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PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public

Corrigendum to the “Decision on the Applications for Participation Filed in Connection with the Investigation in the Democratic Republic of the Congo by a/0004/06 to a/0009/06, a/0016/06 to a/0063/06, a/0071/06 to a/0080/06 and a/0105/06 to a/0110/06, a/0188/06, a/0128/06 to a/0162/06, a/0199/06, a/0203/06, a/0209/06, a/0214/06, a/0220/06 to a/0222/06, a/0224/06, a/0227/06 to a/0230/06, a/0234/06 to a/0236/06, a/0240/06, a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06”

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I, Sylvia Steiner, judge at the International Criminal Court (“the Court”);

NOTING the applications for participation in the proceedings filed by a/0004/06,¹
a/0005/06,² a/0006/06,³ a/0007/06,⁴ a/0008/06,⁵ a/0009/06,⁶ a/0016/06,⁷ a/0017/06,⁸
a/0018/06,⁹ a/0019/06,¹⁰ a/0020/06,¹¹ a/0021/06,¹² a/0022/06,¹³ a/0023/06,¹⁴ a/0024/06,¹⁵
a/0025/06,¹⁶ a/0026/06,¹⁷ a/0027/06,¹⁸ a/0028/06,¹⁹ a/0029/06,²⁰ a/0030/06,²¹ a/0031/06,²²
a/0032/06,²³ a/0033/06,²⁴ a/0034/06,²⁵ a/0035/06,²⁶ a/0036/06,²⁷ a/0037/06,²⁸ a/0038/06,²⁹
a/0039/06,³⁰ a/0040/06,³¹ a/0041/06,³² a/0042/06,³³ a/0043/06,³⁴ a/0044/06,³⁵ a/0045/06,³⁶

¹ ICC-01/04-152-Conf-Exp.

² ICC-01/04-153-Conf-Exp.

³ ICC-01/04-157-Conf-Exp.

⁴ ICC-01/04-158-Conf-Exp.

⁵ ICC-01/04-159-Conf-Exp.

⁶ ICC-01/04-160-Conf-Exp, ICC-01/04-160-Conf-Exp-Anx and ICC-01/04-317-Conf-Exp-Anx.

⁷ ICC-01/04-178-Conf-Exp.

⁸ ICC-01/04-179-Conf-Exp.

⁹ ICC-01/04-180-Conf-Exp.

¹⁰ ICC-01/04-181-Conf-Exp.

¹¹ ICC-01/04-182-Conf-Exp.

¹² ICC-01/04-183-Conf-Exp.

¹³ ICC-01/04-184-Conf-Exp.

¹⁴ ICC-01/04-185-Conf-Exp.

¹⁵ ICC-01/04-186-Conf-Exp.

¹⁶ ICC-01/04-187-Conf-Exp.

¹⁷ ICC-01/04-188-Conf-Exp.

¹⁸ ICC-01/04-189-Conf-Exp.

¹⁹ ICC-01/04-190-Conf-Exp.

²⁰ ICC-01/04-191-Conf-Exp.

²¹ ICC-01/04-192-Conf-Exp.

²² ICC-01/04-193-Conf-Exp.

²³ ICC-01/04-194-Conf-Exp.

²⁴ ICC-01/04-195-Conf-Exp.

²⁵ ICC-01/04-196-Conf-Exp.

²⁶ ICC-01/04-197-Conf-Exp.

²⁷ ICC-01/04-198-Conf-Exp.

²⁸ ICC-01/04-199-Conf-Exp.

²⁹ ICC-01/04-200-Conf-Exp.

³⁰ ICC-01/04-201-Conf-Exp.

³¹ ICC-01/04-202-Conf-Exp.

³² ICC-01/04-203-Conf-Exp.

³³ ICC-01/04-204-Conf-Exp.

³⁴ ICC-01/04-205-Conf-Exp.

³⁵ ICC-01/04-206-Conf-Exp.

³⁶ ICC-01/04-207-Conf-Exp.

a/0046/06,³⁷ a/0047/06,³⁸ a/0048/06,³⁹ a/0049/06,⁴⁰ a/0050/06,⁴¹ a/0051/06,⁴² a/0052/06,⁴³ a/0053/06,⁴⁴ a/0054/06,⁴⁵ a/0055/06,⁴⁶ a/0056/06,⁴⁷ a/0057/06,⁴⁸ a/0058/06,⁴⁹ a/0059/06,⁵⁰ a/0060/06,⁵¹ a/0061/06,⁵² a/0062/06,⁵³ a/0063/06,⁵⁴ a/0071/06,⁵⁵ a/0072/06,⁵⁶ a/0073/06,⁵⁷ a/0074/06,⁵⁸ a/0075/06,⁵⁹ a/0076/06,⁶⁰ a/0077/06,⁶¹ a/0078/06,⁶² a/0079/06,⁶³ a/0080/06⁶⁴ and a/0105/06⁶⁵ on a confidential and *ex parte* basis on 7 and 19 June 2006, 31 July 2006, 3 and 4 August 2006 and 6, 14 and 25 September 2006 in the record of the investigation of the situation in the Democratic Republic of the Congo ("DRC"), by which the applicants request to be granted the right to participate as victims in the proceedings at the investigation stage of the situation in the DRC;

NOTING also application for participation a/0106/06 filed in the record of the investigation of the situation in the DRC on 7 December 2006;⁶⁶ applications for

³⁷ ICC-01/04-208-Conf-Exp.

³⁸ ICC-01/04-171-Conf-Exp.

³⁹ ICC-01/04-172-Conf-Exp.

⁴⁰ ICC-01/04-173-Conf-Exp.

⁴¹ ICC-01/04-174-Conf-Exp.

⁴² ICC-01/04-175-Conf-Exp.

⁴³ ICC-01/04-176-Conf-Exp.

⁴⁴ ICC-01/04-215-Conf-Exp.

⁴⁵ ICC-01/04-216-Conf-Exp, ICC-01/04-216-Conf-Exp-Anx.

⁴⁶ ICC-01/04-217-Conf-Exp, ICC-01/04-217-Conf-Exp-Anx.

⁴⁷ ICC-01/04-218-Conf-Exp, ICC-01/04-218-Conf-Exp-Anx.

⁴⁸ ICC-01/04-219-Conf-Exp.

⁴⁹ ICC-01/04-220-Conf-Exp.

⁵⁰ ICC-01/04-221-Conf-Exp.

⁵¹ ICC-01/04-222-Conf-Exp.

⁵² ICC-01/04-223-Conf-Exp.

⁵³ ICC-01/04-224-Conf-Exp, ICC-01/04-224-Conf-Exp-Anx.

⁵⁴ ICC-01/04-225-Conf-Exp, ICC-01/04-225-Conf-Exp-Anx.

⁵⁵ ICC-01/04-227-Conf-Exp.

⁵⁶ ICC-01/04-231-Conf-Exp.

⁵⁷ ICC-01/04-232-Conf-Exp.

⁵⁸ ICC-01/04-233-Conf-Exp.

⁵⁹ ICC-01/04-235-Conf-Exp.

⁶⁰ ICC-01/04-234-Conf-Exp.

⁶¹ ICC-01/04-236-Conf-Exp.

⁶² ICC-01/04-237-Conf-Exp.

⁶³ ICC-01/04-238-Conf-Exp.

⁶⁴ ICC-01/04-239-Conf-Exp.

⁶⁵ ICC-01/04-240-Conf-Exp.

⁶⁶ ICC-01/04-264-Conf-Exp, ICC-01/04-264-Conf-Exp-Anx.

participation filed by a/0107/06,⁶⁷ a/0108/06,⁶⁸ a/0109/06⁶⁹ and a/0110/06⁷⁰ on 16 October 2006; application for participation filed by a/0188/06 on 21 March 2007;⁷¹ applications for participation filed by a/0128/06 to a/0162/06, a/0199/06, a/0203/06, a/0209/06 and a/0214/06 on 11 April 2004;⁷² applications for participation filed by a/0220/06 to a/0222/06, a/0224/06, a/0227/06 to a/0230/06, a/0234/06 to a/0236/06 and a/0240/06 on 23 April 2007;⁷³ as well as applications for participation filed by a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06 on 25 April 2007,⁷⁴ by which all these applicants request to be granted the right to participate in the proceedings as victims;

NOTING the *Decision authorising the filing of observations on applications for participation in the proceedings a/0004/06 to a/0009/06, a/00016/06 to a/0063/06 and a/0071/06,*⁷⁵ issued by the Chamber on 22 September 2006;

NOTING the *Decision authorising the filing of observations on applications for participation in the proceedings a/0072/06 to a/0080/06 and a/0105/06,*⁷⁶ issued by the Chamber on 29 September 2006;

NOTING the *Decision granting the Office of the Prosecutor and the Office of Public Counsel for the Defence leave to file their observations on the applications to participate a/0106/06 to a/0110/06, a/0188/06, a/0128/06 to a/0162/06, a/0199/06, a/0203/06, a/0209/06, a/0214/06, a/0220/06 to a/0222/06, a/0224/06, a/0227/06 to a/0230/06, a/0234/06 to a/0236/06, a/0240/06, a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06*

⁶⁷ ICC-01/04-265-Conf-Exp, ICC-01/04-265-Conf-Exp-Anx.

⁶⁸ ICC-01/04-266-Conf-Exp, ICC-01/04-266-Conf-Exp-Anx.

⁶⁹ ICC-01/04-267-Conf-Exp, ICC-01/04-267-Conf-Exp-Anx.

⁷⁰ ICC-01/04-268-Conf-Exp.

⁷¹ ICC-01/04-324-Conf-Exp-Anx1.

⁷² ICC-01/04-325-Conf-Exp, Annexes 1 to 40.

⁷³ ICC-01/04-326-Conf-Exp, Annexes 1 to 13.

⁷⁴ ICC-01/04-327-Conf-Exp, Annexes 1 to 20.

⁷⁵ ICC-01/04-228.

⁷⁶ ICC-01/04-241.

and a/0241/06 to a/0250/06,⁷⁷ issued by Judge Sylvia Steiner, acting as Single Judge, on 24 May 2007;

NOTING the filing entitled "*Observations du Conseil ad hoc de la Défense sur les demandes de participation à la procédure a/0004/06 à a/0009/06, a/0016/06 à a/0063/06, a/0071/06 à a/0080/06 et a/0105/06 dans le cadre de l'enquête en République démocratique du Congo*",⁷⁸ registered in the record of the investigation of the situation in the DRC on 28 November 2006, in which Ad Hoc Counsel for the Defence requests the Chamber:

- i) to grant the status of victims authorised to participate in the proceedings at the investigation stage of the situation in the DRC only to Applicants a/0004/06, a/0005/06, a/0007/06, a/0016/06, a/0018/06, a/0020/06, a/0021/06, a/0023/06, a/0025/06, a/0026/06, a/0027/06, a/0028/06, a/0031/06, a/0032/06, a/0035/06, a/0036/06, a/0038/06, a/0039/06, a/0040/06, a/0049/06, a/0050/06, a/0057/06, a/0058/06, a/0059/06, a/0060/06, a/0061/06, a/0071/06, a/0074/06, a/0075/06, a/0077/06, a/0078/06, a/0079/06, a/0080/06 and a/0105/06;
- ii) to deny application a/0046/06 on the ground that the alleged crime does not fall within the jurisdiction of the Court; application a/0072/06 on the ground that the applicant does not provide sufficient evidence of the events and the harm alleged, and applications for participation a/0006/06, a/0017/06, a/0024/06, a/0029/06, a/0030/06, a/0033/06, a/0034/06, a/0037/06, a/0041/06, a/0042/06, a/0043/06, a/0045/06, a/0047/06, a/0048/06, a/0051/06, a/0052/06, a/00054/06, a/0055/06, a/0056/06, a/0063/06, a/0073/06 and a/0076/06 on the ground that the applicants do not provide sufficient proof that they had *locus standi*;

⁷⁷ ICC-01/04-329-tEN.

⁷⁸ ICC-01/04-314-Conf; ICC-01/04-314-Conf-Anx 1-2.

- iii) to take note of his inability to submit observations concerning Applicants a/0008/06, a/0009/06, a/0019/06, a/0022/06, a/0044/06, a/0053/06 and a/0062/06 on the ground that because there was no clear indication in these applications for participation of the wish to participate at the pre-trial stage, the Chamber did not address them in its decision of 20 October 2006;⁷⁹

NOTING the filing entitled “*Observation du Bureau du conseil public pour la Défense sur les demandes de participation à la procédure en qualité des Victimes*”, registered in the record of the investigation of the situation in the DRC on 25 June 2007,⁸⁰ by which the OPCD invites the Chamber to deny applications for participation a/0106/06 to a/0110/06, a/0188/06, a/0128/06 to a/0162/06, a/0199/06, a/0203/06, a/0209/06, a/0214/06, a/0220/06 to a/0222/06, a/0224/06, a/0227/06 to a/0230/06, a/0234/06 to a/0236/06, a/0240/06, a/0225/06, a/0226/06, a/0231/06 to a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06 on the grounds:

- i) that the latter do not adhere to procedural formalities and/or do not satisfy the elements of the alleged crimes, nor do they enable them to be characterised;⁸¹ and
- ii) that the legal, jurisprudential and factual criteria for the applicants to be granted the right to participate in the proceedings as victims at the investigation stage of the situation in the DRC had not been fulfilled;⁸²

NOTING the “Prosecution’s Observations on the Applications for Participation of Applicants a/0004/06 to a/0009/06, a/0016/06 to a/0063/06, a/0071/06, a/0072/06 to a/0080/06 and a/0105/06”,⁸³ filed in the record of the investigation of the situation in

⁷⁹ ICC-01/04-01/06-601-tEN.

⁸⁰ ICC-01/04-347-Conf.

⁸¹ ICC-01/04-347-Conf, para. 121.

⁸² ICC-01/04-347-Conf, para. 124.

⁸³ ICC-01/04-315, ICC-01/04-315-Conf-Exp-Anx.

the DRC on 30 November 2006, by which the Prosecutor, in his main submission, invites the Chamber deny any application for participation of victims in the proceedings at the investigation stage of the situation and, in the alternative, grant the status of victims authorised to participate in the proceedings at the investigation stage of the situation in the DRC to all the applicants, with the exception of a/0018/06, a/0026/06, a/0027/06 and a/0038/06, on the ground that the information provided by the latter was insufficient to determine whether the crimes of which they were allegedly victims fell within the Court's temporal jurisdiction;

NOTING the Prosecution's observations concerning the applications for participation filed by a/0106/06 to a/0110/06, a/0128/06 to a/0162/06, a/0188/06, a/0199/06, a/0203/06, a/0209/06, a/0214/06, a/0220/06 to a/0222/06 and a/0224/06 to a/0250/06⁸⁴ in the record of the investigation of the situation in the DRC on 25 June 2007, by which the Prosecutor requests that the Chamber deny any application by victims to participate in the proceedings at the investigation stage of the situation;

NOTING, further, the order issued by Judge Sylvia Steiner, acting as Single Judge, on 24 August 2007 ("the Order of 24 August 2007"),⁸⁵ by which the Single Judge (i) ordered the Victims Participation and Reparations Section ("VPRS") to extract from the reports transmitted to the Chamber pursuant to regulations 86(5) and 86(6) of the *Regulations of the Court* the further information received pursuant to regulation 86(4) of the *Regulations of the Court* in respect of applications for participation a/0009/06, a/0018/06, a/0026/06, a/0027/06, a/0038/06, a/0144/06, a/0145/06, a/0148/06, a/0203/06, a/0214/06, a/0220/06, a/0221/06, a/0224/06, a/0227/06, a/0228/06, a/0229/06, a/0230/06, a/0231/06, a/0232/06, a/0233/06, a/0234/06, a/0235/06, a/0237/06, a/0238/06, a/0242/06, a/0243/06, a/0244/06, a/0245/06, a/0246/06, a/0247/06, a/0248/06, a/0249/06 and a/0250/06; (ii) ordered VPRS to transmit them to the Office of Public Counsel for the Defence with a copy of the applications concerned, and to the Prosecutor and (iii)

⁸⁴ ICC-01/04-346.

⁸⁵ ICC-01/04-376.

gave the OPCD and the Prosecutor ten days from the notification of the further information to the Prosecution and the Office of Public Counsel for the Defence to submit their observations on the applications for which further information had been transmitted;

NOTING the “Request for access to previous filings and an extension of the page limit and time limit”,⁸⁶ registered in the record of the investigation of the situation in the DRC on 29 August 2007, by which the OPCD:

- i) requests access to all filings concerning the applications which were the subject of the Order of 24 August 2007;
- ii) requests that VPRS specify the date on which the Registry received the additional information;
- iii) requests to be granted ten to thirty more days to submit its observations on the applications for which further information had been transmitted, with effect from the date on which a decision would be rendered on the above-mentioned request for access to confidential filings; and
- iv) requests an extension of the page limit;

NOTING the *Order on the request by the OPCD for access to previous filings and for extension of page and time limit*,⁸⁷ issued on 31 August 2007, by which the Single Judge:

- i) ordered the OPCD to clarify its request, in particular in relation to the alleged number of applications for which the OPCD claimed to be tasked with submitting observations, and on the basis of which the OPCD was requesting an extension of time and page limit;

⁸⁶ ICC-01/04-379.

⁸⁷ ICC-01/04-383.

- ii) ordered VPRS to specify the date on which the further information regarding the applications which were the subject of the Order of 24 August 2004 was received by the Registry;
- iii) invited the Prosecution to submit within five days its observations on the request, and in particular on the request of the OPCD for access to filings made by the Prosecution on a confidential and *ex parte* basis;
- iv) decided to suspend until otherwise ordered the time limit given to the Prosecution and to the OPCD for the filing of their observations on the applications for which further information had been received and transmitted to the parties by VPRS, pursuant to the Order of 24 August 2007;

NOTING the document entitled “*Transmission au Bureau du Procureur et au Bureau du Conseil public pour la Défense d’informations supplémentaires sur les demandes de participation, en application de l’ordonnance de la Chambre préliminaire I du 24 août 2007*”,⁸⁸ registered in the record of the investigation in the situation in the DRC on 3 September 2007, by which VPRS, *inter alia*:

- i) transmitted to the Office of the Prosecutor and to the OPCD the further information received by the Registry in respect of applications for participation a/0009/06, a/0018/06, a/0026/06, a/0038/06, a/0145/06, a/0148/06, a/0203/06, a/0214/06, a/0220/06, a/0221/06, a/0224/06, a/0227/06, a/0228/06, a/0229/06, a/0230/06, a/0231/06, a/0232/06, a/0233/06, a/0234/06; a/0235/06; a/0237/06, a/0238/06, a/0242/06, a/0243/06, a/0244/06, a/0245/06, a/0246/06, a/0247/06, a/0248/06, a/0249/06 and a/0250/06;

⁸⁸ ICC-01/04-384-Conf-Exp.

- ii) indicated that in spite of the requests for further information by VPRS pursuant to regulation 86(4) of the *Regulations of the Court*, no further information had been received in respect of applications for participation a/0027/06 and a/0144/06; and
- iii) also transmitted further information received pursuant to regulation 86(4) of the *Regulations of the Court* in respect of applications for participation a/0188/06 and a/0222/06;

NOTING the “Response to Order on the request by the OPCD for access to previous filings and for an extension of page and time limit”,⁸⁹ filed on 4 September 2007, by which the OPCD requests that the Single Judge (i) disregard its request for an extension of the page and time limit; (ii) order that access be provided to any filings pertaining to the applications which were the subject of the order of 24 August 2007; (iii) suspend the deadlines for filing observations on the applications for participation pending a judicial determination as to the OPCD’s above-mentioned request for access to confidential filings; and (iv) confirm that no additional information was provided to the Chamber in respect of applications for participation a/0027/06 and a/0144/06;

NOTING the “Prosecution’s observations on the request by the OPCD for access to previous filings and for extension of page and time limits”,⁹⁰ filed on 5 September 2007, in which the Office of the Prosecutor does not object, *inter alia*, to the requests of the OPCD as long as only the information related to applications for participation a/0009/06, a/0018/06, a/0026/06 and a/0038/06 is disclosed to the OPCD;

⁸⁹ ICC-01/04-386.

⁹⁰ ICC-01/04-387.

NOTING the *Decision on the request by the OPCD for access to confidential filings*⁹¹ issued on 11 September 2007, by which the Single Judge, *inter alia*:

- i) granted the OPCD access to the *ex parte* annex to the observations submitted by the Office of the Prosecutor on 30 November 2006 and to the observations submitted by Ad Hoc Counsel for the Defence on 28 November, to the extent that they only related to applications for participation a/0009/06, a/0018/06, a/0026/06 and a/0038/06;
- ii) ordered the Office of the Prosecutor to file, within three days, a formatted version of the *ex parte* annex to its above-mentioned observations, redacted in such a manner as to disclose only the information pertaining to applications for participation a/0009/06, a/0018/06, a/0026/06 and a/0038/06;
- iii) ordered the Registry to provide the OPCD with a redacted version of the confidential observations submitted by Ad Hoc Counsel for the Defence;
- iv) invited the OPCD and the Office of the Prosecutor to submit their observations on applications for participation a/0188/06 and a/0222/06; and
- v) set 25 September 2007 as the deadline for the filing of observations by the Office of the Prosecutor and the OPCD on applications for observation a/0009/06, a/0018/06, a/0026/06, a/0038/06, a/0145/06, a/0148/06, a/0203/06, a/0214/06, a/0220/06, a/0221/06, a/0224/06, a/0227/06, a/0228/06, a/0229/06, a/0230/06, a/0231/06, a/0232/06, a/0233/06, a/0234/06, a/0235/06, a/0237/06, a/0238/06, a/0242/06, a/0243/06, a/0244/06, a/0245/06,

⁹¹ ICC-01/04-389.

a/0246/06, a/0247/06, a/0248/06, a/0249/06 and a/0250/06, plus a/0188/06 and a/0222/06;

NOTING the filing entitled “*Observations du Bureau du Conseil public pour la Défense sur les demandes de participation conformément à l’ordonnance de la Chambre Préliminaire en date du 24 août 2007 ‘Order concerning the transmission of further information on victims’ application’*”,⁹² submitted on 25 September 2007, by which the OPCD requests (i) as its main submission, that the Single Judge declare inadmissible the further information disclosed by VPRS and the corresponding applications, as well as applications for participation a/0009/06, a/0018/06, a/0026/06 and a/0038/06 due to defects as to form, procedural irregularities and failure to follow the jurisprudence of the Court, and, (ii) in the alternative, that the Single Judge deny all the applications for participation on the ground that the applicants did not meet the requirements of article 68(3) of the the Statute and rule 85(a) of the *Rules of Procedure and Evidence*;

CONSIDERING articles 11, 12, 13, 21(2), 57(3)(c), 58, 61 and 68 of the *Rome Statute* (“the Statute”), rules 16, 85, 87, 89, 90, 91 and 92 of the *Rules of Procedure and Evidence* (“the Rules”), and regulation 86 of the *Regulations of the Court*;

RENDER THE FOLLOWING DECISION:

⁹² ICC-01/04-398-Conf.

I. Introduction

1. The Single Judge considers that the observations and requests filed by the OPCD and the Office of the Prosecutor raise a number of substantive and procedural issues concerning, on the one hand, the participation of victims in the proceedings at the investigation stage of a situation (1) and, on the other hand, the process followed to review applications submitted by persons wishing to be granted victim status in a situation (2).

1. Preliminary observations on the participation of victims at the investigation stage of a situation

2. In the *Decision on the applications for participation in the proceedings of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6* (“the Decision on victims’ participation”) the Chamber set down the basic principles and criteria for victim participation in the proceedings at the investigation stage of a situation.

3. In that decision, the Chamber considered that it was not necessary to determine in any great detail at this stage of the proceedings the precise nature of the causal link between the crime and the alleged harm⁹³ and that the determination of a single instance of harm suffered was sufficient.⁹⁴ Moreover, the Appeals Chamber noted that in rendering a decision, the Chamber must not necessarily recite each and every factor that was before it, but must “identify which facts it found to be relevant in coming to its conclusion”.⁹⁵

4. Furthermore, the Single Judge considers that at this stage of the proceedings, it is sufficient for her to consider whether the applicants seeking to be granted the status of victims authorised to participate in the proceedings at the investigation stage of the relevant situation have established that there are grounds to believe that

⁹³ ICC-01/04-101, para. 94.

⁹⁴ ICC-01/04-101, para. 82.

⁹⁵ ICC-01/04-01/06-773 OA5, para. 20.

the harm they suffered is the result of a crime within the jurisdiction of the Court, and that the crime was committed within the temporal, geographical and, as the case may be, personal parameters of the said situation.

5. In this context, the Single Judge recalls that a) the investigation stage of a situation and the pre-trial stage of a case are appropriate stages of the proceedings for victim participation as provided for in article 68(3) of the Statute; and that b) it is therefore possible to have the status of victim authorised to participate in situation- and case-related proceedings before the Pre-Trial Chamber.⁹⁶ Furthermore, the Chamber also held that a) article 68(3) of the Statute grants discretion to the Chamber to determine the modalities of participation which are attached to such status; and b) that the Chamber must exercise its discretion to delineate the modalities of participation “in a manner which is not prejudicial to or inconsistent with the rights of the accused”.⁹⁷

2. Process followed to review applications submitted by persons wishing to be granted victim status in a situation

6. In its observations dated 25 June 2007 and 25 September 2007, the OPCD raises a number of previously settled issues regarding the procedure for reviewing applications for participation.

7. In this regard, the Single Judge wishes to recall that the limited object and purpose of the application for participation procedure explains why a) regulation 86(2)(e) of the *Regulations of the Court* only requires that participants use standard forms and that their applications contain the enumerated items, including any relevant supporting documentation, “to the extent possible”; and b) the Chamber’s “only obligation under rule 89(1) of the Rules is to order the Registrar to provide the

⁹⁶ ICC-02/05-110, para. 2; ICC-01/04-417, para. 2. See also ICC-01/04-100-Conf-Exp-tEN-Corr, paras. 55 to 64; ICC-01/04-01/06-162-Conf-Exp-tEN and ICC-01/04-170-Conf-Exp-tENG.

⁹⁷ ICC-02/05-110, para. 2; ICC-01/04-417, para. 2. See also ICC-01/04-100-Conf-Exp-tEN-Corr, ICC-01/04-01/06-162-Conf-Exp-tEN and ICC-01/04-170-Conf-Exp-tENG.

Prosecution and the Defence with copies of the applications, such that they may make observations on the applications within a time limit set by the Chamber.”⁹⁸ Hence, “rule 89 of the Rules does not require the Chamber to provide, or to order the applicants to provide, to the Prosecution or the Defence, for the purpose of submitting their observations, information extrinsic to the applications themselves”.⁹⁹ The Single Judge further recalls that this is without prejudice to the Chamber’s power, pursuant to regulation 86(7) of the *Regulations of the Court*, to request, where necessary, additional information from applicants before deciding on their application,¹⁰⁰ and that in its decision of 17 August 2007, the Chamber outlined the information that had to be provided by applicants for the Chamber to decide on an application.¹⁰¹

8. Moreover, the Single Judge also recalls that a) the sole purpose of the application for participation procedure is to determine whether the applicants can be granted the status of victims authorised to participate in the relevant proceedings and b) that, under rule 89 of the Rules and regulation 86 of the *Regulations of the Court*, applicants are not required to exhaust all domestic remedies, contrary to the provisions of article 35 of the *European Convention on Human Rights* and article 46 of the *American Convention on Human Rights*. Accordingly, the applicants should not, contrary to the submission of the OPCD, be required to indicate that they have not simultaneously submitted a claim before another body or court.¹⁰²

9. Likewise, in its observations filed on 27 September 2007, the OPCD also requested that the Single Judge reject *in limine litis* the further information provided by VPRS on several grounds, including (i) its format, and (ii) the date on which it was transmitted. In this regard, the OPCD maintains that the further information

⁹⁸ ICC-02/05-110, para. 14; ICC-01/04-417, para. 15.

⁹⁹ ICC-02/05-110, para. 15; ICC-01/04-417, para. 16.

¹⁰⁰ ICC-02/05-110, para. 16; ICC-01/04-417, para. 17.

¹⁰¹ ICC-01/04-374, para. 12.

¹⁰² ICC-02/05-110, para. 12.

filed in the record of the investigation of the situation in the DRC by VPRS should have adhered to the “principle of parallelism of forms” and that therefore all transmission of further information in respect of an application for participation should be made principally by way of an addendum or corrigendum signed by the person who initially made the application for participation. The OPCD deplores in particular the fact that the information as filed by VPRS does not allow this to be ascertained, or indeed to be known, whether the applicant in question reviewed the said addendum or corrigendum. Furthermore, the OPCD maintains that this further information was placed in the record of the investigation after the hearing to confirm the charges against Thomas Lubanga Dyilo and that it therefore affords the applicants [TRANSLATION] “the option [...] to amend their initial allegations to tailor them conveniently to a decision confirming the charges.”¹⁰³ Accordingly, the OPCD challenges the credibility of such further information.

10. In this regard, the Single Judge notes that the further information was collected and placed in the record of the investigation of the situation in the DRC by VPRS, which is part of the Registry. This further information received pursuant to regulation 86(4) of the *Regulations of the Court* was first included in and/or appended to the reports of the Registry transmitted to the Chamber pursuant to regulations 86(5) and 86(6) of the *Regulations of the Court*. The Registry subsequently transmitted this further information to the Prosecutor and the OPCD pursuant to the Order of 24 August 2007.

11. The Single Judge further recalls that pursuant to regulations 86(4) and 86(7) of the *Regulations of the Court*, the Registrar may in particular request further information from the victims to ensure that the application contains, to the extent possible, the information referred to in regulation 86(2) of the *Regulations of the Court*, and that the Chamber may do likewise, with the assistance of the Registry if necessary, before deciding on an application for participation. Here, the Single Judge

¹⁰³ ICC-01/04-398-Conf, para. 33.

is of the opinion that regulations 86(4) and 86(7) of the *Regulations of the Court* do not make the transmission of such information contingent upon specific time limits and that accordingly, the mere fact of their transmission subsequent to particular stages of the proceedings, such as hearings or decisions confirming charges, cannot be taken to impinge on their credibility in any way.

12. In this instance, the Single Judge emphasises that the further information was requested by VPRS, which is the specialised unit under the authority of the Registrar responsible for victim participation and reparations. Furthermore, according to the applications for participation in question, the applicants, their legal representatives or the intermediaries who assisted the applicants in submitting their applications for participation transmitted, either orally or in writing, the further information which was consecutively included in or appended to the report transmitted by the Registrar to the Chamber pursuant to regulation 86 of the *Regulations of the Court*. The Single Judge further emphasises that due to the security situation on the ground, and in order to avoid endangering the applicants, VPRS contacted these persons in order to obtain this further information. Under the circumstances, the Single Judge is of the opinion that the further information gathered and filed in the record of the investigation of the situation in the DRC by VPRS is admissible.

13. To conclude, the OPCD also requests that the applications for participation be rejected on the ground that they are patently incomplete. The Single Judge recalls, *inter alia*, the decision issued by the Chamber on 17 August 2007 in which it specifically defined what it considered to be complete applications.¹⁰⁴ The Single Judge will review the applications for participation in light of the above-mentioned decision, and intends to commence with the applications for participation that she deems incomplete. In this regard, the Single Judge recalls that the Chamber has a duty to ensure the expeditiousness of the proceedings and that pursuant to rule

¹⁰⁴ ICC-01/04-374, para. 12.

89(4), it may consider the applications for participation in such a manner as to ensure the effectiveness of the proceedings and may issue one decision.

II. Incomplete applications for participation

14. The Single Judge recalls that she can thoroughly assess the applications for participation only once they are duly complete;¹⁰⁵ the Single Judge must therefore receive from the applicants all the necessary information referred to in the standard forms pursuant to regulation 86(2) of the *Regulations of the Court*. Accordingly, an application for participation is considered to be complete if it contains the following information:¹⁰⁶

- (i) the identity of the applicant;
- (ii) the date of the crime(s);
- (iii) the location of the crime(s);
- (iv) a description of the harm suffered as a result of the commission of any crime within the jurisdiction of the Court;
- (v) proof of identity;
- (vi) if the application is made by a person acting with the consent of the alleged victim, the express consent of the victim;
- (vii) if the application is made by a person acting on behalf of the alleged victim, in the case of a victim who is a child, proof of kinship or legal guardianship, in the case of a victim who is disabled, proof of legal guardianship;

¹⁰⁵ ICC-01/04-374, para. 6.

¹⁰⁶ ICC-01/04-374, para. 12.

(viii) a signature or thumb print of the applicant on the document, at the very least, on the last page of the application.

15. Pre-Trial Chamber I has also recognised that it is necessary for all persons applying to participate in the early stage of the proceedings as victims before the Court to submit the required identification documents.¹⁰⁷ However, the Chamber also emphasised its awareness that in regions which have been ravaged by conflict, not all civil status records may be available, and if available, may be too difficult or expensive to obtain¹⁰⁸ and that accordingly, as indeed the Single Judge of Pre-Trial Chamber II stated, “it would be inappropriate to expect applicants to be able to provide a proof of identity of the same type as would be required of individuals living in areas not experiencing the same kind of difficulties”.¹⁰⁹ The Chamber has thus decided to allow the submission of the following documents:¹¹⁰

- (i) national identity card, passport, birth certificate, death certificate, marriage certificate, family registration booklet, will, driving licence, card from a humanitarian agency;
- (ii) voting card, student identity card, pupil identity card, letter from a local authority, camp registration card, documents pertaining to medical treatment, employee identity card, baptism card;
- (iii) certificate/attestation of loss of documents (loss of official documents), school documents, church membership card, association and political party membership card, documents issued in rehabilitation centres for children associated with armed groups, certificate of nationality, pension booklet; or

¹⁰⁷ ICC-01/04-374, para. 13.

¹⁰⁸ ICC-01/04-374, para. 13.

¹⁰⁹ ICC-02/04-101, para. 16.

¹¹⁰ ICC-01/04-374, para. 15

- (iv) a statement signed by two witnesses attesting to the identity of the applicant or the relationship between the alleged victim and the person acting on his or her behalf, providing that there is consistency between the statement and the application. The statement should be accompanied by proof of identity of the two witnesses.

16. The Single Judge notes that although all the applications for participation considered in this decision provide the name of the applicant, the name of the location where the crimes were allegedly committed, and a description of the harm suffered, some of them are incomplete for various reasons that the Single Judge will examine in turn.

1. Proof of identity

- a) Applicants acting on their own behalf

17. The Single Judge notes that Applicants a/0005/06, a/0019/06, a/0027/06, a/0038/06, a/0143/06, a/0153/06, a/0155/06, a/0156/06, a/0157/06, a/0159/06, a/0203/06, a/0220/06, a/0222/06, a/0224/06, a/0227/06, a/0229/06, a/0230/06, a/0234/06, a/0236/06 and a/0240/06 acting on their own behalf, provide no documentation in support of their application for participation. As a result, the Single Judge is not in a position to establish their identities and their applications for participation cannot be considered to be complete.

18. Furthermore, the Single Judge notes that as concerns application for participation a/0036/06, the date of birth appearing on the voting card provided by the applicant is not consistent with the one she indicates in Part A of the standard participation form, and that accordingly, the identity of the applicant has not been duly established and therefore the Single Judge cannot consider this application for participation.

b) Applicants acting with the consent of the alleged victim

19. The Single Judge is of the opinion that where an application for participation is submitted by a person acting with the consent of the alleged victim, it must contain:

- (i) the express consent of the alleged victim;
- (ii) proof of identity of the alleged victim; and
- (iii) proof of identity of the person acting on the victim's behalf.

20. In application for participation a/0004/06, the Single Judge notes that there is no express consent from the alleged victim, on the one hand, and, on the other hand, that no proof of identity is provided for either the alleged victim or the person acting on the victim's behalf. Accordingly, application for participation a/0004/06 cannot be considered to be complete.

21. The Single Judge notes that application for participation a/0035/06 appears to have been submitted by the son of the alleged victim. However, it would appear that the alleged victim is still alive. And yet the Single Judge notes the absence of any express consent on the part of the alleged victim that the alleged son act on the victim's behalf, or if the victim is disabled, proof of guardianship. Accordingly, application for participation a/0035/06 cannot be considered to be complete. Furthermore, the Single Judge observes that only one document – a voting card – is appended to application for participation a/0035/06. Since this only allows the identity of the applicant, rather than that of the alleged victim, to be established, application for participation a/0035/06 is equally incomplete in this regard.

22. Furthermore, although applications for participation a/0073/06, a/0074/06, a/0075/06, a/0076/06, a/0077/06, a/0078/06, a/0079/06, a/0080/06 and a/0110/06 were

submitted by persons acting with the express consent of the alleged victim, they are not supported by any identification document of the alleged victim and/or the person acting on the victim's behalf. Accordingly, since the Single Judge is not in a position to establish the identity of the alleged victim and/or the person acting on his or her behalf, these applications for participation cannot be considered to be complete.

c) Applicants acting on behalf of a deceased close relation

23. The Single Judge notes that a number of applications for participation were submitted on behalf of deceased close relations of the applicants. Furthermore, some of these applicants are acting not only on behalf of deceased close relations, but also allege in their applications for participation that they themselves personally suffered harm. In this regard, the Single Judge notes that Applicants a/0017/06 and a/0029/06 are acting only on behalf of deceased close relations while Applicants a/0007/06 a/0008/06, a/0009/06, a/0020/06, a/0023/06, a/0024/06, a/0030/06, a/0033/06, a/0034/06, a/0037/06, a/0039/06, a/0041/06, a/0042/06, a/0043/06, a/0044/06, a/0053/06 a/0054/06 a/0055/06, a/0056/06, a/0057/06, a/0058/06, a/0059/06, a/0060/06, a/0061/06 to a/0063/06, a/0072/06, a/0130/06, a/0131/06, a/0133/06, a/0136/06 to a/0139/06, a/0144/06, a/0145/06, a/0148/06, a/0151/06, a/0154/06, a/0158/06, a/0160/06, a/0209/06 and a/0214/06 are not only acting on behalf of a deceased close relation, but also allege in their applications for participation to have personally suffered harm.

24. The Single Judge recalls that rule 89(3) of the Rules states that an application for participation may be made by a person acting on behalf of the victim concerned with the victim's consent, or on the victim's behalf in the case of a child or a disabled person. However, no provision permits the submission of an application for participation on behalf of a deceased person. Rule 89(3) authorises the submission of an application for participation on a person's behalf provided the person consents. The Single Judge notes that such consent cannot be given by a deceased person. She

is therefore of the opinion that deceased persons cannot be considered to be natural persons within the meaning of rule 85(a). However, close relations of deceased and disappeared persons may be considered to be victims under the Statute, the Rules, and the *Regulations of the Court* provided they fulfil the necessary criteria.¹¹¹

25. Accordingly, applications for participation a/0017/06 and a/0029/06 are not admissible, while the following applications for participation, in which the applicants are not only acting on behalf of a deceased family member, but also allege that they suffered personal harm, are considered admissible: a/0007/06 a/0008/06, a/0009/06, a/0020/06, a/0023/06, a/0024/06, a/0030/06, a/0033/06, a/0034/06, a/0037/06, a/0039/06, a/0041/06, a/0042/06, a/0043/06, a/0044/06, a/0053/06, a/0054/06, a/0055/06, a/0056/06, a/0057/06, a/0058/06, a/0059/06, a/0060/06, a/0061/06 to a/0063/06, a/0072/06, a/0130/06, a/0131/06, a/0133/06, a/0136/06 to a/0139/06, a/0144/06, a/0145/06, a/0148/06, a/0151/06, a/0154/06, a/0158/06, a/0160/06, a/0209/06 and a/0214/06. In this respect, the Single Judge notes, however, that she will only consider these applications insofar as they relate to the harm allegedly suffered by the applicant, and not to the harm suffered by the deceased member of the applicant's family on whose behalf the applicant is acting.

26. The Single Judge also notes that amongst the applications for participation considered admissible, Applicants a/0006/06, a/0020/06, a/0037/06, a/0039/06, a/0043/06, a/0144/06, a/0154/06, a/0158/06, a/0160/06 and a/0214/06 provide no documentation attesting to their identity in support of their application. Accordingly, the Single Judge is not in a position to establish their identity, and their applications for participation cannot be considered to be complete. Furthermore, the Single Judge notes that Applicant a/0054/06 did not place his signature or thumb print, at the very least, on the last page of his application for participation form. Lastly, Applicant a/0059/06 appended his voting card and two attestations of birth in his name amongst other items. The Single Judge notes that only the date of birth

¹¹¹ ICC-02/05-111, paras. 35 and 36.

indicated on one of the attestations of birth is consistent with the date indicated in the application for participation form. Accordingly, the Single Judge is not in a position to establish the identity of Applicant a/0059/06 and his application for participation cannot be considered to be complete.

2. Placing of the signature or thumb print of the applicant, at the very least, on the last page of the application (Part J of the participation form)

27. The Single Judge considers that the signature or thumb print of the applicant must appear, at the very least, in Part J of the standard participation form.¹¹²

28. The Single Judge notes that the OPCD contended that some of the applications for participation should be rejected due to serious doubts as to the authenticity of the signatures of some applicants. The OPCD points out that while applications for participation a/0026/06 and a/0038/06 were submitted by different, unrelated applicants, they bear the same signature. The OPCD further indicates that the signatures of Applicants a/0026/06 and a/0038/06 in Part J of the forms is different from the signature placed at the bottom of the pages of the forms. The OPCD submits that in the absence of an explanation from the applicants, these inconsistencies cast doubt on the credibility of the applicants, and accordingly invites the Single Judge to reject their applications.¹¹³

29. The Single Judge notes that Applicants a/0026/06 and a/0038/06 were assisted by the same person, just as, amongst others, were Applicants a/0021/06, a/0024/06, or indeed a/0025/06.¹¹⁴ She further recalls that an application for participation is considered to be complete when the applicant places his signature or thumb print at the very least on the last page (Part J of the form). The Single Judge notes that the signature placed on the relevant applications for participation is that of the person

¹¹² ICC-01/04-374, para. 12.

¹¹³ ICC-01/04-398-Conf, para. 34.

¹¹⁴ Part J of the applications for participation.

who assisted the applicants and that the signatures which appear in Part J of the applications for participation in question are those of the respective applicants.

30. Furthermore, the Single Judge notes that Applicant a/0139/06 did not place his signature or thumb print on the last page of the application for participation and that therefore, the application for participation cannot be considered to be complete.

3. Evidence of *locus standi* where the applicant is acting on behalf of a child

31. The Single Judge recalls that an application for participation submitted by a person acting on behalf of the alleged victim, in the case of a victim who is a child, should include:

- i) proof of kinship; or
- ii) proof of guardianship or legal guardianship.

32. Applicant a/0131/06 is acting on behalf of a minor child whom he claims to be his son, but no document attached to his application for participation enables the Single Judge to ascertain his kinship with the child or his *locus standi* to act on his behalf. The Single Judge further notes that Applicant a/0131/06 submitted a document as proof of his identity, but no document proving the identity of his alleged son. Accordingly, application for participation a/0131/06 cannot be considered to be complete.

33. Applicant a/0076/06 is acting on behalf of a minor child. However, as evidenced by the application for participation, he does not appear to be one of the parents of the child and provides no material in support of his *locus standi* to act on behalf of the said child, or any document that would enable his and the child's identity to be established. Accordingly, application for participation a/0076/06 cannot be considered to be complete.

4. The date of the alleged events

34. Applicant a/0027/06 does not specify in her statement the date of the events alleged and has not responded to requests for information from the Registry. The Single Judge is therefore not in a position to ascertain whether the events in question are within the jurisdiction of the Court. Accordingly, application for participation a/0027/06 cannot be considered to be complete.

III. Review of the complete applications for participation

1. Natural persons

a) Applicable law

35. Rule 85(a) defines the term “victims” as follows:

‘Victims’ means natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court.

36. The Single Judge considers that rule 85(a) of the Rules sets out four criteria necessary for granting victim status regardless of the stage of the proceedings at which the applicants wish to participate, as follows: (i) the victim must be a natural person;¹¹⁵ (ii) he or she must have suffered harm; (iii) the crime from which the harm arises must be within the jurisdiction of the Court; and (iv) there must be a causal link between the crime and the harm.

37. To fall within the jurisdiction of the Court, a crime must meet the following conditions: it must be included in the crimes enumerated in article 5 of the Statute, that is to say, the crime of genocide, crimes against humanity and war crimes; it

¹¹⁵ ICC-01/04-101, para. 80.

must meet the conditions stipulated in article 11 of the Statute; and lastly, the crime must meet one of the two conditions set out in article 12(2) of the Statute.¹¹⁶

38. Furthermore, at the investigation stage, the causal link required by rule 85(a) of the Rules is established where the victim and, as the case may be, close relations or the dependants of the direct victim, provide sufficient evidence to establish grounds to believe that the harm suffered results from the commission of a crime falling within the jurisdiction of the Court.

b) The applications for participation

- Applications for participation a/0007/06 and a/0008/06

39. The Single Judge notes that applications for participation a/0007/06 and a/0008/06 were submitted by the same person, who alleges personal harm in each of these applications.

40. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0007/06 suffered mental and material harm, especially as a result of the death of her son, who was killed by the members of an armed group, and the destruction of her plots of land by these same persons. The Single Judge considers that there are grounds to believe that Applicant a/0007/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

41. Furthermore, the Single Judge is of the opinion that there are also grounds to believe that Applicant a/0008/06 suffered mental harm, especially as a result of the death of her other son, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0008/06 suffered

¹¹⁶ ICC-01/04-101, paras. 83 to 93.

harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0009/06

42. Applicant a/0009/06 is acting on his own behalf.

43. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0009/06 suffered physical and mental harm, especially as a result of the death of his son, who was killed by a member of an armed group, and the pillaging of his property by members of the same armed group. The Single Judge considers that there are grounds to believe that Applicant a/0009/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0016/06

44. Applicant a/0016/06 is acting on her own behalf.

45. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0016/06 suffered physical and mental harm, especially as a result of her rape and other forms of sexual violence and mistreatment inflicted on her by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0016/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0018/06

46. Applicant a/0018/06 is acting on her own behalf.

47. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0018/06 suffered physical, mental and material harm, especially as a result of her rape and the rape of her daughter aged three years as well as the murder of her children and the pillaging of her property by members of an armed group, who also burnt down her home. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0018/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0021/06

48. Applicant a/0021/06 is acting on his own behalf.

49. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0021/06 suffered material harm, especially as a result of the destruction of his home by members of an armed group. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0021/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0022/06

50. Applicant a/0022/06 is acting on his own behalf.

51. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0022/06 suffered physical and material harm, especially as a result of the pillaging of his shop and the theft of some of his property by members of armed groups, as well as of the torture to which he was subjected by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0022/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0023/06

52. Applicant a/0023/06 is acting on her own behalf.

53. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0023/06 suffered mental harm, especially as a result of the death of her husband, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0023/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0024/06

54. Applicant a/0024/06 is acting on her own behalf.

55. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0024/06 suffered mental harm, especially as a result of the death of her son, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0024/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0025/06

56. Applicant a/0025/06 is acting on his own behalf.

57. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0025/06 suffered material harm, especially as a result of the destruction of his home and all his property by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0025/06 suffered harm as

a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0026/06

58. Applicant a/0026/06 is acting on her own behalf.

59. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0026/06 suffered physical, mental and material harm, especially as a result of her rape in the presence of her husband and the pillaging of her property by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0026/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0028/06

60. Applicant a/0028/06 is acting on her own behalf.

61. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0028/06 suffered physical and mental harm, especially as a result of her rape and the rape of her daughter by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0028/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0030/06

62. Applicant a/0030/06 is acting on behalf of a deceased niece, and also alleges personal harm in his application for participation.

63. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0030/06 suffered mental harm, especially as a result of the death of his niece, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0030/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

▪ Application for participation a/0031/06

64. Applicant a/0031/06 is acting on her own behalf.

65. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0031/06 suffered physical and mental harm, especially as a result of her rape in the presence of her husband, the pillaging of her property, and the mistreatment of her husband by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0031/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

▪ Application for participation a/0032/06

66. Applicant a/0032/06 is acting on her own behalf.

67. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0032/06 suffered physical and mental harm, especially as a result of her rape by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0032/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0033/06

68. Applicant a/0033/06 is acting on her own behalf.

69. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0033/06 suffered mental harm, especially as a result of the death of her cousin, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0033/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0034/06

70. Applicant a/0034/06 is acting on her own behalf.

71. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0034/06 suffered mental harm, especially as a result of the death of her nephew, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0034/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0040/06

72. Applicant a/0040/06 is acting on her own behalf.

73. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0040/06 suffered physical and mental harm, especially as a result of the bullet wounds she sustained during an attack by an armed group, in the course of which her husband was killed and her son wounded. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0040/06 suffered harm as a

result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0041/06

74. Applicant a/0041/06 is acting on her own behalf.

75. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0041/06 suffered mental harm, especially as a result of the death of her younger brother, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0041/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0042/06

76. Applicant a/0042/06 is acting on her own behalf.

77. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0042/06 suffered mental and material harm, especially as a result of the death of her younger brother and her mother, who were killed by members of an armed group, and the pillaging of their home by these persons. The Single Judge considers that there are grounds to believe that Applicant a/0042/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0044/06

78. Applicant a/0044/06 is acting on her own behalf.

79. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0044/06 suffered mental harm, especially as a result of the death of her

husband, who was killed by a member of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0044/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0045/06

80. Applicant a/0045/06 is acting on his own behalf.

81. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0045/06 suffered physical and material harm, especially as a result of his successive arrests and the pillaging of his restaurant by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0045/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0046/06

82. Applicant a/0046/06 is acting on his own behalf.

83. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0046/06 suffered material and harm, especially as a result of the destruction of his home by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0046/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0053/06

84. Applicant a/0053/06 is acting on her own behalf.

85. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0053/06 suffered mental and material harm, especially as a result of the death of her father, who was killed by members of an armed group, the disappearance of her mother and brother, the pillaging of their property and the destruction of their home by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0053/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0055/06

86. Applicant a/0055/06 is acting on her own behalf.

87. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0055/06 suffered mental and material harm, especially as a result of the death of her son, the pillaging of her property, and the destruction of her home by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0055/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0056/06

88. Applicant a/0056/06 is acting on her own behalf.

89. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0056/06 suffered mental and material harm, especially as a result of the death of her son, who was killed by members of an armed group after his abduction, and the pillaging of their property and the destruction of their home by members of an armed group. The Single Judge considers that there are grounds to believe that

Applicant a/0056/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0057/06

90. Applicant a/0057/06 is acting on her own behalf.

91. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0057/06 suffered mental and material harm, especially as a result of the death of her children, who were killed by members of an armed group, and the pillaging of their property and the destruction of their home during an attack by members of the said armed group. The Single Judge considers that there are grounds to believe that Applicant a/0057/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0058/06

92. Applicant a/0058/06 is acting on his own behalf.

93. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0058/06 suffered mental and material harm, especially as a result of the death of his wife, who was killed during an attack on the house where she had sought refuge with her son, by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0058/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0060/06

94. Applicant a/0060/06 is acting on her own behalf.

95. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0060/06 suffered mental harm, especially as a result of the death of her son, who was killed by members of an armed group who set fire to the house where he had sought refuge, and the pillaging and destruction of her property. The Single Judge considers that there are grounds to believe that Applicant a/0060/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

▪ Application for participation a/0061/06

96. Applicant a/0061/06 is acting on his own behalf.

97. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0061/06 suffered mental harm, especially as a result of the death of his sister, who was killed during an attack by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0061/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

▪ Application for participation a/0062/06

98. Applicant a/0062/06 is acting on his own behalf.

99. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0062/06 suffered mental and material harm, especially as a result of the death of his brother, who was killed by members of an armed group, and the pillaging of their property and destruction of their homes during an attack by members of the armed group. The Single Judge considers that there are grounds to believe that Applicant a/0062/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0063/06

100. Applicant a/0063/06 is acting on her own behalf.

101. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0063/06 suffered mental harm, especially as a result of the death of her nephew, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0063/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0071/06

102. Applicant a/0071/06 is acting on his own behalf.

103. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0071/06 suffered physical harm, especially as a result of bullet wounds inflicted on him by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0071/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0072/06

104. Applicant a/0072/06 is acting on his own behalf.

105. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0072/06 suffered mental harm, especially as a result of the death of his brother, who was killed by a member of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0071/06 suffered harm as a result

of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

▪ Application for participation a/0105/06

106. The Single Judge recalls that persons who have been granted the status of victims authorised to participate in the proceedings in a case arising from the situation in the DRC are also authorised to participate in proceedings pertaining to the investigation of the situation in the DRC insofar as the crimes alleged in the case are concerned.¹¹⁷

107. In this regard, it should be noted that Applicant a/0105/06 was granted the status of victim authorised to participate in the proceedings in the case of *The Prosecutor v. Thomas Lubanga Dyilo*¹¹⁸ and that accordingly, the status of victim in the proceedings pertaining to the investigation of the situation in the DRC must also be granted to him, in particular with regard to the crimes alleged in the case.

▪ Application for participation a/0106/06

108. Applicant a/0106/06 is acting on his own behalf.

109. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0106/06 suffered mental and material harm, especially as a result of the death of his father and brother, who were killed by members of an armed group, and the pillaging of their property and the destruction of their home by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0106/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

¹¹⁷ ICC-01/04-177, p. 13

¹¹⁸ ICC-01/04-01/06-601

- Application for participation a/0107/06

110. Applicant a/0107/06 is acting on his own behalf.

111. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0107/06 suffered mental and material harm, especially as a result of the death of his brother, who was killed by members of an armed group, and the pillaging of his home and land during an attack on his village by an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0107/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0108/06

112. Applicant a/0108/06 is acting on his own behalf.

113. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0108/06 suffered mental and material harm, especially as a result of the attack on his home by members of an armed group. These persons allegedly gathered his family in his home, then killed his wife, after which they proceeded to pillage his property. The Single Judge considers that there are grounds to believe that Applicant a/0108/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0109/06

114. Applicant a/0109/06 is acting on her own behalf.

115. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0109/06 suffered physical, mental and material harm, especially as a result of the attack on her village, the pillaging of her home and the death of her

father, who was tortured and killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0109/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Applications for participation a/0128/06, a/0129/06, a/0132/06, a/0134/06, a/0135/06, a/0140/06, a/0141/06, a/0142/06, a/0146/06, a/0147/06, a/0149/06, a/0150/06, a/0152/06, a/0161/06, a/0162/06 and a/0199/06.

116. The Single Judge is of the opinion that there are grounds to believe that Applicants a/0128/06, a/0129/06, a/0132/06, a/0134/06, a/0135/06, a/0140/06, a/0141/06, a/0142/06, a/0146/06, a/0147/06, a/0149/06, a/0150/06, a/0152/06, a/0161/06, a/0162/06 and a/0199/06 suffered material damage, especially as a result of the pillaging of their property and the destruction of their homes during the attack on their village by members of an armed group. The Single Judge considers that there are grounds to believe that Applicants a/0128/06, a/0129/06, a/0132/06, a/0134/06, a/0135/06, a/0140/06, a/0141/06, a/0142/06, a/0146/06, a/0147/06, a/0149/06, a/0150/06, a/0152/06, a/0161/06, a/0162/06 and a/0199/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Applications for participation a/0130/06 and a/0131/06

117. The Single Judge notes that applications for participation a/0130/06 and a/0131/06 were submitted by the same person. This applicant is acting not only on behalf of his deceased close relations, but also on his own behalf. The Single Judge reiterates that she will only consider his applications for participation insofar as they pertain to the harm alleged by the applicant on his own behalf.

118. The Single Judge is of the opinion that there are grounds to believe that applications for participation a/0130/06 and a/0131/06 show that the applicant

suffered mental and material harm, especially as a result of the death of his sons, who were killed by members of an armed group, and the pillaging of his property and the destruction of his home by members of the armed group. The Single Judge considers that there are grounds to believe the applicant (applications for participation a/0130/06 and a/0131/06) suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0133/06

119. Applicant a/0133/06 is acting on his own behalf.

120. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0133/06 suffered mental and material harm, especially as a result of the death of his son, who was killed by members of an armed group, and the pillaging of his property and the destruction of his home by members of the armed group. The Single Judge considers that there are grounds to believe that Applicant a/0133/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Applications for participation a/0136/06 to a/0139/06

121. The Single Judge notes that applications for participation a/0136/06, a/0137/06, a/0138/06 and a/0139/06 were submitted by the same person. This applicant is acting not only on behalf of her deceased close relations, but also on her own behalf. The Single Judge reiterates that she will only consider her applications for participation insofar as they pertain to the harm alleged by the applicant on her own behalf.

122. The Single Judge is of the opinion that there are grounds to believe that applications for participation a/0136/06, a/0137/06, a/0138/06 and a/0139/06 show that the applicant suffered mental harm, especially as a result of the death of her husband

and her three children, who were killed by members of an armed group. The Single Judge considers that there are grounds to believe that the applicant (applications for participation a/0136/06, a/0137/06, a/0138/06 and a/0139/06) suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0140/06

123. Applicant a/0140/06 is acting on her own behalf.

124. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0140/06 suffered material harm, especially as a result of the pillaging of her property and the destruction of her home, fields and part of her livestock by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0140/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0145/06

125. Applicant a/0145/06 is acting on her own behalf.

126. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0145/06 suffered mental harm, especially as a result of the death of her son, who was killed during an attack by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0145/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0148/06

127. Applicant a/0148/06 is acting on his own behalf.

128. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0148/06 suffered mental harm, especially as a result of the death of his son, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0148/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0151/06

129. Applicant a/0151/06 is acting on her own behalf.

130. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0151/06 suffered mental harm, especially as a result of the death of her husband, who was killed during an attack by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0151/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0209/06

131. Applicant a/0209/06 is acting on her own behalf.

132. The Single Judge is of the opinion that there are grounds to believe that Applicant a/0209/06 suffered mental harm, especially as a result of the death of her husband, who was killed by members of an armed group. The Single Judge considers that there are grounds to believe that Applicant a/0209/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0228/06

133. Applicant a/0228/06 is acting on his own behalf.

134. The Single Judge notes that Applicant a/0228/06 alleges that he was forcibly recruited into an armed group when he was fifteen years old; he further states that during his training, he was tortured and subjected to mistreatment such as forced fasting. The Single Judge is of the opinion that the forcible recruitment alleged by Applicant a/0228/06 is not within the jurisdiction of the Court in that he was not aged less than fifteen years at the time of the alleged events. That being said, the Single Judge is of the opinion that Applicant a/0228/06 suffered mental and physical harm, especially as a result of the mistreatment and torture to which he was subjected during his training. The Single Judge considers that there are grounds to believe that Applicant a/0228/06 suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

- Application for participation a/0235/06

135. Applicant a/0235/06 is acting on her own behalf.

136. The Single Judge notes that Applicant a/0235/06 alleged that she was forcibly recruited into a militia (UPC) when she was seventeen years old, adding that some time after her recruitment, she willingly remained in the militia in order to avenge and protect her family. She further alleges that during her stay in this militia, she was caused to carry heavy loads and that, as a result of these events, she is lagging behind at school and is traumatised. The Single Judge notes that the events and harm alleged by Applicant a/0235/06 are not as a result of the commission of crimes within the jurisdiction of the Court pursuant to article 5 of the Statute. Accordingly,

this applicant cannot be granted the status of victim authorised to participate in the proceedings.

a) Conclusion

137. The Single Judge finds, subject to a review under rule 91(1) of the Rules and based on the available information, that there are grounds to believe that Applicants a/0016/06, a/0018/06, a/0021/06, a/0022/06, a/0023/06, a/0024/06, a/0025/06, a/0026/06, a/0028/06, a/0030/06, a/0031/06, a/0032/06, a/0033/06, a/0034/06, a/0040/06, a/0041/06, a/0042/06, a/0045/06, a/0046/06, a/0053/06, a/0055/06, a/0056/06, a/0057/06, a/0058/06, a/0060/06, a/0061/06, a/0062/06, a/0063/06, a/0071/06, a/0105/06, a/0106/06, a/0107/06, a/0108/06, a/0109/06, a/0128/06, a/0129/06, a/0132/06, a/0133/06, a/0134/06, a/0135/06, a/0140/06, a/0141/06, a/0142/06, a/0145/06, a/0146/06, a/0147/06, a/0149/06, a/0150/06, a/0151/06, a/0152/06, a/0161/06, a/0162/06, a/0199/06, a/0209/06 and a/0228/06 suffered harm that may be characterised as mental and/or physical and/or material harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

138. The Single Judge finds, subject to a review under rule 91(1) of the Rules and based on the available information, that there are grounds to believe that i) the applicant who submitted applications a/0007/06 and a/0008/06, ii) the applicant who submitted applications a/0130/06 and a/0131/06, and iii) the applicant who submitted applications a/0136/06, a/0137/06, a/0138/06 and a/0139/06 suffered harm that may be characterised as mental and/or physical and/or material harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute. The Single Judge is of the opinion that VPRS should assign a single number to each of these three applicants.

2. “Organisations or institutions”

a) Applicable law

139. For its part, rule 85(b) defines the term “victims” as follows:

Victims may include organisations and institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes.

140. The Single Judge considers that rule 85(b) also sets out four criteria necessary for granting victim status regardless of the stage of the proceedings at which the applicants wish to participate: i) the victim must be an organisation or institution whose property is dedicated to religion, education, art or science or charitable purposes, a historical monument, hospital or other place or object for humanitarian purposes; ii) the organisation or institution must have sustained harm; iii) the crime from which the harm arises must fall within the jurisdiction of the Court; and iv) there must be a direct causal link between the crime and the harm.

141. Furthermore, the Single Judge is of the opinion that at the investigation stage, the causal link required by rule 85(b) exists where the applicant provides sufficient evidence establishing grounds to believe that the harm is a direct result of the commission of a crime within the jurisdiction of the Court.

b) Application for participation a/0188/06

142. The Single Judge notes that application for participation a/0188/06 was submitted by the headmaster of a school acting on the school’s behalf. The documents appended to the application for participation support the conclusion that the headmaster has the *locus standi* to act on behalf of the school.

143. The Single Judge is of the opinion that there are grounds to believe that the school on whose behalf Applicant a/0188/06 is acting suffered harm, especially as a

result of the pillaging, burning and destruction of the school facilities which occurred when the school was attacked, and subsequently occupied by an armed group. The Single Judge considers that there are grounds to believe that the school on whose behalf Applicant a/0188/06 is acting suffered harm as a result of the commission of one or more crimes within the jurisdiction of the Court pursuant to article 5 of the Statute.

IV. Applications pending before the Trial Chamber

144. The Single Judge notes that applications for participation a/0047/06 to a/0052/06, a/0221/06, a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06 were filed in the record of the case of *The Prosecutor v. Thomas Lubanga Dyilo*. The Single Judge is of the opinion that these applications for participation are pending before the Trial Chamber. Granting to these applicants the status of victims authorised to participate in the proceedings in the case of *The Prosecutor v. Thomas Lubanga Dyilo* would lead directly to their being granted victim status in the investigation in the DRC for the crimes alleged in that case. Accordingly, these applications will not be reviewed by the Single Judge until the Trial Chamber rules on the matter.

FOR THESE REASONS,

ORDER the Registry to contact the applicants whose applications for participation are incomplete or, if necessary, to contact their legal representatives in order that they can provide the information lacking and add the necessary documents to their applications for participation;

DECIDE that the status of victim authorised to participate in the proceedings at the investigation stage of the situation in the DRC is not granted to Applicant a/0235/06;

DECIDE not to rule at this juncture on applications for participation a/0047/06, a/0048/06, a/0049/06, a/0050/06, a/0051/06, a/0052/06, a/0221/06, a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06;

DECIDE that the status of victims authorised to participate in the proceedings at the investigation stage of the situation in the DRC is granted to Applicants a/0009/06, a/0016/06, a/0018/06, a/0021/06, a/0022/06, a/0023/06, a/0024/06, a/0025/06, a/0026/06, a/0028/06, a/0030/06, a/0031/06, a/0032/06, a/0033/06, a/0034/06, a/0040/06, a/0041/06, a/0042/06, a/0044/06, a/0045/06, a/0046/06, a/0053/06, a/0055/06, a/0056/06, a/0057/06, a/0058/06, a/0060/06, a/0061/06, a/0062/06, a/0063/06, a/0071/06, a/0072/06, a/0105/06, a/0106/06, a/0107/06, a/0108/06, a/0109/06, a/0128/06, a/0129/06, a/0132/06, a/0133/06, a/0134/06, a/0135/06, a/0140/06, a/0141/06, a/0142/06, a/0145/06, a/0146/06, a/0147/06, a/0148/06, a/0149/06, a/0150/06, a/0151/06, a/0152/06, a/0161/06, a/0162/06, a/0188/06, a/0199/06, a/0209/06 and a/0228/06, and to the applicants who submitted applications for participation a/0007/06 and a/0008/06; a/0130/06, a/0131/06 and a/0136/06; and a/0137/06, a/0138/06 and a/0139/06;

ORDER the Registrar to assist persons who have been granted victim status and who have no legal representation so that they may choose one or more common legal representatives;

ORDER the Registrar to appoint the Office of Public Counsel for Victims as legal representative for the purpose of providing help and assistance to those persons who have been granted victim status until they choose a legal representative or the Court assigns one;

ORDER the Registry to notify this decision to those persons who have been granted victim status or, if applicable, their legal representatives;

ORDER the Office of the Prosecutor, the Office of Public Counsel for the Defence, the Office of Public Counsel for Victims and all legal representatives of the victims to maintain the confidentiality of the applications and refer to the persons who have been granted victim status only by the numbers assigned to them by the Victims Participation and Reparations Section;

ORDER the Office of the Prosecutor and the Office of Public Counsel for the Defence to abstain from any direct contact with the persons who have been granted victim status and, if necessary, to only contact them through their legal representatives;

DECIDE that, for the time being, the persons who have been granted victim status or their legal representatives will not be granted access to non-public documents registered in the record of the investigation in the DRC.

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

Judge Sylvia Steiner
Single Judge

Dated this Thursday 31 January 2008

At The Hague, The Netherlands