

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05
Date: 11 November 2010

PRE-TRIAL CHAMBER II

Before: Judge Hans-Peter Kaul, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

Public Document

**Decision on Victims' Participation in Proceedings Related to the Situation in the
Central African Republic**

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

The Office of the Prosecutor

Luis Moreno-Ocampo

Fatou Bensouda

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar

Silvana Arbia, Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Fiona McKay

Other

JUDGE HANS-PETER KAUL, acting as Single Judge for Pre-Trial Chamber II (“the Chamber”) of the International Criminal Court (the “Court”), responsible for all victims’ issues in relation to the proceedings of the situation in the Central African Republic,¹ hereby renders a framework decision on victims’ participation in proceedings related to the situation in the Central African Republic, irrespective and outside the context of any case which may arise from that situation.

1. The Single Judge notes that on 3 November 2010 the Chamber rendered its “Decision on Victims’ Participation in Proceedings Related to the Situation in the Republic of Kenya”² (“Chamber’s Decision of 3 November 2010”) setting out the substantive and procedural framework for victims’ participation in proceedings at the stage of the situation in the Republic of Kenya together with instructions directed to the Victims Participation and Reparation Section (the “VPRS”), charged to implement said decision.

2. In the absence of a decision previously taken on this subject-matter in the context of the situation in the Central African Republic, and given the fact that the Chamber’s Decision of 3 November 2010 sets forth the principle legal and practical considerations of the Chamber in general, the Single Judge deems it appropriate to apply the same approach, adopted in the context of the situation in the Republic of Kenya, to the present situation and unify the Chamber’s approach with regard to victims’ participation in proceedings at the stage of the situation.

3. The Single Judge recalls that the situation in the Republic of Kenya is confined to crimes against humanity pursuant to article 7 of the Rome Statute allegedly committed within the territory of the Republic of Kenya between 1 June 2005 and 26

¹ Pre-Trial Chamber II, “Decision Designating Single Judges”, ICC-01/05-24.

² Pre-Trial Chamber II, “Decision on Victims’ Participation in Proceedings Related to the Situation in the Republic of Kenya”, ICC-01/09-24.

November 2009.³ With regard to the situation in the Central African Republic, the Single Judge clarifies that, for the purposes of rule 85 of the Rules of Procedure and Evidence, a victim applying to participate in proceedings at the situation stage shall demonstrate that he/she has suffered harm as a result of a crime falling under the jurisdiction of the Court, which allegedly occurred on the territory of the Central African Republic as of 1 July 2002.

FOR THESE REASONS, THE SINGLE JUDGE

- a) **decides** that the Chamber's findings as to the substantive and procedural framework for the possible participation of victims in proceedings at the situation stage set forth in its "Decision on Victims' Participation in Proceedings Related to the Situation in the Republic of Kenya" (ICC-01/09-24) apply equally in the context of the situation in the Central African Republic;
- b) **orders** the VPRS to comply with the requirements set forth in part IV of the above mentioned decision also within the context of the situation in the Central African Republic.

³ Pre-Trial Chamber II, "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya", 31 March 2010, ICC-01/09-19, paras 201 to 211.

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



Judge Hans-Peter Kaul
Single Judge

Dated this Thursday, 11 November 2010

At The Hague, The Netherlands.