

**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 "Corrigendum to the Request for an extension of time to report on further investigations relating to intermediaries", 20 July 2011, ICC-01/05-01/08-1601-Conf-Corr

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Legal Representatives of the Victims

Ms Marie-Edith Douzima Lawson

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 “Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings” of 14 October 2010 (the “14 October Registry Report”);¹

NOTING the instruction of Trial Chamber III (the “Chamber”) to the Registry to investigate the issue raised in the 14 October Registry Report, jointly with the Office of Public Counsel for Victims (the “OPCV”), and to report back to the Chamber by way of a formal filing by 28 February 2011;²

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” dated 14 January 2011 (the “Decision of 14 January 2011”);³

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 OPCV;⁴

NOTING the Registry’s “Final 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” (the “Final Report”) dated 31 March 2011;⁵

¹ ICC-01/05-01/08-953-Conf-Exp and annexes.

² Email sent by the Legal Adviser to the Trial Division on 20 October 2010 at 15:49 to the Registry.

³ ICC-01/05-01/08-1125-Conf-Exp.

⁴ ICC-01/05-01/08-1133-Conf-Exp.

⁵ ICC-01/05-01/08-1369-Conf-Exp.

NOTING the Registry's "Report on issues concerning intermediaries' involvement in completion of applications for participation" of 3 June 2011;⁶

NOTING the Chamber's Decision on the Registry's "Report on issues concerning intermediaries' involvement in completion of applications for participation" dated 11 July 2011 (the "11 July Decision");⁷

NOTING article 68(3) of the Rome Statute, rules 86 and 101(1) of the Rules of Procedure and Evidence and regulations 23*bis*, 24*bis*, 35(1), 86(2) and 86(7) of the Regulations of the Court;

CONSIDERING that the Registry, and in particular the Victims Participation and Reparations Section, currently faces significant resource shortages which make it impossible to comply with the orders made in the 11 July Decision;

CONSIDERING that the present report is classified as confidential pursuant to regulation 23*bis*(2) of the Regulations of the Court because it responds to a decision of the Chamber marked as "confidential";

TRANSMITS to the Chamber the following report requesting an extension of the deadline set by the Chamber in the 11 July Decision.

⁶ ICC-01/05-01/08-1478-Conf.

⁷ ICC-01/05-01/08-1593-Conf.

1. The Registry takes note of the orders made by the Chamber in its 11 July Decision ordering that the Victims Participation and Reparations Section (the “VPRS”)
 - a. contact the 161 applicants assisted by Intermediary 1 and initially contacted by the OPCV in order to verify the accuracy of the information contained in their applications;
 - b. contact the 70 applicants assisted by Intermediary 2 and included in the Ninth Transmission in order to verify the accuracy of the information contained in their applications;
 - c. continue its efforts to contact any applicants who could not be reached to date with a view to re-interviewing them to verify the accuracy of the information contained in their applications;
 - d. file a report with the Chamber on the results of its inquiry under (a), (b) and (c) by 16.00 on Friday 3 October 2011; and
 - e. file or re-file in the record of the case, by 16.00 on Friday 3 October 2011, (i) the original applications of re-interviewed applicants together with any supplementary information collected during the inquiry process and (ii) a consolidated individual assessment report following the model of the report on the Tenth Transmission.

2. The current report relates to the difficulties likely to be faced by the Registry in implementing these orders of the Chamber.

3. The Registry notes that the Chamber’s order requires the Registry to conduct interviews with 231 individual applicants. By way of comparison, it is noted that conducting the Registry’s first round of interviews with approximately 200 applicants between [REDACTED] 2010 and [REDACTED] 2011, involved

a period of four weeks of full-time work (five days per week, from 8 a.m. to 6 p.m.) for two staff members during which they met with 150 applicants. [REDACTED]⁸

4. The Registry considers that the exercise ordered by the Chamber in its 11 July Decision not only involves more applicants than the previous undertaking, but is also of greater complexity. Indeed the order requires the VPRS to interview 161 applicants who are currently represented and have been contacted by the OPCV and, in some cases, have already provided additional information to the OPCV in the form of supplementary statements. Whereas a relationship of trust can be presumed to exist between the OPCV and its clients, the VPRS has never met these applicants. The Registry anticipates that the applicants may experience incomprehension and anxiety if they are contacted directly by the VPRS, in the absence of the OPCV, to discuss the content of their applications. This runs the risk of directly affecting the conduct and results of the exercise. Responding to this will require an appropriate and specific methodology to be put in place.
5. Assuming that the circumstances in the field allow for the interviews to be conducted at an efficient pace, the Registry considers that the following resources and time would be required for the implementation of the Chamber's order:

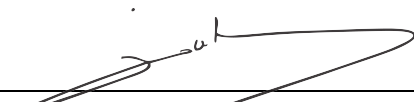
[REDACTED]
6. Due to the time required for preparation and the design of a methodology, the unavailability of staff to begin the interview process until the month of October 2011, and the existence of competing obligations pursuant to orders of this and other Chambers, the Registry anticipates that, even with the recruitment of one additional staff, it would not be in a position to complete

⁸ ICC-01/05-01/08-1369-Conf-Exp.

the steps required for the implementation of the Chamber's orders in the 11 July Decision until the end of January 2012.

7. The Registry further remarks that implementing the above mentioned orders will have the direct result of delaying the ongoing review, redaction and transmission of applications for participation in the present case, and potentially in other situations and cases as well. This would also come at a time when it is expected that a large number of applications will be received, in view of the time-limit of 16 September 2011 given to applicants for the submission of their applications to the Registry.
8. This exercise will also significantly affect the activities of the VPRS in the field. At the present time VPRS field staff are in the process of scaling up their capacity to assess and train intermediaries, and must also respond continuously to the need to keep victims informed and respond to questions and misinformation. The Registry notes that the need for these activities in the field are made even more acute in light of the 16 September 2011 deadline set by the Chamber for the submission of applications for participation in the proceedings.

RESPECTFULLY SUBMITS to the Chamber the present request for an extension of the deadline set for 3 October 2011 to 31 January 2012, in order to implement the above mentioned orders of the Chamber.



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

Dated this 7 December 2017

At The Hague, The Netherlands