

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08

Date: 9 September 2011

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
*THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO***

Confidential

Ex parte only available to the Registry

With 4 confidential annexes *ex parte* only available to the Registry

Twelfth report to Trial Chamber III on 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

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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 defining the status of 54 victims who participated at the pre-trial stage, and inviting the parties' observations on applications for participation by 86 applicants" issued by Trial Chamber III (the "Chamber") on 22 February 2010 ("22 February 2010 Decision");¹

NOTING the "Decision on the participation of victims in the trial and on 86 applications by victims to participate in the proceedings" dated 30 June 2010;²

NOTING the "Decision on 772 applications by victims to participate in the proceedings" dated 18 November 2010;³

NOTING the "Decision on 653 applications by victims to participate in the proceedings" dated 23 December 2010;⁴

NOTING the "Decision on 401 applications by victims to participate in the proceedings and setting a final deadline for the submission of new victims' applications to the Registry" dated 8 July 2011;⁵

NOTING the memorandum of the Presiding Judge dated 16 September 2010 which required the Registry to provide the Chamber with reports which, for each application, summarise the alleged facts and harm suffered as well as providing a *prima facie* assessment of the application's compliance with the requirements of rule 85 of the Rules of Procedure and Evidence;⁶

¹ ICC-01/05-01/08-699.

² ICC-01/05-01/08-807.

³ ICC-01/05-01/08-1017.

⁴ ICC-01/05-01/08-1091.

⁵ ICC-01/05-01/08-1590.

⁶ Memorandum dated 16 September 2010 from the Presiding Judge to the Director, Division of Court Services.

NOTING that on 2 September 2011, the Chamber instructed the Registry to transmit any pending applications in batches of 200 to 350 applications on a continuing basis;⁷

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

CONSIDERING that a further 206 applications have now been processed and redacted in accordance with the guidelines established by the Chamber;⁸

TRANSMITS to the Chamber the following report on 206 applications for participation in the proceedings.

A. Background and content of this report

1. The present report covers 206 applications to participate in the proceedings.
2. One application covered in this report has been filed previously,⁹ and was rejected by the Chamber.¹⁰ Following the Chamber's instructions in its 22 February 2010 Decision,¹¹ the Registry is transmitting this application for reconsideration by the Chamber in light of information received subsequent to the original decision.
3. The 206 applications have been filed with the Chamber on 9 September 2011. The present report serves to transmit to the Chamber the reports which are required by regulation 86(5) of the Regulations of the Court as further elaborated by the memorandum of the Presiding Judge dated 16 September 2010.

⁷ Email from the Assistant Legal Officer, Trial Division, to the Chief, Victims Participation and Reparations Section.

⁸ Paragraph 33 of the 22 February 2010 Decision.

⁹ a/1715/10.

¹⁰ ICC-01/05-01/08-1091.

¹¹ ICC-01/05-01/08-699, paragraph 20.

4. All the applications that are the subject of this report appear to the Registry to be linked to the charges in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.¹²
5. In accordance with the 22 February 2010 Decision,¹³ the Registry is only filing the applications that appear to be complete, as assessed by reference to the relevant legal texts and jurisprudence.
6. This report provides an overview of the applications transmitted, while the following documents are provided as annexes:
 - **Annex 1:** An explanation of the contents of the individual assessment reports which constitute Annex 3;
 - **Annex 2:** Map showing the geographical areas used to group applications;
 - **Annex 3:** Reports under regulation 86(5), providing the Registry's assessment of each application (as explained in Annex 1);
 - **Annex 4:** Index showing applications filed with this report by geographical area A to D.
7. As described in its previous reports,¹⁴ the Registry has categorized applications according to the geographical locations at which crimes are alleged by the applicants to have been committed.¹⁵ These groupings are explained in Annex 1 and shown on the map comprising Annex 2. The applications which are the subject of this report fall within all four groups, but in order to facilitate the Chamber's consideration, an Index is provided as

¹² As determined by reference to Public Redacted Annex B to the "Prosecution's Submission of the Document Containing the Charges as Confirmed by the Pre-Trial Chamber filed in accordance with the Chamber's Order of 7 October 2009", ICC-01/05-01/08-593, dated 4 November 2009.

¹³ ICC-01/05-01/08-699, paragraph 35.

¹⁴ Notably the Registry's Report on applications to participate in the proceedings, ICC-01/05-01/08-653-Conf-Exp, paragraph 8; Second report to Trial Chamber III on applications to participate in the proceedings, ICC-01/05-01/08-796-Conf-Exp, paragraphs 6 to 8, and annex 2 to that report (ICC-01/05-01/08-796-Conf-Exp-Anx2).

¹⁵ As set out in Public Redacted Annex B to the "Prosecution's Submission of the Document Containing the Charges as Confirmed by the Pre-Trial Chamber filed in accordance with the Chamber's Order of 7 October 2009", ICC-01/05-01/08-593, dated 4 November 2009.

Annex 4 which divides the applications according to their groups (groups A to D) based on the geographical area of the alleged events.¹⁶ The Registry notes that a fifth group of victims, group E, is composed of dual status victims.¹⁷ The Registry would like to draw to the Chamber's attention the fact that it is not aware, when processing the applications, whether any applicants would fall within this category.

B. *Prima facie* assessments in relation to rule 85

8. As requested by the Chamber, the Registry has, for each application covered by this report, undertaken a *prima facie* assessment of compliance with the requirements of rule 85. The reports, which constitute Annex 3, show the individual results of these assessments, and the reasons for them (including whether the requirements of rule 85 are demonstrated and any legal issues which are apparent), as well as summaries of the applications.
9. In relation to each application, the Registry indicates either that:
 - (a) The application appears *prima facie* to comply with the requirements of rule 85; or
 - (b) Unclear: the Registry is not in a position to make a *prima facie* assessment without further guidance from the Chamber on specific matters that are indicated.

C. Protection

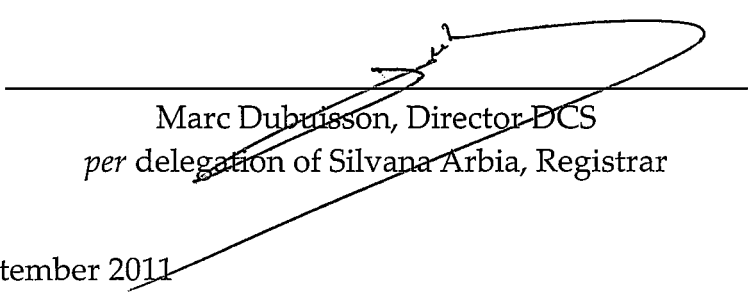
10. The Registry notes that the 206 applications which are the subject of this report have been transmitted in redacted form to the parties and the respective legal representative in compliance with the Chamber's order.

¹⁶ The Registry notes that as regards Group D, Moundoumba and the surrounding area, some applications have been included in this group which are close to the river to the South of Bangui between Bangui and Moundoumba even though they may be closer to Bangui than to Moundoumba. This is due to the similarity in the patterns of events alleged by these applicants.

¹⁷ ICC-01/05-01/08-1012-Corr.

Such order instructs the Registry that applications for participation in the proceedings received by the Registry be transmitted to the parties in redacted form on an ongoing basis as and when they are prepared,¹⁸ and in accordance with the guidelines on redactions provided in the 22 February 2010 Decision. The redacted applications have also been notified to the legal representatives of the respective applicants in compliance with the Chamber's order conveyed by email on 26 August 2010 that in relation to all future applications the Registry should systematically notify the respective legal representatives of the applicants of the redacted versions of applications as notified to the parties.¹⁹

11. At this time no further measures of protection appear to be necessary.



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

Dated this 9 September 2011

At The Hague, The Netherlands

¹⁸ Email of 16 September 2010 from the Legal Advisor, Trial Division, to the Director, Division of Court Services and the Chief, VPRS.

¹⁹ Email of 26 August from the Legal Officer, Trial Chamber III to the Assistant Legal Officer, Division of Court Services.