Legal Representatives of Applicants

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Me Patrick Baudouin

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
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**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

Introduction

1. On 18 November 2010¹, the prosecution filed its “Prosecution’s Observations on 12 Applications for Victim Participation in the Situation in the Democratic Republic of the Congo”.² The Applications on which the Prosecution commented were submitted as 13 annexes (“Annexes”) to a filing of the Legal Representatives of victims in the situation.³
2. Due to a technical problem, the Prosecution’s staff member dealing with the filing could not see the content of one of the Annexes, namely Annex 3, which contained the application of victim a/0259/07. The application contained in Annex 3 was blank. Consequently, the staff member erroneously considered that an administrative mistake had occurred and that the filing only contained 12 applications.⁴
3. On 22 November 2010, the Prosecution realized its mistake.⁵ It hereby files its observations on the 13th application. The prosecution acknowledges that the observations are late and requests a variation of time-limits under Regulation 35 of the Regulations of the Court (“Regulations”), since it had not reviewed the 13th application for reasons outside its control.

Prosecution’s observations on the application a/0259/07

4. [REDACTED]. Based on the Applicant’s [REDACTED], the Prosecution submits that [REDACTED] should be granted status to participate as a victim in the situation. The Prosecution further submits that if the

¹ The Single Judge ordered the Prosecution to file its observations on the applications within 30 days following the provision of the applications (ICC-01/04-574-Conf, page 5). The Prosecution received the applications on 19 October 2010, hence the deadline to file observations was 18 November 2010.

² ICC-01/04-585-Conf.

³ ICC-01/04-565-Conf.

⁴ Although this staff member wasn’t the only one who couldn’t see the annex, some staff members could see and access the annex.

⁵ On that day, the Prosecution also informed Court Management Section of the technical problem.

Applicant wishes to act on behalf of [REDACTED] who has suffered [REDACTED], the Applicant needs to obtain the express consent of [REDACTED] and to provide proof of their relationship.

Conclusion

5. For the reasons outlined above, the Prosecution request that the Single Judge:
 - a. grants the request for variation of time-limits under Regulation 35; and
 - b. grants participation status as victim in the situation in the Democratic Republic of the Congo to Applicant a/0259/07.
6. The Prosecution contends that the Applicant must provide further information if [REDACTED] wishes to act on behalf of [REDACTED].



Luis Moreno-Ocampo, Prosecutor

Dated this 7th day of December 2010
At The Hague, The Netherlands