

**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**

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**Registrar**

Ms. Silvana Arbia

**Counsel Support Section**

**Deputy Registrar**

Mr. Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Others  
Section**

Ms. Fiona McKay

**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*;<sup>1</sup>

**NOTING** the “Second Transmission to the Pre-Trial Chamber of applications to participate in the proceedings”,<sup>2</sup> 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/2176/11<sup>3</sup> and a/2195/11<sup>4</sup> (“Applications”);

**NOTING** the “Second report on applications to participate in the proceedings”,<sup>5</sup> 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”<sup>6</sup> (“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”,<sup>7</sup> filed on 21 September 2011, whereby the Registry provided the confirmation of the legal representative of applicants a/2176/11<sup>8</sup> and a/2195/11<sup>9</sup>, 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

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

<sup>2</sup> ICC-01/04-01/10-261 with Annexes.

<sup>3</sup> ICC-01/04-01/10-261-Conf-Exp-Anx26.

<sup>4</sup> ICC-01/04-01/10-261-Conf-Exp-Anx45.

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

<sup>6</sup> ICC-01/04-01/10-351.

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

<sup>8</sup> ICC-01/04-01/10-439-Conf-Exp-Anx1.

<sup>9</sup> 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;

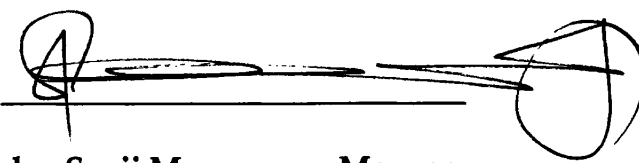
**CONSIDERING** that the Single Judge is now satisfied that the identities of applicants a/2176/11 and a/2195/11 have been duly established;

**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.



Judge Sanji Mmasenono Monageng

**Single Judge**

Dated this Friday, 23 September 2011

At The Hague, The Netherlands