



Original: English

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

Date: 6 April 2018

TRIAL CHAMBER III

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Chang-ho Chung
Judge Kimberly Prost

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

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

Public Document

**With Public Annexes 1 and 2 and Confidential *EX PARTE* Annexes 3, 4 and 5 only
available to the Registry**

**Public redacted version of "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**

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

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 Trial Chamber III’s (“Chamber”) decisions on applications by victims to participate in the proceedings issued on 22 February 2010 (“22 February 2010 Decision”),¹ 30 June 2010,² 18 November 2010,³ 23 December 2010,⁴ 8 July 2011,⁵ 25 October 2011⁶ and 15 December 2011;⁷

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 provide a *prima facie* assessment of the application’s compliance with the requirements of rule 85 of the Rules of Procedure and Evidence;⁸

NOTING the Chamber’s decision issued on 8 July 2011 setting the date of 16 September 2011 as the final deadline for the submission to the Registry of any new victims’ applications for participation in the trial;⁹

NOTING that on 15 February 2012, the Chamber instructed the Registry to transmit by 6 March 2012 any incomplete applications for participation received before the deadline of 16 September and that were completed through information obtained after 16 September 2011 ;¹⁰

NOTING article 68(3) of the Rome Statute, rule 89(1) of the Rules of Procedure and Evidence and regulations 23 *bis*, 24 *bis* (2) and 86(5) of the Regulations of the Court;

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 ICC-01/05-01/08-1862.

⁷ ICC-01/05-01/08-2011.

⁸ Memorandum dated 16 September 2010 from Presiding Judge to Director, Division of Court Services (“DCS”).

⁹ ICC-01/05-01/08-1590, para. 25.

¹⁰ Email of 15 February 2012 from the ALO, Trial Division, to ALO, VPRS.

CONSIDERING that the present document and its annexes are filed with the status “Confidential *ex parte*, only available to the Registry”, in order to sufficiently protect the identity of the applicants and their intermediaries when applicable;

CONSIDERING that 69 applications have now been processed and redacted in accordance with the guidelines established by the Chamber;¹¹

TRANSMITS to the Chamber the following report on 69 applications for participation in the proceedings.

A. Background and content of this report

1. The present report covers 69 applications to participate in the proceedings.
2. Four applications¹² covered in this report have been filed previously,¹³ and were rejected by the Chamber.¹⁴ Following the Chamber’s instructions in its 22 February 2010 Decision,¹⁵ the Registry is transmitting these applications for reconsideration by the Chamber in light of information received subsequently to the relevant decision.

¹¹ ICC-01/05-01/08-699, para. 33.

¹² [REDACTED].

¹³ ICC-01/05-01/08-1806-Conf-Exp-Anx206 and ICC-01/05-01/08-1806-Conf-Anx206-Red; ICC-01/05-01/08-981-Conf-Exp-Anx275 and ICC-01/05-01/08-981-Conf-Anx275 -Red; ICC-01/05-01/08-1381-Conf-Exp-Anx372 and ICC-01/05-01/08-1381-Conf-Anx372-Red; ICC-01/05-01/08-1604-Conf-Exp-Anx133 and ICC-01/05-01/08-1604-Conf-Anx133 -Red;.

¹⁴ ICC-01/05-01/08-1590, ICC-01/05-01/08-1862; ICC-01/05-01/08-1091 and ICC-01/05-01/08-2011. In relation to application [REDACTED] the Chamber considered that the inconsistencies in the description of events undermine the credibility of the applicant and the application for participation in the proceedings was rejected. Application [REDACTED] was rejected because the date of the alleged events as appearing on the applicant’s death certificate falls outside the temporal scope of the present case. Application [REDACTED] was rejected because the Chamber found that the alleged harm suffered is not linked to one of the crimes confirmed against the accused. In relation to application [REDACTED] the Chamber held that in the absence of any indication that the applicant’s house was pillaged before being burned down, the application for participation in the proceedings is rejected.

¹⁵ ICC-01/05-01/08-699, para. 20.

3. Two applications¹⁶ covered in this report have been previously transmitted¹⁷ to the Chamber and a decision on these applications is still pending. The Registry has received supplementary information subsequent to the transmission of these applications and it is now retransmitting the consolidated applications.
4. The 69 applications have been filed with the Chamber on 6 March 2012. 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.
5. 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*.¹⁸
6. In accordance with the 22 February 2010 Decision,¹⁹ the Registry is only filing the applications that appear to be complete, as assessed by reference to the relevant legal texts and jurisprudence.²⁰
7. This report provides an overview of the applications transmitted, while the following documents are provided as annexes:
 - **Annex 1:** Explanation of the contents of the individual assessment reports which constitute Annex 3;

¹⁶ [REDACTED].

¹⁷ ICC-01/05-01/08-2017-Conf-Exp-Anx2 and ICC-01/05-01/08-2017-Conf-Anx2 –Red; ICC-01/05-01/08-2130-Conf-Exp-Anx221 and ICC-01/05-01/08-2130-Conf-Anx221–Red.

¹⁸ 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 (“Document Containing the Charges”).

¹⁹ ICC-01/05-01/08-699, para. 35.

²⁰ In relation to application [REDACTED], covered by the present report, the VPRS received supplementary information from the OPCV in memoranda CAR-Bemba-T-2012-10-PM, which is annexed to the present report (Annex 4). The OPCV brought to the attention of VPRS that the OPCV took the identity document of this applicant in an electronic version and that it was discovered at the headquarters that the document was “electronically corrupted”. Given the fact that the circumstances are beyond the control of the applicant, the VRPS is transmitting the application to the Chamber in the present report and it will retransmit a consolidated version of the application as soon as feasible.

- **Annex 2:** Map showing the geographical areas used to group applications;
- **Annex 3:** Reports under regulation 86(5) of the Regulations of the Court, providing the Registry's assessment of each application (as explained in Annex 1);
- **Annex 4:** Memoranda sent by the OPCV to the VPRS in relation to individual applications;
- **Annex 5:** Index showing applications filed with this report by geographical area A to D.

8. As described in its previous reports,²¹ the Registry has categorized applications according to the geographical locations at which crimes are alleged by the applicants to have been committed.²² These groupings are explained in Annex 1 and shown on the map in 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 Annex 5. This annex divides the applications according to their groups (groups A to D) based on the geographical area of the alleged events.²³ The Registry draws to the Chamber's attention the fact that it is not aware, when processing the applications, whether any applicants would fall within group E (dual status victims).²⁴ As a consequence, none of the applications has been allocated to this group.

²¹ Notably the Registry's Report on applications to participate in the proceedings (ICC-01/05-01/08-653-Conf-Exp, para. 8); Second report to Trial Chamber III on applications to participate in the proceedings (ICC-01/05-01/08-796-Conf-Exp, paras. 6 to 8) and annex 2 to that report (ICC-01/05-01/08-796-Conf-Exp-Anx2).

²² As set out in the Document Containing the Charges (see *supra* footnote 18).

²³ The Registry notes that as regards Group D, Moundoumba and the surrounding area, some applications have been included in this group even though it is not clear whether in fact the alleged incident took place closer to Bangui or to the area of Moundoumba, which is situated to the South of Bangui. This is due to the similarity in the patterns of events alleged by these applicants.

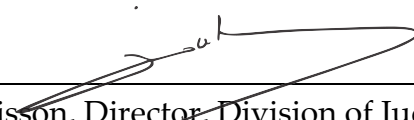
²⁴ ICC-01/05-01/08-1012-Corr.

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

9. 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 of the Rules of Procedure and Evidence. 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 of the Rules of Procedure and Evidence (“Rules”) are fulfilled and any legal issues which are apparent), as well as summaries of the applications.
10. In relation to each application, the Registry indicates either that:
 - (a) The application appears *prima facie* to comply with the requirements of rule 85 of the Rules; or
 - (b) The application is 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

11. The Registry notes that the 69 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 of 16 September 2010,²⁵ and in accordance with the guidelines on redactions provided in the 22 February 2010 Decision.
12. At this time no further measures of protection appear to be necessary.



 Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, Registrar

Dated this 6 April 2018

At The Hague, The Netherlands

²⁵ Email of 16 September 2010 from Legal Advisor, Trial Division, to Director, DCS and Chief, VPRS.