

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 7 September 2010

**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 - URGENT**

**Decision setting a time-limit for the submission of new victims' applications  
for participation**

**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 Nkwebe Liriss

Mr Aimé Kilolo Musamba

**Legal Representatives of the Victims**

Ms Marie-Edith Douzima Lawson

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

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

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod Jacome

**Detention Section**

**Victims Participation and Reparations Section**

Ms Fiona McKay

**Other**

Trial Chamber III (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court” or “ICC”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, (“Bemba case”) issues the following Decision setting a time-limit for the submission of new victims’ applications for participation .

1. The Trial Chamber held a status conference on Monday 30 August 2010 at which the Chamber received submissions from the parties in relation to the possible date for the commencement of the trial, having decided that “proceedings shall continue, pending the outcome of the appeal against the decision on admissibility and abuse of process challenge.”<sup>1</sup>
2. On 11 June 2010, the Victims Participation and Reparation Section (“VPRS”) filed its “Second report to Trial Chamber III on applications to participate in the proceedings,”<sup>2</sup> *ex parte*, Registry only, in which 192 victims’ applications for participation were transmitted to the Chamber.
3. Additionally, the VPRS filed its, *ex parte*, Registry only, “Supplementary report on common legal representation”<sup>3</sup> on 13 July 2010, in which it submitted that there are presently a further 900 applications that have been received by the Registry and that are still to be transmitted to the Chamber pursuant to Regulation 86 (5) of the Regulations of the Court.
4. The Trial Chamber notes that pursuant to Article 68(3) of the Rome Statute, “the Court shall permit the victims to present their views and concerns at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the suspects and a fair and impartial trial.”

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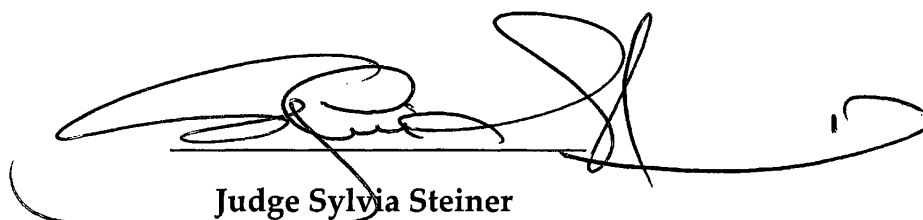
<sup>1</sup> Transcript of hearing on 30 August 2010, ICC-01/05-01/08-T-24-ENG ET WT, page 16, lines 12 – 14.

<sup>2</sup> Second report to Trial Chamber III on applications to participate in the proceedings, 11 June 2010, ICC-01/05-01/08-796-Conf-Exp.


<sup>3</sup> Supplementary report on common legal representation, 13 July 2010, ICC-01/05-01/08-821-Conf-Exp.

5. However, considering the volume of applications already received by the Registry but not yet notified to the Chamber and also the fact that the Chamber is still in the process of reviewing the 192 applications notified before the judicial recess, the Chamber considers it necessary to manage the applications process in the interests of efficient trial preparation and in order not to further delay the commencement of trial.
6. In consideration of fixing a new trial date and in order to allow sufficient time for the Registry to transmit the applications to the Chamber and the parties, and for the parties to file their observations on these applications, it is appropriate for the Chamber to establish a deadline for the submission of any more victims' applications to participate in the trial proceedings at the initial stage.
7. The Chamber notes this deadline will only apply with regard to new applications that have not yet been received by the Registry and it does not affect the submission of applications for reparations pursuant to Rule 94 of the Rules of Procedure and Evidence.
8. The Chamber considers that any applications that are received after the deadline date may still be considered for the purpose of allowing victims to participate in further stages of the trial proceedings. Whatever form of participation the Chamber will allow as regards applications made after the deadline will be ruled upon by the Chamber on an application by application basis.
9. For the above reasons, the Trial Chamber hereby fixes a deadline of 15 September 2010 for the submission of any new victims' applications to the Registry for participation in the initial stages of trial proceedings.

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



**Judge Sylvia Steiner**



**Judge Joyce Aluoch**



**Judge Kuniko Ozaki**

Dated this 7 September 2010

At The Hague, The Netherlands

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 21 July 2011

**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**

**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**

**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 Nkwebe Liriss

Mr Aimé Kilolo Musamba

**Legal Representatives of the Victims**

Ms Marie-Edith Douzima Lawson

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**The Office of Public Counsel for Victims**

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

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

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**Defence Support Section**

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod Jacome

**Detention Section**

**Victims Participation and Reparations Section**

Ms Fiona McKay

**Other**

Trial Chamber III (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court” or “ICC”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”), issues the following Decision (i) ruling on 401 applications by victims to participate in the proceedings; and (ii) setting a final deadline for the submission of new victims’ applications to the Registry.

## I. Background and submissions

1. On 7 September 2010, the Chamber issued its “Decision setting a time-limit for the submission of new victims’ applications for participation”.<sup>1</sup> In that decision, the Chamber (i) fixed the deadline of 15 September 2010 for the submission of any new victims’ applications to the Registry for participation in the initial stages of the trial proceedings;<sup>2</sup> and (ii) decided that any applications that are received after the deadline may still be considered for the purpose of allowing victims to participate in further stages of the trial proceedings, in a form to be ruled upon by the Chamber on an application-by-application basis.<sup>3</sup>

2. On 18 November 2010, the Chamber issued its “Decision on 772 applications by victims to participate in the proceedings” (“18 November 2010 Decision”), in which it decided on the second, third, fourth, fifth and sixth sets of victims’ applications for participation in the proceedings.<sup>4</sup>

3. On 23 December 2010, the Chamber issued its “Decision on 653 applications by victims to participate in the proceedings” (“23 December 2010 Decision”), in which it decided on the seventh and eighth sets of victims’ applications for

<sup>1</sup> Decision setting a time-limit for the submission of new victims’ applications for participation, 7 September 2010, ICC-01/05-01/08-875.

<sup>2</sup> ICC-01/05-01/08-875, paragraph 9.

<sup>3</sup> ICC-01/05-01/08-875, paragraph 8.

<sup>4</sup> Decision on 772 applications by victims to participate in the proceedings, 18 November 2010, ICC-01/05-01/08-1017 and its confidential *ex parte* annexes.



participation in the proceedings.<sup>5</sup>

4. On 8 April 2011, the Chamber instructed the Registry to transmit applications received before 1 February 2011, as well as any additional applications which the Registry may have processed by 21 April 2011.<sup>6</sup>

5. On 21 April 2011, the Victims Participation and Representation Section (“VPRS”) filed its “Ninth report to Trial Chamber III on applications to participate in the proceedings”, *ex parte*, Registry only,<sup>7</sup> and transmitted 401 victims’ applications for participation to the Chamber (“ninth set”),<sup>8</sup> as well as redacted copies of these applications to the parties.<sup>9</sup>

6. By e-mail of 27 April 2011 and oral decision of 3 May 2011, the Chamber informed the parties that, in relation to the ninth set of applications, it would apply the 21 day time-limit for the parties to respond, in accordance with Regulation 34(b) of the Regulations of the Court (“Regulations”).<sup>10</sup>

7. On 17 May 2011, both the defence<sup>11</sup> and the Office of the Prosecutor (“prosecution”)<sup>12</sup> filed their observations on the ninth set of applications for participation in the proceedings.

<sup>5</sup> Decision on 653 applications by victims to participate in the proceedings, 23 December 2010, ICC-01/05-01/08-1091 and its confidential *ex parte* annexes.

<sup>6</sup> Email of 8 April 2011 from the Assistant Legal Officer, Trial Division, to the Assistant Legal Officer, Division of Court Services.

<sup>7</sup> Ninth report to Trial Chamber III on applications to participate in the proceedings, 21 April 2011, ICC-01/05-01/08-1383-Conf-Exp.

<sup>8</sup> Ninth transmission to the Trial Chamber of applications for participation in the proceedings, 21 April 2011, ICC-01/05-01/08-1381 and its confidential *ex parte* annexes.

<sup>9</sup> Ninth transmission to the parties and legal representatives of the applicants of redacted versions of applications for participation in the proceedings, 21 April 2011, ICC-01/05-01/08-1382 and its confidential annexes.

<sup>10</sup> E-mail of 27 April 2011 from the Legal Officer, Trial Chamber III, to the prosecution, copying the defence and the legal representatives; Transcript, ICC-01/05-01/08-T-102-Conf-ENG, 3 May 2011, page 4, lines 9 to 17.

<sup>11</sup> Observations de la Défense sur la “Neuvième transmission aux parties et aux représentants légaux des versions expurgées des demandes de participation à la procédure”, 17 May 2011, ICC-01/05-01/08-1413 and confidential annex.

<sup>12</sup> Prosecution’s Observations on 401 Applications for Victims’ Participation in the Proceedings, 17 May 2011, ICC-01/05-01/08-1414.

## II. Relevant provisions

8. In accordance with Article 21(1) of the Rome Statute (“Statute”), the Chamber has considered the following provisions of the Statute, the Rules of Procedure and Evidence (“Rules”) and the Regulations: Article 68 of the Statute, Rule 85, Rule 89, Rule 98(1) of the Rules and Regulation 86 of the Regulations.

## III. Summary of the observations of the parties

### A. Observations of the prosecution

9. In its observations on the ninth set of applications for participation in the proceedings, the prosecution submits that 316 out of 401 applicants should be granted authorisation to participate as they meet all of the requirements under Article 68(3) of the Statute for participation in the proceedings at the trial stage.<sup>13</sup>

10. In relation to three applicants, it is submitted that they should be deemed to meet the requirements.<sup>14</sup> First, the prosecution considers that a *carte de demandeur d’emploi* should be considered as sufficient proof of identity, highlighting that, despite the omission of this form of identification from the list of documents previously cited as acceptable by the Pre-Trial Chamber and endorsed by this Chamber, the Chamber has recognised that the list is not exhaustive.<sup>15</sup> With regard to two applications indicating dates of victimisation which fall slightly outside the time-frame of the charges, the prosecution reiterates its position that the time-frame “on or about 26 October 2002 to 15 March 2003” allows applicants to claim victim status if they allege that they were victims of acts that occurred close to the specific dates and within a general margin of appreciation.<sup>16</sup>

<sup>13</sup> ICC-01/05-01/08-1414, paragraphs 2, 6 and 28.

<sup>14</sup> ICC-01/05-01/08-1414, paragraphs 2 and 29.

<sup>15</sup> ICC-01/05-01/08-1414, paragraph 7.

<sup>16</sup> ICC-01/05-01/08-1414, paragraph 8.

11. With regard to 49 applications, the prosecution contends that redactions make it difficult to determine whether the applicants meet all the requirements for participation and leaves it to the Chamber to determine whether the requirements are fulfilled.<sup>17</sup>

12. In relation to 33 applications, the prosecution submits that the applications should be deferred until further information or documentation is obtained.<sup>18</sup> This observation concerns instances where applicants fail to (i) provide valid documents to establish their own identity or the identity of, or relationship with, a family member with regard to claims of emotional harm;<sup>19</sup> (ii) provide any precise date or any specific location with regard to the alleged claims or submit inconsistent information in this regard;<sup>20</sup> (iii) identify the perpetrator of the crime allegedly suffered<sup>21</sup> or; (iv) provide clear accounts in respect of the crimes they allegedly suffered.<sup>22</sup>

## **B. Observations of the defence**

13. The defence submits that all 401 applications for participation in the proceedings should be rejected because none of them fulfil the requisite criteria.<sup>23</sup> To that end, the defence reiterates and elaborates upon the arguments asserted in relation to previous sets of applications. These arguments will be summarised below, to the extent that they are substantiated by new considerations which have arisen in the course of the proceedings until now.

<sup>17</sup> ICC-01/05-01/08-1414, paragraphs 9 to 12 and 30.

<sup>18</sup> ICC-01/05-01/08-1414, paragraphs 4 and 31.

<sup>19</sup> ICC-01/05-01/08-1414, paragraphs 13 to 17.

<sup>20</sup> ICC-01/05-01/08-1414, paragraphs 20 to 23.

<sup>21</sup> ICC-01/05-01/08-1414, paragraph 24.

<sup>22</sup> ICC-01/05-01/08-1414, paragraph 26.

<sup>23</sup> ICC-01/05-01/08-1413, paragraphs 28 and 29.

i. Timing for filing of applications

14. The defence reiterates that it faces difficulties related to the delay in the filing of applications, which are intensified with regard to the ninth set, as these applications have been transmitted in the middle of the prosecution case, at a time when the defence is entirely occupied with the daily preparation of the ongoing trial and investigations.<sup>24</sup> The defence submits that the current situation is hardly compatible with the requirements of Article 68(3) of the Statute and requests the Chamber to instruct the VPRS to transmit pending applications on a regular basis and in small batches, in order to minimise the disruptions to the defence's preparation of the trial.<sup>25</sup>

15. In addition, the defence asserts that the delay in transmitting the ninth set prevented it from asking pertinent questions to the 20 first prosecution witnesses on the basis of information and allegations contained in those applications. The defence therefore reserves the right to request the Chamber to recall these witnesses in order to present such additional questions or submissions.<sup>26</sup>

ii. The role of intermediaries

16. In light of the testimony of Witness 73<sup>27</sup> and his statements with regard to the role played by a specific individual in filling out certain applications for participation, the defence raises anew the issue of the intermediaries' involvement in the application process. The defence highlights that Witness 73 informed the Chamber in his testimony that a particular individual was working together with a team of persons who were filling out applications in various locations. These persons had documents with the ICC logo that made the witness

<sup>24</sup> ICC-01/05-01/08-1413, paragraphs 5 to 7.

<sup>25</sup> ICC-01/05-01/08-1413, paragraphs 8 to 9.

<sup>26</sup> ICC-01/05-01/08-1413, paragraph 10.

<sup>27</sup> Witness 73 appeared before the Chamber and gave live in-court testimony from 21 to 25 February 2011 and on 28 February 2011.

believe that they were ICC officials. According to the defence, the witness informed the Chamber that this individual actively encouraged the applicants to exaggerate the value of pillaged items, to invent pillaged items and to lie with regard to the crimes committed. The defence submits that Witness 73's testimony casts a doubt as to the extent of the intermediaries' involvement in filling out the applications, and it therefore requests the Chamber to reject the applications filled out with the assistance of the intermediaries concerned.<sup>28</sup>

17. In the same vein, the defence requests that the Chamber reject those applications which are claiming an "exaggerated amount of compensation" for the alleged pillage of property, because the applicants may have been encouraged to make false allegations by the same intermediaries.<sup>29</sup>

iii. Redactions applied in the applications for participation

18. The defence further reiterates and elaborates upon its argument regarding the procedure applied to redactions. It refers to (i) the Chamber's decision of 6 September 2010 ("Decision of 6 September 2010"),<sup>30</sup> in which the Chamber held that "in the few applications where [information on the dates and locations of the alleged events] is redacted the redactions were the only available measures to protect the applicants concerned";<sup>31</sup> and (ii) the 18 November 2010 Decision, which states that "the Chamber does not see any compellable reason to depart from its previous finding".<sup>32</sup> According to the defence, two important changes occurred after the 18 November 2010 Decision. Specifically, the defence submits that: (i) the majority of the applications in the ninth set do not contain sufficient details regarding the dates and locations of the events and thus, the ninth set

<sup>28</sup> ICC-01/05-01/08-1413, paragraphs 12 to 15.

<sup>29</sup> ICC-01/05-01/08-1413, paragraph 15.

<sup>30</sup> Decision on three issues related to victims' applications for participation in the proceedings, 6 September 2010, ICC-01/05-01/08-871 quoted in ICC-01/05-01/08-1413, paragraph 16

<sup>31</sup> ICC-01/05-01/08-871, paragraph 16.

<sup>32</sup> ICC-01/05-01/08-1017, paragraph 60, quoted in ICC-01/05-01/08-1413, paragraph 17.

cannot be characterised as containing only “a few” applications where the relevant information is redacted (“First Alleged Change”); and (ii) given the absence of any attempt to intimidate or interfere with witnesses or undermine the security of victims at the current stage of the proceedings, the Chamber’s conclusion that “redactions were the only available measures to protect the applicants concerned” is no longer valid (“Second Alleged Change”).<sup>33</sup>

19. The defence submits that these changes constitute “a compellable reason” for the Chamber to depart from its previous finding and therefore requests the Chamber to order the VPRS to transmit lesser redacted versions of the applications to the parties, to enable the parties to assess the link between the individual applications and the charges of the Revised Second Amended Document Containing the Charges (“DCC”).<sup>34</sup> In the alternative, the defence requests the Chamber to order the lifting of redactions of information which is either exculpatory or necessary for the preparation of the defence case and to communicate the lesser redacted versions to the parties or, alternatively, to the prosecution only so that it can fulfil its disclosure obligations towards the defence.<sup>35</sup>

20. The defence also rehashes its argument that the VPRS has applied “arbitrary” redactions and requests the Chamber to instruct the VPRS to examine the redaction procedure with a view to ensuring that redactions are made only when absolutely necessary and proportionate.<sup>36</sup>

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<sup>33</sup> ICC-01/05-01/08-1413, paragraphs 16 to 19.

<sup>34</sup> ICC-01/05-01/08-1413, paragraph 20.

<sup>35</sup> ICC-01/05-01/08-1413, paragraphs 21 and 22.

<sup>36</sup> ICC-01/05-01/08-1413, paragraphs 24 to 25.

iv. Incomplete applications

21. The defence submits that a significant number of applications are incomplete, since they do not provide any precise date or location, or because they are not supported by any valid identity document.<sup>37</sup> With regard to the identity documents, the defence reiterates that it challenges the validity of electoral cards and Church membership cards<sup>38</sup> and submits that *cartes de demandeur d'emploi*,<sup>39</sup> *actes de notoriété*,<sup>40</sup> *avis de mariage*<sup>41</sup> and *cartes d'identité scolaire*<sup>42</sup> should be rejected because they are not included in the list of documents accepted by the Chamber.

22. Finally, the defence highlights that in a number of applications, relevant information is merely set out in a separate document appended to the application. The defence contends that this is not a valid alternative to including such information in the relevant section of the application form.<sup>43</sup>

#### IV. Analysis and conclusions

23. In its analysis below, the Chamber follows the approach adopted in its previous rulings on the matter.<sup>44</sup> Accordingly, the parties' observations as summarised above will be analysed and decided upon in the present Decision, while a case-by-case analysis for each application, addressing the parties' specific comments, is provided in Annexes A, B, C and D, which should be read in conjunction with the Decision.

<sup>37</sup> ICC-01/05-01/08-1413, paragraph 26.

<sup>38</sup> ICC-01/05-01/08-1413, paragraph 26.

<sup>39</sup> See for example Applicant a/0008/11.

<sup>40</sup> See for example Applicant a/2683/10.

<sup>41</sup> See for example Applicant a/0022/11.

<sup>42</sup> See for example Applicant a/1467/10.

<sup>43</sup> ICC-01/05-01/08-1413, paragraph 27.

<sup>44</sup> ICC-01/05-01/08-1017 and ICC-01/05-01/08-1091.

## A) Individual applications for participation

### 1) Timing for filing applications

24. Acknowledging that the transmission of a significant number of applications constitutes a heavy burden for the parties, the Chamber will put into place a schedule for the filing of future applications. The schedule gives due consideration to the defence's concern and ensures compliance with the requirement under Article 68(3) of the Statute that victims' rights to have their views and concerns presented in the proceedings are reconciled with the rights of the accused and a fair and impartial trial.

25. Considering the volume of applications already received by the Registry but not yet notified to the Chamber and bearing in mind the progress in the proceedings, it is necessary to manage the application process in a way that ensures meaningful participation by victims. For this reason, and to ensure that the victims authorised to participate in the proceedings are given a sufficient opportunity to participate in the trial proceedings before closing arguments, the Chamber hereby decides to set 16 September 2011 as the final deadline for the submission to the Registry of any new victims' applications for participation in the trial.

### 2) The alleged role of intermediaries

26. The Chamber recalls its approach with regard to the role of intermediaries, set out in its previous rulings:

the Chamber recognises the role that intermediaries might play during the application process, notably in assisting in the filling in of the forms, even writing down the answers given by applicants - some of them being illiterate or not speaking the language in which the form was filled in. [...] The Chamber considers that only when there are indications that there might have been a misunderstanding or that



there is a doubt as to the extent of the intermediary's involvement in the filling in of the applications for participation, it will either reject the application for participation or defer its decision until further information pursuant to Regulation 86(7) is received.<sup>45</sup>

27. The Chamber agrees with the defence's assertion that the testimony of Witness 73 casts a doubt as to the extent of an intermediary's involvement in the application process. Consequently, the Chamber defers the applications concerned, until further information pursuant to Regulation 86(7) of the Regulations is received.

### 3) Redactions

28. The Chamber rejects the defence's arguments regarding redactions, particularly the contention that "two important changes" which allegedly occurred after the 18 November 2010 Decision, amount to a "compellable reason" for the Chamber to depart from its previous finding.

29. With regard to the First Alleged Change, the Chamber stresses that there has been no departure from the regime set out in its Decision of 6 September 2010. Accordingly, redactions to the dates and locations of the alleged events are authorised only in instances where redactions are "the only available measures to protect the applicants concerned".<sup>46</sup>

30. Turning to the Second Alleged Change, the Chamber is of the view that it is not discharged of its duty to protect applicant victims in the future, simply because there have not been any attempts to intimidate or interfere with witnesses or to undermine the security of victims to date. Therefore, the Chamber is of the view that a general departure from the regime relating to redactions is not warranted at this stage.

<sup>45</sup> See ICC-01/05-01/08-1017, paragraphs 51 to 52; ICC-01/05-01/08-1091, paragraph 34.

<sup>46</sup> ICC-01/05-01/08-871, paragraph 16.

31. However, with regard to the alleged arbitrary nature of the redactions implemented in the ninth set of applications, the Chamber acknowledges that in certain individual cases, the redactions applied are not justified by the need to protect the applicant victims' identities. In light of this, the Chamber recalls its decision of 22 February 2010 in which authorised redactions were limited to the following information:

- i) name of the applicant;
- ii) name of his or her parents and family members;
- iii) place of birth;
- iv) day and month of birth (the year of birth is not to be redacted);
- v) tribe or ethnic group (only if this could be an identifying feature, leading to the applicant, bearing in mind the overall circumstances);
- vi) occupation of the victim (only if this could be an identifying feature, leading to the applicant, bearing in mind the overall circumstances);
- vii) relevant address;
- viii) phone number and email address;
- ix) name of other victims of, or of witnesses to, the same incident;
- x) description of the injury, loss or harm allegedly suffered (only if this could be an identifying feature leading to the applicant bearing in mind the overall circumstances);
- xi) name and contact details of the intermediary who assisted the victim with the application.<sup>47</sup>

32. In accordance with these guidelines, the Chamber considers that the location of the alleged crimes should be redacted only when the locations concerned are so small that, in combination with other information, their disclosure would create a risk of identifying the applicant.<sup>48</sup> Likewise, an applicant's tribe or ethnic group should be redacted only when the number of people belonging to this group is so small that, in combination with other information, its disclosure would create a risk of identifying the applicant.<sup>49</sup> Regarding the description of the loss suffered, the Chamber is of the view that in most cases, the number of items allegedly pillaged will not permit the applicant

<sup>47</sup> Decision defining the status of 54 victims who participated at the pre-trial stage, and inviting the parties' observations on applications for participation by 86 applicants, 22 February 2010, ICC-01/05-01/08-699, paragraph 33.

<sup>48</sup> See for example Applicants a/0013/11; a/0022/11; a/0026/11.

<sup>49</sup> See for example Applicants a/2728/10; a/2729/10; a/3186/10; a/3211/11.

to be identified. Therefore, except in exceptional circumstances, this information should not be redacted.

33. Concerning the redaction of identity documents, the Chamber instructs the Registry to avoid redacting the entire document, when the redaction of specific information appearing on this document would be sufficient.<sup>50</sup>

34. Finally, where the Chamber finds that an application is redacted to such an extent that the redactions prevent the parties from making any meaningful observations, it will defer the application concerned and order that unnecessary redactions be removed.<sup>51</sup>

#### 4) Incomplete applications

35. In relation to the defence's argument regarding certain identity documents, the Chamber recalls its 18 November 2010 Decision, in which it ruled that "whenever the documents appended by the applicants have similar features as [the documents enumerated by the Pre-Trial Chamber] and the Chamber is satisfied that at this stage they sufficiently establish the applicants' identity, they will be accepted as proof of identity".<sup>52</sup> Because *cartes de demandeur d'emploi*, *actes de notoriété*, *avis de mariage* and *cartes d'identité scolaire* have similar features to the documents previously identified by the Chamber and otherwise constitute a sufficient basis for establishing an applicant's identity, the Chamber hereby accepts them for that purpose.

36. Finally, the Chamber rejects the defence's argument that applications are invalid where relevant information is appended in a separate document. In this regard, the Chamber notes that a section of the application form explicitly invites

<sup>50</sup> See for example Applicants a/3232/10; a/0024/11.

<sup>51</sup> See for example Applicant a/1405/10.

<sup>52</sup> ICC-01/05-01/08-1017, paragraph 41.

the applicants to set out their claim on an additional piece of paper if the space provided in the form is insufficient.<sup>53</sup> As recalled in its 18 November 2010 Decision, “the Chamber will assess only complete applications namely applications which contain the following information, supported by documentation, if applicable: [...] (iv) a description of the harm suffered as a result of the commission of any crime within the jurisdiction of the Court”.<sup>54</sup> Accordingly, applications will be assessed on the basis of the information provided as a whole, and a failure to provide the relevant information under a particular section will not automatically serve to exclude the applicant.

## B) Summary of the Annexes

37. The applicant-by-applicant analysis 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 Douzima: 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 Douzima: 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 Douzima: analysis of the applications belonging to Group D (alleged crimes committed in or around Mongoumba).

<sup>53</sup> This comment is included under Section D, page 9 in the old forms and under Section B, page 4 in the new forms.

<sup>54</sup> ICC-01/08-01/05-1017, paragraph 39.

**V) Orders**

38. For these reasons, the Trial Chamber hereby:

a. Grants participating status to the following 307 applicants:

- Group A: a/0080/11; a/0141/11; a/0142/11; a/0143/11;  
a/0144/11; a/0145/11; a/0146/11; a/0147/11; a/0148/11; a/0149/11; a/0150/11;  
a/0151/11; a/0152/11; a/0153/11; a/0154/11; a/0155/11; a/0156/11; a/0172/11;  
a/0173/11; a/1402/10; a/1404/10; a/1442/10; a/1467/10; a/1485/10; a/1501/10;  
a/1540/10; a/1554/10; a/1557/10; a/1701/10; a/1824/10; a/1849/10; a/1850/10;  
a/1851/10; a/1852/10; a/1853/10; a/1860/10; a/1863/10; a/1866/10; a/1867/10;  
a/1868/10; a/1869/10; a/1873/10; a/1883/10; a/1885/10; a/1886/10; a/2362/10;  
a/2363/10; a/2460/10; a/2477/10; a/2478/10; a/2674/10; a/2675/10; a/2676/10;  
a/2679/10; a/2680/10; a/2681/10; a/2683/10; a/2684/10; a/2685/10; a/2693/10;  
a/2694/10; a/2695/10; a/2696/10; a/2698/10; a/2699/10; a/2700/10; a/2701/10;  
a/2702/10; a/2703/10; a/2713/10; a/2714/10; a/2715/10; a/2718/10; a/2719/10;  
a/2720/10; a/2721/10; a/2722/10; a/2724/10; a/2735/10; a/3161/10; a/3163/10;  
a/3167/10; a/3169/10; a/3238/10; a/3241/10; a/3242/10; a/3243/10; a/3244/10;  
a/0705/10;

- Group B: a/0081/11; a/0174/11; a/0175/11; a/0176/11;  
a/0177/11; a/0178/11; a/0180/11; a/0181/11; a/0182/11; a/0183/11; a/0184/11;  
a/0185/11; a/1344/10; a/1465/10; a/1719/10; a/1720/10; a/1721/10; a/1741/10;  
a/2678/10; a/2692/10; a/2705/10; a/2706/10; a/2707/10; a/2708/10; a/2710/10;  
a/2711/10; a/2712/10; a/3164/10; a/3165/10; a/3166/10; a/3168/10; a/3170/10;  
a/3171/10; a/3246/10; a/3247/10; a/3248/10; a/3249/10; a/3250/10; a/3251/10;  
a/3252/10; a/3253/10; a/3254/10; a/3255/10; a/3256/10; a/3257/10; a/3258/10;  
a/1727/10;

- Group C: a/0005/11; a/0006/11; a/0007/11; a/0008/11;  
a/0009/11; a/0010/11; a/0011/11; a/0012/11; a/0013/11; a/0014/11; a/0015/11;  
a/0016/11; a/0017/11; a/0018/11; a/0019/11; a/0020/11; a/0021/11; a/0022/11;  
a/0023/11; a/0024/11; a/0025/11; a/0026/11; a/0027/11; a/0028/11; a/0029/11;

a/0030/11; a/0031/11; a/0032/11; a/0033/11; a/0034/11; a/0035/11; a/0036/11;  
a/0037/11; a/0038/11; a/0039/11; a/0082/11; a/0084/11; a/0085/11; a/0086/11;  
a/0087/11; a/0088/11; a/0089/11; a/0090/11; a/0091/11; a/0092/11; a/0094/11;  
a/0096/11; a/0097/11; a/0098/11; a/0099/11; a/0100/11; a/0101/11; a/0104/11;  
a/0105/11; a/0106/11; a/0107/11; a/0108/11; a/0109/11; a/0110/11; a/0113/11;  
a/0114/11; a/0115/11; a/0728/10; a/0729/10; a/0730/10; a/0732/10; a/0733/10;  
a/0734/10; a/1264/10; a/1355/10; a/1356/10; a/1357/10; a/1358/10; a/1359/10;  
a/1360/10; a/1361/10; a/1862/10; a/1870/10; a/1872/10; a/2312/10; a/2316/10;  
a/2389/10; a/2391/10; a/2507/10; a/2509/10; a/2688/10; a/2725/10; a/2726/10;  
a/2727/10; a/2728/10; a/2729/10; a/2731/10; a/2732/10; a/2733/10; a/2734/10;  
a/3184/10; a/3185/10; a/3186/10; a/3187/10; a/3188/10; a/3189/10; a/3190/10;  
a/3191/10; a/3192/10; a/3193/10; a/3195/10; a/3196/10; a/3197/10; a/3198/10;  
a/3200/10; a/3201/10; a/3202/10; a/3203/10; a/3204/10; a/3205/10; a/3206/10;  
a/3207/10; a/3208/10; a/3209/10; a/3210/10; a/3211/10; a/3212/10; a/3213/10;  
a/3214/10; a/3215/10; a/3216/10; a/3217/10; a/3218/10; a/3219/10; a/3220/10;  
a/3221/10; a/3222/10; a/3223/10; a/3224/10; a/3225/10; a/3226/10; a/3227/10;  
a/3228/10; a/3229/10; a/3230/10; a/3231/10; a/3233/10; a/3234/10; a/2144/10;

- Group D: a/0063/11; a/0064/11; a/0065/11; a/0066/11;  
a/0067/11; a/0068/11; a/0069/11; a/0070/11; a/0071/11; a/0072/11; a/0073/11;  
a/0074/11; a/0075/11; a/0077/11; a/0078/11; a/0079/11; a/0811/10; a/0812/10;  
a/0821/10; a/1029/10; a/1048/10; a/1050/10; a/1861/10; a/1864/10; a/1865/10;  
a/1871/10; a/3237/10;

b. Rejects the applications to participate of 23 applicants, namely:  
a/1492/10; a/1884/10; a/2723/10; a/2855/10; a/2856/10; a/2860/10; a/0392/08;  
a/2677/10; a/2691/10; a/3172/10; a/3236/10; a/0093/11; a/0095/11; a/0102/11;  
a/0111/11; a/0112/11; a/0727/10; a/1258/10; a/2682/10; a/3199/10; a/3232/10;  
a/0922/10; a/0076/11;

c. Defers its decision on the following 70 applications until further information is submitted: a/0668/09; a/0009/10; a/0704/10; a/0907/10; a/1629/10; a/1632/10; a/1633/10; a/1627/10; a/1650/10; a/1651/10; a/1652/10; a/1747/10; a/2184/10; a/2258/10; a/2265/10; a/2482/10; a/2652/10; a/2664/10; a/2704/10; a/3159/10; a/3160/10; a/3245/10; a/0040/11; a/0041/11; a/0042/11; a/0043/11; a/0044/11; a/0045/11; a/0046/11; a/0047/11; a/0048/11; a/0049/11; a/0050/11; a/0051/11; a/0052/11; a/0053/11; a/0054/11; a/0055/11; a/0056/11; a/0057/11; a/0058/11; a/0059/11; a/0060/11; a/0061/11; a/0062/11; a/0116/11; a/0117/11; a/0118/11; a/0119/11; a/0120/11; a/0121/11; a/0122/11; a/0123/11; a/0124/11; a/0125/11; a/0126/11; a/0127/11; a/0128/11; a/0129/11; a/0130/11; a/0131/11; a/0132/11; a/0133/11; a/0134/11; a/0135/11; a/0136/11; a/0137/11; a/0138/11; a/0139/11; a/0140/11;

d. Defers its decision on application a/1405/10, and orders the Registry to lift unnecessary redactions by 15 July 2011 to enable the parties to analyse the application;

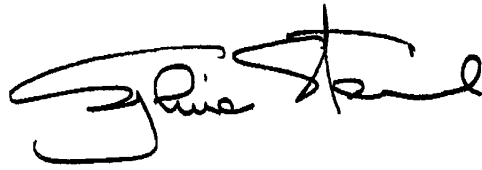
e. Invites the parties to submit their observations on this application by 16 September 2011;

f. 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;

g. Instructs the Registry, when applying redactions, to follow the guidelines recalled in paragraphs 31 to 33 of the present Decision;

h. Sets 16 September 2011 as the final deadline for the submission to the Registry of any new victims' applications for participation in the trial proceedings.

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



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**Judge Sylvia Steiner**



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**Judge Joyce Aluoch**



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**Judge Kuniko Ozaki**

Dated this 21 July 2011

At The Hague, The Netherlands



# ANNEX 1

1. On 8 July 2011, the Chamber issued its "Decision on 401 applications by victims to participate in the proceedings and setting a deadline for the submission of new victims' applications to the Registry" ("the 8 July Decision").<sup>1</sup>
2. In paragraph 38(a) of the 8 July Decision, under "Group C", application numbers "a/0038/10" and "a/0096/10" have been corrected to read "a/0038/11" and "a/0096/11":

"Group C: a/0005/11; a/0006/11; a/0007/11; a/0008/11; a/0009/11; a/0010/11; a/0011/11; a/0012/11; a/0013/11; a/0014/11; a/0015/11; a/0016/11; a/0017/11; a/0018/11; a/0019/11; a/0020/11; a/0021/11; a/0022/11; a/0023/11; a/0024/11; a/0025/11; a/0026/11; a/0027/11; a/0028/11; a/0029/11; a/0030/11; a/0031/11; a/0032/11; a/0033/11; a/0034/11; a/0035/11; a/0036/11; a/0037/11; a/0038/11; a/0039/11; a/0082/11; a/0084/11; a/0085/11; a/0086/11; a/0087/11; a/0088/11; a/0089/11; a/0090/11; a/0091/11; a/0092/11; a/0094/11; a/0096/11; a/0097/11; a/0098/11; a/0099/11; a/0100/11; a/0101/11; a/0104/11; a/0105/11; a/0106/11; a/0107/11; a/0108/11; a/0109/11; a/0110/11; a/0113/11; a/0114/11; a/0115/11; a/0728/10; a/0729/10; a/0730/10; a/0732/10; a/0733/10; a/0734/10; a/1264/10; a/1355/10; a/1356/10; a/1357/10; a/1358/10; a/1359/10; a/1360/10; a/1361/10; a/1862/10; a/1870/10; a/1872/10; a/2312/10; a/2316/10; a/2389/10; a/2391/10; a/2507/10; a/2509/10; a/2688/10; a/2725/10; a/2726/10; a/2727/10; a/2728/10; a/2729/10; a/2731/10; a/2732/10; a/2733/10; a/2734/10; a/3184/10; a/3185/10; a/3186/10; a/3187/10; a/3188/10; a/3189/10; a/3190/10; a/3191/10; a/3192/10; a/3193/10; a/3195/10; a/3196/10; a/3197/10; a/3198/10; a/3200/10; a/3201/10; a/3202/10; a/3203/10; a/3204/10; a/3205/10; a/3206/10;

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<sup>1</sup> Decision on 401 applications by victims to participate in the proceedings and setting a deadline for the submission of new victims' applications to the Registry, 8 July 2011, ICC-01/05-01/08-1590 and confidential *ex parte* annexes thereto.

a/3207/10; a/3208/10; a/3209/10; a/3210/10; a/3211/10; a/3212/10; a/3213/10;  
a/3214/10; a/3215/10; a/3216/10; a/3217/10; a/3218/10; a/3219/10; a/3220/10;  
a/3221/10; a/3222/10; a/3223/10; a/3224/10; a/3225/10; a/3226/10; a/3227/10;  
a/3228/10; a/3229/10; a/3230/10; a/3231/10; a/3233/10; a/3234/10; a/2144/10;"