

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10

Date: 20 May 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. CALLIXTE MBARUSHIMANA***

Public

With confidential annexes, *ex parte* only available to the Registry

First transmission to the Pre-Trial Chamber of applications to participate in the proceedings

Source: Registry

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

The Office of the Prosecutor

Mr. Luis Moreno Ocampo, Prosecutor
Mrs. Fatou Bensouda, Deputy Prosecutor
Mr Anton Steynberg, Senior Trial Lawyer

Counsel for the Defence

Mr Nicholas Kaufman
Ms. Yael Vias-Gvirsman

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Hervé Diakiese

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING article 68(3) of the Rome Statute, rule 89(1) of the Rules of Procedure and Evidence, and regulations 86(5) and 23 *bis* of the Regulations of the Court;

NOTING the Decision of Pre-Trial Chamber I (“the Chamber”) on the Prosecutor's Application for a Warrant of Arrest against Callixte Mbarushimana;¹

NOTING the Chamber's Warrant of Arrest for Callixte Mbarushimana;²

NOTING the Order dated 15 March 2011 in which the Chamber instructed the Registry “to transmit to the Chamber complete applications for participation as victims in the proceedings at the pre-trial stage of the case, including in the confirmation of the charges hearing, as soon as practicable and no later than 45 days before the day of the commencement of the confirmation of charges hearing (the “Order”);³

NOTING the Chamber's instruction that those applications for participation which are incomplete at the date set in the Order will not be examined by the Single Judge;⁴

CONSIDERING that the Registry has received approximately 66 applications for participation which appear to be linked to the present case, of which only 14 appear to be complete;

¹Decision on the Prosecutor's Application for a Warrant of Arrest against Callixte Mbarushimana, 28 September 2010, ICC-01/04-01/10-1.

² Warrant Arrest for Callixte Mbarushimana, 28 September 2010, ICC-01/04-01/10-2.

³ Order setting a deadline for the transmission of applications for victims' participation, 15 March 2011, ICC-01/04-01/10-78.

⁴ *Ibid.*

CONSIDERING that the Registry has requested but has not yet received supplementary information needed to complete the remaining 52 applications;

CONSIDERING that, in accordance with regulation 86(5) of the Regulations of the Court, the Registry has prepared reports on each of the applications which will be filed separately;

CONSIDERING that the Registry is in a position to immediately transmit these 14 applications in redacted form to the parties and the legal representatives of the applicants if so requested by the Chamber;

CONSIDERING that during the week prior to this transmission the Registry received approximately 157 new applications for participation and/or reparations and today received a further 626 applications, which were therefore received by the Registry before the deadline established by the Chamber but without sufficient time to be processed and included in the present transmission;⁵

CONSIDERING that approximately 530 of the new 783 applications received appear to be complete and linked to the case;

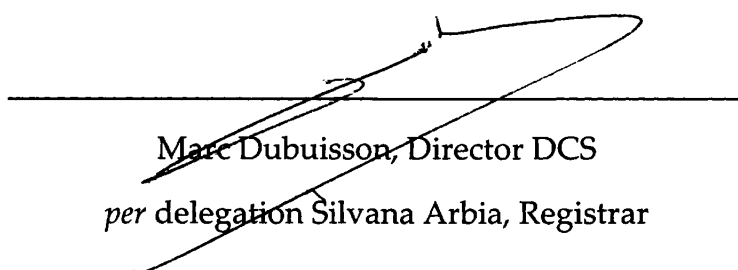
CONSIDERING that if the Chamber so instructs, the Registry would be able to file by 3 June 2011 as many of the newly received applications which are complete as it is able to process;

CONSIDERING that the Registry will await the Chamber's instructions as regards any transmission of incomplete applications which were received by the Registry before the deadline established by the Chamber and are completed at a later date by the receipt of supplementary information;

⁵ The Registry was not aware in advance that these applications would be submitted, and indeed has taken steps to make it known in the field that applications should be presented to the Registry sufficiently in advance of the deadline to enable them to be processed.

CONSIDERING that the applications annexed to the present report contain information which could serve to identify the applicants or other persons potentially at risk who are mentioned in the application forms, and for that reason are classified by the Registry as confidential *ex parte*;

TRANSMITS to the Chamber the 14 complete applications to participate in the proceedings.



Marc Dubuisson, Director DCS
per delegation Silvana Arbia, Registrar

Dated this 20 May 2011

At The Hague, Netherlands