

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-02/09

Date: 19 March 2010

**PRE-TRIAL CHAMBER I**

**Before: Judge Sanji Mmasenono Monageng, Single Judge**

**SITUATION IN DARFUR, SUDAN**

***IN THE CASE OF THE PROSECUTOR V. BAHAR IDRIS ABU GARDA***

**Public Document**

**Decision on Applications a/0655/09, a/0656/09, a/0736/09 to a/0747/09,  
and a/0750/09 to a/0755/09 for Participation in the Proceedings at the Pre-Trial  
Stage of the Case**

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

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo  
Ms Fatou Bensouda  
Mr Essa Faal

**Counsel for the Defence**

Mr Karim A.A. Khan  
Mr Andrew J. Burrow

**Legal Representatives of Victims**

Mr Brahim Koné  
Ms Hélène Cissé  
Mr Akin Akinbote  
Mr Frank Adaka

**Unrepresented Victims**

**Legal Representatives of Applicants**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keita

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod-Jacome

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

**Others**

**I, Judge Sanji Mmasenono Monageng**, acting on behalf of Pre-Trial Chamber I (“Chamber”) of the International Criminal Court (“Court”) as Single Judge responsible for all issues relating to applications for authorisation to participate as victims in the proceedings in the case of *The Prosecutor v. Bahar Idriss Abu Garda* (“Abu Garda Case”);<sup>1</sup>

**NOTING** the “Document Containing the Charges submitted pursuant to article 61(3) of the Statute” (“DCC”) filed by the Prosecution on 10 September 2009;<sup>2</sup>

**NOTING** the “Decision on the 34 Applications for Participation at the Pre-Trial Stage of the Case” issued by the Single Judge on 25 September 2009 (“Decision on the 34 Applications”);<sup>3</sup>

**NOTING** the “Decision on victims’ modalities of participation at the Pre-Trial Stage of the Case” issued by the Chamber on 6 October 2009 (“Decision on the Modalities of Participation”);<sup>4</sup>

**NOTING** the “Decision on the 52 Applications for Participation at the Pre-Trial Stage of the Case” issued by the Single Judge on 8 October 2009 (“Decision on the 52 Applications”);<sup>5</sup>

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<sup>1</sup> “Decision on the Designation of a Single Judge on Victims’ Issues and on the Deadline for the Filing of Applications for Participation”, ICC-02/05-02/09-55, 19 August 2009.

<sup>2</sup> ICC-02/05-02/09-91-Red.

<sup>3</sup> ICC-02/05-02/09-121.

<sup>4</sup> ICC-02/05-02/09-136.

<sup>5</sup> ICC-02/05-02/09-147-Red.

**NOTING** the “Third Report on applications to participate in the proceedings” filed by the Registry on 12 January 2010, to which 20 applications were appended;<sup>6</sup>

**NOTING** the “Decision Setting a Time Limit for the Parties’ Replies to 20 Applications for Victims’ Participation in the Proceedings” issued by the Single Judge on 29 January 2010, whereby the Prosecution and the Defence were given time until 23 February 2010, at 16h00, to reply to the Applications;<sup>7</sup>

**NOTING** the “Decision on the Confirmation of Charges” issued on 8 February 2010, whereby the Chamber declined to confirm the charges against Mr Bahar Idriss Abu Garda (“Mr Abu Garda”);<sup>8</sup>

**NOTING** the “Defence’s Reply to the 20 Applications for Victims’ Participation in the Proceedings” filed on 23 February 2010 (“Defence Reply”),<sup>9</sup> whereby Counsel for the Defence of Mr Abu Garda (“Defence”) submits that, in view of the Chamber’s decision declining to confirm the charges against Mr Abu Garda, all victims’ applications for participation currently pending before the Single Judge are moot, and, alternatively, that the Applicants *prima facie* satisfy the requirements of rule 85(a) of the Rules of Procedure and Evidence (“Rules”), apart from Applicants a/0740/09 and a/0755/09;

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<sup>6</sup> ICC-02/05-02/09-238-Conf-Exp.

<sup>7</sup> ICC-02/05-02/09-240.

<sup>8</sup> ICC-02/05-02/09-243-Red.

<sup>9</sup> ICC-02/05-02/09-244.

**NOTING** the “Prosecution’s Observations on 20 Applications for Victims’ Participation in the Proceedings” filed on 23 February 2010 (“Prosecution Reply”),<sup>10</sup> whereby the Prosecution submits that the 20 Applicants *prima facie* meet the criteria for participation as victims, but that should the Chamber decide that the information provided is insufficient and the applications thus incomplete for lack of additional proof of kinship, such proof should be obtained with respect to Applicants a/0736/09 to a/0747/09 and a/0750/09 to a/0755/09 before their applications are decided upon by the Chamber;

**NOTING** the “Prosecution’s Application for Leave to Appeal the “Decision on the Confirmation of Charges”” filed on 15 March 2010,<sup>11</sup> whereby the Prosecution seeks leave to appeal the Decision on the Confirmation of Charges (“Application for Leave to Appeal”);

**NOTING** articles 57(3)(c), 61 and 68 of the Rome Statute (“Statute”), rules 85 to 89, 91, 92 and 155 of the Rules and regulations 65, 80(1), 81(4) and 86 of the Regulations of the Court (“Regulations”);

#### **HEREBY RENDER THIS DECISION**

1. On 12 January 2010, the Single Judge was seised of 20 applications for participation in the proceedings in the Abu Garda Case.<sup>12</sup>

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<sup>10</sup> ICC-02/05-02/09-245.

<sup>11</sup> ICC-02/05-02/09-252-Conf.

<sup>12</sup> Applicants a/0655/09, a/0656/09, a/0736/09 to a/0747/09, and a/0750/09 to a/0755/09.

2. The Single Judge recalls that in determining whether a person may be granted the right to participate in proceedings the following matters must be examined: (i) whether that person has submitted a complete application for participation, (ii) whether he or she meets the criteria of a victim set out in rule 85 of the Rules, and (iii) whether his or her personal interests are affected by the proceedings in issue, as prescribed in article 68(3) of the Statute.

3. The Single Judge reiterates her previous rulings in this case that the personal interests of victims are affected by the outcome of the pre-trial stage of the case.<sup>13</sup> The Single Judge notes that although the charges in the Abu Garda Case were not confirmed in the Decision on the Confirmation of Charges, the Prosecution has filed an Application for Leave to Appeal. The Single Judge is of the view that the personal interests of the victims are also affected by the outcome of the proceedings concerning the said Application. The applications of the victims are thus not moot.

## I. APPLICABLE LAW

### *Completeness of the applications for participation*

4. Pursuant to rule 89(1) of the Rules and regulation 86(5) of the Regulations, applicants seeking participation in the proceedings must submit a written application to the Registrar, who shall then transmit the application, together with a report thereon, to the relevant Chamber. The Single Judge reiterates that

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<sup>13</sup> Decision on the 34 Applications, paras 3 and 4; Decision on the 52 Applications, para. 2. See also *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, ICC-01/04-01/07-474, “Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case”, 13 May 2008, paras 31-44; *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-462-tEN, “Decision on the Arrangements for Participation of Victims a/001/06, a/002/06 and a/003/06 at the Confirmation Hearing”, ICC-02/08-110, 22 September 2006, p. 5.

she will be in a position to properly assess only fully completed applications containing the information required under regulation 86(2) of the Regulations.

An application is considered complete if it contains the following information:

- (i) the identity of the applicant;
- (ii) the date of the crime(s);
- (iii) the location of the crime(s);
- (iv) a description of the harm suffered as a result of the commission of any crime within the jurisdiction of the Court;
- (v) proof of identity;
- (vi) if the application is made by a person acting with the consent of the victim, the express consent of that victim;
- (vii) if the application is made by a person acting on behalf of a victim, in the case of a victim who is a child, proof of kinship or legal guardianship; or, in the case of a victim who is disabled, proof of legal guardianship; and
- (viii) a signature or thumb-print of the applicant on the document, at the very least, on the last page of the application.<sup>14</sup>

5. As regards proof of identity, the Single Judge recalls that victims who apply to participate in the proceedings need to provide proper identification documents and, for the reasons set out in the Decision on the 34 Applications, the Single Judge will accept as proof of identity the documents listed in that decision.<sup>15</sup>

6. Most of the Applications in the present case are made by persons claiming to have suffered emotional harm and economic loss as a result of the death of a family member. The Single Judge recalls that in such cases the Court requires proof of identity of the family member and of his or her relationship with the

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<sup>14</sup> Decision on the 52 Applications, para. 4.

<sup>15</sup> Decision on the 34 Applications, para. 8.

applicant. The Single Judge will need to be satisfied that the family member existed and that he or she had the requisite relationship with the applicant.<sup>16</sup>

#### *Assessment of the merits of applications*

7. Rule 85(a) of the Rules provides:

‘Victims’ means natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court.

8. The Single Judge must thus ascertain that the following four criteria are met:

(i) the applicant must be a natural person; (ii) the applicant must have suffered harm; (iii) the crime from which the harm resulted must fall within the jurisdiction of the Court; and (iv) there must be a causal link between the crime and the harm.<sup>17</sup> With regard to the third requirement, the Single Judge recalls that the alleged incident from which the harm resulted must relate to the crimes alleged in the warrant of arrest or summons to appear, or, at a later stage in the proceedings, in the document containing the charges.<sup>18</sup>

9. The scope of the case is delineated by the document containing the charges pursuant to article 61(3) of the Statute.<sup>19</sup> In the present case, the relevant crimes are listed in the DCC. As indicated earlier, the charges set out in the DCC were

<sup>16</sup> Decision on the 34 Applications, para. 9; Decision on the 52 Applications, para. 6; *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen*, ICC-02/04-01/05-371, “Judgment on the appeals of the Defence against the decisions entitled “Decisions on victims’ applications for participation ...” of Pre-Trial Chamber II”, 23 February 2009, para. 36.

<sup>17</sup> *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, ICC-01/04-01/07-579, “Decision on the 97 Applications for Participation at the Pre-Trial Stage of the Case”, 10 June 2008, para. 65.

<sup>18</sup> *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-1432, “Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008”, 11 July 2008, para. 58; *Situation in Darfur, Sudan*, ICC-02/05-121, “Decision on the Requests for Leave to Appeal the Decision on the Application for Participation of Victims in the Proceedings in the Situation”, 6 February 2008, p. 8.

<sup>19</sup> *The Prosecutor v. Jean-Pierre Bemba Gombo*, ICC-01/05-01/08-320, “Fourth Decision on Victims’ Participation”, 12 December 2008, para. 63.



not confirmed in the Decision on Confirmation of Charges. However, in view of the pending Application for Leave to Appeal and having regard to the interests of the victims at this particular stage of the pre-trial proceedings,<sup>20</sup> the scope of the case remains delineated by the DCC, for the purposes of the present decision. In the DCC, the Prosecution alleges that on 29 September 2007, Mr Bahar Idriss Abu Garda, jointly and with JEM (Justice and Equality Movement) forces under his control and SLA-Unity (Sudan Liberation Army- Unity) forces, committed the war crimes of violence to life through acts of murder, of intentionally directing attacks against personnel, installations, material, units or vehicles involved in the peacekeeping mission and of pillaging at the Military Group Site Haskanita ("MGS Haskanita"), in Haskanita village, Um Kada Locality, in North Darfur, the Sudan.

10. The Single Judge reiterates that the applicants are only required to demonstrate that the four requirements set out in rule 85(a) of the Rules are met *prima facie*.<sup>21</sup>

## II. INDIVIDUAL ASSESSMENT OF APPLICATIONS FOR PARTICIPATION

### *a. Preliminary issues*

11. The Single Judge notes that different dates of birth are provided in the application form of Applicant a/0736/09 and the appended identity card. However, the Registry provided supplementary information, which, it submits, it received from an intermediary and according to which the Applicant clarified

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<sup>20</sup> See *supra* para. 3.

<sup>21</sup> Decision on the 34 Applications, para. 14.

that the correct date of birth is the one printed in the identity card. The Single Judge notes that the difference is only in the month of birth, whereas the day and the year are the same in both documents. The Single Judge considers that the inconsistency between the information provided in the application form and that printed on the identity card is rather insignificant and the supplementary information, although not signed by the Applicant, is sufficient for the Single Judge to be satisfied that the inconsistency resulted from a mere oversight. The Single Judge is thus satisfied that Applicant a/0736/09 has provided sufficient proof of identity.

12. The Defence submits that there are differences in handwriting in various parts of Application a/0740/09, whereas no information has been provided as to whether the Applicant was assisted in filling in the application form.<sup>22</sup> The Single Judge notes that, while she is in no position to determine whether a person different from the Applicant filled in the form, only short passages are written in the allegedly different handwriting and the application is duly signed. The Single Judge is thus of the view that in this particular case the alleged differences in handwriting do not affect the reliability of the information contained in the application form, nonetheless, the Single Judge draws the Registry's attention to the need of ensuring that applications contain information as to whether the applicant was assisted in filling in the form.<sup>23</sup>

*b. Applications a/0655/09 and a/0656/09*

13. Applications a/0655/09 and a/0656/09 are made by two men who submit that they were involved in the AMIS and were present in the compound of the MGS Haskanita at the time it was attacked, on 29 September 2007.

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<sup>22</sup> Defence Reply, para. 12.

<sup>23</sup> Application form, question 23.

14. Both Applicants append copies of identity cards and driver's licences. The Single Judge is satisfied that the Applicants are natural persons and that their identities have been duly established.

15. Applicant a/0655/09 alleges that during the attack on the MGS Haskanita he was shot on his chest and that some of his property, including money, was taken away. He appends a medical report from a hospital in the Sudan. The report confirms that the Applicant had a wound on his chest and that he was treated at that hospital. The Single Judge finds that there is sufficient evidence to establish *prima facie* that the Applicant suffered harm, including physical injury and economic loss, as a result of the crimes allegedly committed during the attack on the MGS Haskanita on 29 September 2007.

16. Applicant a/0656/09 alleges that during the attack on the MGS Haskanita he was wounded. The Applicant submits that he escaped from the attackers and hid in the bush, where he remained for 24 hours without food and water. He also alleges that his property, including money, was stolen during the attack. The Applicant submits that he "feels bad" when he reflects on the attack. The Single Judge finds that there is sufficient evidence to establish *prima facie* that the Applicant suffered harm, including economic loss and emotional suffering, as a result of the crimes allegedly committed during the attack on the MGS Haskanita on 29 September 2007.

17. The Single Judge is satisfied that Applicants a/0655/09 and a/0656/09 meet the criteria of "victims" set out earlier in this decision and shall be granted the right to participate in the pre-trial stage of the proceedings in this case.

*c. Applications a/0736/09 to a/0741/09*

18. Applications a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09 and a/0741/09 are made by family members of a man, who they submit was a peacekeeper and died as a result of the attack on the MGS Haskanita. The Applicants submit that they are the peacekeeper's: mother, father, three brothers and a sister. They provide copies of their identity cards and of the death certificate of the peacekeeper.

19. For these reasons, the Single Judge is satisfied that Applicants a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09 and a/0741/09 are natural persons and that their identities have been duly established.

20. The Applicants submit that as a result of the death of their family member they suffered emotional harm. In addition, Applicants a/0739/09 and a/0740/09 allege that they lost financial and other support, which they were receiving from the deceased peacekeeper.

21. The Applicants describe the familial relationship with the deceased peacekeeper. All the Applications are intrinsically coherent<sup>24</sup> in this regard and corroborate one another. In addition, the Applicants bear the same family name. The Single Judge is thus satisfied that there is sufficient evidence establishing that Applicants a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09 and a/0741/09 are members of the immediate family of a deceased peacekeeper, who died as a result of the attack on the MGS Haskanita. They have provided sufficient evidence establishing *prima facie* that they suffered emotional harm and, Applicants a/0739/09 and a/0740/09, economic loss as a result of the crimes

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<sup>24</sup> Decision on the 34 Applications, para. 14; Decision on the 52 Applications, para. 18.

allegedly committed during the attack on the MGS Haskanita on 29 September 2007.

22. The Single Judge is satisfied that Applicants a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09 and a/0741/09 meet the criteria of “victims” set out earlier in this decision and shall be granted the right to participate in the pre-trial stage of the proceedings in this case.

*d. Application a/0754/09*

23. Applicant a/0754/09 submits that she was the deceased peacekeeper’s fiancée. A copy of the identity document of the Applicant is appended. The Single Judge is satisfied that the Applicant is a natural person and that her identity has been duly established.

24. The Applicant submits that she suffered emotional harm as a result of the death of her fiancée. She also submits that she was pregnant at the time of his death and, as a result of the stress, suffered a miscarriage. The Single Judge notes that this information, albeit without a mention of the name of the fiancée of the deceased peacekeeper, is also provided by Applicant a/0736/09 in her application form. Applicant a/0754/09 further submits that she depended financially on the peacekeeper and that after his death her financial situation has been difficult. The Single Judge finds that there is sufficient evidence to establish *prima facie* that the Applicant suffered harm, including economic loss and emotional suffering, as a result of the crimes allegedly committed during the attack on the MGS Haskanita on 29 September 2007.

25. The Single Judge is satisfied that Applicant a/0754/09 meets the criteria of a “victim” set out earlier in this decision and shall be granted the right to participate in the pre-trial stage of the proceedings in this case.

*e. Applications a/0742/09 to a/0747/09, a/0750/09 to a/0753/09 and a/0755/09*

26. Applications a/0742/09, a/0743/09, a/0744/09, a/0745/09, a/0746/09, a/0747/09, a/0750/09, a/0751/09, a/0752/09 and a/0753/09 are made by persons claiming to be family members of the peacekeeper, who they submit died as a result of the attack on the MGS Haskanita. Applicant a/0755/09 submits that he was the deceased peacekeeper’s close friend.<sup>25</sup> All these Applicants provide copies of their identity cards and of the death certificate of the peacekeeper. Applicants a/0742/09 and a/0743/09 are under 18 years of age and Applicant a/0741/09 acts on their behalf. The birth certificates of these two Applicants are appended, in which Applicant a/0741/09 is referred to as their mother. A copy of Applicant a/0743/09’s passport is also appended. The Single Judge is satisfied that Applicants a/0742/09 to a/0747/09, a/0750/09 to a/0753/09 and a/0755/09 are natural persons and that their identities have been duly established.

27. All the Applicants claim to have suffered emotional harm as a result of the death of the peacekeeper. In addition, Applicant a/0751/09 alleges that he lost financial and other support, which he was receiving from the deceased peacekeeper.

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<sup>25</sup> The Single Judge takes note of the Defence’s objection to Application a/0755/09, whereby the Defence contends that unsubstantiated claims of friendship cannot *prima facie* constitute a “close personal relationship”, as referred to in a ruling of the Appeals Chamber. Defence Reply, para. 13, citing *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-1432, “Judgment on the appeals of The Prosecutor and the Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008”, 11 July 2008, para. 32.

28. The Single Judge notes that these Applicants are not members of the immediate family of the deceased peacekeeper.<sup>26</sup> They are: aunts, uncles, cousins, a nephew, a niece, a son of the mother's cousin and a close friend of the peacekeeper. The Single Judge recalls previous decisions of this Chamber and Pre-Trial Chamber III, whereby members of "immediate" or "close" family and dependants,<sup>27</sup> or "relatives" were considered as persons who could be recognised as victims in relation to the harm they suffered as a result of the death of another victim.

29. The Single Judge recalls that in a ruling on another matter, the Appeals Chamber indicated that the issue it dealt with did not encompass the question of whether emotional harm may only be based on the loss of a member of the immediate family.<sup>28</sup> The Single Judge understands this to be an indication that, while there had not been a definite ruling of the Appeals Chamber on the matter, the Appeals Chamber was conscious that such an issue may arise in the Court's judicial practice. The decisions issued by the Pre-Trial Chambers remain thus the only guidance to the Single Judge in the case at hand.

30. The Single Judge considers that for the purposes of recognition as victims in the proceedings before the Court, applications from members of the immediate family of a deceased victim will usually require less information and/or evidence regarding the nature of the relationship with the deceased victim for such

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<sup>26</sup> For the purposes of the present decision, "immediate family" encompasses: "a person's parents, spouse, children and siblings", as defined in Black's Law Dictionary, 7th edition, 1999.

<sup>27</sup> *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-172tEN, "Decision on the Applications for Participation in the Proceedings Submitted by VPRS 1 to VPRS 6 in the Case the Prosecutor v. Thomas Lubanga Dyilo", 29 June 2006, pp. 7-8, citing, among other authorities: "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", United Nations General Assembly, resolution 40/34, 29 November 1985, 40th session, United Nations Document A/RES/40/34; *The Prosecutor v. Jean-Pierre Bemba Gombo*, ICC-01/05-01/08-320, "Fourth Decision on Victims' Participation", 12 December 2008, para. 51.

<sup>28</sup> *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen*, ICC-02/04-01/05-371, "Judgment on the appeals of the Defence against the decisions entitled "Decisions on victims' applications for participation ... " of Pre-Trial Chamber II", 23 February 2009, para. 32.

applicants to be recognised as victims, as these members of the family are usually the most affected by the death of their family member. As such emotional harm is less apparent in the case of persons from a more distant family or from outside of the family circle, more information and/or evidence would be required to substantiate the claim that the relationship of the applicant and the deceased person was of such a nature that the death of that person caused emotional harm to the applicant and/or resulted in a loss of economic support.

31. The Single Judge notes that the Applicants provided little evidence or information of their relationship with the deceased peacekeeper. For the reasons set out in the preceding paragraph the Single Judge considers that, while providing not much less information than the members of the immediate family and the fiancée of the deceased peacekeeper, Applicants a/0742/09 to a/0747/09, a/0750/09 to a/0753/09 and a/0755/09 have not provided sufficient evidence to substantiate the claim that in light of the nature of their relationship with the deceased peacekeeper, they suffered emotional harm and/or economic loss as a result of his death.

32. For these reasons, the Single Judge is unable to be satisfied that Applicants a/0742/09 to a/0747/09, a/0750/09 to a/0753/09 and a/0755/09 meet the criteria of “victims” set out earlier in this decision and that they shall be granted the right to participate in the pre-trial stage of the proceedings in this case. The Single Judge indicates that, pursuant to rule 89(2) of the Rules, these Applicants may file new applications for participation.



### III. LEGAL REPRESENTATION

33. The Single Judge notes that Applicants a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09, a/0741/09 and a/0754/09 are not represented by a legal representative. As the proceedings regarding the Prosecution's Application for Leave to Appeal are in progress, the Single Judge considers that the interests of justice require that a legal representative of these Applicants should be appointed to enable them to participate in these proceedings. Following consultation with the Registrar, the Single Judge is of the view that Ms Hélène Cissé should be appointed, pursuant to regulation 80(1) of the Regulations, as a legal representative of these Applicants to represent them until a Legal Representative of their own choice, who meets the necessary requirements, is appointed.

#### FOR THESE REASONS,

**DECIDE** to grant authorisation to participate as victims in the proceedings at the pre-trial stage to Applicants a/0655/09, a/0656/09, a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09, a/0741/09 and a/0754/09;

**DECIDE** to deny authorisation to participate as victims in the proceedings at the pre-trial stage to Applicants a/0742/09 to a/0747/09, a/0750/09 to a/0753/09 and a/0755/09, without prejudice to their right to file new applications;

**DECIDE** that the modalities of participation of victims a/0655/09, a/0656/09, a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09, a/0741/09 and a/0754/09 are those set out in the Decision on the Modalities of Participation;

**APPOINT** Ms Hélène Cissé as a Legal Representative of Victims a/0736/09, a/0737/09, a/0738/09, a/0739/09, a/0740/09, a/0741/09 and a/0754/09 to represent these victims until a Legal Representative of their own choice, who meets the necessary requirements, is appointed;

**ORDER** the Registry to notify the present Applicants and/or their Legal Representatives, of the present decision as soon as possible;

**ORDER** the Registry to notify the Legal Representatives of the Prosecution's Application for Leave to Appeal and instruct them that the time limit set in regulation 65(3) of the Regulations shall start running on the day of such notification;

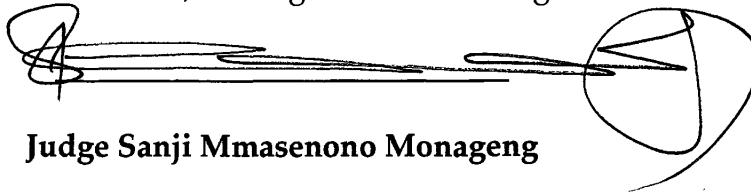
**ORDER** that the applicants to whom the status of victims at the pre-trial stage of this case is granted in the present decision:

- (i) shall be referred to only by the numbers assigned to them by the Registry, unless otherwise ordered by the Chamber; and
- (ii) shall only be contacted through their Legal Representatives;

**ORDER** the Prosecutor, Defence and Legal Representatives of victims to maintain the confidentiality of any information related to the victims, to ensure that no such information is disclosed to the public; and

**ORDER** the Office of Public Counsel for Victims to provide support and assistance to the applicants herein granted the status of victims and their legal representatives in accordance with regulation 81(4) of the Regulations.

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

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a large circular flourish on the right.

**Judge Sanji Mmasenono Monageng**

**Single Judge**

Dated this Friday, 19 March 2010

At The Hague, The Netherlands