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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

**With confidential *ex parte* annexes only available to the Registry and the
respective common legal representative**

Decision on 799 applications by victims to participate in the proceedings

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Petra Kneuer

Counsel for the Defence

Mr Aimé Kilolo Musamba

Mr Peter Haynes

Legal Representatives of the Victims

Ms Marie-Edith Douzima Lawson

Mr Assingambi Zarambaud

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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REGISTRY

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Ms Silvana Arbia

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Ms Maria Luisa Martinod Jacome

Detention Section

Victims Participation and Reparations Section

Ms Fiona McKay

Other

Trial Chamber III (“Chamber”) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, issues the following Decision on 799 applications by victims to participate in the proceedings (“Decision”).

I. Background

1. On 9 September 2011, the Chamber rendered its Decision setting a timeline for the filing of observations on pending victims’ applications (“9 September 2011 Decision”),¹ in which it, *inter alia*, informed the parties and participants that it has authorised the Victims Participation and Reparations Section (“VPRS”) to file an expected total of 2830 victims’ applications on a rolling basis in nine sets of 200 to 350 applications, between 9 September 2011 and 13 January 2012.²

2. Following an internal memorandum sent to the Chamber by the VPRS on 2 December 2011,³ by oral decision of 9 December 2011 (“9 December 2011 Decision”), the Chamber granted the VPRS’ request for two additional dates for the transmission of pending victims’ applications, i.e. 27 January and 17 February 2012.⁴

3. On 27 January 2012, the VPRS filed its *ex parte*, Registry only “Twenty-first report to Trial Chamber III on applications to participate in the proceedings”,⁵ and transmitted 350 victims’ applications to the Chamber,⁶ and redacted versions to the Office of the Prosecutor (“prosecution”) and the defence (together, “the

¹ Decision setting a timeline for the filing of observations on pending victims’ applications, 9 September 2011, ICC-01/05-01/08-1726.

² ICC-01/05-01/08-1726, paragraphs 3 and 4.

³ Internal memorandum attached to an email sent by the Legal Coordinator, Office of the Director DCS to the Legal Officer of Trial Chamber III on 2 December 2011 at 16.40.

⁴ Transcript of hearing of 9 December 2011, ICC-01/05-01/08-T-200-ENG-ET, page 60, line 25 to page 61, line 16.

⁵ Twenty-first report to Trial Chamber III on applications to participate in the proceedings, 27 January 2012, ICC-01/05-01/08-2075-Conf-Exp and confidential *ex parte* annexes.

⁶ Twenty-first transmission to the Trial Chamber of applications for participation in the proceedings, 27 January 2012, ICC-01/05-01/08-2073 and confidential *ex parte* annexes.

parties”) (“Twenty-First Set”).⁷

4. On 17 February 2012, the VPRS filed its *ex parte*, Registry only “Twenty-second report to Trial Chamber III on applications to participate in the proceedings”,⁸ and transmitted 308 victims’ applications to the Chamber,⁹ and redacted versions to the parties (“Twenty-Second Set”).¹⁰ As approved by the Chamber on 16 February 2012,¹¹ the Twenty-Second Set includes seven applications that were subject to re-examination by the VPRS following the Chamber’s “Decision on the Registry’s ‘Report on issues concerning intermediaries’ involvement in completion of applications for participation’”.¹²

5. On 1 March 2012, the Chamber informed the parties and participants about two further transmissions of victims’ applications that would be filed on 6 March and 5 April 2012 (respectively, “Twenty-Third Set” and “Twenty-Fourth Set”).¹³ The Twenty-Third Set was expected to include 50 to 100 applications that were filed prior to the deadline of 16 September 2011,¹⁴ that were initially deferred as incomplete, but were subsequently completed with additional information. The Twenty-Fourth Set was expected to comprise an approximate total of 100 applications that were submitted by the applicants prior to the deadline of 16

⁷ Twenty-first transmission to the parties and legal representatives of the applicants of redacted versions of applications for participation in the proceedings, 27 January 2012, ICC-01/05-01/08-2074 and confidential redacted annexes.

⁸ Twenty-second report to Trial Chamber III on applications to participate in the proceedings, 17 February 2012, ICC-01/05-01/08-2132-Conf-Exp and confidential *ex parte* annexes.

⁹ Twenty-second transmission to the Trial Chamber of applications to participate in the proceedings, 17 February 2012, ICC-01/05-01/08-2130 and confidential *ex parte* annexes.

¹⁰ Twenty-second transmission to the parties and legal representatives of the applicants of redacted versions of applications for participation in the proceedings, 17 February 2012, ICC-01/05-01/08-2131 and confidential redacted annexes.

¹¹ Email from the Assistant Legal Officer, Trial Chamber III to the Associate Legal Officer, VPRS of 16 February 2012, at 13.52 in reply to an email from the Associate Legal Officer, VPRS to the Assistant Legal officer, Trial Chamber III on 16 February at 12.11.

¹² Decision on the Registry’s “Report on issues concerning intermediaries’ involvement in completion of applications for participation”, 11 July 2011, ICC-01/05-01/08-1593-Conf; ICC-01/05-01/08-2130, page 4 and ICC-01/05-01/08-2131, page 4.

¹³ Email from the Assistant Legal Officer, Trial Chamber III to the parties and participants on 1 March 2012 at 14.05.

¹⁴ The deadline of 16 September 2011 was set in the 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, ICC-01/05-01/08-1590-Corr, paragraph 38(h).

September 2011 but that could not be transmitted to the Chamber previously as they were subject to re-examination by the VPRS following the Chamber's "Decision on the Registry's 'Report on issues concerning intermediaries' involvement in completion of applications for participation'".¹⁵

6. On 6 March 2012, the VPRS filed its *ex parte*, Registry only "Twenty-third report to Trial Chamber III on applications to participate in the proceedings",¹⁶ and transmitted 69 victims' applications to the Chamber,¹⁷ and redacted versions to the parties.¹⁸

7. On 5 April 2012, the VPRS filed its *ex parte*, Registry only "Twenty-Fourth report to Trial Chamber III on applications to participate in the proceedings",¹⁹ and transmitted 72 victims' applications to the Chamber,²⁰ and redacted versions to the parties.²¹ In addition to the applications that were subject to re-examination by the VPRS, the Twenty-Fourth Set includes 19 applications that, although submitted by the applicants on time, could not be transmitted with the Twenty-Third Set as supplementary information was received in the field office on 6 March 2012 and only subsequently transmitted to the VPRS' headquarters in The Hague.²²

8. In accordance with the Chamber's 9 December 2011 Decision on the updated

¹⁵ ICC-01/05-01/08-1593-Conf.

¹⁶ Twenty-third report to Trial Chamber III on applications to participate in the proceedings, 6 March 2012, ICC-01/05-01/08-2157-Conf-Exp and confidential *ex parte* annexes.

¹⁷ Twenty-third transmission to the Trial Chamber of applications to participate in the proceedings, 6 March 2012, ICC-01/05-01/08-2155 and confidential *ex parte* annexes.

¹⁸ Twenty-third transmission to the parties and legal representatives of the applicants of redacted versions of applications for participation in the proceedings, 6 March 2012, ICC-01/05-01/08-2156 and confidential redacted annexes.

¹⁹ Twenty-fourth report to Trial Chamber III on applications to participate in the proceedings, 5 April 2012, ICC-01/05-01/08-2187-Conf-Exp and confidential *ex parte* annexes.

²⁰ Twenty-fourth transmission to the Trial Chamber of applications to participate in the proceedings, 5 April 2012, ICC-01/05-01/08-2185 and confidential *ex parte* annexes.

²¹ Twenty-fourth transmission to the parties and legal representatives of the applicants of redacted versions of applications for participation in the proceedings, 5 April 2012, ICC-01/05-01/08-2186 and confidential redacted annexes.

²² Email from the Associate Legal Officer, Office of the Director (DCS) to the parties and legal representatives of victims of 21 March 2012 at 17.14.

time-limit for the filing of pending victims' applications,²³ and the Chamber's instruction, by way of email of 1 March 2012,²⁴ to the parties to file their observations on the Twenty-First, Twenty-Second, Twenty-Third and Twenty-Forth Sets in accordance with the 21 day time limit under Regulation 34(b) of the Regulations of the Court ("Regulations"),²⁵ the prosecution²⁶ and the defence²⁷ filed their observations on 21 February, 9, 12, 23 and 28 March, 27 April and 1 May 2012 respectively.

9. Following a series of email exchanges between the Chamber and the Registry on issues related to duplicate applications,²⁸ and in line with the Chamber's instruction,²⁹ on 27 March 2012, the Registry filed its "Consolidated information on duplicate applications to participate in the proceedings".³⁰ In relation to the applications covered by the present Decision, the Registry indicates that four applications contained in the Twenty-First Set and one application contained in the Twenty-Second Set, although having received different application numbers, were duplicates of applications that had been previously transmitted and

²³ Transcript of hearing of 9 December 2011, ICC-01/05-01/08-T-200-ENG-ET, page 60, line 12 to page 61, line 16.

²⁴ Email from the Assistant Legal Officer, Trial Chamber III to the parties and participants of 1 March 2012 at 14.05.

²⁵ ICC-01/05-01/08-1726, paragraph 7 and Transcript of hearing of 9 December 2011, ICC-01/05-01/08-T-200-ENG-ET, page 61, lines 13 to 16.

²⁶ Prosecution's Observations on 350 Applications for Victims' Participation in the Proceedings, 21 February 2012, ICC-01/05-01/08-2133; Prosecution's Observations on 308 Applications for Victims' Participation in the Proceedings, 9 March 2012, ICC-01/05-01/08-2159; Prosecution's Observations on 69 Applications for Victims' Participation in the Proceedings, 23 March 2012, ICC-01/05-01/08-2174; Prosecution's Observations on 72 Applications for Victims' Participation in the Proceedings, 27 April 2012, ICC-01/05-01/08-2195.

²⁷ Observations de la Défense sur les 350 demandes de participation transmises le 30 janvier 2012, 21 February 2012, ICC-01/05-01/08-2135 and confidential Annex A; Observations de la Défense sur les 308 demandes de participation transmises le 17 février 2012, 12 March 2012, ICC-01/05-01/08-2163 and confidential Annex A; Observations de la Défense sur les 69 demandes de participation transmises le 6 mars 2012, 28 March 2012, ICC-01/05-01/08-2181 and confidential Annex A; Observations de la Défense sur les 72 demandes de participation transmises le 5 avril 2012, 1 May 2012, ICC-01/05-01/08-2196 and confidential Annex A.

²⁸ Email from the Legal Coordinator, Office of the Director DCS to the Assistant Legal Officer of Trial Chamber III of 27 January 2012 at 17.39; Email from the Associate Legal Officer, Office of the Director DCS to the Assistant Legal Officer of Trial Chamber III of 6 February 2012 at 17.13; Email from the Legal Coordinator, Office of the Director DCS to the Assistant Legal Officer of Trial Chamber III of 2 March at 16.41; and Email from the Associate Legal Officer, Office of the Director DCS to the parties and participants of 15 March 2012.

²⁹ Email from the Assistant Legal Officer of Trial Chamber III to the Associate Legal Officer, Office of the Director DCS of 6 March 2012 at 11.38.

³⁰ Consolidated information on duplicate applications to participate in the proceedings, 27 March 2012, ICC-01/05/01/08-2178.

decided upon by the Chamber.³¹ In addition, the Registry explains that in each instance, the reference numbers of the duplicate applications were withdrawn and the duplicate applications were merged with the corresponding original applications under the original application numbers.³²

10. For the purpose of the present Decision, the Chamber has considered Article 68 of the Rome Statute ("Statute"), Rules 85 and 89 of the Rules of Procedure and Evidence ("Rules") and Regulation 86 of the Regulations.

II. Summary of the observations of the parties

A. Observations of the prosecution

11. In relation to the 799 applications contained in the Twenty-First to Twenty-Fourth Sets, the prosecution submits that 594 applicants should be granted authorisation to participate as they meet all the requirements under Article 68(3) of the Statute for participation at the trial stage of the proceedings.³³ The prosecution specifies that 46 out of these 594 applicants meet the requirements on account of crimes they personally suffered, but should be invited to provide

³¹ Annex to Consolidated information on duplicate applications to participate in the proceedings, 27 March 2012, ICC-01/05/01/08-2178-Anx, pages 2, 3 and 4. The Registry indicates that application a/17272/11 contained in the twenty-first transmission constitutes a duplicate of application a/16255/11 contained in the nineteenth transmission; application a/17325/11 contained in the twenty-first transmission constitutes a duplicate of application a/2495/10 contained in the eighth transmission; application a/17372/11 contained in the twenty-first transmission constitutes a duplicate of application a/16597/11 contained in the nineteenth transmission; application a/17396/11 contained in the twenty-first transmission constitutes a duplicate of application a/0885/11 contained in the thirteenth transmission; and application a/16693/11 contained in the twenty-second transmission constitutes a duplicate of application a/16955/11 contained in the twentieth transmission.

³² ICC-01/05/01/08-2178-Anx, pages 2, 3 and 4.

³³ ICC-01/05-01/08-2133, paragraphs 10 and 50; ICC-01/05-01/08-2159, paragraphs 10 and 42; ICC-01/05-01/08-2174, paragraphs 12 and 24; ICC-01/05-01/08-2195, paragraphs 10 and 28. In relation to application a/0487/11, the prosecution initially submitted that the application should be deferred to give the applicant the opportunity to provide proof of his identity, ICC-01/05-01/08-2174, paragraph 13. Further to the Transmission of the consolidated application a/0487/11, 27 March 2012, ICC-01/05-01/08-2179 and Conf-Exp-Anx2 and Corrigendum to Conf-Exp-Anx1, the prosecution submitted that applicant a/0487/11 should be granted authorization to participate in the proceedings (Prosecution's observations on the consolidated application of Applicant a/0487/11, 12 April 2012, ICC-01/05-01/08-2188, paragraph 13).

further information or documentation with regard to, *inter alia*, crimes allegedly suffered by their family members.³⁴

12. With respect to 75 applications, the prosecution submits that the Chamber should defer its decision until further information or documentation is obtained.³⁵ This concerns instances where the applicants fail to provide (i) a valid identity document;³⁶ (ii) sufficient information as to the date,³⁷ the location³⁸ or the perpetrators³⁹ of the alleged events; or (iii) sufficient proof of identity or kinship with their alleged relatives.⁴⁰

13. With regard to 118 applications, the prosecution contends that the redactions applied by the VPRS make it difficult to determine whether the applicants meet all the requirements for participation and leaves it to the Chamber to decide whether the applicants have provided adequate proof of identity or sufficient information to demonstrate a link between the alleged harm and the charges in the case.⁴¹

14. The prosecution further submits that four applicants do not meet the requirements for participation, since they failed to establish the causal link between the harm claimed and the charges against the accused.⁴² Finally, the

³⁴ICC-01/05-01/08-2133, paragraphs 12, 14 to 23, 25 to 29; ICC-01/05-01/08-2159, paragraphs 12 to 19; ICC-01/05-01/08-2195, paragraphs 12 to 23.

³⁵ ICC-01/05-01/08-2133, paragraphs 31 and 51; ICC-01/05-01/08-2159, paragraphs 20 to 34 and 43; ICC-01/05-01/08-2174, paragraphs 13 to 18 and 25; ICC-01/05-01/08-2195, paragraphs 24 to 25 and 29; ICC-01/05-01/08-2188, paragraph 13.

³⁶ ICC-01/05-01/08-2133, paragraphs 34 to 35; ICC-01/05-01/08-2159, paragraph 26; ICC-01/05-01/08-2174, paragraphs 13, 15 to 17; ICC-01/05-01/08-2195, paragraph 24.

³⁷ ICC-01/05-01/08-2133, paragraph 31; ICC-01/05-01/08-2159, paragraphs 22 and 34; ICC-01/05-01/08-2174, paragraph 14.

³⁸ICC-01/05-01/08-2133, paragraphs 32, 33, and 37; ICC-01/05-01/08-2159, paragraphs 20, 28.

³⁹ ICC-01/05-01/08-2133, paragraphs 32, 36, 37, and 39; ICC-01/05-01/08-2159, paragraphs 25, 29.

⁴⁰ ICC-01/05-01/08-2133, paragraphs 33, 38 and 40 to 41; ICC-01/05-01/08-2159, paragraphs 21, 23, 24, 27, 30, 33 and 34; ICC-01/05-01/08-2195, paragraph 25.

⁴¹ICC-01/05-01/08-2133, paragraphs 42 to 48 and 52; ICC-01/05-01/08-2159, paragraphs 35 to 40 and 44; ICC-01/05-01/08-2174, paragraphs 19 to 21, and 26; ICC-01/05-01/08-2195, paragraphs 26 to 27 and 30.

⁴² ICC-01/05-01/08-2133, paragraphs 49 and 53; ICC-01/05-01/08-2159, paragraphs 41 and 45; ICC-01/05-01/08-2174, paragraphs 22 and 27.

prosecution notes that one application by an organisation was withdrawn since the organisation was dissolved subsequent to the submission of the application.⁴³

B. Observations of the defence

15. The defence urges the Chamber to (i) declare null and void the last 42 applications transmitted by the VPRS on 17 February 2012;⁴⁴ (ii) declare inadmissible any applications received by the VPRS' headquarters after the time limit of 16 September 2011;⁴⁵ and (iii) dismiss any applications that were not completed by 16 September 2011.⁴⁶

16. To substantiate its request for rejection of the last 42 applications transmitted on 17 February 2012, the defence submits that the Chamber's approval of the transmission of pending applications was confined to 3080 applications, *i.e.*, the 2830 applications referred to in the 9 September 2011 Decision as well as an additional 250 applications covered by the VPRS' internal memorandum of 2 December 2011 and referred to in the Chamber's 9 December 2011 Decision.⁴⁷

17. To substantiate its challenge to the admissibility of applications received by the VPRS' headquarters after 16 September 2011 and the applications completed after the said deadline, the defence argues that accepting these applications would be contrary to the motives underlying the Chamber's decision to set a final deadline for the submission of applications to the Registry. To that end, the defence underlines that according to the Chamber's decision of 21 July 2011, the deadline was set in order to, *inter alia*, "ensure that the victims authorised to participate in the proceedings are given a sufficient opportunity to participate in

⁴³ ICC-01/05-01/08-2174, paragraphs 23 and 28.

⁴⁴ ICC-01/05-01/08-2135, paragraph 66; ICC-01/05-01/08-2163, paragraph 65.

⁴⁵ ICC-01/05-01/08-2135, paragraph 66; ICC-01/05-01/08-2163, paragraph 65; ICC-01/05-01/08-2181, paragraph 49; ICC-01/05-01/08-2196, paragraph 47.

⁴⁶ ICC-01/05-01/08-2135, paragraph 66; ICC-01/05-01/08-2163, paragraph 65; ICC-01/05-01/08-2181, paragraph 49; ICC-01/05-01/08-2196, paragraph 47.

⁴⁷ ICC-01/05-01/08-2135, paragraphs 11 to 15; ICC-01/05-01/08-2163, paragraphs 10 to 13.

the trial proceedings before closing arguments”.⁴⁸ In the view of the defence, the admission of applications received by the VPRS’ headquarters after 16 September 2011 or applications that were not completed by 16 September 2011 would defeat the purpose of the final deadline.⁴⁹

18. In the alternative, the defence requests the Chamber to (i) reject all 799 applications contained in the Twenty-First, Twenty-Second, Twenty-Third and Twenty-Fourth Sets; (ii) order the VPRS to communicate less redacted versions of the applications to the parties or to the prosecution so that it can fulfil its disclosure obligations towards the defence; and (iii) instruct the VPRS to examine the redactions procedure with a view to ensuring that redactions are proportionate and are made only when absolutely necessary.⁵⁰

19. To substantiate its request to reject all 799 applications, the defence reiterates the arguments made in relation to previous sets of applications. Specifically, the defence challenges the causal link between the harm suffered and the location of *Mouvement de Libération du Congo* troops at the relevant time,⁵¹ or between the harm suffered and the charges against the accused,⁵² as well as the extent of redactions applied to the applications.⁵³ Furthermore, the defence argues that some applications are incomplete.⁵⁴ The defence also recalls its previous

⁴⁸ ICC-01/05-01/08-1590-Corr, paragraph 25.

⁴⁹ ICC-01/05-01/08-2135, paragraph 19; ICC-01/05-01/08-2163, paragraphs 17 to 18.

⁵⁰ ICC-01/05-01/08-2135, paragraph 66; ICC-01/05-01/08-2163, paragraph 65; ICC-01/05-01/08-2181, paragraph 49; ICC-01/05-01/08-2196, paragraph 47.

⁵¹ ICC-01/05-01/08-2135, paragraphs 29 to 34; ICC-01/05-01/08-2163, paragraphs 28 to 33; ICC-01/05-01/08-2181, paragraphs 23 to 28; ICC-01/05-01/08-2196, paragraphs 20 to 25.

⁵² ICC-01/05-01/08-2135, paragraphs 35 to 37; ICC-01/05-01/08-2163, paragraphs 34 to 36; ICC-01/05-01/08-2181, paragraphs 29 to 31; ICC-01/05-01/08-2196, paragraphs 26 to 28.

⁵³ ICC-01/05-01/08-2135, paragraphs 38 to 43; ICC-01/05-01/08-2163, paragraphs 37 to 42; ICC-01/05-01/08-2181, paragraphs 32 to 37; ICC-01/05-01/08-2196, paragraphs 29 to 34.

⁵⁴ ICC-01/05-01/08-2135, paragraphs 47 to 48; ICC-01/05-01/08-2163, paragraphs 46 to 47; ICC-01/05-01/08-2181, paragraphs 41 to 42; ICC-01/05-01/08-2196, paragraphs 38 to 39.

challenges to the credibility of a number of identity documents⁵⁵ and the accounts provided by the applicants.⁵⁶

20. In its observations on the Twenty-First and Twenty-Second Sets, the defence further reiterates its request to either reclassify as “confidential” the annexes to its decisions on applications by victims to participate in the proceedings or to provide redacted versions thereof to the defence, in order to guarantee the principle of due process and the defence’s right of appeal.⁵⁷

III. Analysis and conclusions

A. Assessment of the parties’ observations

1. Defence’s challenges to the admissibility of applications

21. The Chamber is of the view that the defence’s request to declare null and void the last 42 applications transmitted with the Twenty-First Set on 17 February 2012 cannot be sustained. While it is true that the Chamber’s decisions of 9 September and 9 December 2011 referred to an approximate total of 3080 pending applications, it should be emphasised that this number was an estimate, intended to facilitate the organisation of the parties’ preparations in light of the approximate number of pending victims’ applications, but not to serve as a limitation on the number of applications to be transmitted. Further, since all applications included in the Twenty-First, Twenty-Second, Twenty-Third and Twenty-Fourth Sets were submitted prior to the 16 September 2011 deadline, the Chamber is of the view that there is no reason to exclude the last 42 applications of the Twenty-First Set.

⁵⁵ ICC-01/05-01/08-2135, paragraphs 44 to 45; ICC-01/05-01/08-2163, paragraphs 43 to 45; ICC-01/05-01/08-2181, paragraphs 38 to 40; ICC-01/05-01/08-2196, paragraphs 35 to 37.

⁵⁶ ICC-01/05-01/08-2135, paragraphs 49 to 54; ICC-01/05-01/08-2163, paragraphs 48 to 53; ICC-01/05-01/08-2181, paragraphs 43 to 47; ICC-01/05-01/08-2196, paragraphs 40 to 46.

⁵⁷ ICC-01/05-01/08-2135, paragraphs 55 to 66; ICC-01/05-01/08-2056, paragraphs 54 to 65.

22. The Chamber is further not persuaded by the defence's request to reject any applications that were received by the VPRS' headquarters, in The Hague, after the 16 September 2011 deadline, or that were not complete by 16 September 2011. The Chamber recalls that the time limit established by the Chamber in its decision of 21 July 2011 refers to the submission of any new victims' applications to the Registry.⁵⁸ In line with this ruling, a number of applications were submitted to the VPRS' field offices and subsequently transmitted to the VPRS' headquarters. Inasmuch as the Chamber's decision merely refers to the submission of applications to the Registry, the Chamber is of the view that excluding the applications that were submitted to the field offices by the 16 September 2011 deadline, and subsequently received by the VPRS' headquarters in The Hague, would unduly prejudice the applicants concerned.

23. In addition, the use of the term "new" applications clearly indicates that, as long as the initial applications were filed by 16 September 2011, this deadline did not preclude the applicants from providing additional information to the applications already submitted, after the 16 September 2011 deadline if necessary. Nevertheless, in accordance with the Chamber's duty to balance the victims' rights to present their views and concerns against the right of the accused and a fair and impartial trial, and in view of the necessity to manage the application process in a way that ensures meaningful participation by victims, the Chamber ordered the VPRS not to collect any supplementary information after 6 March 2012.⁵⁹

⁵⁸ ICC-01/05-01/08-1590-Corr, paragraph 25.

⁵⁹ Email from the Assistant Legal Officer, Trial Chamber III to the Associate Legal Officer, DCS of 1 March 2012 at 13.49.

2. Defence's submissions relating to redactions applied to the applications and the confidentiality level of the annexes to the Chamber's decisions

24. As recalled in its Decision on 1400 applications by victims to participate in the proceedings of 21 May 2012,⁶⁰ the Chamber has already addressed the defence's request for the communication of less redacted versions of the applications; the defence's submissions regarding the redactions procedure applied by the VPRS;⁶¹ as well as the defence's request relating to the confidentiality level of the annexes.⁶² In the present circumstances, the defence does not provide any new argument warranting a departure from the Chamber's previous findings. Accordingly, these requests are not considered further in the context of the present Decision.

3. Parties' observations on individual applications

25. Likewise, in its previous decisions on victims' applications, the Chamber has established the general legal criteria for determining whether an applicant should be authorised to participate in the proceedings.⁶³ In the absence of any new general arguments in the parties' observations on the 799 individual applications contained in the Twenty-First, Twenty-Second, Twenty-Third and Twenty-Fourth Sets, the Chamber is of the view that further elaboration upon the general legal criteria is not warranted in this context. Therefore, in line with the approach adopted in previous decisions, a case-by-case analysis for each application is provided in Annexes A, B, C and D appended to the present Decision.

⁶⁰ Decision on 1400 applications by victims to participate in the proceedings, 21 May 2012, ICC-01/05-01/08-2219, paragraph 18.

⁶¹ ICC-01/05-01/08-1590-Corr, paragraphs 28 to 34 and 38(g).

⁶² Decision on 471 applications by victims to participate in the proceedings, 9 March 2012, ICC-01/05-01/08-2162, paragraphs 16 to 17.

⁶³ Decision on 772 applications by victims to participate in the proceedings, 18 November 2010, ICC-01/05-01/08-1017; Decision on 653 applications by victims to participate in the proceedings, 23 December 2010, ICC-01/05-01/08-1091; ICC-01/05-01/08-1590-Corr; Decision on 270 applications by victims to participate in the proceedings, 25 October 2011, ICC-01/05-01/08-1862; ICC-01-05-01/08-2011; ICC-01/05-01/08-2162; ICC-01/05-01/08-2219; Decision on the tenth and seventeenth transmissions of applications by victims to participate in the proceedings, 19 July 2012, ICC-01/05-01/08-2247-Conf.

B. Summary of the Annexes

26. The analysis of each application is set out in the appended Annexes as follows:

- Annex A, filed as *ex parte* only available to the Registry and Mr Assingambi Zarambaud: analysis of the applications belonging to Group A (alleged crimes committed in or around Bangui and PK12);
- Annex B, filed as *ex parte* only available to the Registry and Ms Marie-Edith Douzima Lawson: analysis of the applications belonging to Group B (alleged crimes committed in or around Damara and Sibut);
- Annex C, filed as *ex parte* only available to the Registry and Ms Marie-Edith Douzima Lawson: analysis of the applications belonging to Group C (alleged crimes committed in or around Boali, Bossembélé, Bossangoa and Bozoum); and
- Annex D, filed as *ex parte* only available to the Registry and Ms Marie-Edith Douzima Lawson: analysis of the applications belonging to Group D (alleged crimes committed in or around Mongoumba).

IV. Orders

27. For these reasons, the Chamber hereby:

a. Grants participating status to the following 777 applicants:

- Group A: a/0392/08; a/1435/10; a/1492/10; a/16965/11; a/17084/11; a/17085/11; a/17086/11; a/17087/11; a/17142/11; a/17143/11; a/17144/11; a/17145/11; a/17146/11; a/17147/11; a/17148/11; a/17149/11; a/17150/11; a/17151/11; a/17152/11; a/17153/11; a/17154/11; a/17155/11; a/17156/11; a/17157/11; a/17158/11; a/17159/11; a/17160/11; a/17161/11; a/17162/11; a/17163/11; a/17164/11; a/17165/11; a/17166/11; a/17167/11; a/17168/11; a/17169/11; a/17170/11; a/17171/11; a/17172/11;

a/17174/11; a/17175/11; a/17176/11; a/17177/11; a/17192/11; a/17193/11; a/17204/11;
a/17205/11; a/17208/11; a/17209/11; a/17210/11; a/17211/11; a/17212/11; a/17213/11;
a/17214/11; a/17215/11; a/17216/11; a/17218/11; a/17219/11; a/17220/11; a/17221/11;
a/17222/11; a/17223/11; a/17299/11; a/17300/11; a/17301/11; a/17304/11; a/17306/11;
a/17307/11; a/17308/11; a/17310/11; a/17311/11; a/17314/11; a/17315/11; a/17316/11;
a/17317/11; a/17318/11; a/17319/11; a/17320/11; a/17321/11; a/17322/11; a/17323/11;
a/17326/11; a/17327/11; a/17328/11; a/17329/11; a/17330/11; a/17331/11; a/17332/11;
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a/0167/11; a/0168/11; a/0170/11; a/0171/11; a/0201/11; a/0636/11; a/0639/11;
a/0641/11; a/0642/11; a/0643/11; a/0644/11; a/0645/11; a/0646/11; a/0647/11;
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a/16401/11; a/16402/11; a/16403/11; a/16404/11; a/16405/11; a/16406/11; a/16407/11;
a/16408/11; a/16409/11; a/16410/11; a/16411/11; a/16689/11; a/16690/11; a/16691/11;
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a/16734/11; a/16735/11; a/16736/11; a/16737/11; a/17083/11; a/17173/11; a/1967/10;
a/2193/10; a/2218/10; a/2360/10; a/2374/10; a/2436/10; a/2437/10; a/2597/10;

a/2633/10; a/2687/10; a/2689/10; a/2690/10; a/2723/10; a/2857/10; a/0385/11;
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a/05012/12; a/05015/12; a/05016/12; a/05017/12; a/05018/12; a/05019/12; a/05020/12;
a/05021/12; a/05022/12; a/05024/12; a/05025/12; a/05026/12; a/05027/12; a/05029/12;
a/05031/12; a/05032/12; a/05033/12; a/1194/11; a/16421/11; a/16729/11; a/1872/11;
a/1875/10; a/2195/10; a/2373/10; a/2613/10; a/2616/10; a/2622/10; a/2659/10;
a/0040/11; a/0047/11; a/0049/11; a/0058/11; a/0200/11; a/05037/12; a/05038/12;
a/05039/12; a/0726/11; a/0727/11; a/0728/11; a/0731/11; a/0734/11; a/0735/11;
a/0736/11; a/0738/11; a/0739/11; a/0740/11; a/0741/11; a/0742/11; a/0745/11;
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a/16934/11; a/17006/11; a/17008/11; a/17009/11; a/17014/11; a/17015/11; a/17018/11;
a/17019/11; a/17020/11; a/2249/10; a/2704/10; a/3160/10;

- Group B: a/17102/11; a/17103/11; a/17104/11; a/17105/11;
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a/17238/11; a/17239/11; a/17240/11; a/17241/11; a/17242/11; a/17243/11; a/17244/11;
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a/17324/11; a/17364/11; a/17373/11; a/17374/11; a/17375/11; a/17376/11; a/17377/11;
a/17378/11; a/0179/11; a/0317/11; a/0334/11; a/0503/11; a/0640/11; a/16312/11;
a/16313/11; a/16314/11; a/16315/11; a/16316/11; a/16317/11; a/16318/11; a/16319/11;
a/16320/11; a/16321/11; a/16322/11; a/16323/11; a/16324/11; a/16325/11; a/16326/11;
a/16327/11; a/16328/11; a/16329/11; a/16696/11; a/16706/11; a/16709/11; a/2504/10;
a/2709/10; a/0298/11; a/0321/11; a/05000/12; a/05009/12; a/05013/12; a/05028/12;
a/05034/12; a/1919/11; a/2618/10; a/2619/10; a/0730/11; a/17013/11;

- Group C: a/1256/10; a/1364/10; a/17089/11; a/17178/11;
a/17179/11; a/17180/11; a/17181/11; a/17182/11; a/17183/11; a/17184/11; a/17185/11;

a/17186/11; a/17187/11; a/17188/11; a/17189/11; a/17190/11; a/17191/11; a/17206/11;
a/17207/11; a/17217/11; a/17224/11; a/17225/11; a/17227/11; a/17228/11; a/17230/11;
a/17231/11; a/17258/11; a/17259/11; a/17260/11; a/17261/11; a/17262/11; a/17263/11;
a/17264/11; a/17265/11; a/17266/11; a/17267/11; a/17268/11; a/17269/11; a/17270/11;
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a/17279/11; a/17280/11; a/17281/11; a/17282/11; a/17283/11; a/17284/11; a/17285/11;
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a/17298/11; a/17305/11; a/17309/11; a/17339/11; a/17340/11; a/17341/11; a/17342/11;
a/17343/11; a/17344/11; a/17345/11; a/17346/11; a/17347/11; a/17348/11; a/17349/11;
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a/17398/11; a/17399/11; a/17401/11; a/17402/11; a/17403/11; a/17404/11; a/17405/11;
a/17406/11; a/17409/11; a/17410/11; a/17411/11; a/17412/11; a/17413/11; a/2138/10;
a/2161/10; a/2167/10; a/2176/10; a/2319/10; a/3199/10; a/0598/11; a/16351/11;
a/16352/11; a/16353/11; a/16354/11; a/16355/11; a/16356/11; a/16357/11; a/16358/11;
a/16359/11; a/16360/11; a/16368/11; a/16370/11; a/16371/11; a/16372/11; a/16373/11;
a/16374/11; a/16375/11; a/16376/11; a/16377/11; a/16378/11; a/16385/11; a/16386/11;
a/16387/11; a/16388/11; a/16389/11; a/16390/11; a/16391/11; a/16392/11; a/16700/11;
a/17081/11; a/17082/11; a/17229/11; a/17232/11; a/17233/11; a/17380/11; a/2008/10;
a/2308/10; a/2393/10; a/2859/10; a/3173/10; a/3175/10; a/3177/10; a/3178/10;
a/3182/10; a/3239/10; a/0487/11; a/05008/12; a/05010/12; a/05011/12; a/16576/11;
a/16643/11; a/1670/11; a/2354/10; a/2394/10; a/3232/10; a/05040/12; a/05041/12;
a/05042/12; a/05043/12; a/0510/11; a/0554/08; a/0726/10; a/1388/11; a/16256/11;
a/16908/11; a/16911/11; a/17012/11; a/2248/10;

- Group D: a/16865/11; a/17088/11; a/17194/11; a/17195/11;
a/17196/11; a/17197/11; a/17198/11; a/17199/11; a/17200/11; a/17201/11; a/17202/11;
a/17203/11; a/17291/11; a/17292/11; a/17295/11; a/17297/11; a/17302/11; a/17303/11;

a/17407/11; a/17414/11; a/17415/11; a/17416/11; a/17417/11; a/17418/11; a/17419/11;
a/17420/11; a/17421/11; a/17422/11; a/17423/11; a/17424/11; a/17425/11; a/17426/11;
a/17427/11; a/17428/11; a/17429/11; a/17430/11; a/17431/11; a/17432/11; a/17433/11;
a/17434/11; a/17436/11; a/17437/11; a/17438/11; a/17439/11; a/17440/11; a/17441/11;
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a/17471/11; a/17472/11; a/17473/11; a/0076/11; a/0394/11; a/0618/11; a/0941/11;
a/0942/11; a/0946/11; a/0947/11; a/0948/11; a/0952/11; a/0956/11; a/0957/11;
a/0958/11; a/0959/11; a/0960/11; a/0961/11; a/0962/11; a/0963/11; a/0964/11;
a/0965/11; a/0966/11; a/0967/11; a/0968/11; a/0970/11; a/0972/11; a/0973/11;
a/0974/11; a/0976/11; a/0978/11; a/0979/11; a/0980/11; a/0982/11; a/1015/11;
a/1016/11; a/1017/11; a/1020/11; a/1021/11; a/1022/11; a/1023/11; a/1024/11;
a/1025/11; a/1026/11; a/1027/11; a/1029/11; a/1030/11; a/1031/11; a/1032/11;
a/1033/11; a/1128/11; a/1129/11; a/1130/11; a/1131/11; a/1132/11; a/1133/11;
a/1136/11; a/1137/11; a/1140/11; a/1141/11; a/1142/11; a/1143/11; a/1145/11;
a/1147/11; a/1148/11; a/1151/11; a/1152/11; a/1154/11; a/1155/11; a/1481/11;
a/1482/11; a/1483/11; a/1484/11; a/1485/11; a/1486/11; a/1487/11; a/1488/11;
a/16367/11; a/16705/11; a/17435/11; a/17466/11; a/17474/11; a/17475/11; a/05023/12;
a/05030/12; a/0667/11; a/0195/10; a/17016/11.

b. Rejects the applications to participate of 14 applicants, namely:
a/1497/11; a/1403/10; a/2225/10; a/2612/10; a/0737/11; a/2502/10; a/1258/10;
a/2157/10; a/0922/10; a/1363/10; a/1368/10; a/1906/11; a/2149/10; a/2153/10;

c. Approves the VPRS' proposal to withdraw the registration numbers of the duplicate applications a/17272/11; a/17325/11; a/17372/11; a/17396/11 and a/16693/11 and to consolidate the corresponding applications transmitted in previous sets of applications;

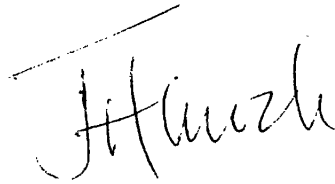
- d. Orders the VPRS to withdraw application a/2730/10 that was filed by an organisation that was dissolved subsequent to the transmission of the application;
- e. Orders the VPRS to consolidate application a/0397/11 that was previously transmitted in the nineteenth transmission of applications⁶⁴ and that was accepted in the Chamber's Decision on 1400 applications;⁶⁵
- f. Orders the VPRS to consolidate application a/16576/11 that was transmitted in the twenty-second and twenty-third transmissions;⁶⁶
- g. Orders the Registry to submit to the Chamber as soon as practicable a report on any potential requests for protective and special measures of victims who have been granted status to participate;
- h. Orders the Registry to (i) prepare a report compiling the extracts of the annexes to the present decision relating to applicants represented by the Office of Public Counsel for Victims ("OPCV") and whose applications were rejected; and (ii) notify such report to the OPCV as soon as practicable;
- i. Orders the Registry to provide the OPCV with the Reports of Interview with Applicant in relation to applicants represented by the OPCV.

⁶⁴ ICC-01/05-01/08-2017-Conf-Exp-Anx2

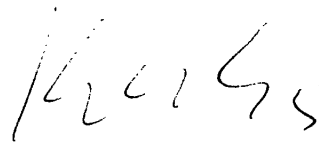
⁶⁵ ICC-01/05-01/08-2219, paragraph 20(a) and ICC-01/05-01/08-2219-Conf-Exp-AnxD, pages 146 to 147.

⁶⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx221 and ICC-01/05-01/08-2155Conf-Exp-Anx46.

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


Judge Sylvia Steiner

Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 5 November 2012

At The Hague, The Netherlands