

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/05-01/08
Date: 7 December 2017

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding Judge
Judge Geoffrey Henderson
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

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

Public redacted version of "Request for an extension to report on the investigations pursuant to the Chamber's Decision on the 'Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings'", 25 February 2011,
ICC-01/05-01/08-1297-Conf-Exp

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**

Ms Paolina Massidda

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

States' Representatives

Amicus Curiae

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

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

NOTING the “Decision on 772 applications by victims to participate in the proceedings” dated 18 November 2010;¹

NOTING the “Decision on 653 applications by victims to participate in the proceedings” dated 23 December 2010;²

NOTING the “Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings” of 14 October 2010 (hereafter “the 14 October Registry Report”);³

NOTING the instruction of Trial Chamber III (hereafter “the Chamber”) to the Registry to investigate the issue raised in the 14 October Registry Report, jointly with the OPCV, and to report back to the Chamber by way of a formal filing by 28 February 2011;⁴

NOTING the Decision on the “Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings”⁵ dated 14 January 2011 (hereafter “the Decision of 14 January 2011”);

NOTING the “Transmission de la liste des demandeurs visés par la Décision de la Chambre de première instance III du 14 janvier 2011 dans le cadre de l’enquête menée par le Greffe eu égard à certaines demandes de participation de victimes” of 18 January 2011 of the Office of Public Counsel for Victims (hereafter “OPCV”);

NOTING article 68(3) of the Rome Statute, rules 86 and 101(1) of the Rules of Procedure and Evidence and regulations 24*bis*, 35(1), 86(2) and 86(7) of the Regulations of the Court;

¹ ICC-01/05-01/08-1017

² ICC-01/05-01/08-1091

³ ICC-01/05-01/08-953-Conf-Exp and annexes

⁴ Email sent by the Chamber's Legal Adviser on 20 October 2010 at 15:49 to the Registry

⁵ ICC-01/05-01/08-1125-Conf-Exp

CONSIDERING that, in application of the Decision of 14 January 2011 and following the transmission, by the OPCV, of the list of applicants that have not yet been contacted, the Victims Participation and Reparations Section (hereafter, "VPRS") is currently conducting interviews with approximately 200 applicants who were assisted in making their applications by [REDACTED], in order to verify the content of their statements;

CONSIDERING that the Registry has already met approximately 140 of the said applicants for participation in the proceedings;

CONSIDERING that this report is filed as Confidential, *ex parte* only available to the Registry and the OPCV, as it pertains to a report to be filed with the Chamber that relates to victims' applications for participation in the proceedings and in implementation of a Decision of the Chamber that was itself filed Confidential, *ex parte* only available to the Registry and the OPCV;

TRANSMITS to the Chamber the following report and respectfully requests an extension of the time limit set by the Chamber for the Registry to file its final report, so as to present the results of its investigations by 31 March 2011;

1. The current Report provides the Chamber with preliminary information regarding the steps undertaken to date by the VPRS to conduct the interviews with the aforementioned applicants. For the reasons detailed in the report below, the VPRS respectfully requests the Chamber to grant the VPRS an extension of the time limit for filing the final report ordered by the Chamber in the Decision of 14 January 2011 until 31 March 2011.

A. Steps undertaken by the VPRS following the Decision of 14 January 2011

2. In accordance with the Chamber's Decision of 14 January 2011, the VPRS undertook preparations to conduct approximately 200 interviews with a view to ascertaining whether the provision of inaccurate information, first reported in the 14 October Registry Report, was an isolated incident, or whether this extended to applications of other applicants assisted by the same intermediary.

3. In view of the delicate task of having to go back to applicants to verify the content of their applications in a timely, adequate and sensitive manner, the VPRS has taken the following steps to implement procedures for receiving, assessing and presenting victims' information collected throughout the interview process.

Reinforcement of the VPRS staff capacity in the field

4. Although the investigation ordered by the Chamber in its 14 January 2011 Decision has been considered a priority for the Registry, it became evident that the two VPRS staff based in [REDACTED] could not complete this mission in a timely manner without entirely postponing their field activities, which include the important tasks of informing victims on the status of their applications following the last two decisions of the Chamber on applications to participate, as well as facilitating the transition to common legal representation in the Bemba case.⁶
5. [REDACTED]

Development of a methodology and training of staff conducting the interviews

6. The first interviews conducted by the VPRS staff in [REDACTED] 2010 had revealed the complexity of conducting a thorough inquiry to ascertain, as far as possible, the veracity of the victims' statements, while at the same time adopting a sensitive approach to victims.
7. [REDACTED]

Establishment of an adequate timeline to conduct interviews

8. In light of the objectives and complexity of the mission, the VPRS took into consideration various factors when establishing a timeline for the conduct of individual interviews with the applicants.
9. The first consideration was the potential impact these interviews could have on the applicants, including the fact that the victims might have concerns regarding the

⁶ Moreover, even with its field staff dedicating its full time to the implementation of the Chamber's order, it is believed that the VPRS would not have been in a position to conduct two hundreds interviews in an adequate manner within a few weeks.

nature of the interview, as well as the potential risk of causing a secondary traumatization to applicants who are asked to relate traumatic events for a second time. It was therefore necessary to plan a timeline for individual interviews that took into account the time needed to provide adequate explanations and information to the applicants, in order to ensure that they understood the process and to minimize the negative impact on them.

10. The organization of the interviews also had to take into account the guidelines⁷ on the number of hours that interpreters can work, which had implications for the schedule of interviews.
11. In light of the reason detailed above, despite all the efforts made by the VPRS to interview as many applicants as possible, to date the VPRS could only perform five interviews per team per day in average. Taking into consideration this speed, the VPRS has estimated that all the interviews and the report can be completed by 31 March 2011.

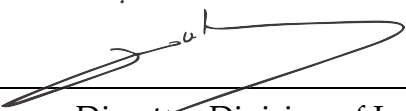
B. Request of an extension of time limit with a view to providing the Chamber with a full report and its conclusions by 31 March 2011

12. To date, the VPRS has been in a position to meet more than half of the approximately 200 applicants it intends to interview. Some of the remaining applicants may take longer to reach.⁸ Moreover, the outcomes of the first interviews and the information collected have confirmed the importance of conducting the meeting at an appropriate pace, in order to protect the psychological well-being, dignity and privacy of the victims.
13. Given the number of applicants remaining to be interviewed, and provided that the circumstances in the field allow for the interviews to be conducted at an efficient pace, the VPRS is of the view that it will be possible to conduct the interviews and prepare the report by the end of March 2011.

⁷ Guidelines for Court Staff Using the Services of the Field Interpreters, produced by the Court Interpretation and Translation Section.

⁸ The VPRS notes that some applicants are proving to be difficult to contact as they appear to have changed their contact details since their applications were transmitted to the Registry. This will be addressed, if necessary, in the Registry's report.

14. For this purpose, the Registry respectfully requests the Chamber to grant an extension of time until 31 March 2011 to enable the VPRS to implement the Decision of 14 January 2011.



Marc Dubuisson, Director, Division of Judicial Services
per delegation of the Registrar

Dated this 7 December 2017

At The Hague, The Netherlands