

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 June 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

Second 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 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";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

NOTING the Registry's First transmission to the Pre-Trial Chamber of applications to participate in the proceedings,⁵ and its First report on applications to participate in the proceedings;⁶

NOTING the Registry's First transmission to the parties and legal representative of redacted versions of applications to participate in the proceedings;⁷

¹ ICC-01/04-01/10-1.

² ICC-01/04-01/10-2.

³ ICC-01/04-01/10-78.

⁴ ICC-01/04-01/10-78.

⁵ ICC-01/04-01/10-166.

⁶ ICC-01/04-01/10-168-Conf-Exp.

⁷ ICC-01/04-01/10-190

NOTING the Decision on the Prosecution's request for the postponement of the confirmation hearing;⁸

NOTING the Decision of the Chamber on 31 May 2011 postponing the commencement of the confirmation hearing to 17 August 2011 and its end to no later than Wednesday 24 August 2011 and ordering the Victims Participation and Reparation Section to transmit to the Chamber complete applications for participation as victims in the proceedings at the pre-trial stage of the case no later than 30 June 2011 (the "Decision");⁹

NOTING the Registry's Proposal on victim participation in the confirmation hearing;¹⁰

NOTING the Chamber's Decision on the "Proposal on victim participation in the confirmation hearing";¹¹

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;

CONSIDERING that the Registry indicated in its First transmission and report that during the week prior to the deadline for transmission it had received 783 new applications for participation and/or reparations which might be related to the present case and which were therefore received before the deadline established by the Chamber in its Decision on 15 March 2011 but without sufficient time to be processed and included in the First transmission;

⁸ ICC-01/04-01/10-207.

⁹ ICC-01/04-01/10-207

¹⁰ ICC-01/04-01/10-213.

¹¹ ICC-01/04-01/10-229.

CONSIDERING that since the Registry's First transmission on 20 May 2011 it has further received approximately 60 new applications for participations and/or reparations which may be related to the case;

CONSIDERING that in the meantime and with the resources available the Registry has been able to review 373 of the approximately 840 applications received and that 124 of the reviewed applications appear to be complete and linked to the present case;

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 124 applications in redacted form to the parties and the legal representatives of the applicants if so requested by the Chamber;

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* under Regulation 23 *bis*;

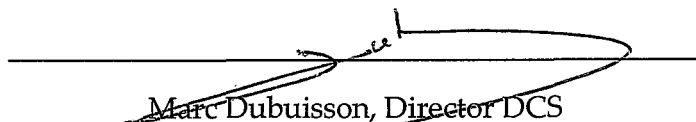
CONSIDERING that the Registry notes that the review and transmission process of applications involves numerous steps (including scanning, registering, data-entry, reviewing and analysing, applying redactions and preparing individual reports) and requires sufficient human resources in order to respect the Chamber's deadline while ensuring the quality of the work conducted;

CONSIDERING that, as expressed in its "Proposal on victim participation in the confirmation hearing" on 3 June 2011, the Registry currently faces particular constraints, especially due to the shortage of human resources available to the Victims Participation and Reparations Section, and the competing demands on that section created by other judicial proceedings;¹²

CONSIDERING that, due to these resource constraints faced by the Registry, the approximately 470 outstanding applications which were received by the Registry before the deadline established by the Chamber have not been assessed, reported on or redacted, and therefore are not included in the present transmission;

TRANSMITS to the Chamber the 124 complete applications to participate in the proceedings;

REQUESTS the Chamber's instructions regarding any measures to be taken by the Registry regarding the approximately 470 outstanding applications.


Marc Dubuisson, Director DCS
per delegation of Silvana Arbia, Registrar

Dated this 30 June 2011

At The Hague, Netherlands

¹² ICC-01/04-01/10-229.