

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 August 2009

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF

THE PROSECUTOR v.

OMAR HASSAN AHMAD AL BASHIR ("Omar Al-Bashir")

Public Document

**Decision on the 'Legal Representative's Request to Expedite the Consideration of
Applications for Victim Status'**

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
Ms Fatou Bensouda
Mr Essa Faal

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Registrar & Deputy Registrar

Ms Silvana Arbia & Mr Didier Daniel
Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

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

NOTING the "Legal Representative's Request to Expedite the Consideration of Applications for Victims Status", filed on 27 August 2009, by the legal representative of victim's applicants a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 and a/0450/09 in the case of *The Prosecutor v. Omar Hassan Ahmad Al Bashir* ("*Omar al-Bashir*");¹

NOTING the "Report on applications to participate on the proceedings" ("the VPRS Report"), filed on 14 August 2009 as confidential and *ex-parte*, by which the Registry transmitted to the Chamber the VPRS Report on the above mentioned applications, in accordance with rule 89 of the *Rules of Procedure and Evidence* ("the Rules") and regulation 86 (5) of the *Regulations of the Court* ("the Regulations");²

NOTING article 68(3) of the *Rome Statute* ("the Statute"), rule 86 of the Rules and regulations 24(1), 34(b) and 86 of the Regulations;

CONSIDERING that according to article 68(3) of the Statute, and the established jurisprudence of the Court, in particular the Judgments of the Appeals Chamber in relation to the right of victims to participate in the proceedings, victims are entitled to participate at any stage of the procedure, since the relevant Chamber considers that they have a personal interest involved in a specific act or fact;³

¹ ICC-02/05-01/09-34

² ICC-02/05-01/09-30-Conf-Exp and Conf-Exp-Anxs 1-5

³ ICC-01/04-101-tEN-Corr; ICC-01/04-01/06-925, paras. 24-28; ICC-02/05-138, paras. 53; ICC-01/04-503, para. 92 ; ICC-01/04-01/06-1432, para.53-66; ICC-01/04-01/06-925, para. 24-28

CONSIDERING that, under rule 89(1) of the Rules, the Prosecution and the Defence are entitled to make observations concerning the applications within a time limit set by the Chamber, and that the Single Judge deems it necessary, in order to be in a position to make a decision as to whether the applicants should be granted the status of victims in the *Omar al-Bashir* Case , to give the opportunity to the Prosecution and the Defence to submit their observations on the merits of the applications;

CONSIDERING that, unless otherwise decided by the Chamber, the parties have 21 days to respond to any filing made by a party or a participant, in accordance with regulations 34(a) and (b) of the Regulations; and that in the current case there is still no Defence Counsel assigned to the suspect; that, in such case, the interests of the Defence must be ensured through the assignment of a counsel from the Office of Public Counsel for the Defence to submit its observations on the applications;

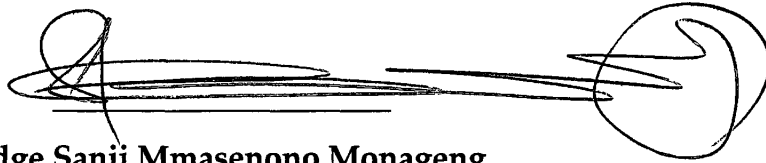
CONSIDERING finally that, in order for the Prosecution and the Defence to submit their observations on the applications for victims participation an order of the Single Judge is needed, due to the level of confidentiality attached to the VPRS Report and to the applications attached as Annexes 1-5 to the report;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY:

ORDERS the Registry to transmit to the Prosecution and the Office of Public Counsel for the Defence the applications a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 and a/0450/09 by Monday 31 August 2009;

GRANTS the Prosecution and the Office of Public Counsel for the Defence until 10 September 2009, 16h00, to submit their observations on the applications for participation.

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

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a circular flourish at the end.

Judge Sanji Mmasenono Monageng

Single Judge

Dated this Thursday 27 August 2009

At The Hague, The Netherlands