

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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Date: **24 May 2018**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Single Judge

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED
AG MAHMOUD***

Public Document

**Decision Establishing the Principles Applicable to Victims' Applications for
Participation**

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Mr Yasser Hassan

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

States' Representatives

**Office of Public Counsel for the
Defence**

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

Public Information and Outreach Section

Judge Péter Kovács, designated by **Pre-Trial Chamber I** (“Chamber”) of the International Criminal Court (“Court”) as Single Judge responsible for exercising the functions of the Chamber in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (“Al Hassan case”) as of 28 March 2018,¹ decides as follows.

I. Procedural history

1. On 20 March 2018, the Prosecution filed an application (“Prosecution’s Application”) seeking the issuance of a warrant for the arrest of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (“Mr Al Hassan”).²
2. On 27 March 2018, pursuant to article 58 of the Rome Statute (“Statute”), the Chamber issued a warrant of arrest for Mr Al Hassan.³
3. On 31 March 2018, Mr Al Hassan was surrendered to the Court, and he is currently in custody at the Court’s detention centre in The Hague.⁴
4. On 3 April 2018, the Single Judge set the date of first appearance for 4 April 2018.⁵
5. On 4 April 2018, at the first appearance hearing held, the confirmation hearing was scheduled to commence on Monday, 24 September 2018.⁶
6. On 9 May 2018, the Chamber received observations from the Registry on the process for the admission of victims’ applications for participation, and to which

¹ “Decision Designating a Single Judge”, 28 March 2018, reclassified as public on 31 March 2018, ICC-01/12-01/18-6-tENG.

² “*Requête urgente du Bureau du Procureur aux fins de délivrance d’un mandat d’arrêt et de demande d’arrestation provisoire à l’encontre de M. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*”, 20 March 2018, ICC-01/12-01/18-1-Secret-Exp. A confidential version, *ex parte* Office of the Prosecutor and the Defence Team for Mr Al Hassan (ICC-01/12-01/18-1-Conf-Exp-Red2) and a public redacted version (ICC-01/12-01/18-1-Red) of the application were filed on 31 March 2018.

³ “Warrant of Arrest for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 27 March 2018, reclassified as public on 31 March 2018, ICC-01/12-01/18-2-tENG.

⁴ ICC-01/12-01/18-11-US-Exp.

⁵ “Order Scheduling the First Appearance of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 3 April 2018, ICC-01/12-01/18-12-tENG.

⁶ Transcript of the first appearance hearing, 4 April 2018, ICC-01/12-01/18-T-1-CONF-FRA ET.

was appended, among other documents, a proposed form for individual victims wishing to participate in the proceedings⁷ (“Registry Observations”).

7. On 18 May 2018, the Registry filed a report on the identification currently available in Mali and which the victims could use to prove their identity in compliance with rule 85 of the Rules of Procedure and Evidence (“Rules”), and it proposed two forms: one for the organizations and institutions referred to at rule 85(b) of the Rules, and another for groups of victims.⁸
8. The Prosecution and the Defence made no submissions in response to the Registry Observations.

II. Applicable law

9. The Single Judge has reference to articles 21, 43, 57(3)(c) and 68 of the Statute, rules 16(1), 22, 85-90, 92 and 94 of the Rules, regulations 23(2), 24, 34, 67, 79, 80, 81, 86 and 88 of the Regulations of the Court, and regulations 103-118 and 123(1) of the Regulations of the Registry.

III. Analysis

10. First, the Single Judge must emphasize that the present decision and the principles it sets out have been adopted with the aim of establishing an efficient system to allow the greatest number of victims to participate in the proceedings as soon as possible.

⁷ “Registry Observations on Aspects Related to the Admission of Victims for Participation in the Proceedings”, 9 May 2018, ICC-01/12-01/18-28-Conf, reclassified as public on 11 May 2018, and two annexes, ICC-01/12-01/18-28-Conf-Exp-AnxI and ICC-01/12-01/18-28-Conf-AnxII.

⁸ “Registry’s Report on Proof of Identity Documents Available in Mali and Transmission of Proposed Application Forms for Rule 85(b) RPE Victims and Groups of Victims”, 18 May 2018, ICC-01/12-01/18-33, and four annexes, ICC-01/12-01/18-33-AnxI, ICC-01/12-01/18-33-Conf-Exp-AnxII, ICC-01/12-01/18-33-Conf-Exp-AnxIII and ICC-01/12-01/18-33-Conf-Exp-AnxIV.

A. Outreach activities

11. Having regard to rule 92(3) and (8) of the Rules, regulation 103(1) of the Regulations of the Registry and the findings of other Pre-Trial Chambers of the Court in previous cases,⁹ the Single Judge recalls that the first step in enabling victims to participate in the proceedings in compliance with the obligation cast on the Court by article 68(3) of the Statute is to hold outreach activities about the Court's work for those who may be affected by the present case, that is to say, those who may be affected by the crimes entered in the warrant of arrest for Mr Al Hassan.¹⁰ Should, over the course of the subsequent proceedings, the crimes be amended and, specifically, should the Prosecution lay charges under article 61(3) of the Statute for crimes other than those stated in the warrant of arrest, it would rest with the Registry to so inform the victims concerned forthwith.
12. Outreach activities shall be undertaken by the Public Information and Documentation Section ("PIDS") in cooperation and close coordination with the Victims Participation and Reparations Section ("VPRS"), and with the assistance of the Victims and Witnesses Unit ("VWU") as regards any protective measures for victims. Such an approach will allow the two sections to convey a consistent message to the affected communities and avoid contradictions that could impact the efficiency of the process of applying to participate in the proceedings.
13. In the course of their activities, PIDS and VPRS may seek the assistance of, among others, NGOs and intergovernmental organizations, including those in situ, for the purpose of making contact with the victims, especially in the victims' language.

⁹ See, for example, Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, "Decision Establishing Principles on the Victims' Application Process", 28 May 2013, ICC-01/04-02/06-67, para. 12; and Pre-Trial Chamber II, *The Prosecutor v. Dominic Ongwen*, "Decision Establishing Principles on the Victims' Application Process", 4 March 2015, ICC-02/04-01/15-205, para. 10.

¹⁰ "Warrant of Arrest for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud", 27 March 2018, reclassified as public on 31 March 2018, ICC-01/12-01/18-2-tENG.

14. As to the content of the information, the Single Judge considers that it would be expedient for PIDS, in close cooperation with VPRS and in accordance with regulation 103(1) of the Regulations of the Registry, to focus its message on: (i) the Court's overall mandate; (ii) the course of the proceedings before the Court; (iii) the role of victims and their rights during the proceedings, in particular the right to express their "views and concerns"; (iv) the modalities of reparations proceedings as distinct proceedings before the Court and the role of the Trust Fund for Victims; (v) the material, temporal and geographical parameters of the *Al Hassan* case; and (vi) the provisions of rule 90 of the Rules concerning the legal representation of victims, specifically that victims are free to choose their legal representative and may receive financial assistance from the Court for representation, and the role the Office of Public Counsel for Victims may play. The Single Judge wishes to remind PIDS and VPRS that, in view of the significant volume of information with which the victims will have to contend, it is important that it be accurate and clear.
15. The Single Judge considers that PIDS shall, in principle, first plan a field mission to Mali of at least two weeks as soon as possible in close cooperation with VPRS. This mission shall be directed at the affected population in both Timbuktu and the diaspora beyond. The Chamber is, however, aware of the difficulties that may arise during field missions, especially considering the present security situation in Mali, as reported in the Registry Observations¹¹ and the Prosecution's Application.¹² Therefore, the Chamber requires that the mission be carried out as efficiently as possible to reach the greatest number of victims, but with, nonetheless, the necessary precautions to guarantee the security of all concerned.

¹¹ Registry Observations, para. 10.

¹² See, for example, "*Requête urgente du Bureau du Procureur aux fins de délivrance d'un mandat d'arrêt et de demande d'arrestation provisoire à l'encontre de M. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*", 20 March 2018, ICC-01/12-01/18-1-Secret-Exp. A confidential version, *ex parte* Office of the Prosecutor and the Defence Team for Mr Al Hassan (ICC-01/12-01/18-1-Conf-Exp-Red2) and a public redacted version (ICC-01/12-01/18-1-Red) of the application were filed on 31 March 2018, paras. 9, 33, 308 and 309.

Various means should be considered to communicate the necessary information to the victims while avoiding any endangerment.

16. Furthermore, regarding the means of communication, PIDS must, as regulation 103 of the Regulations of the Registry requires, take into account factors relating to the specific context of the case to give adequate publicity to the proceedings. The Single Judge recalls that all means must be considered, including messages during radio and television broadcasts. In that connection, the Single Judge requires a notice to be placed on the Court's website to inform potential victims and their representatives of the possibility of applying to participate in the proceedings. The Single Judge considers that a notice along the lines of that published for the situation in Afghanistan would be appropriate.¹³ The Single Judge must point out that, to the extent possible, the notice should be in the languages that would help the victims gain access to the necessary information. In this regard, consideration must also be given to how specifically to inform victims who may have left Mali in the aftermath of the events concerned by the *Al Hassan* case.
17. Lastly, the Single Judge would like to receive a joint report from PIDS and VPRS, to be filed as confidential, *ex parte* Registry and the Chamber, within 10 days of the outreach mission's completion; the report shall set down the measures taken, their impact on those concerned, and any difficulties encountered and suggestions to avoid their future recurrence.

B. Application form for participation for the purpose of the present case

18. In Annex I to the report submitted by VPRS on 9 May 2018 to the Single Judge, VPRS put forward for approval a new, five-page form, which has the particularity of containing one section on the detailed information necessary to determine the standing of victim for the purpose of participation in the

¹³ The Court's website: <https://www.icc-cpi.int/Pages/item.aspx?name=171120-vprs-inf-afgh>, last accessed on 24 May 2018.

proceedings, and a second section on information specific to the reparations phase¹⁴ (“Registry’s Proposed Form”).

19. The Single Judge notes that the applicable law affords the Court some discretion in determining the procedure for the victims’ participation in its proceedings. That said, the forms for participation and reparations must be standardized to a certain extent, specifically to ensure that victims, despite their differing experiences in different places, all have the same rights and responsibilities before the Court so that they participate under conditions which are as similar as possible.
20. The Single Judge sees that concise, simplified individual application forms have been used in the most recent cases and were devised with the limited purpose of the application for participation phase in mind, which is to determine whether an applicant meets the criteria set out in rule 85 of the Rules.¹⁵
21. Furthermore, the Single Judge notes the recommendations of the Chambers Practice Manual:

The short, one page only, simplified application form containing the essential information that has been elaborated in the recent practice should become the standard form. Such a simplified standard form, *inter alia*, reduces the time required for the preparation of the redactions and facilitates any assessment of the application.¹⁶

At the same time, the Single Judge also notes that he is not bound by the provisions of the Chambers Practice Manual and concurs that it is necessary “to improve the victims’ participation system in order to ensure ‘its sustainability, effectiveness and efficiency’”; he also draws attention to “the efforts undertaken by other Chambers of the Court in this regard, including by developing

¹⁴ Annex I to Registry Observations, ICC-01/12-01/18-28-Conf-Exp-AnxI.

¹⁵ See Pre-Trial Chamber II, *The Prosecutor v. Dominic Ongwen*, “Application for Victims’ Participation for Individuals”, 4 March 2015, ICC-02/04-01/15-205-Anx; see also Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, “Application for Victims’ Participation”, ICC-01/04-02/06-67-Anx.

¹⁶ Chambers Practice Manual, https://www.icc-cpi.int/iccdocs/other/170512-icc-chambers-practice-manual_May_2017_ENG.pdf, May 2017, p. 25.

application forms for victims' participation tailored to the characteristics of the specific case at hand".¹⁷

22. In the case at bar, the Single Judge notes the Registry Observations, which state that "[t]he rationale of including at this early stage questions relating to reparations in the Proposed Application Form is driven by: (1) the challenging security context in Mali" and that "[a] maximum of victim-related information could be secured with minimum impact on victims' personal safety and security."¹⁸ The Registry goes on to say that "should the Case reach the reparations phase, relevant processes would be accelerated since core information related to reparations would have already been securely registered in the Registry database".¹⁹
23. The Single Judge shares the Registry's opinion in that the most efficient procedure in the present case would be to use a form which allows information regarding reparations to be collected from the outset. A dual purpose form would keep contact between Court staff and the victims to a minimum. In view of the particularly difficult security situation in Mali, a dual purpose form would reduce the security risk for all those involved in the present procedure. Furthermore, such an approach would cut down travel by Court staff to interview the persons concerned and require less preparation and advance logistical arrangements, saving human and financial resources. Lastly, a single form would, in principle, entail asking victims to give a single account of the incidents and crimes they endured, obviating the need for them to revisit the traumatic events, which they may not necessarily wish to relive.
24. Whereas the primary reason for separate forms for the participation and the reparations phases was to manage victims' expectations about the award of reparations, the Single Judge considers that it is for PIDS and VPRS to lay

¹⁷ Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, "Decision Establishing Principles on the Victims' Application Process", 28 May 2013, ICC-01/04-02/06-67, para. 17.

¹⁸ Registry Observations, paras. 7 and 8.

¹⁹ Registry Observations, para. 9.

particular stress on the course of the proceedings before the Court and the distinction between the course of the various stages of the criminal proceedings and the subsequent proceedings dedicated to reparations. As the Registry Observations point out, VPRS has the requisite experience to do so and has undertaken to inform the victims that filling out an application for reparations is no guarantee that reparations will automatically be received and that several years might pass before the Court rules on the matter.²⁰ The Single Judge considers that a tailored and effective message would lessen any adverse impact that such a process could have on the victims' expectations and would be conducive to the positive outcome described above.

25. In view of the above, the Single Judge hereby authorizes the use of a form that contains one section aimed at determining an applicant's standing of victim for the purpose of participation in the proceedings and another section for the collection, at that stage in the proceedings, of reparations-related information. The collection of that information at this stage in the proceedings – primarily on grounds of security as explained above – will in no way affect the Chamber's decision on the confirmation of charges pursuant to article 61(7) of the Statute, which will be informed by the evidence and submissions put before to it.

26. Turning to the content of the Registry's Proposed Form and to the information required for an applicant to be accorded the standing of victim, the Single Judge recalls rule 85 of the Rules, which reads:

(a) "Victims" means natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court;

(b) Victims may include organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes.

27. According to the interpretation adopted in previous decisions of the Court, an applicant is considered a victim, within the definition of the aforecited provision, where the following conditions are met: (i) his or her identity appears to have

²⁰ Registry Observations, para. 10.

been duly established; (ii) the events described in the application for participation constitute one or more crimes within the jurisdiction of the Court and [are crimes] with which the suspect has been charged; and (iii) the applicant suffered harm as a result of the commission of the crime(s) with which the suspect is charged.²¹

28. Furthermore, the Single Judge notes rule 89 of the Rules and regulation 86(2) of the Regulations of the Court, which state what information must be contained – to the extent possible – in a victim’s applications for participation in the proceedings. The Single Judge also notes rule 94 of the Rules, which prescribes the particulars to be contained in an application for reparations.

29. The Single Judge sees that the content of the Registry’s Proposed Form meets the conditions enumerated by the applicable law. Therefore, the Single Judge accepts the form as set out by the Registry in an annex to its Observations.²² However, the Single Judge reminds the Registry of the need – to be stated on the form – to inform the victims of the possibility of presenting all relevant supporting documentation, including the names and addresses of witnesses, for both the participation phase²³ and the reparations phase.²⁴

30. The Single Judge also requires the Registry to ensure – to the extent possible – that the form is made available to victims, both in the field and on the Court’s website, and in languages that they understand.

31. Regarding the documents as proof of identity of an applicant as a natural person or proof of identity of a person acting on his or her behalf, the Single Judge notes

²¹ See, *inter alia*, *The Prosecutor v. Laurent Gbagbo*, “Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings”, 4 June 2012, ICC-02/11-01/11-138, para. 20; Pre-Trial Chamber II, *The Prosecutor v. Uhuru Muigai Kenyatta*, “Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings”, 26 August 2011, ICC-01/09-02/11-267, para. 40; Pre-Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, “Fourth Decision on Victims’ Participation”, 12 December 2008, ICC-01/05-01/08-320, para. 30 and “Decision on 772 applications by victims to participate in the proceedings”, 18 November 2010, ICC-01/05-01/08-1017, para. 38.

²² Annex I to Registry Observations, 9 May 2018, ICC-01/12-01/18-28-Conf-Exp-AnxI.

²³ Regulation 86(e) of the Regulations of the Court.

²⁴ Rule 94(g) of the Rules.

the difficulties, raised in the Registry report of 18 May 2018,²⁵ which the applicants face in obtaining or providing copies of official identification in Mali and which are due, in particular, to the administration of records and the census, the country's instability and the lack of resources. The Single Judge accepts the Registry's proposals and considers all of the documents listed²⁶ as valid for the purpose of establishing the identity of the applicants and those presenting an application on their behalf.

32. As to the permission sought by the Registry to use an electronic version of the Registry's Proposed Form and an online version on the Court's website,²⁷ the Single Judge considers that these suggestions are justified and may be expedient at both the participation and reparations stages. In addition to the success seen in the number of applications submitted online for the situation in Afghanistan,²⁸ the Single Judge notes that these formats tend to expedite the collection and processing of applications and foster wider victim participation, especially when access to potential applicants in the field is limited. Nonetheless, the Single Judge considers that a field mission to collect application forms should take precedence as it enables direct communication between the applicants and VPRS staff, especially if the applicants have queries, and it overcomes any lack of technological means at the victims' disposal.

33. Therefore, the Single Judge grants the Registry's requests and authorizes the use of an electronic version of the Registry's Proposed Form and the introduction of a facility for the applicants to download the forms from the Court's website and send them to the Court or to submit their applications directly online.

²⁵ Annex I to "Registry's Report on Proof of Identity Documents Available in Mali and Transmission of Proposed Application Forms for Rule 85(b) RPE Victims and Groups of Victims", 18 May 2018, ICC-01/12-01/18-33-AnxI, para. 4.

²⁶ Annexes I and II to "Registry's Report on Proof of Identity Documents Available in Mali and Transmission of Proposed Application Forms for Rule 85(b) RPE Victims and Groups of Victims", 18 May 2018, ICC-01/12-01/18-33-AnxI and ICC-01/12-01/18-33-Conf-Exp-AnxII.

²⁷ Registry Observations, para. 11.

²⁸ Annex I to "Final Consolidated Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 20 February 2018, public redacted version, ICC-02/17-29-AnxI-Red, para. 18.

34. Furthermore, regarding the Registry's proposal on the application form for an organization or institution²⁹ to participate in the proceedings and possibly at the reparations phase, the Single Judge authorizes its use in the present case in accordance with rule 85(b) of the Rules.
35. Lastly, regarding the Registry's suggestion for an application form submitted on behalf of a group of victims, should some victims wish the account of the harm they suffered be given by a single person authorized to do so, the Single Judge would accept such a form. In particular, the Single Judge has in mind some families who may wish to participate in the proceedings as families, or existing victims associations, for example those which bring together victims of sexual violence, which may be authorized by the members of the group to act on their behalf. In addition to existing victims' associations, the Single Judge does not rule out the Registry's assisting victims to organize into associations if they so wish.
36. In view of the above, before ruling on the matter, the Single Judge invites observations from the Registry on the following matters, after it has consulted the victims as appropriate: (i) the victims' willingness to form groups and choose and authorize a person to represent them in a collective application; (ii) the benefit, if any, of introducing a collective application system in the case at bar for a large number of families and/or associations; (iii) whether such a system could really facilitate the participation of a large number of victims; and (v) if so, the most suitable approach for putting such a system in place, including the practical consequences on the reparations phase, with due consideration for the Court's previous decisions³⁰ and the willingness to submit, at this early stage of the proceedings, a form containing a dedicated reparations section.

²⁹ Annex III to "Registry's Report on Proof of Identity Documents Available in Mali and Transmission of Proposed Application Forms for Rule 85(b) RPE Victims and Groups of Victims", 18 May 2018, ICC-01/12-01/18-33-Conf-Exp-AnxIII.

³⁰ See *The Prosecutor v. Thomas Lubanga Dyilo*, Appeals Chamber, "Judgment on the appeals against the 'Decision establishing the principles and procedures to be applied to reparations' of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2", 3 March 2015, ICC-01/04-01/06-3129; see also *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Appeals Chamber, "Public redacted Judgment on the appeal of the victims against the 'Reparations Order'", 8 March 2018,

37. Furthermore, should it be adopted, the application form shall contain the names of all of the victims in the group (families or associations) on behalf of whom the application is submitted, with proof of their identity appended; for the reparations phase, it shall contain a description of the personal harm done to each victim; and the form itself shall state the need to submit, to the extent possible, all documentation in support of the harm alleged.

C. Collection of applications

38. As the Court's previous decisions have underscored³¹ and in line with the Chambers Practice Manual,³² the Single Judge considers that it is essential that VPRS assist applicants in completing their forms, in accordance with its mandate under regulation 86(9) of the Regulations of the Court and the Registry's obligations pursuant to rule 16(1) of the Rules.

39. However, where VPRS sees fit in view of the security and logistical challenges of the case, it may call on persons, NGOs and intergovernmental organizations in situ to act as intermediaries between the potential applicants and the Court.

40. These persons shall be chosen from the most qualified and the trustworthy, in particular from those with a prominent role within the community or from among those local, experienced NGOs, or from intergovernmental organizations with knowledge of the conflict in question and the victims' situation. Furthermore, the Single Judge points out that, in any event, the intermediaries shall act under the oversight of VPRS, which remains responsible for ensuring that the information is disseminated and that the forms are correctly completed. This entails that, after the outreach mission undertaken with PIDS, VPRS shall,

ICC-01/12-01/15-259-Red2; see also *The Prosecutor v. Germain Katanga*, Appeals Chamber, "Public redacted Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled 'Order for Reparations pursuant to Article 75 of the Statute'", 9 March 2018, ICC-01/04-01/07-3778-Red.

³¹ See, for example, *The Prosecutor v. Laurent Gbagbo*, "Decision on Victims' Participation and Victims' Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings", 4 June 2012, ICC-02/11-01/11-138, para. 27.

³² Chambers Practice Manual, https://www.icc-cpi.int/iccdocs/other/170512-icc-chambers-practice-manual_May_2017_ENG.pdf, May 2017, p. 25.

for the duration of the collection of applications for participation, remain in the field – taking into account the security situation – in order to answer any queries from the victims and securely collect the applications.

41. In this regard, the Single Judge requires the VPRS to hold training sessions for the intermediaries as soon as possible. The training shall include: (i) the nature and goal of the intermediaries' task; (ii) the relevant ethical principles (impartiality and confidentiality); (iii) the need to protect the victims' security; (iv) the material, temporal and geographic parameters of the *Al Hassan* case, as described in the warrant of arrest; (v) the rights of victims before the Court; and (vi) techniques for efficient communication of all relevant information.

D. Processing of applications

42. The Single Judge considers that it rests with VPRS to receive the applications on a rolling basis. It is for VPRS to inform victims of the time it will need for an initial examination of the applications in order to transmit them to the Chamber and the participants on time. It is for VPRS, should it see fit, to set a deadline for the submission of applications so as to afford the victims some certainty about the processing of their applications, and to so inform the applicants. VPRS shall so inform the Single Judge.
43. It also lies with VPRS to verify the applications and prepare them for transmission to the Chamber and the parties, in accordance with the practice followed in the previous cases³³ and in line with the Chambers Practice Manual.³⁴
44. The Single Judge underlines that he will consider only applications for participation that are complete and which fall within the temporal, geographical and material parameters of the *Al Hassan* case. Applications which the Registry considers to be incomplete and/or outside of those bounds shall not be transmitted to the Chamber. As the Chambers Practice Manual states:

³³ See, for example, Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, "Decision Establishing Principles on the Victims' Application Process", 28 May 2013, ICC-01/04-02/06-67, para. 30.

³⁴ Chambers Practice Manual, https://www.icc-cpi.int/iccdocs/other/170512-icc-chambers-practice-manual_May_2017_ENG.pdf, May 2017, p. 25.

Indeed, if applications are plainly incomplete (for example because no proof of identity was provided at all) or manifestly fall outside the scope of a case, there is no benefit in transmitting them. Rather, the Registry informs those applicants accordingly, so as to allow, if possible, the person to apply again or to supplement the application with the missing information, as provided for in rule 89(2).³⁵

The Registry shall inform the Single Judge of any applications rejected on that account.

45. Therefore, it is for VPRS to ensure that the information is complete and, if necessary, to compile the missing information before transmitting it in accordance with regulation 86(4) of the Regulations of the Court. To expedite the process, the Single Judge instructs VPRS to begin its verification as soon as possible.

46. In accordance with what the Court has consistently held, the Single Judge considers that an application for the purpose of the present case is complete if it contains the following information, supported by documentation, if applicable:

- (i) the identity of the applicant;
- (ii) the date of the crime(s);
- (iii) the site of the crime(s);
- (iv) a description of the harm suffered as a result of the commission of the crime(s) allegedly committed by the suspect;
- (v) proof of identity by a piece of identification which is available in Mali and accepted by the Single Judge;
- (vi) the express consent of the victim, where the application is made by a person acting with the victim's consent;
- (vii) if the application is made by a person acting on behalf of a victim, in the case of a victim who is a child, proof of family relationship or legal guardianship or, in the case of a victim who is disabled, proof of legal guardianship; and

³⁵ Chambers Practice Manual, https://www.icc-cpi.int/iccdocs/other/170512-icc-chambers-practice-manual_May_2017_ENG.pdf, May 2017, p. 26.

- (viii) a signature or thumb print of the applicant on the document, at least on the last page of the application.

47. Furthermore, the Single Judge would like VPRS to make an initial assessment of applications as soon as possible for the purpose of determining whether, on the basis of the above guidelines, the applicants may be considered victims participating in the proceedings. In that connection, although VPRS's conclusions may be of assistance to his decision, it lies ultimately with the Single Judge to authorize an applicant to participate in the proceedings.

48. To this end, the Single Judge recalls that persons seeking authorization to participate in the proceedings must show that they are victims within the definition of rule 85 of the Rules. To qualify as a victim in the case, an applicant must establish that he or she meets *prima facie* the following three criteria:³⁶ (i) his or her identity as a natural person is established;³⁷ (ii) he or she has suffered harm; and (iii) the harm suffered is a result of an incident falling within the temporal, geographic and material parameters of the *Al Hassan* case.³⁸

49. As to identity, the Court has consistently held³⁹ that where it is not possible for an applicant to obtain or provide the documents of the kind set out at paragraph 31,

³⁶ See Trial Chamber II, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, "Grounds for the Decision on the 345 Applications for Participation in the Proceedings Submitted by Victims", 23 September 2009, ICC-01/04-01/07-1491-Red-tENG, para. 57.

³⁷ Where the applicant is an organization or institution, the individual submitting an application on its behalf must prove his or her identity and right (*locus standi*) to represent the organization or institution. See *The Prosecutor v. Jean-Pierre Bemba Gombo*, Pre-Trial Chamber III, "Fourth Decision on Victims' Participation", 12 December 2008, ICC-01/05-01/08-320, para. 53; see also *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Trial Chamber VIII, "Public redacted version of 'Decision on Victim Participation at Trial and on Common Legal Representation of Victims'", 8 June 2016, ICC-01/12-01/15-97-Red, paras. 23-25.

³⁸ See, for example, Appeals Chamber, *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", 11 July 2008, ICC-01/04-01/06-1432, para. 58; Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, "Decision on Victims' Participation and Victims' Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings", 4 June 2012, ICC-02/11-01/11-138, para. 20, footnote 31.

³⁹ See Trial Chamber I, *The Prosecutor v. Thomas Lubanga Dyilo*, "Decision on Victims' Participation", 18 January 2008, ICC-01/04-01/06-1119, para. 88; see also Pre-Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, "Fourth Decision on Victims' Participation", 12 December 2008, ICC-01/05-01/08-320, para. 37.

he or she may submit a statement signed by two credible witnesses attesting to the applicant's identity and stating, if applicable, the relationship between the victim and the person acting on his or her behalf. The statement must be accompanied by proof of the identity of the two witnesses.

50. Should the Registry identify discrepancies in the information in the applications and the identification provided, the Single Judge considers, as have other chambers of the Court,⁴⁰ that a certain degree of flexibility must be shown. Minor discrepancies which do not call into question the overall credibility of the information provided by the applicant may be accepted.
51. Regarding proof of the harm suffered by the applicant, the Single Judge recalls that other chambers have held that rule 85(a) of the Rules includes physical injuries, emotional suffering and economic loss. The applicant must have personally suffered harm.⁴¹ This personal harm can, however, have been suffered directly or indirectly. On that point, the Single Judge recalls that the Appeals Chamber has explained that "[t]he harm suffered by one victim as a result of the commission of a crime within the jurisdiction of the Court can give rise to harm suffered by other victims".⁴² The Single Judge is of the view that for an indirect victim to be admitted to participate in the proceedings the identity of the direct victim and of the indirect victim must be duly established, as must their family relationship, by one of the documents accepted by the Single Judge as identification or the statement from two witnesses described above.

⁴⁰ Trial Chamber II, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, "Grounds for the Decision on the 345 Applications for Participation in the Proceedings Submitted by Victims", 23 September 2009, ICC-01/04-01/07-1491-Red-tENG, para. 32; Pre-Trial Chamber's "Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings", ICC-01/04-02/06-211, para. 23; Trial Chamber IV, *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, "Corrigendum to Decision on the Registry Report on six applications to participate in the proceedings", 28 October 2011, ICC-02/05-03/09-231-Corr, para. 24.

⁴¹ Appeals Chamber, *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", 11 July 2008, ICC-01/04-01/06-1432, para. 32.

⁴² Appeals Chamber, *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", 11 July 2008, ICC-01/04-01/06-1432, para. 32.

52. Furthermore, for the purpose of the present case, the Single Judge also endorses the position of Pre-Trial Chamber III that:

although a deceased person cannot present his or her “views and concerns” in the proceedings, the Single Judge sees no impediment that the rights of the deceased victim are exercised by their successors during the proceedings, if these successors are victims recognized as participants in the proceedings, as in the present case.

The successors must clearly indicate in the application form whether they act on their own behalf and on behalf of the deceased person.

Further, the applicant must provide the sufficient information on: (i) the identity of the deceased person, (ii) the identity of the successor, and (iii) the kinship between the successor and the deceased.

The Single Judge emphasizes that all other criteria established by rule 85 of the Rules apply equally.

In addition, immediate family members and dependants of a deceased person may also allege to have been personally subjected to emotional suffering resulting from the death of his or her relative, provided that the person concerned has made an application to that effect and submitted sufficient information.⁴³

53. Furthermore, the nexus between the commission of the crime and the harm suffered by the applicant will be assessed in the light of the information available and will be established on a *prima facie* basis. The Single Judge considers it sufficient for an applicant to show, for example, that the alleged crimes have objectively contributed to the harm suffered. The crimes charged need not, therefore, be the only cause of the harm suffered by the applicant.⁴⁴

54. Lastly, rule 85(b) of the Rules lays down that organizations and institutions applying for the standing of victim must establish that they “have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes”.

55. Furthermore, in accordance with the practice established in previous cases,⁴⁵ VPRS is invited, where it sees fit, to raise before the Single Judge any issue which may arise regarding the collection and processing of the applications so that it

⁴³ Pre-Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, “Fourth Decision on Victims’ Participation”, ICC-01/05-01/08-320, paras. 47-51.

⁴⁴ Pre-Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, “Fourth Decision on Victims’ Participation”, 12 December 2008, ICC-01/05-01/08-320, paras. 76 and 77.

⁴⁵ Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, “Decision Establishing Principles on the Victims’ Application Process”, 28 May 2013, ICC-01/04-02/06-67, para. 32.

may be considered and resolved before the applications are transmitted to the Chamber.

E. Transmission and procedure for the admission of applications

56. With specific reference to the systems adopted by Pre-Trial Chamber II in *Ongwen*⁴⁶ and by Trial Chamber VI in *Ntaganda*,⁴⁷ the Registry suggests three possible options for the transmission of applications for participation to the Chamber and to the parties.⁴⁸

57. The Single Judge sees that neither the Prosecution nor the Defence have filed a response to the Registry Observations and so have not objected to the Registry's proposed options.

58. The Single Judge notes rule 89(1) of the Rules, which reads:

In order to present their views and concerns, victims shall make written application to the Registrar, who shall transmit the application to the relevant Chamber. Subject to the provisions of the Statute, in particular article 68, paragraph 1, the Registrar shall provide a copy of the application to the Prosecutor and the defence, who shall be entitled to reply within a time limit to be set by the Chamber.

The Single Judge also takes note of the provisions of the Chambers Practice Manual.⁴⁹

59. The Single Judge hereby establishes the following system for the transmission and admission of applications:

- (i) The Registry examines the applications per the instructions given by the Single Judge in paragraphs 42 to 55 above and classifies the applicants into three categories: (a) applicants who clearly qualify as victims ("Group A"); (b) applicants who clearly do not qualify as

⁴⁶ Pre-Trial Chamber II, *The Prosecutor v. Dominic Ongwen*, "Decision concerning the procedure for admission of victims to participate in the proceedings in the present case", 3 September 2015, ICC-02/04-01/15-299.

⁴⁷ Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, "Decision on victims' participation in trial proceedings", ICC-01/04-02/06-499.

⁴⁸ Registry Observations, paras. 12-17.

⁴⁹ Chambers Practice Manual, https://www.icc-cpi.int/iccdocs/other/170512-icc-chambers-practice-manual_May_2017_ENG.pdf, May 2017, pp. 25-28.

victims (“Group B”); and (c) applicants for whom the Registry could not make a clear determination for any reason (“Group C”).

- (ii) The Registry transmits to the Chamber on a rolling basis and in unredacted form all complete applications and any supporting documentation in its possession.
- (iii) The Registry prepares regular reports⁵⁰ that list the applications for participation and classify them according to the three groups, but need not justify the classification of each individual application. It addresses the reports to the Chamber, the Prosecution, the Defence and, if applicable, to the legal representatives chosen to represent the victims authorized to participate.
- (iv) Upon submitting each report, the Registry also discloses to the Prosecution and the Defence all Group C applications, redacted as needed. As regards applications provided to the Defence, when redactions are a necessary protective measure, the Single Judge orders the Registry to remove all identifying information while respecting the principle of proportionality prescribed by article 68(1) of the Statute.
- (v) The Registry also prepares assessment reports for the attention of the Chamber and the parties, highlighting the difficulties encountered regarding Group C applications.⁵¹
- (vi) In addition, the Registry provides assessment reports for Group B applications exclusively to the Chamber, presenting the reasons for rejection of the applications.
- (vii) To guarantee that all applications are processed before commencement of the confirmation hearing, the Registry proceeds as follows for the remaining simplified application forms: (a) Group C applications are

⁵⁰ Registry Observations, para. 13; *The Prosecutor v. Bosco Ntaganda*, Trial Chamber VI, “Decision on victims’ participation in trial proceedings”, 6 February 2015, ICC-01/04-02/06-449, para. 24.

⁵¹ Registry Observations, para. 13(ii).

transmitted to the Chamber and the parties no later than 30 days before the date the hearing is scheduled to commence; and (b) Group A and B applications are transmitted to the Chamber no later than 15 days before the date of commencement of the confirmation hearing. The Registry submits the remaining corresponding reports within the same time limits. Upon expiry of that time, no new applications for participation may be submitted for consideration.

- (viii) Upon receipt of the Group C applications for participation, the Prosecution and the Defence shall have 10 days in which to make submissions, should they so wish.
- (ix) Upon receiving any submissions from the parties on the Group C applications, the Single Judge will assess them individually. Furthermore, barring a clear, material error in the Registry's assessment of Groups A and B, he will also ratify the Registry's assessment of the Group A and B applications.
- (x) The Registry maintains a database of information provided by the victims admitted to participate in the proceedings, and makes available to each legal representative in the case the data provided by the victims who he or she represents so that he or she knows to which group said victims belong.

60. The Single Judge considers that the procedure described above is consistent with the applicable law before the Court and that it was prompted by the need to strike a balance between the expeditiousness and fairness of the proceedings, while taking into consideration the particular circumstances of the case. The Single Judge also recognizes the importance of effective and meaningful victim participation in the proceedings which is not prejudicial to the rights of the accused.

61. In this regard, the Single Judge first points out that he has factored in the challenges presented by the difficult security situation in the case and, hence, the

extensive redactions anticipated to protect the victims in accordance with article 68(1) of the Statute. The Single Judge concurs with the position of Trial Chamber VI in *Ntaganda*:

It must be noted that the parties' right to reply to victim applications set out in Rule 89(1) of the Rules is not absolute. Rule 89(1) provides that the transmission of victim applications to the parties, and their right to reply thereto, is "[s]ubject to the provisions in the Statute, in particular article 68, paragraph 1 [...]". In this regard, the Chamber notes: (i) the Court's obligation under Article 68(1) of the Statute to protect the safety, physical and psychological well-being, dignity and privacy of victims⁵²

62. Furthermore, in view of the facts of the case, the Single Judge expects that a large number of victims will submit applications to participate in the proceedings. That factor could significantly slow the proceedings, were the Single Judge to allow submissions from the parties on all of the applications for participation which he is then to adjudicate. Considering the date set for commencement of the confirmation hearing in the case, the adoption of a suitable procedure would seem expedient. To this end, the Single Judge agrees with the arguments of the Registry⁵³ that the system, as currently adopted has the advantage of allowing the parties and the Chamber to concentrate on a limited number of applications – those that pose assessment problems – thereby saving time and resources. Such a system is conducive to expeditious proceedings, is in the interests of the victims in that it enables the greatest number of victims to apply to participate in the confirmation hearing and is in the interests of the person charged in that it guarantees his right to be tried within a reasonable time.

63. Lastly, the Single Judge wishes to underline Trial Chamber VI's holdings in *Ntaganda* which he considers relevant to the present case:

The Chamber additionally notes that Rule 89 of the Rules contains no express requirement for individual consideration of each application by the Chamber. Rather, it provides, in Rule 89(2), that the Chamber "may" reject an application if it considers that the applicant is not a victim or the criteria in Article 68(3) of the Statute are otherwise not fulfilled. More generally, the Chamber considers that Rule 89(1) of the Rules should be interpreted in light of Rule 89(4), which gives

⁵² Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, "Decision on victims' participation in trial proceedings", ICC-01/04-02/06-499, para. 29.

⁵³ Registry Observations, para. 13(ii).

the Chamber discretion to “consider the applications in such a manner as to ensure the effectiveness of proceedings”.

The Chamber considers that designating the Registry to assess victim applications, based on clear guidelines outlined by the Chamber, who retains ultimate authority over the process, is the most efficient and appropriate way to “consider the applications” in this case.⁵⁴

Also noteworthy is that this *modus operandi* proposed by the Registry in the case has not met with objections from the Defence or Prosecution.

F. Legal representation

64. The Single Judge takes as his starting point the principle laid down by rule 90(1) of the Rules – “[a] victim shall be free to choose a legal representative” – which must guide the interpretation of this rule. He places the utmost importance on the possibility for the victims to be represented, first and foremost, by a person they have chosen according to their interests and for their own reasons. The Single Judge considers, therefore, that it is, above all, for the victims to identify the legal representative who they wish to represent them before the Court.
65. Secondly, where there are a number of victims, for the purposes of ensuring the effectiveness of the proceedings, the Single Judge may see fit, pursuant to rule 90(2) of the Rules, to request the victims or a particular group of victims to choose a common legal representative, if necessary with the Registry’s assistance. The Single Judge emphasizes again that the choice of common legal representative belongs to the victims. Furthermore, a requirement on the victims to choose a common legal representative must be justified by the need for “ensuring the effectiveness of the proceedings”, which the Single Judge will assess upon receipt of VPRS’s report with particular consideration for the number of legal representatives the victims may have chosen.
66. As a last resort, only if the victims are not in a position to choose a common legal representative, the Chamber may impose one or more common legal

⁵⁴ Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, “Decision on victims’ participation in trial proceedings”, ICC-01/04-02/06-499, paras. 31 and 32.

representatives by requesting the Registry to choose them in accordance with rule 90(3) of the Rules and regulation 79 of the Regulations of the Court. The Single Judge understands this option to apply where the victims are unable to reach agreement. The Registry will, therefore, choose a common legal representative only if the lack of agreement is clearly established and communicated to the Chamber.

67. Furthermore, Trial Chamber II rightly noted that “although victims are free to choose a legal representative, this right is subject to the important practical, financial, infrastructural and logistical constraints faced by the Court.”⁵⁵ In this regard the Single Judge recalls that, to give the victims the means to choose a legal representative, rule 90(5) of the Rules provides: “A victim or group of victims who lack the necessary means to pay for a common legal representative chosen by the Court may receive assistance from the Registry, including, as appropriate, financial assistance.”

68. Therefore, to organize the system of legal representation in the case, the Single Judge wishes to obtain information on how to meet the requirements of each step of the process described above. To that end, it is necessary to consult the Registry, which, by virtue of rule 16(1)(b) of the Rules, is duty-bound to assist victims in obtaining legal advice and legal representation.

69. In its report, the Registry is required to make submissions on how an approach that prioritizes the victims’ choice may proceed and the steps and time necessary to allow them to exercise this choice. In particular, the Single Judge instructs the Registry to speak with the victims during and after the outreach mission specifically to determine:

- (i) whether they have already identified one or more legal representatives who are able to represent them before the Court or whether efforts have

⁵⁵ Trial Chamber II, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, “Order on the organisation of common legal representation of victims”, 22 July 2009, ICC-01/04-01/07-1328, para. 11.

been or are being made to this end, and the time needed for the victims to make a choice;

- (ii) how the victims may have organized and the consequences for the choice of legal representative; and
- (iii) whether the victims have the means to pay for legal representatives themselves or whether to rely on persons or NGOs who have accepted to represent them *pro bono*.

70. The Registry shall submit to the Single Judge a report on all of these matters and the following:

- (i) the way in which the Registry consulted the victims;
- (ii) the budgetary capacity currently available to the Court, should the victims be unable to bear the financial cost of their legal representatives and should they not have *pro bono* representation, so that the Court may pay for all or part of their representation under the head of legal assistance;
- (iii) should common legal representation under rule 90(2) of the Rules be necessary to ensure the effectiveness of the proceedings, the most appropriate number of common legal representatives, given the requirement of rule 90(4) of the Rules to take into account the distinct interests of the individual victims and to avoid any conflict of interest;
- (iv) whether the victims have identified common legal representatives and whether it is necessary to help them do so by referring them to the list of counsel in accordance with rule 90(2) of the Rules; and
- (v) where it is necessary for the Registry to choose common legal representatives when victims cannot agree on the choice, the availability of persons who are able to communicate with the victims in the field, safely and in their language, and the views of the victims on the persons thus identified by the Registry, as required by rule 90(3) of the Rules and regulation 79(2) of the Regulations of the Court.

71. So that the legal representatives of victims may set to work in ample time before the scheduled commencement of the confirmation hearing and may participate meaningfully in the proceedings, the Single Judge hereby instructs the Registry to submit to it a report on all of these points by 23 July 2018.

FOR THESE REASONS, the Single Judge

INSTRUCTS the Registry, and the Public Information and Documentation Section in particular, in close coordination with the Victims Participation and Reparations Section, and with the assistance of the Victims and Witness Unit, to embark forthwith on outreach activities in accordance with the principles laid down in paragraphs 11 to 16 of the present decision;

INSTRUCTS the Public Information and Documentation Section and the Victims Participation and Reparations Section to file the joint report referred to in paragraph 17 as confidential, available only to the Chamber and the Registry, within 10 days of completion of their outreach mission;

APPROVES the joint application form for participation and reparations as proposed by the Registry in Annex I of the Registry Observations, subject to the further requirement stated in paragraph 29 of the present decision;

INSTRUCTS the Registry to have the application form translated into the languages understood by the victims in the case;

DECIDES to accept all of the documents listed by the Registry as proof of the applicants' identity;

AUTHORIZES the use of an electronic version of the joint application form for participation and reparations and the filing of forms by applicants with the Victims Participation and Reparations Section as described in paragraph 33 above;

APPROVES the application form for organizations and institutions, as presented by the Registry;

INSTRUCTS the Victims Participation and Reparations Section to submit observations on the use of a form for collective applications for participation from groups of victims, and, in particular, on the matters raised in paragraph 36 of the

present decision, after the joint outreach mission described above has been completed;

INSTRUCTS the Victims Participation and Reparations Section to collect the applications for participation in the proceedings, if necessary with the assistance of intermediaries, and, to that end, remain in the field in accordance with paragraphs 38 to 40 above;

INSTRUCTS the Victims Participation and Reparations Section to hold, as soon as possible, training sessions for intermediaries as directed in paragraph 41 above;

INSTRUCTS the Victims Participation and Reparations Section to verify the applications for participation that it receives in accordance with the instructions set out in paragraphs 42 to 55 above;

APPROVES the system of transmission and admission of applications for participation as described in paragraph 59 of the present decision;

INSTRUCTS the Victims Participation and Reparations Section to submit exclusively to the Chamber the Group A and Group B applications for participation no later than 15 days before the commencement of the confirmation hearing;

INSTRUCTS the Victims Participation and Reparations Section to submit to the Chamber the Group C applications for participation no later than 30 days before the commencement of the confirmation hearing and to disclose them, redacted as needed, to the Prosecution and the Defence;

INSTRUCTS the Prosecution and the Defence to submit any observations they may have on the Group C applications for participation of victims within 10 days of receiving them;

INSTRUCTS the Victims Participation and Reparations Section to consult the applicants on their preferences for legal representation, and the Registry to submit to the Single Judge by Monday, 23 July 2018 the information concerning the legal representation of the victims, as set out in paragraphs 69 and 70 above, in the form of a comprehensive report.

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

[signed]

Judge Péter Kovács

Single Judge

Dated this 24 May 2018

At The Hague, Netherlands