

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10

Date: 11 August 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR V. CALLIXTE MBARUSHIMANA

Public Document

Decision on the 138 applications for victims' participation in the proceedings

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

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
Ms. Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Mr. Nicholas Kaufman
Ms. Yaël Vias-Gvirman

Legal Representatives of Victims

Legal Representatives of Applicants

Me. Hervé Diakiese
Me. Mayombo Kassongo
Me. Ghislain Mabanga

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar Section

Ms. Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms. Fiona McKay

Others

Judge Sanji Mmasenono Monageng, the Single Judge of Pre-Trial Chamber I (“Chamber”) of the International Criminal Court (“Court”) responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Callixte Mbarushimana*¹ hereby render the following decision:

I. Procedural History

1. On 28 September 2010, the Chamber rendered the “Decision on the Prosecutor’s Application for a Warrant of Arrest against Callixte Mbarushimana”,² following which the Chamber issued the “Warrant of arrest for Callixte Mbarushimana” for 11 counts of war crimes and crimes against humanity.³
2. On 28 January 2011, at the initial appearance of Mr Callixte Mbarushimana, the Chamber decided that the hearing on the confirmation of the charges would commence on 4 July 2011 (“Confirmation Hearing”).⁴
3. On 15 March 2011, the Single Judge issued the “Order setting a deadline for the transmission of applications for victims’ participation”, whereby she ordered the Victims Participation and Reparation Section (“VPRS”) to transmit to the Chamber complete applications for participation as victims in the proceedings at the pre-trial stage of the case no later than 45 days before the day on which the Confirmation Hearing is scheduled to commence.⁵
4. On 20 May 2011, the Registry filed the “First Transmission to the Pre-Trial Chamber of applications to participate in the proceedings”, whereby it, *inter alia*, transmitted to the Chamber 14 applications, wherein 14 applicants request that they be granted the right to participate as victims in the proceedings in the present case.⁶

¹ Oral Decision of the Chamber, 28 January 2011, ICC-01/04-01/10-T-1-ENG, p. 11.

² ICC-01/04-01/10-1 (reclassified “Public” pursuant to Decision ICC-01/04-01/07, dated 11 October 2010).

³ ICC-01/04-01/10-2.

⁴ ICC-01/04-01/10-T-1-ENG, p. 10.

⁵ ICC-01/04-01/10-78.

⁶ ICC-01/04-01/10-166 with Annexes.

5. On 20 May 2011, the Registry filed the “First Report on applications to participate in the proceedings” (“First Registry Report”), whereby it provided the Chamber with a report on each of the 14 applications, pursuant to regulation 86(5) of the Regulations of the Court (“Regulations”).⁷

6. On 24 May 2011, the Single Judge issued the “Decision requesting the Parties to submit observations on 14 applications for victims’ participation in the proceedings” (“First Decision Requesting Observations”).⁸

7. On 31 May 2011, the Chamber rendered the “Decision on the Prosecution’s request for the postponement of the confirmation hearing”, whereby the Chamber decided to postpone the commencement of the Confirmation Hearing to 17 August 2011.⁹

8. On 6 June 2011, the Defence filed the “Observations générales de la Défense sur le premier envoi de demandes de participation à la procédure en qualité de victimes” (“First Defence Observations”).¹⁰

9. On 6 June 2011, the Prosecution filed the “Prosecution’s Observations on 14 Applications for Victims’ Participation in the Proceedings” (“First Prosecution Observations”).¹¹

10. On 30 June 2011, the Registry filed the “Second Transmission to the Pre-Trial Chamber of applications to participate in the proceedings”, whereby it, *inter alia*, transmitted to the Chamber 124 applications, wherein 124 applicants request that they be granted the right to participate as victims in the proceedings in the present case.¹²

⁷ ICC-01/04-01/10-168-Conf-Exp with Annexes.

⁸ ICC-01/04-01/10-181.

⁹ ICC-01/04-01/10-207.

¹⁰ ICC-01/04-01/10-212.

¹¹ ICC-01/04-01/10-216.

¹² ICC-01/04-01/10-261 with Annexes.

11. On 1 July 2011, the Registry filed the "Second report on applications to participate in the proceedings" ("Second Registry Report"), whereby it provided the Chamber with a report on each of the 124 applications, pursuant to regulation 86(5) of the Regulations.¹³
12. On 4 July 2011, the Single Judge issued the "Decision requesting the Parties to submit observations on 124 applications for victims' participation in the proceedings" ("Second Decision Requesting Observations").¹⁴
13. On 6 July 2011, the Defence filed the "Deuxièmes Observations de la Défense sur les demandes de participation à la procédure en qualité de victimes contenues aux annexes à l'envoi « ICC-01-04/01-10-261 »" ("Second Defence Observations").¹⁵
14. On 15 July 2011, the Prosecution filed the "Prosecution's document containing the charges and List of Evidence submitted pursuant to Article 61(3) and Rule 121(3)".¹⁶
15. On 25 July 2011, the Prosecution filed the "Prosecution's Observations on 124 Applications for Victims' Participation in the Proceedings" ("Second Prosecution Observations").¹⁷

II. The Applicable Law

16. The Single Judge takes note of articles 21, 57(3)(c), 61, 67 and 68 of the Rome Statute ("Statute"), rules 16, 85, 86 to 89, 91, 121 and 122 of the Rules of Procedure and Evidence ("Rules") and regulations 81(4) and 86 of the Regulations.
17. In particular, article 68(3) of the Statute provides as follows:

¹³ ICC-01/04-01/10-263-Conf-Exp with Annexes.

¹⁴ ICC-01/04-01/10-265.

¹⁵ ICC-01/04-01/10-299.

¹⁶ ICC-01/04-01/10-287 with Annexes (On 25 July 2011, the Prosecution filed, pursuant to the "Decision on the Defence request to exclude the Prosecution's amended document containing the charges and amended list of evidence", ICC-01/04-01/10-306, issued on 22 July 2011, the "Re-filing of the Prosecution's Document Containing the Charges and List of Evidence submitted pursuant to Article 61(3) and Rule 121(3)", ICC-01/04-01/10-311 with Annexes).

¹⁷ ICC-01/04-01/10-310.

Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered 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 accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence.

18. Rule 85(a) of the Rules provides as follows:

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

19. In this respect, the Single Judge will consider whether the following legal requirements are *prima facie* fulfilled: (i) that the applicant is a natural person whose identity is duly established; (ii) that the events described by the applicant in the application for participation appear to constitute a crime or crimes that fall within the jurisdiction of the Court; (iii) that the applicant has suffered harm; and (iv) that there is a causal link between the harm suffered by the applicant and the particular crimes with which the suspect is charged under the counts proposed by the Prosecution.¹⁸

20. In relation to the issues as to whether (i) the applications submitted are fully complete (ii) the identity of the applicant as a natural person is sufficiently established (iii) the applicant has suffered harm, and (iv) a causal link exists between the harm suffered by the applicant and the crimes charged, the Single Judge recalls the reasoning and principles which have previously been extensively set out in the jurisprudence of the Court.¹⁹

¹⁸ See, *inter alia*, *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, "Decision on Victims' Participation at the Hearing on the Confirmation of the Charges", Pre-Trial Chamber I, 29 October 2010, ICC-02/05-03/09-89, para. 2; *The Prosecutor v. Bahar Idriss Abu Garda*, "Public Redacted Version of 'Decision on the 52 Applications for Participation at the Pre-Trial Stage of the Case'", Pre-Trial Chamber I, 9 October 2009, ICC-02/05-02/09-147-Red, para. 17; *The Prosecutor v. Jean-Pierre Bemba Gombo*, "Decision on 772 applications by victims to participate in the proceedings", Trial Chamber III, 18 November 2010, ICC-01/05-01/08-1017, para. 38.

¹⁹ *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, "Public Redacted Version of the "Decision on the 97 Applications for Participation at the Pre-Trial Stage of the Case" Pre-Trial Chamber I, 10 June 2008, ICC-01/04-01/07-579, paras. 44-46 and para. 67; *The Prosecutor v. Bahar Idriss Abu Garda*, "Decision on the 34

21. As regards the requirement that the events described by the applicant in the application for participation appear to constitute a crime or crimes that fall within the jurisdiction of the Court, the Single Judge notes the Appeals Chamber judgment of 11 July 2008 which states that “whilst the ordinary meaning of rule 85 does not *per se* limit the notion of victims to the victims of the crimes charged, the effect of article 68(3) of the Statute is that the participation of victims in the trial proceedings, pursuant to the procedure set out in rule 89(1) of the Rules, is limited to those victims who are linked to the charges”²⁰ and is of the view that this approach is also applicable to the pre-trial stage of the proceedings.

22. The Single Judge notes that, at the current stage of the proceedings in the present case, the scope of the case is delineated by the document containing the charges (“DCC”).²¹ In this regard, it should be noted that, in the DCC, the Prosecution contends that there are substantial grounds to believe that the Suspect is criminally responsible for attacks perpetrated by the *Forces Démocratiques pour la Libération du Rwanda* (“FDLR”) between on or about 20 January and 31 December 2009 against the civilian population in various locations in North and South Kivu provinces in the Democratic Republic of the Congo (“DRC”), constituting the crimes against humanity of murder, inhumane acts, rape, torture and persecution, as well as the war crimes of attacks against the civilian population, murder, mutilation, cruel treatment, rape, torture, destruction of property and pillaging.²²

23. As regards the requirement that the personal interests of the victim be affected, as set out in article 68(3) of the Statute, the Single Judge is of the view that the personal interests of victims may be affected by the outcome of the Confirmation Hearing to the

Applications for Participation at the Pre-Trial Stage of the Case”, Pre-Trial Chamber I, 25 September 2009, ICC-02/05-02/09-121, paras.7 and 8; *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* “Decision on Victims’ Participation at the Hearing on the Confirmation of the Charges”, Pre-trial Chamber I, 29 October 2010, ICC-02/05-03/09-89, para. 3; *The Prosecutor v. Thomas Lubanga Dyilo*, “Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008” Appeals Chamber, 11 July 2008, ICC-01/04-01/06-1432, paras. 30-39.

²⁰ *The Prosecutor v. Thomas Lubanga Dyilo*, “Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008” Appeals Chamber, 11 July 2008, ICC-01/04-01/06-1432, Paras. 58.

²¹ ICC-01/04-01/10-311-Conf-AnxA.

²² *Ibid.*

extent that it aims at “either (i) confirm[ing] the charges against those responsible for perpetrating the crimes which caused them to suffer harm; or (ii) declin[ing] to confirm the charges for those not responsible for such crimes, so that the search for those who are criminally liable can continue”.²³

24. Furthermore, it is important to underscore that, as the Appeals Chamber has held, “[e]ven when the personal interests of victims are affected within the meaning of article 68 (3) of the Statute, the Court is still required, by the express terms of that article, to determine that it is appropriate for their views and concerns to be presented at that stage of the proceedings and to ensure that any participation occurs in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”.²⁴

25. In order to protect the confidential information of the applicants, the individual assessment of each application, in accordance with the legal principles hereinbefore outlined, will be contained in a confidential *ex parte* annex to the present decision.

III. Observations of the Parties

A. Redactions

26. The Defence submits that the redactions to the copies of the Applications provided to the Defence for observations are so extensive that they prevented the Defence from responding in an adequate way to the applications.²⁵

27. The Single Judge recalls that in her First Decision Requesting Observations and Second Decision Requesting Observations she ordered, in accordance with article 57(3)(c)

²³ *The Prosecutor v. Bahar Idriss Abu Garda*, “Decision on the 34 Applications for Participation at the Pre-Trial Stage of the Case”, Pre-Trial Chamber I, 25 September 2009, ICC-02/05-02/09-121, para. 4; See also *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, “Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case”, Pre-trial Chamber I, 13 May 2008, ICC-01/04-01/07-474, para. 36.

²⁴ *The Prosecutor v. Thomas Lubanga Dyilo*, “Decision of the Appeals Chamber on the Joint Application of Victims a/0001/06 to a/0003/06 and a/0105/06 concerning the “Directions and Decision of the Appeals Chamber” of 2 February 2007”, Appeals Chamber, 13 June 2007, ICC-01/04-01/06-925, para. 28.

²⁵ First Defence Observations, paras 4-7; Second Defence Observations, para. 2.

of the Statute read in conjunction with article 68(1), the redaction of all information which could lead to the identification of the applicants.²⁶ The Single Judge is of the view that the redactions applied in the applications were confined to those that were strictly necessary. Although the information available to the Defence was thereby reduced, the ability of the Defence to analyse the information provided in the applications and to reply to them in a meaningful way was not undermined.

B. Identification of the Applicant

27. The Prosecution notes discrepancies between the names and/or dates of birth as they appear on the documents submitted as proof of identity and the names and dates of birth submitted in the application forms of a number of applicants.²⁷

28. The Single Judge takes note of the fact that the spelling of certain names became distorted during the electoral process and that, as a result, incorrect variants of some names may appear on the voting cards provided as proof of identity by the majority of applicants. In considering the issue as to whether the identity of the applicant has been proved to the requisite degree, the Single Judge gives weight to (i) the fact that due to the security situation in North and South Kivu, limited means are available to the applicants to prove their identities, (ii) the fact that the documents which are available may not be entirely accurate, and (iii) the overall coherence of the identity documents with the identifying information submitted

C. Completion of the Application Forms by Third Parties

29. The Defence argues that several applications repeatedly use the same formulations in response to the various questions on the application form for participation, which raises

²⁶ First Decision Requesting Observations, p. 5; Second Decision Requesting Observations, p. 5.

²⁷ First Prosecution Observations, para. 16; Second Prosecution Observations, paras. 17 and 19; Applications a/2022/11, a/2024/11, a/2027/11, a/2030/11, a/2153/11, a/2610/11, a/2611/11 and a/2195/11. The Single Judge notes, however, that there are in fact no discrepancies in the details provided by applicant a/2611/11.

questions as to whether the applications were completed individually and accurately reflect the statements of the applicants.²⁸

30. The Single Judge considers that repetitive descriptions across numerous applications do not, *per se*, justify rejecting victims' applications to participate. Many of the individual applicants received assistance from intermediaries in completing their application forms. The same intermediary often helped to complete several different application forms, the experiences of these victims were quite similar and it is thus understandable that similar language and expressions would appear in these applications.

D. Criteria for the Identification of the Perpetrators of the Alleged Offences

31. The Defence repeatedly objects to applicants who, due to a lack of personal knowledge or a lack of clarity in their applications (i) do not specifically identify the FDLR as the authors of the crimes from which the harm which they incurred resulted,²⁹ (ii) purport to identify the FDLR as the authors of the crimes although the applicant was not present at the time the attack was carried out,³⁰ or (iii) purport to identify the FDLR troops as the authors of the crimes, but, fail to provide any substantiation for their stated belief as to the responsibility of the FDLR.³¹ The Defence further contends that the justification contained in certain applications³² for the conclusion that the FDLR troops were the perpetrators of the alleged offences amounts to a kind of circular reasoning, whereby the applicants conclude they were attacked by the FDLR on the basis that the FDLR attacked them.³³

32. In relation to language as a means of identification, the Defence argues that the fact that, according to certain applicants, the perpetrators were speaking Kinyarwanda does not serve as a sufficient underpinning to impute the alleged criminal conduct to the FDLR,

²⁸ Second Defence Observations, para. 3.

²⁹ Applications a/2218/11, a/2604/11, a/2606/11, a/2607/11, a/2608/11, and a/2621/11.

³⁰ Applications a/2615/11, a/2622/11, a/2623/11, a/2627/11, a/2628/11, a/2632/11 and a/2621/11

³¹ First Defence Observations, para. 12; Second Defence Observations, para. 6 (a), (b), (c) and (f).

³² Applications a/2599/11, a/2598/11, a/2595/11, a/2594/11, a/2197/11, a/2195/11, a/2194/11, a/2192/11, a/2191/11, a/2190/11, a/2188/11 and 2187/11.

³³ See Second Defence Observations, para. 6 (f).

as the use of this language could also serve to substantiate the responsibility of Rwandan soldiers or members of the *Forces Armées de la République Démocratique du Congo* (FARDC).³⁴ On the other hand, with respect to two applications, the Defence submits that the fact that the alleged perpetrators were speaking Lingala³⁵ and Tembo³⁶, which are spoken in the DRC, leads to the inference that the perpetrators could have been Congolese soldiers of the FARDC.³⁷ The Prosecution also submits that additional information should be requested in order to establish the identities of the perpetrators in the case of applicant a/2026/11.³⁸

33. Similarly, the Defence observes that reference to the FDLR as “Interahamwe”, a term that alludes to the Rwanda genocide in 1994, manifests a prejudice of part of the Congolese population against the FDLR and its purported connection with the 1994 Rwanda genocide, and does not in any event lead to the conclusion that the said perpetrators belong to the FDLR.³⁹

34. The Defence also submits that two applicants⁴⁰ clearly indicate that the crimes from which the harm alleged by the applicant resulted were committed by groups other than the FDLR, one of the applicants alleging that the crimes were committed by Tutsis and the other designating the FARDC and the FDLR as the perpetrators of the crimes as a result of which the applicant suffered harm.⁴¹

35. The Prosecution also points to several specific applications⁴² he claims do not clearly identify the perpetrators, asking that these applicants be required to submit additional information before a determination on their status is made.⁴³

³⁴ First Defence Observations, para. 12; Second Defence Observations, para 6 (d).

³⁵ Applicant a/2026/11.

³⁶ Applicant a/2007/11.

³⁷ First Defence Observations, para. 13.

³⁸ First Prosecution Observations, para.17.

³⁹ First Defence Observations, para. 12.

⁴⁰ Applicants a/2631/11 and a/2156/11.

⁴¹ Second Defence Observations, para. 7.

⁴² Applications a/2218/11; a/2607/11; a/2621/11 and a/2608/11.

⁴³ Prosecution Observations, para. 20.

36. The Single Judge notes that the identification of the perpetrators of the incidents alleged by the applicants constitutes a facet of the requisite link between the alleged harm and the alleged crimes against the suspect in the present case.⁴⁴ However, it would be unfair, at this stage, to place on victims the onerous burden of identifying in a conclusive way or providing a considerable degree of precision with respect to the identification of those responsible for their victimisation.⁴⁵ The Single Judge further recalls that the link between the alleged harm and the crimes charged, at this stage, must be established on a *prima facie* basis.

37. As regards the Defence's observation that the perpetrators identified by some applicants could have been Congolese soldiers, as they spoke Lingala or Tembo, which are languages spoken in the DRC, the Single Judge notes that, according to the information currently available to the Chamber, the FDLR has been based in eastern DRC since its creation in 2000, where it has been active and has conducted military activities, including those in North and South Kivu provinces in 2009.⁴⁶ In light of this information, the Single Judge further notes that it is likely that some of the FDLR troops spoke Lingala or Tembo. The Single Judge is, thus, of the view that the fact that the alleged perpetrators spoke Lingala or Tembo does not, in and of itself, preclude the possibility that the perpetrators might have been members of the FDLR, nor does it constitute *per se* an adequate reason or

⁴⁴ See regulation 86(2)(d) of the Regulations where it is stated that the application shall contain "[a] description of the incident, including [...] to the extent possible, the identity of the person or persons the victims believe to be responsible for the harm as described in rule 85"; See also *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, "Decision on 8 Applications for Victims' Participation in the Proceedings", Pre-Trial Chamber I, 9 July 2010, ICC-02/05-01/09-93, para. 26.

⁴⁵ *The Prosecutor v. Jean-Pierre Bemba Gombo*, "Decision on 772 applications by victims to participate in the proceedings", Trial Chamber III, 18 November 2010, ICC-01/05-01/08-1017, para. 48; *The Prosecutor v. Jean-Pierre Bemba Gombo* "Corrigendum to Decision on the participation of victims in the trial and on 86 applications by victims to participate in the proceedings", Trial Chamber III, 12 July 2010, ICC-01/05-01/08-807-Corr, para. 94, where it was held "[i]t will inevitably sometimes be impossible for applicants to establish precisely who committed relevant crimes during the alleged attacks in the CAR" and that "it would be a considerable and unfair burden to require an applicant to demonstrate who fired a particular shell or who looted a house or other property"; and *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings, Pre-trial Chamber II, 5 August 2011, ICC-01/09-01/11-249, paras. 22-24.

⁴⁶ Prosecution's Application under Article 58, 20 August 2010, ICC-01/04-01/10-11-Red2 (public redacted version of the "Prosecution's Application under Article 58" filed on 27 January 2011), pp. 4-5 and paras 32-48.

justification to deny the applicants the status of victims. It rather calls for a more cautious assessment of the application.

38. The Single Judge observes that a number of applicants identify the alleged perpetrators as “Interahamwe (FDLR)”⁴⁷ or as “Interahamwe/FDLR”⁴⁸. In this regard, it should be noted that, according to the information available to the Chamber, the term “Interahamwe” derives from the name of the so-called “Interahamwe militias” and could be of relevance to the FDLR to the extent that part of the FDLR membership allegedly had its roots in the former “*Forces Armées Rwandaises*” and the “Interahamwe militias”, members of which fled from Rwanda to eastern DRC after the 1994 genocide and later became members of the FDLR.⁴⁹ In view of this information, the Single Judge is of the view that the identification of the FDLR as Interahamwe, especially when an applicant uses both words interchangeably or as synonyms and equivalent to one another, is, hence, consistent with an understanding of the FDLR that is mainly based on its purported historical background or geographical origin and does not undermine the applicants’ assertion that the alleged perpetrators were members of the FDLR.

39. It should be noted that the criteria which the applicants have used to identify the alleged perpetrators will not be considered by the Single Judge in isolation, but will be evaluated and weighed alongside and together with all the pertinent factors relating to the alleged events and the charges against the suspect. The Single Judge’s ruling thus hinges upon an overall assessment of the account of events as described by the applicant, the intrinsic coherence of the application, the parameters and the circumstances surrounding the alleged events alongside the Chamber’s findings regarding the material time and place of the crimes charged.⁵⁰ The Single Judge, taking into consideration the general and specific observations of the Defence and the Prosecution outlined above, will conduct such an assessment on a case-by-case basis.

⁴⁷ ICC-01/04-01/10-166-Conf-Exp-Anx1.

⁴⁸ ICC-01/04-01/10-166-Conf-Exp-Anx2.

⁴⁹ *Ibid.*, pp. 4-5 and paras 32-39.

⁵⁰ See *The Prosecutor v. Jean-Pierre Bemba Gombo*, “Decision on 653 applications by victims to participate in the proceedings”, Trial Chamber III, 23 December 2010, ICC-01/05-01/08-1091, para. 27.

IV. Participation of Victims in the Proceedings at the Pre Trial Stage of the Case

40. Cognisant of the proximity of the Confirmation Hearing, scheduled to commence on 17 August 2011, and mindful of the need to maintain the balance between the rights and interests of victims on the one hand and the rights of the suspect on the other, the Single Judge is of the view that it is appropriate that the extent of victims' participation at this stage be in conformity with the limited nature and scope of the proceedings prior to and during the Confirmation Hearing.

41. The Single Judge, in considering the rights of participation to be granted to those victims recognised as participants in the present proceedings, takes note of rules 91, 92 and 121(10) of the Rules.

42. The Single Judge is, thus, of the view that it is appropriate that the legal representatives of the victims authorised to participate in the proceedings relating to the pre-trial stage of the case, be granted the following rights:

1. to be notified, on the same basis as the Prosecution and the Defence, of all public proceedings before the Court, including the date of hearings and any postponements thereof, and the date of the delivery of the decision;
2. to be notified, on the same basis as the Prosecution and the Defence, of all public requests, submissions, motions and other public documents filed in the record of the present case;
3. to be notified of all public decisions of the Chamber in the relevant proceedings;
4. to have access to all public filings, public decisions and public documents, contained in the record of the present case;

5. to have access to transcripts of hearings, including status conference hearings, held in public sessions throughout the course of the proceedings in the present case;
6. to have access to all public evidence, provided and disclosed by the Prosecution and the Defence pursuant to rule 121 of the Rules and contained in the record of the present case, in the same format (redacted, unredacted or summary, as well as electronic versions with the data required by the E-Court Protocol) in which it has been made available to the party which has not proposed it;
7. to make an opening statement at the commencement of the Confirmation Hearing and a closing statement at the end of the Confirmation Hearing, in accordance with the schedule of the Confirmation Hearing which will be issued in early course;
8. to attend and participate by way of oral submissions, in accordance with rule 91(2) of the Rules, in all hearings held in public in the course of the pre-trial proceedings, as well as all public sessions of the Confirmation Hearing, subject to the instructions of the Chamber and in accordance with the schedule of the Confirmation Hearing, unless, in the circumstances of the case, the Chamber is of the view that the legal representatives' intervention should be confined to written observations or submissions. In the event that parts of hearings are held *in camera* or *ex parte*, the Single Judge will determine on a case-by-case basis whether victims' legal representatives will be granted authorisation to attend those sessions, upon request; and
9. to file written motions, responses and replies, in accordance with regulation 24 of the Regulations, in relation to all matters for which the Statute and the Rules does not exclude their intervention and for which the Chamber has not limited their participation either *proprio motu* or at the request of the parties, the Registry or any other participants.

43. The Single Judge wishes to point out that a party or participant may notify a confidential document to the legal representatives of victims, if he/she so wishes, by including the name(s) of the legal representative(s) to whom it is to be notified in the document in question. With respect to filings, documents and decisions filed on a confidential basis or under seal and/or *ex parte*, the Chamber may determine on a case-by-case basis and upon receipt of a specific and motivated request whether victims' legal representatives will be granted access to such documents. In the same vein, the Single Judge will decide on a case-by-case basis whether transcripts of hearings held *in camera* or *ex parte* will be made available to victims' legal representatives.

44. Finally, the Single Judge is of the view that, in order for the legal representatives of victims to exercise the rights established in the present decision, they must be granted access to the Document Containing the Charges which is currently classified as confidential.

V. Legal Representation of Victims granted Authorisation to Participate in the Proceedings at the Pre-Trial Stage of the Case

45. The Single Judge notes that 4 of the applicants hereby authorised to participate are represented by Me. Hervé Daikiese,⁵¹ 13 are represented by Me. Mayombo Kassongo,⁵² and 31 are represented by Me Ghislain Mabanga,⁵³ while the remaining applicants are considered to be unrepresented.

⁵¹ ICC-01/04-01/10-166-Conf-Exp-Anx1; ICC-01/04-01/10-166-Conf-Exp-Anx2; ICC-01/04-01/10-166-Conf-Exp-Anx3; and ICC-01/04-01/10-166-Conf-Exp-Anx4.

⁵² ICC-01/04-01/10-261-Conf-Exp-Anx1; ICC-01/04-01/10-261-Conf-Exp-Anx2; ICC-01/04-01/10-261-Conf-Exp-Anx3; ICC-01/04-01/10-261-Conf-Exp-Anx4; ICC-01/04-01/10-261-Conf-Exp-Anx5; ICC-01/04-01/10-261-Conf-Exp-Anx6; ICC-01/04-01/10-261-Conf-Exp-Anx7; ICC-01/04-01/10-261-Conf-Exp-Anx8; ICC-01/04-01/10-261-Conf-Exp-Anx10; ICC-01/04-01/10-261-Conf-Exp-Anx12; ICC-01/04-01/10-261-Conf-Exp-Anx13; ICC-01/04-01/10-261-Conf-Exp-Anx14; and ICC-01/04-01/10-261-Conf-Exp-Anx15.

⁵³ ICC-01/04-01/10-261-Conf-Exp-Anx16; ICC-01/04-01/10-261-Conf-Exp-Anx17; ICC-01/04-01/10-261-Conf-Exp-Anx18; ICC-01/04-01/10-261-Conf-Exp-Anx19; ICC-01/04-01/10-261-Conf-Exp-Anx20; ICC-01/04-01/10-261-Conf-Exp-Anx21; ICC-01/04-01/10-261-Conf-Exp-Anx22; ICC-01/04-01/10-261-Conf-Exp-Anx23; ICC-01/04-01/10-261-Conf-Exp-Anx24; ICC-01/04-01/10-261-Conf-Exp-Anx25; ICC-01/04-01/10-261-Conf-Exp-Anx27; ICC-01/04-01/10-261-Conf-Exp-Anx28; ICC-01/04-01/10-261-Conf-Exp-Anx29; ICC-01/04-01/10-261-

46. In view of the large number of victims granted authorisation to participate in the present proceedings, the Single Judge, mindful of the need to ensure the fairness and expeditiousness of the proceedings, while also providing for the meaningful participation of victims, deems it necessary that common legal representation be provided for the victims hereby authorised to participate.

47. The Single Judge notes the observations of the Registry that, due to the prevailing security situation in the Kivus, practical challenges would be encountered if consultation with the victims in question, with a view to organizing common legal representation, were attempted, particularly if such a process were attempted within a short-time frame.⁵⁴

48. In view of these practical difficulties, as well as the proximity of the commencement of the Confirmation Hearing, the Single Judge deems it appropriate that representation of the unrepresented victims, who have been granted authorization to participate by the present decision, be taken up by one or more of the hereinbefore mentioned legal representatives for the purposes of the participation of these victims in the proceedings related to the Confirmation Hearing. For that purpose, the Single Judge instructs the Registry to assign one or more groups of unrepresented victims to one or more legal representatives hereby recognized.

FOR THESE REASONS

Conf-Exp-Anx30; ICC-01/04-01/10-261-Conf-Exp-Anx31; ICC-01/04-01/10-261-Conf-Exp-Anx32; ICC-01/04-01/10-261-Conf-Exp-Anx33; ICC-01/04-01/10-261-Conf-Exp-Anx34; ICC-01/04-01/10-261-Conf-Exp-Anx35; ICC-01/04-01/10-261-Conf-Exp-Anx36; ICC-01/04-01/10-261-Conf-Exp-Anx37; ICC-01/04-01/10-261-Conf-Exp-Anx38; ICC-01/04-01/10-261-Conf-Exp-Anx39; ICC-01/04-01/10-261-Conf-Exp-Anx40; ICC-01/04-01/10-261-Conf-Exp-Anx41; ICC-01/04-01/10-261-Conf-Exp-Anx42; ICC-01/04-01/10-261-Conf-Exp-Anx43; ICC-01/04-01/10-261-Conf-Exp-Anx44; ICC-01/04-01/10-261-Conf-Exp-Anx46; ICC-01/04-01/10-261-Conf-Exp-Anx47; and ICC-01/04-01/10-261-Conf-Exp-Anx48.

⁵⁴ ICC-01/04-01/10-263-Conf-Exp.

DECIDE to recognise applicants a/2000/11⁵⁵, a/2006/11⁵⁶, a/2007/11⁵⁷, a/2008/11⁵⁸, a/2022/11⁵⁹, a/2023/11⁶⁰, a/2024/11⁶¹, a/2025/11⁶², a/2027/11⁶³, a/2028/11⁶⁴, a/2029/11⁶⁵, a/2030/11⁶⁶, a/2031/11⁶⁷, a/2065/11⁶⁸, a/2067/11⁶⁹, a/2095/11⁷⁰, a/2099/11⁷¹, a/2104/11⁷², a/2149/11⁷³, a/2151/11⁷⁴, a/2152/11⁷⁵, a/2155/11⁷⁶, a/2157/11⁷⁷, a/2158/11⁷⁸, a/2159/11⁷⁹, a/2163/11⁸⁰, a/2166/11⁸¹, a/2167/11⁸², a/2168/11⁸³, a/2169/11⁸⁴, a/2170/11⁸⁵, a/2171/11⁸⁶, a/2172/11⁸⁷, a/2173/11⁸⁸, a/2174/11⁸⁹, a/2175/11⁹⁰, a/2177/11⁹¹, a/2178/11⁹², a/2179/11⁹³, a/2180/11⁹⁴, a/2181/11⁹⁵, a/2182/11⁹⁶, a/2183/11⁹⁷, a/2184/11⁹⁸, a/2185/11⁹⁹, a/2186/11¹⁰⁰,

⁵⁵ ICC-01/04-01/10-166-Conf-Exp-Anx1.

⁵⁶ ICC-01/04-01/10-166-Conf-Exp-Anx2.

⁵⁷ ICC-01/04-01/10-166-Conf-Exp-Anx3.

⁵⁸ ICC-01/04-01/10-166-Conf-Exp-Anx4.

⁵⁹ ICC-01/04-01/10-166-Conf-Exp-Anx5.

⁶⁰ ICC-01/04-01/10-166-Conf-Exp-Anx6.

⁶¹ ICC-01/04-01/10-166-Conf-Exp-Anx7.

⁶² ICC-01/04-01/10-166-Conf-Exp-Anx8.

⁶³ ICC-01/04-01/10-166-Conf-Exp-Anx10.

⁶⁴ ICC-01/04-01/10-166-Conf-Exp-Anx11.

⁶⁵ ICC-01/04-01/10-166-Conf-Exp-Anx12.

⁶⁶ ICC-01/04-01/10-166-Conf-Exp-Anx13.

⁶⁷ ICC-01/04-01/10-166-Conf-Exp-Anx14.

⁶⁸ ICC-01/04-01/10-261-Conf-Exp-Anx1.

⁶⁹ ICC-01/04-01/10-261-Conf-Exp-Anx2.

⁷⁰ ICC-01/04-01/10-261-Conf-Exp-Anx3.

⁷¹ ICC-01/04-01/10-261-Conf-Exp-Anx4.

⁷² ICC-01/04-01/10-261-Conf-Exp-Anx5.

⁷³ ICC-01/04-01/10-261-Conf-Exp-Anx6.

⁷⁴ ICC-01/04-01/10-261-Conf-Exp-Anx7.

⁷⁵ ICC-01/04-01/10-261-Conf-Exp-Anx8.

⁷⁶ ICC-01/04-01/10-261-Conf-Exp-Anx10.

⁷⁷ ICC-01/04-01/10-261-Conf-Exp-Anx12.

⁷⁸ ICC-01/04-01/10-261-Conf-Exp-Anx13.

⁷⁹ ICC-01/04-01/10-261-Conf-Exp-Anx14.

⁸⁰ ICC-01/04-01/10-261-Conf-Exp-Anx15.

⁸¹ ICC-01/04-01/10-261-Conf-Exp-Anx16.

⁸² ICC-01/04-01/10-261-Conf-Exp-Anx17.

⁸³ ICC-01/04-01/10-261-Conf-Exp-Anx18.

⁸⁴ ICC-01/04-01/10-261-Conf-Exp-Anx19.

⁸⁵ ICC-01/04-01/10-261-Conf-Exp-Anx20.

⁸⁶ ICC-01/04-01/10-261-Conf-Exp-Anx21.

⁸⁷ ICC-01/04-01/10-261-Conf-Exp-Anx22.

⁸⁸ ICC-01/04-01/10-261-Conf-Exp-Anx23.

⁸⁹ ICC-01/04-01/10-261-Conf-Exp-Anx24.

⁹⁰ ICC-01/04-01/10-261-Conf-Exp-Anx25.

⁹¹ ICC-01/04-01/10-261-Conf-Exp-Anx27.

⁹² ICC-01/04-01/10-261-Conf-Exp-Anx28.

⁹³ ICC-01/04-01/10-261-Conf-Exp-Anx29.

⁹⁴ ICC-01/04-01/10-261-Conf-Exp-Anx30.

a/2187/11¹⁰¹, a/2188/11¹⁰², a/2189/11¹⁰³, a/2190/11¹⁰⁴, a/2191/11¹⁰⁵, a/2192/11¹⁰⁶, a/2193/11¹⁰⁷,
a/2194/11¹⁰⁸, a/2196/11¹⁰⁹, a/2197/11¹¹⁰, a/2198/11¹¹¹, a/2203/11¹¹², a/2205/11¹¹³, a/2206/11¹¹⁴,
a/2207/11¹¹⁵, a/2208/11¹¹⁶, a/2212/11¹¹⁷, a/2219/11¹¹⁸, a/2220/11¹¹⁹, a/2221/11¹²⁰, a/2223/11¹²¹,
a/2224/11¹²², a/2226/11¹²³, a/2228/11¹²⁴, a/2229/11¹²⁵, a/2230/11¹²⁶, a/2234/11¹²⁷, a/2239/11¹²⁸,
a/2240/11¹²⁹, a/2572/11¹³⁰, a/2573/11¹³¹, a/2574/11¹³², a/2575/11¹³³, a/2576/11¹³⁴, a/2578/11¹³⁵,
a/2579/11¹³⁶, a/2580/11¹³⁷, a/2582/11¹³⁸, a/2583/11¹³⁹, a/2584/11¹⁴⁰, a/2585/11¹⁴¹, a/2586/11¹⁴²,

⁹⁵ ICC-01/04-01/10-261-Conf-Exp-Anx31.

⁹⁶ ICC-01/04-01/10-261-Conf-Exp-Anx32.

⁹⁷ ICC-01/04-01/10-261-Conf-Exp-Anx33.

⁹⁸ ICC-01/04-01/10-261-Conf-Exp-Anx34.

⁹⁹ ICC-01/04-01/10-261-Conf-Exp-Anx35.

¹⁰⁰ ICC-01/04-01/10-261-Conf-Exp-Anx36.

¹⁰¹ ICC-01/04-01/10-261-Conf-Exp-Anx37.

¹⁰² ICC-01/04-01/10-261-Conf-Exp-Anx38.

¹⁰³ ICC-01/04-01/10-261-Conf-Exp-Anx39.

¹⁰⁴ ICC-01/04-01/10-261-Conf-Exp-Anx40.

¹⁰⁵ ICC-01/04-01/10-261-Conf-Exp-Anx41.

¹⁰⁶ ICC-01/04-01/10-261-Conf-Exp-Anx42.

¹⁰⁷ ICC-01/04-01/10-261-Conf-Exp-Anx43.

¹⁰⁸ ICC-01/04-01/10-261-Conf-Exp-Anx44.

¹⁰⁹ ICC-01/04-01/10-261-Conf-Exp-Anx46.

¹¹⁰ ICC-01/04-01/10-261-Conf-Exp-Anx47.

¹¹¹ ICC-01/04-01/10-261-Conf-Exp-Anx48.

¹¹² ICC-01/04-01/10-261-Conf-Exp-Anx49.

¹¹³ ICC-01/04-01/10-261-Conf-Exp-Anx50.

¹¹⁴ ICC-01/04-01/10-261-Conf-Exp-Anx51.

¹¹⁵ ICC-01/04-01/10-261-Conf-Exp-Anx52.

¹¹⁶ ICC-01/04-01/10-261-Conf-Exp-Anx53.

¹¹⁷ ICC-01/04-01/10-261-Conf-Exp-Anx54.

¹¹⁸ ICC-01/04-01/10-261-Conf-Exp-Anx56.

¹¹⁹ ICC-01/04-01/10-261-Conf-Exp-Anx57.

¹²⁰ ICC-01/04-01/10-261-Conf-Exp-Anx58.

¹²¹ ICC-01/04-01/10-261-Conf-Exp-Anx59.

¹²² ICC-01/04-01/10-261-Conf-Exp-Anx60.

¹²³ ICC-01/04-01/10-261-Conf-Exp-Anx61.

¹²⁴ ICC-01/04-01/10-261-Conf-Exp-Anx62.

¹²⁵ ICC-01/04-01/10-261-Conf-Exp-Anx63.

¹²⁶ ICC-01/04-01/10-261-Conf-Exp-Anx64.

¹²⁷ ICC-01/04-01/10-261-Conf-Exp-Anx65.

¹²⁸ ICC-01/04-01/10-261-Conf-Exp-Anx66.

¹²⁹ ICC-01/04-01/10-261-Conf-Exp-Anx67.

¹³⁰ ICC-01/04-01/10-261-Conf-Exp-Anx68.

¹³¹ ICC-01/04-01/10-261-Conf-Exp-Anx69.

¹³² ICC-01/04-01/10-261-Conf-Exp-Anx70.

¹³³ ICC-01/04-01/10-261-Conf-Exp-Anx71.

¹³⁴ ICC-01/04-01/10-261-Conf-Exp-Anx72.

¹³⁵ ICC-01/04-01/10-261-Conf-Exp-Anx73.

¹³⁶ ICC-01/04-01/10-261-Conf-Exp-Anx74.

a/2587/11¹⁴³, a/2588/11¹⁴⁴, a/2589/11¹⁴⁵, a/2590/11¹⁴⁶, a/2591/11¹⁴⁷, a/2593/11¹⁴⁸, a/2594/11¹⁴⁹,
a/2595/11¹⁵⁰, a/2596/11¹⁵¹, a/2597/11¹⁵², a/2598/11¹⁵³, a/2599/11¹⁵⁴, a/2600/11¹⁵⁵, a/2602/11¹⁵⁶,
a/2603/11¹⁵⁷, a/2604/11¹⁵⁸, a/2605/11¹⁵⁹, a/2606/11¹⁶⁰, a/2609/11¹⁶¹, a/2610/11¹⁶², a/2611/11¹⁶³,
a/2612/11¹⁶⁴, a/2614/11¹⁶⁵, a/2615/11¹⁶⁶, a/2616/11¹⁶⁷, a/2617/11¹⁶⁸, a/2619/11¹⁶⁹, a/2620/11¹⁷⁰,
a/2621/11¹⁷¹, a/2622/11¹⁷², a/2623/11¹⁷³, a/2624/11¹⁷⁴, a/2625/11¹⁷⁵, a/2626/11¹⁷⁶, a/2627/11¹⁷⁷,
a/2628/11¹⁷⁸, a/2630/11¹⁷⁹, a/2631/11¹⁸⁰, a/2632/11¹⁸¹, a/2633/11¹⁸², a/2634/11¹⁸³, and a/2635/11¹⁸⁴

¹³⁷ ICC-01/04-01/10-261-Conf-Exp-Anx75.

¹³⁸ ICC-01/04-01/10-261-Conf-Exp-Anx76.

¹³⁹ ICC-01/04-01/10-261-Conf-Exp-Anx77.

¹⁴⁰ ICC-01/04-01/10-261-Conf-Exp-Anx78.

¹⁴¹ ICC-01/04-01/10-261-Conf-Exp-Anx79.

¹⁴² ICC-01/04-01/10-261-Conf-Exp-Anx80.

¹⁴³ ICC-01/04-01/10-261-Conf-Exp-Anx81.

¹⁴⁴ ICC-01/04-01/10-261-Conf-Exp-Anx82.

¹⁴⁵ ICC-01/04-01/10-261-Conf-Exp-Anx83.

¹⁴⁶ ICC-01/04-01/10-261-Conf-Exp-Anx84.

¹⁴⁷ ICC-01/04-01/10-261-Conf-Exp-Anx85.

¹⁴⁸ ICC-01/04-01/10-261-Conf-Exp-Anx86.

¹⁴⁹ ICC-01/04-01/10-261-Conf-Exp-Anx87.

¹⁵⁰ ICC-01/04-01/10-261-Conf-Exp-Anx88.

¹⁵¹ ICC-01/04-01/10-261-Conf-Exp-Anx89.

¹⁵² ICC-01/04-01/10-261-Conf-Exp-Anx90.

¹⁵³ ICC-01/04-01/10-261-Conf-Exp-Anx91.

¹⁵⁴ ICC-01/04-01/10-261-Conf-Exp-Anx92.

¹⁵⁵ ICC-01/04-01/10-261-Conf-Exp-Anx93.

¹⁵⁶ ICC-01/04-01/10-261-Conf-Exp-Anx94.

¹⁵⁷ ICC-01/04-01/10-261-Conf-Exp-Anx95.

¹⁵⁸ ICC-01/04-01/10-261-Conf-Exp-Anx96.

¹⁵⁹ ICC-01/04-01/10-261-Conf-Exp-Anx97.

¹⁶⁰ ICC-01/04-01/10-261-Conf-Exp-Anx98.

¹⁶¹ ICC-01/04-01/10-261-Conf-Exp-Anx101.

¹⁶² ICC-01/04-01/10-261-Conf-Exp-Anx102.

¹⁶³ ICC-01/04-01/10-261-Conf-Exp-Anx103.

¹⁶⁴ ICC-01/04-01/10-261-Conf-Exp-Anx104.

¹⁶⁵ ICC-01/04-01/10-261-Conf-Exp-Anx105.

¹⁶⁶ ICC-01/04-01/10-261-Conf-Exp-Anx106.

¹⁶⁷ ICC-01/04-01/10-261-Conf-Exp-Anx107.

¹⁶⁸ ICC-01/04-01/10-261-Conf-Exp-Anx108.

¹⁶⁹ ICC-01/04-01/10-261-Conf-Exp-Anx109.

¹⁷⁰ ICC-01/04-01/10-261-Conf-Exp-Anx110.

¹⁷¹ ICC-01/04-01/10-261-Conf-Exp-Anx111.

¹⁷² ICC-01/04-01/10-261-Conf-Exp-Anx112.

¹⁷³ ICC-01/04-01/10-261-Conf-Exp-Anx113.

¹⁷⁴ ICC-01/04-01/10-261-Conf-Exp-Anx114.

¹⁷⁵ ICC-01/04-01/10-261-Conf-Exp-Anx115.

¹⁷⁶ ICC-01/04-01/10-261-Conf-Exp-Anx116.

¹⁷⁷ ICC-01/04-01/10-261-Conf-Exp-Anx117.

¹⁷⁸ ICC-01/04-01/10-261-Conf-Exp-Anx118.

as victims for the purpose of participating in the pre-trial proceedings in the case of *The Prosecutor v. Callixte Mbarushimana*;

DECIDE to deny authorisation to participate in the present proceedings to applicants a/2026/11¹⁸⁵, a/2156/11¹⁸⁶, a/2607/11¹⁸⁷ and a/2608/11¹⁸⁸, without prejudice to the possibility of these applicants filing a new application for participation at a later stage in the proceedings under rule 89(2);

DECIDE to defer a decision on the applications of applicants a/2153/11¹⁸⁹, a/2176/11¹⁹⁰, a/2195/11¹⁹¹ and a/2218/11¹⁹² until further information in support thereof, as specified in the Annex to the present decision, is provided by these applicants;

REQUEST the VPRS to contact and inform applicants a/2153/11, a/2176/11, a/2195/11 and a/2218/11 of the need to submit supplementary information in support of their applications and to give assistance, if necessary, to the applicants in the submission of this information;

ORDER the Registry to assist the unrepresented applicants who have been authorised to participate in the present proceedings by appointing to them a common legal representative, from among those hereinbefore appointed to represent other participating victims;

¹⁷⁹ ICC-01/04-01/10-261-Conf-Exp-Anx119.

¹⁸⁰ ICC-01/04-01/10-261-Conf-Exp-Anx120.

¹⁸¹ ICC-01/04-01/10-261-Conf-Exp-Anx121.

¹⁸² ICC-01/04-01/10-261-Conf-Exp-Anx122.

¹⁸³ ICC-01/04-01/10-261-Conf-Exp-Anx123.

¹⁸⁴ ICC-01/04-01/10-261-Conf-Exp-Anx124.

¹⁸⁵ ICC-01/04-01/10-166-Conf-Exp-Anx9.

¹⁸⁶ ICC-01/04-01/10-261-Conf-Exp-Anx11.

¹⁸⁷ ICC-01/04-01/10-261-Conf-Exp-Anx99.

¹⁸⁸ ICC-01/04-01/10-261-Conf-Exp-Anx100.

¹⁸⁹ ICC-01/04-01/10-261-Conf-Exp-Anx9.

¹⁹⁰ ICC-01/04-01/10-261-Conf-Exp-Anx26.

¹⁹¹ ICC-01/04-01/10-261-Conf-Exp-Anx45.

¹⁹² ICC-01/04-01/10-261-Conf-Exp-Anx55.

ORDER the VPRS to transmit, as soon as possible and no later than Friday, 12 August 2011, the unredacted application forms of the unrepresented victims to the relevant appointed legal representative;

ORDER the Office of the Public Counsel for Victims to provide support and assistance to participating legal representatives of victims in accordance with regulation 81(4) of the Regulations;

ORDER the Registry to allow the legal representatives of victims authorised to participate in these proceedings to have access to the document containing the charges and to the entirety of the public record of the present case, including all public filings and all public evidence disclosed by the Prosecution and the Defence;

ORDER the Registry to notify the legal representatives of victims authorised to participate in these proceedings of all public decisions and filings, effective as of the date of the present decision;

ORDER that applicants to whom authorisation to participate as victims in the proceedings related to the Confirmation Hearing shall (i) only be referred to by the numbers assigned to them by the Registry, and (ii) be contacted only through their legal representatives;

ORDER the Prosecution and the Defence to ensure the confidentiality of all information relating to victims and to ensure that it is not passed on to the public; and

ORDER the legal representatives of victims to ensure respect for the confidentiality of all information made available to them, including information related to victims, and to ensure that it is not passed on to the public.

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



Judge Sanji Mmasenono Monageng

Single Judge

Dated this Thursday, 11 August 2011

At The Hague, The Netherlands