

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 23 September 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 applications for participation of victim applicants a/2176/11 and
a/2195/11**

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-Gvirsman

Legal Representatives of Victims

Unrepresented Victims

Legal Representatives of Applicants

Mr. Mayombo Kassongo
Mr. Ghislain Mabanga

**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

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

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

NOTING the “Second Transmission to the Pre-Trial Chamber of applications to participate in the proceedings”,² filed on 30 June 2011, whereby the Registry, *inter alia*, transmitted to the Chamber the applications for participation as victims in the proceedings in the present case of applicants a/2176/11³ and a/2195/11⁴ (“Applications”);

NOTING the “Second report on applications to participate in the proceedings”,⁵ filed on 1 July 2011, whereby the Registry provided the Chamber with a report on the Applications, pursuant to regulation 86(5) of the Regulations of the Court;

NOTING the “Decision on the 138 applications for victims’ participation in the proceedings”⁶ (“Decision on Victims’ Participation”), issued on 11 August 2011, wherein the Single Judge deferred her decision on the Applications until further information was provided with respect to the substantial discrepancies between the identifying information provided on the application forms of these applicants and the accompanying identity documents;

NOTING the “Transmission to Pre-Trial Chamber I of supplementary information relating to applicants a/2176/11 and a/2195/11”,⁷ filed on 21 September 2011, whereby the Registry provided the confirmation of the legal representative of applicants a/2176/11⁸ and a/2195/11⁹, Mr Mabanga, that the information appearing on the identity documents of these applicants was correct and that the difference in the information provided in the

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

² ICC-01/04-01/10-261 with Annexes.

³ ICC-01/04-01/10-261-Conf-Exp-Anx26.

⁴ ICC-01/04-01/10-261-Conf-Exp-Anx45.

⁵ ICC-01/04-01/10-263-Conf-Exp with Annexes.

⁶ ICC-01/04-01/10-351.

⁷ ICC-01/04-01/10-439-Conf-Exp with Annexes.

⁸ ICC-01/04-01/10-439-Conf-Exp-Anx1.

⁹ ICC-01/04-01/10-439-Conf-Exp-Anx2.

application forms was the result of an error on the part of the individual who assisted the applicants in completing the forms;

CONSIDERING that the Single Judge is now satisfied that the identities of applicants a/2176/11 and a/2195/11 have been duly established;

CONSIDERING that, in order to protect the confidential information of the applicants, the individual assessment of each application, carried out in accordance with the legal principles set out in the Decision on Victims' Participation, will be contained in a confidential *ex parte* annex to the present decision;

FOR THESE REASONS

DECIDE to recognise applicants a/2176/11 and a/2195/11 as victims for the purpose of participating in the pre-trial proceedings in the case of *The Prosecutor v. Callixte Mbarushimana* under the same conditions as those set out in the Decision on Victims' Participation.

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

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal line and a circular flourish at the end.

Judge Sanji Mmasenono Monageng

Single Judge

Dated this Friday, 23 September 2011

At The Hague, The Netherlands