

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/04-01/06
Date: **8 February 2011**

TRIAL CHAMBER I

**Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann**

***SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public

**Redacted version of the Corrigendum of Decision on the applications by 15
victims to participate in the proceedings**

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Ms Fatou Bensouda

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Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

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Mr Jean Chrysostome Mulamba Nsokoloni
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Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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States Representatives

Amicus Curiae

REGISTRY

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Ms Maria Luisa Martinod Jacome

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Victims Participation and Reparations Section

Ms Fiona McKay

Other

Trial Chamber I (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court” or “ICC”), in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, delivers the following Decision on the applications by 15 victims to participate in the proceedings, in accordance with Article 68 of the Rome Statute (“Statute”).¹

I. Background

1. The relevant procedural history on participation by victims before the Chamber is set out comprehensively in the “Decision on the applications by victims to participate in the proceedings” issued on 15 December 2008 in which the applications from 117 individuals to participate in the proceedings were resolved (92 were granted).²
2. As regards the present applications, on 14 June 2010 the Registry filed a confidential, *ex parte*, Registry only, “Fifth Report to Trial Chamber I on Victims’ Applications under Regulation 86.5 of the Regulations of the Court” (“Registry’s Fifth Report”) which dealt with the applications of 15 victims to participate in the proceedings.³
3. At the hearing on 17 June 2010, the Trial Chamber instructed the Registry to provide the parties and participants with the 15 new applications included in the Registry’s Fifth Report, suitably redacted, by 21 June 2010 and any responses by the parties were to be filed by 2 July 2010 and further submissions by the legal representative by 9 July 2010.⁴
4. Due to an internal miscommunication within the Registry, the redacted applications were not transmitted to the parties before the aforesaid deadline.

¹ Fifth Report to Trial Chamber I on Victims’ Applications under Regulation 86.5 of the Regulations of the Court, 14 June 2010, ICC-01/04-01/06-2474-Conf-Exp; Report on supplementary information related to applications a/0026/10, a/0031/10 and a/0738/10, 11 November 2010, ICC-01/04-01/06-2616-Conf-Exp.

² Corrigendum to the Decision on the applications by victims to participate in the proceedings, 13 January 2009, ICC-01/04-01/06-1556-Corr-Anx1, paragraphs 1-27.

³ Fifth Report to Trial Chamber I on Victims’ Applications under Regulation 86.5 of the Regulations of the Court, 14 June 2010, ICC-01/04-01/06-2474-Conf-Exp.

⁴ Transcript of hearing on 17 June 2010, ICC-01/04-01/06-T-303-CONF-ENG, page 18, line 5 et seq.

Instead, the Registry's Victims Participation and Reparation Section ("VPRS") provided the relevant redacted applications to the parties on 29 June 2010.⁵

5. The Trial Chamber ordered the stay of proceedings on 8 July 2010.⁶
6. The Appeals Chamber lifted the stay of proceedings on 8 October 2010.⁷
7. During the hearing on 11 October 2010, the Trial Chamber set a new deadline for the parties and participants' observations, namely 22 October 2010.⁸ The defence and the Office of the Prosecutor ("prosecution") respectively submitted their observations on 18 October 2010⁹ and 22 October 2010.¹⁰
8. On 2 November 2010, the legal representative of these 15 applicants requested authorisation to respond to the observations of the defence.¹¹ The Chamber granted this request during the hearing on 2 November 2010,¹² and the observations were filed on 5 November 2010.¹³
9. On 11 November 2010, the Registry transmitted supplementary documents to the Chamber, relating to applicants a/0026/10, a/0031/10 and a/0738/10.¹⁴ On the

⁵ Transmission to the parties of fifteen new victims' applications for participation in accordance with Trial Chamber I's oral decision of 17 June 2010, 29 June 2010, ICC-01/04-01/06-2509 with confidential annexes.

⁶ Decision on the Prosecution's Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU, 8 July 2010, ICC-01/04-01/06-2517-Conf. A public redacted version of this decision was issued on the same day, ICC-01/04-01/06-2517-Red.

⁷ Judgment on the appeal of the Prosecutor against the decision of Trial Chamber I of 8 July 2010 entitled "Decision on the Prosecution's Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU", 8 October 2010, ICC-01/04-01/06-2582.

⁸ Transcript of hearing on 11 October 2010, ICC-01/04-01/06-T-316-ENG, page 14, line 2 et seq.

⁹ Observations de la Défense sur les 15 demandes de participation à la procédure communiquées le 29 juin 2010, 18 October 2010, ICC-01/04-01/06-2587-Conf.

¹⁰ Prosecution's Observations on Fifteen Redacted Applications for Victim Participation in the Case, 22 October 2010, ICC-01/04-01/06-2590-Conf. A public redacted version of this decision was issued on 1 November 2010, ICC-01/04-01/06-2590-Red.

¹¹ Demande d'autorisation de répondre aux observations de la défense du 18 Octobre 2010 sur les 15 demandes de participation des victimes à la procédure, 2 November 2010, ICC-01/04-01/06-2599-Conf.

¹² Transcript of hearing on 2 November 2010, ICC-01/04-01/06-T-321-CONF-ENG ET, page 61, line 17 et seq.

¹³ Réplique aux observations de la Défense sur les 15 demandes de participation des victimes, 5 November 2010, ICC-01/04-01/06-2603.

¹⁴ Report on supplementary information related to applications a/0026/10, a/0031/10 and a/0738/10, 11 November 2010, ICC-01/04-01/06-2616-Conf-Exp.

same day the Registry provided the redacted versions of these supplementary documents to the parties.¹⁵

10. On 19 November 2010, the defence informed the Chamber that due to the redactions applied to this material it was unable to make any further submissions and it reiterated its previous observations (filing ICC-01/04-01/06-2587-Conf).¹⁶
11. On 23 November 2010, the prosecution submitted its observations to the supplementary documents provided by applicants a/0026/10, a/0031/10 and a/0738/10.¹⁷

II. Relevant Provisions

12. The relevant provisions, particularly of the Rome Statute framework, are set out comprehensively in the decisions of the Chamber on victim participation, issued variously on 18 January 2008, 15 December 2008 and 10 July 2009.¹⁸

III. Submissions

13. The submissions that address the position of each particular applicant are dealt with in Annex A to this Decision. However, to the extent that the parties have made general submissions that are of relevance to most or all of the applicants, the Chamber has addressed these below.

¹⁵ Transmission to the parties and Me Keta of redacted supplementary documents related to applications a/0026/10, a/0031/10 and a/0738/10, 11 November 2010, ICC-01/04-01/06-2617.

¹⁶ Email communication from defence counsel to a Legal Officer of Trial Chamber I on 19 November 2010.

¹⁷ Prosecution's Observations on supplementary information related to applications a/0026/10, a/0031/10 and a/0738/10, 23 November 2010, ICC-01/04-01/06-2633.

¹⁸ Decision on victims' participation, 18 January 2008, ICC-01/04-01/06-1119, paragraphs 20-37; ICC-01/04-01/06-1556-Corr-Anx1, paragraphs 34-50; Decision on the applications by 7 victims to participate in the proceedings, 10 July 2009, ICC-01/04-01/06-2035, paragraphs 10-26.

General submissions of the defence

14. The defence contends that the applications are imprecise; they are incomplete or very general; and the necessary documents or witnesses are missing in order to establish the allegations set out therein.¹⁹ The defence argues that the 15 applications have been completed in an identical and imprecise manner, which casts serious doubts as to the value of the assistance provided by particular individuals when the victims were completing the forms.²⁰ The defence highlights that all the applicants have a similar profile (namely, young girls allegedly abducted in the areas surrounding [REDACTED] between [REDACTED] 2003; in each case they were taken by force and used as “wives”; and they filled in the relevant forms in [REDACTED] 2009). The defence submits that these similarities make it essential for the accused to know the identity of the various individuals who assisted each victim to fill in the forms.²¹
15. The defence also emphasises that the identification document submitted by 9 of the 15 applicants, which is an “*attestation de carence*” (certificate of loss of documents) were all prepared in [REDACTED] 2009 by the same police officer, and it is suggested they are untrustworthy. As for the other 6 applicants who submitted a student identity card with their applications, the defence submits that doubts exist as to the authenticity of any that were signed by witness DRC-OTP-WWWW-0563. In his statement, DRC-OTP-WWWW-0563 mentioned that he prepared student identity cards for ICC staff and Mr Keta (who represents these 15 applicants) at a stage when they were no longer students, and when DRC-OTP-WWWW-0563 was no longer authorised to grant them. In all the circumstances, the defence contends that there are serious doubts as to the validity of any documents in this category.²²

¹⁹ ICC-01/04-01/06-2587-Conf, paragraphs 9-12.

²⁰ ICC-01/04-01/06-2587-Conf, paragraphs 13-15.

²¹ ICC-01/04-01/06-2587-Conf, paragraphs 16-17.

²² ICC-01/04-01/06-2587-Conf, paragraphs 18-20.

16. The defence submits that due to the significant number, and extent, of the redactions in the application forms, it is unable to evaluate the authenticity of the information provided therein, and thus it is unable to advance useful submissions on the admissibility of these documents.²³
17. As regards 14 of the 15 applicants (a/0033/10 is excluded) the defence argues that it is not possible to verify whether the alleged events come within the dates relevant to the charges.²⁴
18. In relation to 7 applicants (a/0026/10, a/0029/10, a/0030/10, a/0031/10, a/0035/10, a/0037/10, a/0333/10) the defence highlights that they merely suggest “Thomas Lubanga” was criminally responsible, without indicating the nature of his culpability, and the suggested link between the accused and the alleged crimes. The defence observes that the applicants do not provide the name or the affiliations of the group that abducted them.²⁵

General submissions of the prosecution

19. The prosecution submits that 12 of the 15 applications (a/0027/10, a/0028/10, a/0029/10, a/0030/10, a/0033/10, a/0334/10, a/0035/10, a/0037/10, a/0333/10, a/0336/10, a/0738/10, a/0739/10) are complete and appear to meet the requirements under Rules 85(a) of the Rules of Procedure and Evidence (“Rules”).²⁶ For the other three applicants, the prosecution provides specific observations that have been summarised in the annex to this Decision (applicants a/0740/10, a/0026/10 and a/0031/10).²⁷

General submissions of the legal representative

20. In response to the defence submission that the victims’ applications are imprecise and contain lacunae, the legal representative argues that neither the

²³ ICC-01/04-01/06-2587-Conf, paragraphs 21-24.

²⁴ ICC-01/04-01/06-2587-Conf, paragraphs 25-27.

²⁵ ICC-01/04-01/06-2587-Conf, paragraphs 30-34.

²⁶ ICC-01/04-01/06-2590-Red, paragraph 6.

²⁷ ICC-01/04-01/06-2590-Red, paragraphs 31-32.

Statute nor the Rules refer to an evidential threshold that is to be met for the details provided in the application forms. By reference to the case law of Trial Chamber I, it is suggested there only needs to be *prima facie* verification of the information included in the application forms. The legal representative also refers to the jurisprudence of the pre-trial chambers as regards the evidential threshold for victims' applications.²⁸

21. Addressing the defence observation that there are similarities between the application forms, the legal representative contends that this is not a legitimate basis for determining that the victims' applications are inadmissible, given the Trial Chamber's decision as to when an application form is to be considered complete.²⁹
22. In response to the defence submission that the applications lack adequate means of identification, or references to documents or witnesses, the legal representative argues that in accordance with the Chamber's established approach, the applications have been properly completed. The legal representative contends that there is consistent, court-wide jurisprudence as to the identification documents that are admissible, given the different security, political, social and individual position of the various applicants.³⁰
23. As regards the submission of the defence as to the reliability of the identification documents provided by the applicants, the legal representative submits they come from a competent source.³¹
24. The legal representative submits that the Chamber ordered the redactions to the identities of the individuals who issued the identity documents, in accordance with its established practice.³²

²⁸ ICC-01/04-01/06-2603, paragraph 11.

²⁹ ICC-01/04-01/06-2603, paragraph 12.

³⁰ ICC-01/04-01/06-2603, paragraph 13.

³¹ ICC-01/04-01/06-2603, paragraph 14.

³² ICC-01/04-01/06-2603, paragraphs 15-17.

25. Finally, the legal representative addresses the link between the harm suffered by the victims and the accused, referring to a pre-trial decision in which the Single Judge indicated that the applicant simply needs to provide, if possible, the identity of the person or persons who are considered responsible for the harm. On this basis, the legal representative contends that it is unnecessary for the applicant to identify the individual charged by the prosecution.³³

IV. Analysis and Conclusions

26. The Trial Chamber has assessed the 15 applications in accordance with the general principles and criteria established in the Trial Chamber's Decision on victims' participation of 18 January 2008,³⁴ as confirmed or varied by the Appeals Chamber in its judgment of 11 July 2008,³⁵ along with the approach set out in the Trial Chamber's "Decision on the applications by victims to participate in the proceedings" of 15 December 2008.³⁶

27. The applicant-by-applicant analysis is set out in Annex A. However, as set out above, to the extent that the parties have made general submissions that are of relevance to some or all of the applicants, the Chamber has addressed these arguments hereafter.

28. The first general issue is the defence contention that the applications are imprecise; they are incomplete or very general; and the necessary documents or witnesses are missing in order to establish the allegations set out therein.³⁷ The Chamber is unable to accept this submission given that, in line with the Court's jurisprudence, the obligation on an applicant is limited to providing the Chamber with sufficient material to establish, *prima facie*, his or her identity and the link between the alleged harm and the charges against the accused.

³³ ICC-01/04-01/06-2603, paragraph 18.

³⁴ ICC-01/04-01/06-1119.

³⁵ 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, ICC-01/04-01/06-1432.

³⁶ ICC-01/04-01/06-1556-Corr-Anx1.

³⁷ ICC-01/04-01/06-2587-Conf, paragraphs 9-12.

Previously the Chamber has taken into account the “overall picture provided by the applicant to the Chamber”, bearing in mind the applicant’s account and any documents submitted to the Chamber, in order to reach a *prima facie* determination as to whether the applicant suffered harm as a result of a crime included in the charges against the accused.³⁸

29. The defence additionally argues that the 15 applications have been completed identically and imprecisely, creating serious doubts as to the assistance provided by certain individuals to the victims, when the forms were completed.³⁹ On review of the relevant material, although the answers in the application forms are similar, they are not identical. The Chamber previously observed, in broadly analogous circumstances, that the “similarities between the applications are unsurprising and do not in any way undermine their credibility”.⁴⁰ Furthermore, the Chamber considers that similarities in this instance are unsurprising given the “broad context of the systematic conscription of children under the age of 15 into the military forces of the UPC” during the timeframe of the charges in the province of Ituri, from whence all 15 applicants come.⁴¹

30. Nonetheless, the defence argues that these similarities make it necessary for the defence to be provided with the identities of the individuals who assisted the victims to fill in the forms.⁴² The Chamber acknowledges that this information has been disclosed on previous occasions (namely, in the application forms for a/0225/06/, a/0229/06 and a/0270/07, who each testified during the trial).⁴³ However, these 15 applicants simply ask to participate in the proceedings and they are not, at present, requesting a more active role in the trial, nor are they

³⁸ Order issuing Annexes to the “Decision on the applications by victims to participate in the proceedings” of 15 December 2008, 19 December 2008, ICC-01/04-01/06-1563-Conf-AnxA2, pages, 9, 17-18, 23, 199, 202, 205, 207, 210, 213, 216, 229.

³⁹ ICC-01/04-01/06-2587-Conf, paragraphs 13-15.

⁴⁰ ICC-01/04-01/06-1563-Conf-AnxA2, page 286.

⁴¹ ICC-01/04-01/06-1556-Corr-Anx1, paragraph 103.

⁴² ICC-01/04-01/06-2587-Conf, paragraphs 16-17.

⁴³ Decision on the disclosure of information from victims’ application forms (a/0225/06, a/0229/06, a/0270/07), 14 October 2010, ICC-01/04-01/06-2586-Conf-Exp.

trial witnesses. The Chamber has previously ruled that unless there are substantive reasons for suspecting that the individuals who assisted the applicants in this way attempted to persuade one or more of them to give false evidence, or otherwise misused their position, disclosure of the identities of those who provided assistance is not required.⁴⁴ For the reasons set out above, the similarities between the forms does not lead to this conclusion, and generally there is no basis to doubt the role of the individuals who assisted the victims or the integrity of the process. Non-disclosure of the identities of those who assisted the applicants is necessary in order to protect the applicants, by maintaining their anonymity, pursuant to Article 68(1) of the Statute. This step is not detrimental to rights of the accused.

31. As an exception to this general position, disclosure of the identity of the individual who assisted applicants a/0028/10, a/0029/10, a/0030/10, a/0031/10, a/0033/10, a/0037/10, a/0333/10, a/0334/10, a/0336/10a/0739/10, and a/0740/10, has already been ordered.⁴⁵ Thus, the redactions to his name should be lifted.
32. The defence submits that the identity documents ("*attestation de carence*") provided by the applicants are untrustworthy. Particularly, it is argued that there are reasons to distrust the student identity cards signed by non-trial witness DRC-OTP-WWWW-0563. The defence contends that there are serious doubts as to the validity of these documents.⁴⁶
33. Considering the position generally, the Chamber has expressly recognised that an "*attestation de carence*" is a valid document by which an individual can demonstrate his or her identity.⁴⁷ Thus, in principle, these documents are admissible and they provide *prima facie* proof of the identity of the applicants concerned.

⁴⁴ Redacted Decision on Intermediaries, 31 May 2010, ICC-01/04-01/06-2434-Red2, paragraph 139(e).

⁴⁵ ICC-01/04-01/06-2586-Conf-Exp, paragraph 42.

⁴⁶ ICC-01/04-01/06-2587-Conf, paragraphs 18-20.

⁴⁷ ICC-01/04-01/06-1119, paragraph 87(iii).

34. As to the suggested unreliability of the student identification cards, the defence has provided the Chamber with the relevant statement of DRC-OTP-WWWW-0563 in its third request for admission of documents.⁴⁸ The Chamber has established that this individual has not issued any of the relevant student identity cards. The Chamber thus considers that the redactions are appropriate, since the withheld information is irrelevant to any known issue concerning the defence case or the known issues in this trial, and, moreover, they are necessary in order to protect the identity of the applicants.

35. The defence suggests that due to the significant number, and the extent of, the redactions to the application forms, it is unable evaluate the authenticity of the information provided therein or to make useful submissions on the admissibility of these documents.⁴⁹

36. In its Decision of 7 May 2008, the Chamber set out the reasons for transmitting redacted versions of the victims' application forms to the parties:

24. At this stage the Chamber is essentially conducting a preliminary assessment on the merits of the applications that may lead to some of them being rejected and this could result in applicants not being granted the status of participants in the proceedings. For this limited purpose, the Chamber adopts the observations of Single Judge Politi when addressing a similar issue, namely that "[g]iven the practical and financial obstacles necessarily associated with measures other than redactions (in particular, measures in the field or relocation) [...] the adoption of any measures other than redactions would exceed the scope of the present proceedings and would therefore be unjustified".

25. The Trial Chamber has carefully applied the principle of proportionality approved by the Appeals Chamber, that protective measures should:

- i) restrict the rights of the suspect or accused only as far as necessary;
- ii) be put in place where they are the only sufficient and feasible measure.

26. The Trial Chamber deems that the above two requirements are met given that:

- i) In light of the current and significant insecurity situation in relevant parts of the Democratic Republic of Congo, non-disclosure of the applicants' identities is necessary. This will not restrict the rights of the accused at this moment, or create an irreversible situation that cannot be corrected in due course, given that the Trial Chamber will make any necessary judgements as to these redactions at the time any of the applicants are granted status as victims, in order to guarantee the fairness of proceedings.

⁴⁸ Second Corrigendum Troisième requête de la Défense aux fins de dépôt de documents, 16 November 2010, ICC-01/04-01/06-2604-Conf-Corr2, paragraphs 21-25 and Annexes 5 and 6.

⁴⁹ ICC-01/04-01/06-2587-Conf, paragraphs 21-24.

ii) Consistent with the Chamber's 18 January Decision on victims' participation, if victims are granted status to participate in the proceedings, their active role in the trial will depend on additional discrete applications in which they must set out specifically how their interests are affected at a given phase of the proceedings. At that stage the Chamber will take into account whether the victim is requesting continued anonymity for the purposes of determining the appropriate form of participation. At this preliminary juncture, however, redactions to applications are necessary and appropriate and are the only feasible and appropriate measures at this stage of the proceedings, namely the initial application process.⁵⁰

37. This approach should apply, *mutatis mutandis*, to these 15 applications. To the extent that any of these applicants seek in due course to participate substantively in the trial, the Chamber will reconsider their current position of anonymity vis-à-vis the parties.⁵¹ However, for the limited purpose of making observations on these applications, the parties are not unduly or disproportionately prejudiced by non-disclosure of the applicants' identities, nor is material unfairness created for the accused. The critical stage will occur later, when the Chamber re-evaluates these protective measures in light of the circumstances of participation by any of these applicants in the trial.⁵²

38. As regards 14 of the 15 applicants (excluding a/0033/10) the defence argues that it is not possible to establish that the alleged events come within the dates relevant to the charges.⁵³ However, on a review of the applications and the report from the VPRS, the Chamber is persuaded that it has been established, *prima facie*, that the applicants' alleged recruitment occurred between September 2002 and August 2003.⁵⁴

39. In relation to 7 applicants (a/0026/10, a/0029/10, a/0030/10, a/0031/10, a/0035/10, a/0037/10 and a/0333/10) the defence highlights that they merely suggest "M.

⁵⁰ Decision inviting the parties' observations on applications for participation of a/0001/06 to a/0004/06, a/0047/06 to a/0052/06, a/0077/06, a/0078/06, a/0105/06, a/0221/06, a/0224/06 to a/0233/06, a/0236/06, a/0237/06 to a/0250/06, a/0001/07 to a/0005/07, a/0054/07 to a/0062/07, a/0064/07, a/0065/07, a/0149/07, a/0155/07, a/0156/07, a/0162/07, a/0168/07 to a/0185/07, a/0187/07 to a/0191/07, a/0251/07 to a/0253/07, a/0255/07 to a/0257/07, a/0270/07 to a/0285/07, and a/0007/08, 7 May 2010, ICC-01/04-01/06-1308, paragraphs 24-26.

⁵¹ ICC-01/04-01/06-1119, paragraph 131.

⁵² ICC-01/04-01/06-1308, paragraph 29.

⁵³ ICC-01/04-01/06-2587-Conf, paragraphs 25-27.

⁵⁴ ICC-01/04-01/06-1563-Conf-AnxA2, pages 130, 132, 135, 137, 142, 144, 147, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 174, 176, 180, 184, 188-189, 193, 197.

Thomas Lubanga” was criminally responsible, without indicating the nature of his culpability, and the suggested link between the accused and the alleged crimes. The defence observes that the applicants do not indicate the name or the affiliations of the group that abducted them.⁵⁵

40. The majority of the applicants have referred, in various ways, to either the UPC or Mr Thomas Lubanga when describing the relevant events or identifying those who were responsible for them (see a/0026/10, a/0029/10, a/0031/10, a/0037/10 and a/0333/10). Seven relevant applicants have referred to Mr Thomas Lubanga, along with others linked to the UPC (such as “Commander Kisembo”), as those responsible for what happened to them. The accused is charged with crimes allegedly committed between September 2002 and 13 August 2003, when the UPC/FPLC is said to have systematically recruited children.⁵⁶ Given this occurred in Ituri which is the identified location for all the applicants, notwithstanding the fact that the responsibility of others cannot be discounted, on the material provided to the Bench there is *prima facie* evidence (as opposed to proof beyond a reasonable doubt or on a balance of probabilities) that the relevant applicants are victims under Rule 85(a) of the Rules, having suffered personal harm as a result of crimes confirmed against the accused, in the period of time between September 2002 and 13 August 2003.

V. Orders of the Chamber

41. For these reasons, the Trial Chamber hereby:

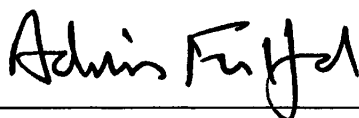
- a. Grants the applications to participate in the proceedings of victims a/0026/10, a/0027/10, a/0028/10, a/0029/10, a/0030/10, a/0031/10, a/0033/10, a/0035/10, a/0037/10, a/0333/10, a/0334/10, a/0336/10, a/0738/10, a/0739/10 and a/0740/10.

⁵⁵ ICC-01/04-01/06-2587-Conf, paragraphs 30-34.

⁵⁶ Decision on the confirmation of the charges, 14 May 2007, ICC-01/04-01/06-803-tEN, paragraph 250.

- b. Orders the Registry to submit a report to the Chamber on the requests for protective and special measures for these 15 victims no later than 24 January 2011.
- c. Orders the Registry to provide the identity of the person assisting applicants a/0028/10, a/0029/10, a/0030/10, a/0031/10, a/0033/10, a/0037/10, a/0333/10, a/0334/10, a/0336/10, a/0739/10 and a/0740/10 to the parties.
- d. Orders the Registry to submit the public redacted version of this cover Decision and the confidential and public redacted versions of Annex A of this Decision to the Chamber for its review by 7 January 2011.
- e. Directs that these victims are allocated to the team that includes Mr Keta, given he represents each of them.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 8 February 2011

At The Hague, The Netherlands

Annex A
Public version

Annex A Public

Application of victim a/0026/10 [Annex 2]¹

The means of identification

The Chamber has been provided with a certificate of loss of documents (“attestation de carence”) issued by the city of [REDACTED] and a photograph of the applicant.²

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, militiamen abducted her and she was transferred to [REDACTED] and then to [REDACTED], where the war was taking place. She states that there were many who were killed and injured. She was widowed and has been rejected by her community. She does not know where her family lives and she has a child who is fatherless. She describes Mr Thomas Lubanga and her husband, [REDACTED], as being responsible for the crimes. She alleges she has suffered material, physical and psychological harm as a result of these events.³ By way of elaboration, the applicant sets out that she was first abducted when walking home in [REDACTED]; she was taken, in order, to [REDACTED], [REDACTED] and [REDACTED], and finally [REDACTED], from whence she was able to escape. Another girl, called [REDACTED], was abducted at the same time. The militiamen took her forcibly to a camp, where she was forced to become the “wife” of one of the men. The militiamen belonged to the UPC, coming from the [REDACTED]. She identified “Thomas” as the chief of the UPC. After [REDACTED] days she was transferred to [REDACTED], where she worked mainly in the kitchen and she “spent the night” with her militia “husband”. A [REDACTED] pregnancy was terminated by [REDACTED], but she gave birth to a child following a [REDACTED] pregnancy. She was separated from her “husband”, and she was transferred to [REDACTED], where she was used to transport ammunition into the forest and she prepared food. Later she was taken to [REDACTED], and although she cannot say how long she was kept at [REDACTED] or [REDACTED] she estimates that overall she was kept by the militia for about [REDACTED] months. She did not participate in combat. She was also forced to carry ammunition in [REDACTED], from whence she

¹ See also Report on supplementary information related to applications a/0026/10, a/0031/10 and a/0738/10, 11 November 2010, ICC-01/04-01/06-2616-Conf-Exp-Anx1.

² Firth Report to Trial Chamber I on Victims’ Applications under Regulation 86.5 of the Regulations of the Court, 14 June 2010, ICC-01/04-01/06-2474-Conf-Exp-Anx2, pages 18-19.

³ ICC-01/04-01/06-2474-Conf-Exp-Anx2, pages 9-11.

escaped. She did not go to a demobilisation centre and together with [REDACTED] she now lives with her parents. She bears [REDACTED] that are the result of the beatings she received, and she experienced pain following the occasions when she was raped. She sometimes has headaches and chest pains, she has not returned to school.⁴

The phase of the proceedings

The applicant submits she has an interest in participating in all phases of the proceedings.⁵

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. As regards the specific observations vis-à-vis this applicant, the defence contends that her application is general and lacks precision as regards the description of the alleged crimes (Section D-1). It is suggested it is impossible to establish a link between the applicant and the charges or the accused. It is stressed that the applicant does not refer to the UPC or the FPLC and it is impossible to establish on the basis of the information provided whether the applicant was enlisted or whether she actively participated in hostilities.⁶

The observations of the prosecution

The prosecution argued in its initial submissions that the applicant had failed to indicate whether she underwent military training or actively participated in hostilities, and as a result it suggested that further information or clarification was necessary.⁷ However, following the applicant's supplementary report, the prosecution accepts that the victims should be permitted to participate.⁸

Observations of the legal representative

The legal representative made no observations vis-à-vis this particular applicant.⁹

Legal representation

The applicant has been represented thus far by Mr Keta.¹⁰

⁴ ICC-01/04-01/06-2616-Conf-Exp-Anx1, pages 2-5.

⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx2, page 9.

⁶ Observations de la Défense sur les 15 demandes de participation à la procédure communiquées le 29 juin 2010, 18 October 2010, ICC-01/04-01/06-2587-Conf, paragraph 29.

⁷ Prosecution's Observations on Fifteen Redacted Applications for Victim Participation in the Case, 22 October 2010, ICC-01/04-01/06-2590-Conf, paragraph 27.

⁸ Prosecution's Observations on supplementary information related to applications a/0026/10, a/0031/10 and a/0738/10, 23 November 2010, ICC-01/04-01/06-2633, paragraphs 8-9.

⁹ Réplique aux observations de la Défense sur les 15 demandes de participation des victimes, 5 November 2010, ICC-01/04-01/06-2603.

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.¹¹

Based on the application and the supplementary information submitted by the alleged victim, she was abducted and held by the UPC for a period of [REDACTED] months, within the timeframe of the charges and in the context of a suggested broad campaign conducted by the UPC of child abduction and forced recruitment. Given the alleged systematic recruitment, enlistment or use of child soldiers at this time by that group, on a *prima facie* basis, the Chamber considers that it is fair to infer that she was held, *inter alia*, for one of these purposes. Indeed, the applicant has indicated that she was used to transport ammunition when in [REDACTED] and [REDACTED].¹² Accordingly, the Chamber rejects the argument that there is insufficient information to establish a link between her abduction and the charges against the accused.

The Chamber thus considers that the applicant has provided sufficient evidence for the Chamber to conclude, *prima facie*, that she was abducted in the context of the systematic conscription of children under the age of 15 into the military forces of the UPC.¹³

Application of victim a/0027/10 [Annex 3]

The means of identification

The Chamber has been provided with a certificate of loss of documents ("attestation de carence") issued by the city of [REDACTED] and a photograph of the applicant.¹⁴

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, militiamen of Thomas Lubanga abducted her in [REDACTED]. She

¹⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

¹¹ Decision on victims' participation, 18 January 2008, ICC-01/04-01/06-1119, as confirmed, amended and reversed by the Appeals Chamber's 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, ICC-01/04-01/06-1432.

¹² ICC-01/04-01/06-2616-Conf-Exp-Anx1, pages 2-3.

¹³ Confidential Ex parte Annex A 1 to the Order issuing Annexes to the "Decision on the applications by victims to participate in the proceedings" of 15 December 2008, 19 December 2008, ICC-01/04-01/06-1563-Conf-Exp-AnxA1, page 230.

¹⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx3, pages 19-20.

was then transferred to [REDACTED] and later to [REDACTED], where she was trained under difficult conditions. She became pregnant by a militiaman with whom she had children. He later died. The applicant alleges she suffered material loss and she experiences very painful memories.¹⁵

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and appeal proceedings.¹⁶

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. As regards the specific observations of the defence vis-à-vis this applicant, the defence argues that the lack of precision in relation to the dates of the events (and the relevant redactions) make it impossible for the defence to establish whether the alleged crimes occurred in the timeframe of the charges against the accused.¹⁷

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.¹⁸

Observations of the legal representative

The legal representative made no observations vis-à-vis this particular applicant.¹⁹

Legal representation

The applicant has been represented thus far by Mr Keta.²⁰

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.²¹

The uncertainty as to the date of the relevant events is the consequence of the redactions and does not reflect a lack of information provided by the applicant.

¹⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx3, pages 9-11 and page 18.

¹⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx3, page 9.

¹⁷ ICC-01/04-01/06-2587-Conf, paragraph 28.

¹⁸ ICC-01/04-01/06-2590-Conf, paragraph 13.

¹⁹ ICC-01/04-01/06-2603.

²⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

²¹ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

The applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rule 85(a) of the Rules: she suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use, by way of participating actively in the hostilities, between September 2002 and 13 August 2003.²²

Application of victim a/0028/10 [Annex 4]

The means of identification

The Chamber has been provided with a certificate of loss of documents (“attestation de carence”) issued by the city of [REDACTED] and a photograph of the applicant.²³

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, UPC militiamen forcibly abducted her, along with her sister, while working on a field in [REDACTED]. They were transferred to the [REDACTED] camp and then to [REDACTED], where they were both threatened; they were subjected to sexual violence; and they were forced to carry out domestic tasks. They also received military training and they were used to carry pillaged goods following hostilities. One of the UPC commanders took the applicant as his “wife” in order to “defend” her from others. The applicant alleges she suffered material harm and loss, and she has experienced psychological difficulties.²⁴

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and during the appeal proceedings.²⁵

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. As regards the specific observations vis-à-vis this applicant, the defence notes that she refers to the UPC and the APC and she relates both of them to Thomas Lubanga. Furthermore, the defence suggests it cannot determine whether the applicant received military training or actively participated in hostilities. Finally, it is observed that although it is mentioned

²² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

²³ ICC-01/04-01/06-2474-Conf-Exp-Anx4, page 20.

²⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx4, pages 9-11 and 18-19.

²⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx4, page 9.

in the application form, the applicant has not included the “declaration d’indigence”.²⁶

The observations of the prosecution

The prosecution submits that this applicant should be granted status to participate.²⁷

Observations of the legal representative

The legal representative made no observations vis-à-vis this particular applicant.²⁸

Legal representation

The applicant has been represented thus far by Mr Keta.²⁹

The Chamber’s analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber’s Decision on victims’ participation.³⁰

The accused is charged with crimes which were allegedly committed between September 2002 and 13 August 2003, when the UPC/FPLC systematically recruited children.³¹ Given that this occurred in Ituri, where the applicant is from, notwithstanding the fact that the responsibility of others cannot be discounted (*viz.* the reference to the APC), on the material provided to the Bench there is *prima facie* evidence (as opposed to proof beyond a reasonable doubt or on a balance of probabilities) that the applicant is a victim of the crimes confirmed against the accused in the period of time between September 2002 and 13 August 2003.³²

The applicant has thus provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: she suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.³³

²⁶ ICC-01/04-01/06-2587-Conf, paragraph 29.

²⁷ ICC-01/04-01/06-2590-Conf, paragraph 14.

²⁸ ICC-01/04-01/06-2603.

²⁹ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

³⁰ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

³¹ Decision on the confirmation of the charges, 14 May 2007, ICC-01/04-01/06-803-tEN, paragraph 250.

³² Decision on the participation of victims in the trial and on 86 applications by victims to participate in the proceedings, 30 June 2010, ICC-01/05-01/08-807, paragraph 94.

³³ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

Application of victim a/0029/10 [Annex 5]

The means of identification

The Chamber has been provided with a certificate of loss of documents (“attestation de carence”) issued by the city of [REDACTED] and a photograph of the applicant.³⁴

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, militiamen abducted her in [REDACTED]. She spent [REDACTED] in their camp and she was then transferred to [REDACTED], followed by [REDACTED] and finally [REDACTED], where she received military training from Commander Kisémbó. She participated in hostilities in [REDACTED]. She suggests Thomas Lubanga, Commander [REDACTED] and her husband, someone by the name of [REDACTED], were responsible for these events. The applicant alleges she suffered material loss and psychological problems as a result.³⁵

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.³⁶

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence has made no observations vis-à-vis this particular applicant.³⁷

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.³⁸

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.³⁹

³⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx5, page 18.

³⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx5, pages 9-11.

³⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx5, page 9.

³⁷ ICC-01/04-01/06-2587-Conf.

³⁸ ICC-01/04-01/06-2590-Conf, paragraph 15.

³⁹ ICC-01/04-01/06-2603.

Legal representation

The applicant has been represented thus far by Mr Keta.⁴⁰

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.⁴¹

The applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: the applicant suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.⁴²

Application of victim a/0030/10 [Annex 6]

The means of identification

The Chamber has been provided with a student identity card of the applicant.⁴³

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, a commander of Thomas Lubanga abducted her when she was returning home from school. She was sent to [REDACTED], where she was forced to carry out different tasks and where she was subjected to sexual violence. She was then taken to [REDACTED] and [REDACTED], where she received military training. She participated in a battle in [REDACTED], and her [REDACTED] was injured. Her property was pillaged. As a result of these events, she claims to have suffered material loss, and physical and psychological harm.⁴⁴

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.⁴⁵

The observations of the defence

⁴⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

⁴¹ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁴² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁴³ ICC-01/04-01/06-2474-Conf-Exp-Anx6, pages 21-22.

⁴⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx6, pages 9-11 and 18-19.

⁴⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx6, page 9.

The submissions that apply generally to the applicants have been addressed in the cover decision. As regards the specific observations of the defence vis-à-vis the applicant, the defence contends that the applicant refers to crimes not included in the charges (domestic work and sexual violence). It is also submitted that due to the redactions in the application the defence cannot establish whether the applicant's military training occurred before 13 August 2003.⁴⁶ It is suggested that the identity document does not include a date of birth, and it is thus impossible to verify the age of the applicant. Finally, contrary to what is stated in the application form, the "declaration d'indigence" is not included.⁴⁷

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.⁴⁸

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.⁴⁹

Legal representation

The applicant has been represented thus far by Mr Keta.⁵⁰

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.⁵¹

The uncertainty as to the date of the relevant events is the consequence of the redactions and does not reflect a lack of information provided by the applicant. As regards the defence observation that the student identity card does not include a date of birth, the format of the card does not provide for this information to be included. However, the applicant has given her date of birth in the application, which indicates she was below the age of 15 at the time of the relevant events.

The Chamber therefore concludes that the applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the

⁴⁶ ICC-01/04-01/06-2587-Conf, paragraph 28.

⁴⁷ ICC-01/04-01/06-2587-Conf, paragraph 29.

⁴⁸ ICC-01/04-01/06-2590-Conf, paragraph 16.

⁴⁹ ICC-01/04-01/06-2603.

⁵⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

⁵¹ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

Rules: she suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.⁵²

Application of victim a/0031/10 [Annex 7]

The means of identification

The Chamber has been provided with a certificate of loss of documents (“attestation de carence”) issued by the city of [REDACTED] and a photograph of the applicant.⁵³

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, militiamen of Thomas Lubanga abducted her by force along with [REDACTED] other girls, when she was returning home from school. She was taken to [REDACTED], and then to [REDACTED], where she was forced into domestic work and where she received military training. She was later taken to [REDACTED] and was ordered to carry goods that had been pillaged during combat. The applicant was forced to “marry” a militiaman. She suffered material loss and psychological harm.⁵⁴ In later representations, the applicant sets out that she was raped on multiple occasions in the camp, which stopped when Commander [REDACTED] “married” her. This meant that he alone raped and beat her, following orders he issued that no one else was to touch her. She gave birth to a [REDACTED] as a result of this forced relationship who [REDACTED] her mother. At the camp she also undertook domestic work for the commander. Eventually, she managed to escape, although she did not attend at a demobilisation centre. The applicant claims that she suffers from [REDACTED] problems following participation in military exercises, despite the fact that she was very weak. She experiences chest pains that are the result of being forced to transport heavy loads of ammunition. She is very anxious and has heart palpitations.⁵⁵

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.⁵⁶

The observations of the defence

⁵² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁵³ ICC-01/04-01/06-2474-Conf-Exp-Anx7, page 19.

⁵⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx7, pages 9-11 and 18.

⁵⁵ ICC-01/04-01/06-2616-Conf-Exp-Anx2, pages 2-4.

⁵⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx7, page 9.

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence has made no observations vis-à-vis this particular applicant.⁵⁷

The observations of the prosecution

The prosecution submitted in its original observations that although the application met most of the legal requirements, the date of the applicant's abduction required clarification, because the personal harm she alleges may have been caused after the ambit of the charges. The prosecution therefore suggested that further information was necessary.⁵⁸ However, following the supplementary report provided by the applicant, the prosecution submits the applicant should be permitted to participate.⁵⁹

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.⁶⁰

Legal representation

The applicant has been represented thus far by Mr Keta.⁶¹

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.⁶²

In the application form it is suggested that the applicant was conscripted well before August 2003, and the harm she suffered (*e.g.* psychological damage) occurred during the relevant period.

Consequently, the Chamber considers that the applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: the applicant suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.⁶³

⁵⁷ ICC-01/04-01/06-2587-Conf.

⁵⁸ ICC-01/04-01/06-2590-Conf, paragraph 29.

⁵⁹ ICC-01/04-01/06-2633, paragraphs 10-11.

⁶⁰ ICC-01/04-01/06-2603.

⁶¹ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

⁶² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁶³ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

Application of victim a/0033/10 [Annex 8]

The means of identification

The Chamber has been provided with a certificate of loss of documents (“attestation de carence”) issued by the city of [REDACTED] and a photograph of the applicant.⁶⁴

The claim to victim status

The applicant claims that in March 2003, when she was [REDACTED] years old, UPC militiamen ambushed and abducted her whilst she was in the market in [REDACTED]. They took her to [REDACTED], and then on to [REDACTED]. She was forced to “marry” one of the men. For a [REDACTED] she was forced to carry out domestic work and to carry heavy items on her back. She was forced to “do what other women do with their husbands”, seemingly referring to sexual violence. Her “husband” was killed in combat. She undertook military training, and she was sent to [REDACTED] for [REDACTED]-month’s training. She participated in hostilities on [REDACTED] occasions in [REDACTED]. The applicant suffered from material loss.⁶⁵

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.⁶⁶

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence has made no observations vis-à-vis this particular applicant.⁶⁷

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.⁶⁸

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.⁶⁹

⁶⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx8, page 18.

⁶⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx8, pages 9-11 and 19.

⁶⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx8, page 9.

⁶⁷ ICC-01/04-01/06-2587-Conf.

⁶⁸ ICC-01/04-01/06-2590-Conf, paragraph 17.

Legal representation

The applicant has been represented thus far by Mr Keta.⁷⁰

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.⁷¹

The applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: she suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.⁷²

Application of victim a/0035/10 [Annex 9]**The means of identification**

The Chamber has been provided with a school identity card for the applicant.⁷³

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, she was abducted by two militiamen in [REDACTED] and taken to the [REDACTED] camp. She was raped and one of the men used her as his "wife". She was taken to [REDACTED], later to [REDACTED] and then on to [REDACTED]. She carried out domestic work and she was subjected to sexual violence. She was taught to use weapons and participated in [REDACTED] attacks. She carried heavy loads and became ill with [REDACTED]. She finally escaped in 2004 and returned to [REDACTED]. However, her family rejected her because she returned with a child. As a result of these events, she suffers from psychological harm, as well as experiencing material loss.⁷⁴

The phase of the proceedings

The applicant submits she has an interest in participating in all phases of the proceedings.⁷⁵

⁶⁹ ICC-01/04-01/06-2603.

⁷⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

⁷¹ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁷² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁷³ ICC-01/04-01/06-2474-Conf-Exp-Anx9, pages 18-19.

⁷⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx9, pages 9-11 and 20-21.

⁷⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx9, page 9.

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence argues that due to the redactions in the application, the defence cannot establish whether the military training took place during the timeframe of the charges.⁷⁶ The defence also contends that the applicant states that she was principally used for sexual purposes and to carry goods, crimes not included in the charges.⁷⁷

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.⁷⁸

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.⁷⁹

Legal representation

The applicant has been represented thus far by Mr Keta.⁸⁰

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.⁸¹

The application reveals the alleged victim was allegedly abducted and held by two UPC militiamen during the timeframe of these charges. The applicant states that she learned to use weapons; she carried heavy loads; and she participated in [REDACTED] attacks.⁸² In all the circumstances, the applicant has provided sufficient evidence for the Chamber to conclude, *prima facie*, that she was abducted in the broad context of the systematic conscription of children under the age of 15 into the military forces of the UPC.⁸³

The Chamber thus concludes that the applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: she suffered personal harm as a result of the crimes confirmed against

⁷⁶ ICC-01/04-01/06-2587-Conf, paragraph 28.

⁷⁷ ICC-01/04-01/06-2587-Conf, paragraph 29.

⁷⁸ ICC-01/04-01/06-2590-Conf, paragraph 18.

⁷⁹ ICC-01/04-01/06-2603.

⁸⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

⁸¹ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁸² ICC-01/04-01/06-2474-Conf-Exp-Anx9, pages 9-11 and 20-21.

⁸³ ICC-01/04-01/06-1563-Conf-Exp-AnxA1, page 230.

the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.⁸⁴

Application of victim a/0037/10 [Annex 10]

The means of identification

The Chamber has been provided with a school identity card of the applicant.⁸⁵

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, she was abducted, when she was returning home from school in [REDACTED]. She was taken to [REDACTED] and later to [REDACTED], where she received military training. She was forced to carry heavy loads towards [REDACTED], where she participated in hostilities. She finally managed to escape back to [REDACTED] with an officer. She was apparently married to a militiaman. She identifies Thomas Lubanga, Commander [REDACTED] and her husband as those responsible for the events. As a result, the applicant has suffered psychological harm and material loss.⁸⁶

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.⁸⁷

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence has made no observations vis-à-vis this particular applicant.⁸⁸

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.⁸⁹

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.⁹⁰

⁸⁴ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁸⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx10, pages 19-20.

⁸⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx10, pages 9-11 and 18.

⁸⁷ ICC-01/04-01/06-2474-Conf-Exp-Anx10, page 9.

⁸⁸ ICC-01/04-01/06-2587-Conf.

⁸⁹ ICC-01/04-01/06-2590-Conf, paragraph 19.

⁹⁰ ICC-01/04-01/06-2603.

Legal representation

The applicant has been represented thus far by Mr Keta.⁹¹

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.⁹²

The applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: she suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.⁹³

Application of victim a/0333/10 [Annex 11]

The means of identification

The Chamber has been provided with a school identity card for the applicant.⁹⁴

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, militiamen of Thomas Lubanga abducted the applicant and her brother in [REDACTED]. The men tortured her brother and took her to [REDACTED]. She received military training, participated in combat in [REDACTED] and was subjected to sexual violence. She became malnourished. Finally, she managed to escape and she learned that her brother had died following the torture to which he was subjected. As a result of these events, the applicant claims she suffered from psychological harm and material loss.⁹⁵

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.⁹⁶

⁹¹ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

⁹² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁹³ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

⁹⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx11, pages 19-21.

⁹⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx11, pages 9-11 and 18.

⁹⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx11, page 9.

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. As regards the specific observations of the defence vis-à-vis this applicant, the defence argues that the lack of precision in relation to the dates of the events (and the relevant redactions) make it impossible for the defence to establish whether the alleged crimes occurred in the timeframe of the charges against the accused.⁹⁷

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.⁹⁸

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.⁹⁹

Legal representation

The applicant has been represented thus far by Mr Keta.¹⁰⁰

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.¹⁰¹

The uncertainty as to the date of the relevant events is the consequence of the redactions and does not reflect a lack of information provided by the applicant.

The Chamber thus concludes that the applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: the applicant suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.¹⁰²

⁹⁷ ICC-01/04-01/06-2587-Conf, paragraph 28.

⁹⁸ ICC-01/04-01/06-2590-Conf, paragraph 20.

⁹⁹ ICC-01/04-01/06-2603.

¹⁰⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

¹⁰¹ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

¹⁰² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

Application of victim a/0334/10 [Annex 12]

The means of identification

The Chamber has been provided with a certificate of loss of documents (“attestation de carence”) issued by the city of [REDACTED] and a photograph of the applicant.¹⁰³

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, she was taken by APC military to [REDACTED]. She received military training in [REDACTED] and was married forcibly to a militiaman and raped by another man. She was then transferred to [REDACTED], where she received military training and was forced to carry heavy loads. Another commander with whom she had two children later took her to [REDACTED]. She states that the men that recruited her were also involved with the UPC, and that Thomas Lubanga was in charge of the group. As a result of these events the applicant experienced fatigue, and she became ill and suffered material loss.¹⁰⁴

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.¹⁰⁵

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence argues that it cannot establish whether the military training took place during the timeframe of the charges.¹⁰⁶ The defence also relies on the applicant’s reference to having been abducted by the APC, seemingly confusing this group with the UPC and suggesting that Thomas Lubanga was in charge of both groups. The defence finally observes that contrary to what is written in the application form, no student identity card has been provided. The defence submits that since the applicant states in the “attestation de carence” that she lost her identity card, there is a contradiction in her application that casts serious doubts as to its truthfulness.¹⁰⁷

The observations of the prosecution

¹⁰³ ICC-01/04-01/06-2474-Conf-Exp-Anx12, page 20.

¹⁰⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx12, pages 9-11 and 18-19.

¹⁰⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx12, page 9.

¹⁰⁶ ICC-01/04-01/06-2587-Conf, paragraph 28.

¹⁰⁷ ICC-01/04-01/06-2587-Conf, paragraph 29.

The prosecution submits that this applicant should be permitted to participate.¹⁰⁸

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.¹⁰⁹

Legal representation

The applicant has been represented thus far by Mr Keta.¹¹⁰

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.¹¹¹

The Chamber has addressed the potential confusion between the APC and the UPC. However, the applicant indicated that the person with overall responsibility for the harm she suffered was Thomas Lubanga.

Given the accused is charged with crimes allegedly committed between September 2002 and 13 August 2003, which was when the UPC/FPLC carried out recruitment of children in a systematic way,¹¹² and since this occurred in Ituri, where these events concerning the applicant occurred, notwithstanding the fact that the responsibility of others cannot be discounted (such as the APC), the Chamber concludes that, on the material provided to the Bench, there is *prima facie* evidence (as opposed to proof beyond a reasonable doubt or on a balance of probabilities) that the applicant is a victim of the crimes confirmed against the accused.

The Chamber thus concludes that the applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: she suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.¹¹³

¹⁰⁸ ICC-01/04-01/06-2590-Conf, paragraph 21.

¹⁰⁹ ICC-01/04-01/06-2603.

¹¹⁰ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

¹¹¹ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

¹¹² ICC-01/04-01/06-803-tEN, paragraph 250.

¹¹³ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

Application of victim a/0336/10 [Annex 13]

The means of identification

The Chamber has been provided with a certificate of loss of documents (“attestation de carence”) issued by the city of [REDACTED] and a photograph of the applicant.¹¹⁴

The claim to victim status

The applicant claims that in [REDACTED] 2003, 15 UPC militiamen abducted her when she was [REDACTED] years old. She was taken to a camp in [REDACTED], where she was raped and later “married” to one of the militiamen. She was then taken to [REDACTED] to receive military training; she was forced to carry heavy loads; and she was subjected to beatings. She [REDACTED], and was taken to [REDACTED]. She finally managed to escape to [REDACTED] in 2004. As a result of these events, she suffers from various illnesses and she has experienced material loss.¹¹⁵

The phase of the proceedings

The applicant submits she has an interest in participating in trial and appeal proceedings.¹¹⁶

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence argues that due to the redactions in the application they cannot establish whether the military training took place during the timeframe of the charges.¹¹⁷ The defence submits that although the applicant mentions in Section D-1 of her application that the events took place in “[REDACTED]-hostilities”, she does not refer to having actively participated in hostilities elsewhere in her application.¹¹⁸

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.¹¹⁹

Observations of the legal representative

¹¹⁴ ICC-01/04-01/06-2474-Conf-Exp-Anx13, page 20.

¹¹⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx13, pages 9-11 and 18-19.

¹¹⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx13, page 9.

¹¹⁷ ICC-01/04-01/06-2587-Conf, paragraph 28.

¹¹⁸ ICC-01/04-01/06-2587-Conf, paragraph 29.

¹¹⁹ ICC-01/04-01/06-2590-Conf, paragraph 22.

The legal representative has made no observations vis-à-vis this particular applicant.¹²⁰

Legal representation

The applicant has been represented thus far by Mr Keta.¹²¹

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.¹²²

The uncertainty as to the date of the relevant events is the consequence of the redactions and does not reflect a lack of information provided by the applicant.

The application sets out that the victim was allegedly abducted and held by the "15 UPC militiamen" for a period within the timeframe of the charges, in the context of a broad campaign conducted by the UPC of child abduction and forced recruitment. Given the alleged systematic recruitment, enlistment or use of child soldiers at this time by that group, on a *prima facie* basis, it is fair to infer that the applicant was held, *inter alia*, for one of these purposes. Accordingly, the lack of any mention in the application to active participation in hostilities does not invalidate this application, particularly since the applicant indicated that she received military training in [REDACTED] and was forced to carry heavy loads.¹²³

The Chamber thus considers that the applicant has presented sufficient evidence for the Chamber to conclude, *prima facie*, that she was abducted in the broad context of the systematic conscription of children under the age of 15 into the military forces of the UPC.¹²⁴

Application of victim a/0738/10 [Annex 14]

The means of identification

The Chamber has been provided with a student identity card of the applicant.¹²⁵

¹²⁰ ICC-01/04-01/06-2603.

¹²¹ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

¹²² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

¹²³ ICC-01/04-01/06-2474-Conf-Exp-Anx13, pages 9-11 and 18-19.

¹²⁴ ICC-01/04-01/06-1563-Conf-Exp, page 230.

¹²⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx14, page 22.

The claim to victim status

The applicant claims that she was in the market in [REDACTED] buying groceries when four UPC militiamen took her by force to camp [REDACTED] in [REDACTED]. She then became a “wife”. As a consequence of her family situation, the applicant states she decided to stay as a wife of a militiaman. She summarises that in 2002 she was the wife of a militiaman called Mr [REDACTED], with whom she had a child. In 2003 she was the wife of a militiaman in [REDACTED]. She received military training in [REDACTED], where she learned to shoot and was also ordered to pillage. She was also beaten and punished. She finally managed to escape and return to [REDACTED], where she started a demobilisation program in 2004. The applicant identifies Mr Thomas Lubanga and Commander Kisémbó as the persons responsible for the events. She claims to suffer from the separation from her family, torture and threats received. She also has chest pains and headaches, high blood pressure and [REDACTED]. She also claims to have suffered delay in her schooling.¹²⁶

The phase of the proceedings

The applicant submits she has an interest in participating in trial and appeal proceedings.¹²⁷

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence argues that it cannot establish whether the military training took place during the timeframe of the charges, particularly since the applicant refers to having first being abducted as a “wife” without identifying if she was enlisted in an armed group or actively participated in the hostilities.¹²⁸

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.¹²⁹

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.¹³⁰

¹²⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx14, pages 9-11, 19-20; ICC-01/04-01/06-2616-Conf-Exp-Anx3, pages 2-3.

¹²⁷ ICC-01/04-01/06-2474-Conf-Exp-Anx14, page 9.

¹²⁸ ICC-01/04-01/06-2587-Conf, paragraph 28.

¹²⁹ ICC-01/04-01/06-2590-Conf, paragraph 23 ; ICC-01/04-01/06-2633, paragraph 7.

¹³⁰ ICC-01/04-01/06-2603.

Legal representation

The applicant has been represented thus far by Mr Keta.¹³¹

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.¹³²

The uncertainty as to the date of the relevant events is the consequence of the redactions and does not reflect a lack of information provided by the applicant.

The application reveals that the applicant was allegedly abducted and held by four UPC militiamen within the timeframe of the charges, in the context of a broad campaign conducted by the UPC of child abduction and forced recruitment. Given the alleged systematic recruitment, enlistment or use of child soldiers at this time by that group, on a *prima facie* basis, it is fair to infer that she was held, *inter alia*, for one of these purposes, particularly the applicant indicates that she received military training in [REDACTED].¹³³ Accordingly, there is sufficient information to establish the link between the applicant's abduction and the charges.

The Chamber thus considers that the applicant has provided sufficient evidence for the Chamber to conclude, *prima facie*, that she was abducted in the broad context of the systematic conscription of children under the age of 15 into the military forces of the UPC.¹³⁴

Application of victim a/0739/10 [Annex 15]

The means of identification

The Chamber has been provided with a certificate of loss of documents ("attestation de carence") issued by the city of [REDACTED] and a photograph of the applicant.¹³⁵

The claim to victim status

The applicant claims that in [REDACTED] 2003, when she was [REDACTED] years old, four UPC militiamen abducted her in [REDACTED], where she did

¹³¹ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

¹³² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

¹³³ ICC-01/04-01/06-2474-Conf-Exp-Anx14, pages 9-11 and 19-20; ICC-01/04-01/06-2616-Conf-Exp-Anx3, page 2.

¹³⁴ ICC-01/04-01/06-1563-Conf-Exp, page 230.

¹³⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx15, page 20.

domestic work, and she was raped. She was then taken to [REDACTED], where she received military training. She was later transferred to [REDACTED], from where she managed to escape to [REDACTED]. As a result of these events she suffers psychologically.¹³⁶

The phase of the proceedings

The applicant submits she has an interest in participating in the trial and the appeal proceedings.¹³⁷

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence argues that it cannot establish whether the military training took place during the timeframe of the charges, because the applicant only mentions that she was abducted in [REDACTED] 2003 and became a “wife” of a militiaman and was forced to do domestic work.¹³⁸ The defence also contends that the application is incoherent as regards the applicant’s identity card, since in Section A-13 she states that she has been unable to obtain an identity card since her [REDACTED], whereas in the “attestation de carence” she mentions that her identity card got lost during the war.¹³⁹

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.¹⁴⁰

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.¹⁴¹

Legal representation

The applicant has been represented thus far by Mr Keta.¹⁴²

The Chamber’s analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial

¹³⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx15, pages 9-11 and 18-19.

¹³⁷ ICC-01/04-01/06-2474-Conf-Exp-Anx15, page 9.

¹³⁸ ICC-01/04-01/06-2587-Conf, paragraph 28.

¹³⁹ ICC-01/04-01/06-2587-Conf, paragraph 29.

¹⁴⁰ ICC-01/04-01/06-2590-Conf, paragraph 24.

¹⁴¹ ICC-01/04-01/06-2603.

¹⁴² ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

Chamber's Decision on victims' participation.¹⁴³ The inconsistencies as to the identity card are insufficiently serious to invalidate this application.

The application reveals that she was allegedly captured by "four UPC militiamen" within the timeframe of the charges, in the context of a broad campaign conducted by the UPC of child abduction and forced recruitment. Given the alleged systematic recruitment, enlistment or use of child soldiers at this time by that group, on a *prima facie* basis, it is fair to infer that she was held, *inter alia*, for one of these purposes, particularly given the applicant refers to having received military training for [REDACTED]. Accordingly, the information sufficiently establishes the link between the applicant's abduction and the charges, within their timeframe.

The Chamber thus concludes that the applicant has presented sufficient evidence for the Chamber to conclude, *prima facie*, that she was abducted in the broad context of the systematic conscription of children under the age of 15 into the military forces of the UPC.¹⁴⁴

Application of victim a/0740/10 [Annex 16]

The means of identification

The Chamber has been provided with a student identity card of the applicant.¹⁴⁵

The claim to victim status

The applicant claims that in [REDACTED] or [REDACTED] 2003, when she was [REDACTED] years old, three UPC militiamen abducted her, while she was on her way to the market of [REDACTED] in [REDACTED]. She was taken as a "wife", forced to do domestic work and subjected to sexual violence. She was then transferred to [REDACTED] for [REDACTED] and later to [REDACTED], where she received military training. She was also forced to participate in combat. She finally managed to escape. As a result of these events the applicant suffers psychologically and she has endured material loss.¹⁴⁶

The phase of the proceedings

¹⁴³ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

¹⁴⁴ ICC-01/04-01/06-1563-Conf-Exp, page 230.

¹⁴⁵ ICC-01/04-01/06-2474-Conf-Exp-Anx16, page 20.

¹⁴⁶ ICC-01/04-01/06-2474-Conf-Exp-Anx16, pages 9-11 and 18-19.

The applicant submits she has an interest in participating in the trial and the appeal proceedings.¹⁴⁷

The observations of the defence

The submissions that apply generally to the applicants have been addressed in the cover decision. The defence argues that it cannot establish whether the military training took place during the timeframe of the charges, due to the redactions and the imprecise information included in the application form.¹⁴⁸

The observations of the prosecution

The prosecution submits that this applicant should be permitted to participate.¹⁴⁹

Observations of the legal representative

The legal representative has made no observations vis-à-vis this particular applicant.¹⁵⁰

Legal representation

The applicant has been represented thus far by Mr Keta.¹⁵¹

The Chamber's analysis and decision

The documents and other material provided have assisted the Chamber in determining the identity of the applicant in accordance with the Trial Chamber's Decision on victims' participation.¹⁵²

The uncertainty as to the date of the relevant events is the consequence of the redactions and does not reflect a lack of information provided by the applicant.

The applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rules 85(a) of the Rules: she suffered personal harm as a result of the crimes confirmed against the accused, namely her alleged conscription, enlistment or use to participate actively in the hostilities, between September 2002 and 13 August 2003.¹⁵³

¹⁴⁷ ICC-01/04-01/06-2474-Conf-Exp-Anx16, page 9.

¹⁴⁸ ICC-01/04-01/06-2587-Conf, paragraph 28.

¹⁴⁹ ICC-01/04-01/06-2590-Conf, paragraph 25.

¹⁵⁰ ICC-01/04-01/06-2603.

¹⁵¹ ICC-01/04-01/06-2474-Conf-Exp, paragraph 10.

¹⁵² ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.

¹⁵³ ICC-01/04-01/06-1119, ICC-01/04-01/06-1432.