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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***

Public Document

Prosecution's observations on the consolidated application of Applicant a/0487/11

Source: Office of the Prosecutor

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

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I. Introduction

1. Pursuant to Rule 89(1) of the Rules of Procedure and Evidence, the Trial Chamber III's ("Chamber") "Corrigendum to the Decision on 401 applications by victims to participate in the proceedings and setting a final deadline for the submission of new victims' application to the Registry"¹ ("First Decision"), the Chamber's "Decision setting a timeline for the filing of observations on pending victims' application"² ("Second Decision") and the Chamber's orders in the trial hearing of 9 December 2011³ ("Orders"), the Office of the Prosecutor ("Prosecution") submits the following observations on the consolidated application for participation in the trial proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* submitted by Applicant a/0487/11.

2. For the reasons detailed below, the Prosecution supports the Chamber granting authorisation to Applicant a/0487/11 to participate as victim in the above-mentioned proceedings, pursuant to Article 68(3) of the Rome Statute ("Statute").

3. With regard to the legal criteria for victims' participation in the proceedings, the Prosecution reincorporates here the submissions set out in its previous observations.⁴

¹ ICC-01/05-01/08-1590-Corr, Corrigendum to 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, 21 July 2011.

² ICC-01/05-01/08-1726, Decision setting a timeline for the filing of observations on pending victims' applications, 9 September 2011, at paras. 7 and 8(a).

³ ICC-01/05-01/08-T-200-CONF-ENG ET, p. 59, line 8 to p. 61, line 16, 9 December 2011.

⁴ ICC-01/05-01/08-858, Prosecution's Observations on the 192 Applications for Victim's Participation in the Proceedings, 19 August 2010, at paras. 6-9; ICC-01/05-01/08-946-Corr, Corrigendum to Prosecution's Observations on 218 Applications for Victim's Participation in the Proceedings, 14 October 2010, at paras. 5-12; ICC-01/05-01/08-952, Prosecution's Observations on 176 Applications for Victims' Participation in the Proceedings, 14 October 2010, at paras. 5-11.

II. Background

4. On 24 September 2010, the Chamber ordered transmission of applications to the parties on an ongoing basis and requested the parties to submit their observations on each transmitted set.⁵ On 9 September 2011, the Chamber, having approved the timeline proposed by the Victims Participation and Reparation Section (“VPRS”) for the submission of nine sets of 200 to 350 of the expected 2830 further applications, ordered the Prosecution and the Defence to submit their observations within 21 days of notification.⁶

5. On 9 December 2011, the Chamber, granting a Defence request,⁷ ordered extension of the time limit for the filing of observations on the 18th and 19th transmission of the applications for participation in the proceedings.⁸ The Chamber further ruled that for the remaining applications, it will continue to apply the regular 21 days time limit to file the observations in accordance with Regulation 34(b) of the Regulations of the Court.⁹

6. On 1 March 2012, the Chamber informed the parties about two additional transmissions of victims’ applications that would be filed on 6 March 2012 and on 5 April 2012. The Chamber ordered that observations on the two transmissions shall be submitted within the regular 21 days time limit in accordance with Regulation 34(b) of the Regulations of the Court.¹⁰

⁵ ICC-01/05-01/08-T-25-CONF-ENG ET, p. 23, line 23 to p. 24, line 3, 24 September 2010.

⁶ ICC-01/05-01/08-1726, at paras. 3, 4, 7 and 8(a).

⁷ ICC-01/05-01/08-1992, Defence Request for an Extension of Time for the Filing of Submissions on the 18th Transmission of 350 victims’ applications, 7 December 2011, at paras. 11-12.

⁸ ICC-01/05-01/08-T-200-CONF-ENG ET, p. 59, line 17 to p. 60, line 9, 9 December 2011.

⁹ *Ibid*, p. 60, lines 9-11.

¹⁰ Email of the Chamber sent to all parties on 1 March 2012 at 14:04.

7. On 6 March 2012, the Registry provided the Prosecution with 69 redacted versions of the 23rd set of applications, including the application by Applicant a/0487/11.¹¹

8. On 23 March 2012, the Prosecution filed its observations on those 69 applications for victims' participation.¹²

9. On 27 March 2012, the Registrar transmitted a redacted version of the consolidated application by Applicant a/0487/11 to the parties and the legal representative of the applicant.¹³

III. Factual analysis of the application and Prosecution's submission

10. The Prosecution notes that in its observations on the 23rd transmission of applications for participation in the ongoing proceedings, it submitted that the Chamber defer its decision regarding Applicant a/0487/11 and give her the opportunity to provide proof of her identity.¹⁴

11. The Prosecution notes the Registrar's submission that "because of unforeseen circumstances beyond the control of the applicant and of the Registry, the identity document provided by Applicant a/0487/11 could not be appended to the Application at the time of the filing of the 23rd Transmission".¹⁵ The Registrar, having received the identity card of Applicant a/0487/11, submitted a consolidated version of her application to which a redacted version of the identity document was attached.¹⁶

¹¹ ICC-01/05-01/08-2156, Twenty-third transmission to the parties and the legal representatives of the applicants of redacted versions of applications for participation in the proceedings, 6 March 2012.

¹² ICC-01/05-01/08-2174, Prosecution's observations on 69 applications for victims' participation in the proceedings, 23 March 2012.

¹³ ICC-01/05-01/08-2179, Transmission of consolidated application a/0487/11, 27 March 2012.

¹⁴ ICC-01/05-01/08-2174, at para. 13.

¹⁵ ICC-01/05-01/08-2179, para. 4.

¹⁶ *Ibid*, paras. 5 and 6.

12. The Prosecution submits that, based on the information contained in the consolidated application, including the applicant's redacted electoral card, Applicant a/0487/11 meets all the requirements for participation in the ongoing proceedings.

IV. Conclusion

13. The Prosecution therefore supports the Chamber granting authorisation to Applicant a/0487/11, pursuant to Article 68(3) of the Statute, to participate as victim in the ongoing proceedings.



Luis Moreno-Ocampo, Prosecutor

Dated this 12th Day of April 2012

At The Hague, The Netherlands