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**TRIAL CHAMBER III**

**Before:** Judge Sylvia Steiner, Presiding Judge  
Judge Joyce Aluoch  
Judge Kuniko Ozaki

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC  
IN THE CASE OF  
THE PROSECUTOR  
*v. JEAN-PIERRE BEMBA GOMBO***

**Public Document**

**With confidential *ex parte* annexes only available to the Registry and the  
respective common legal representative**

**URGENT**

**Decision on 772 applications by victims to participate in the proceedings**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda

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**Counsel for the Defence**

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Ms Marie-Edith Douzima Lawson

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**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

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

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**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod Jacome

**Detention Section**

**Victims Participation and**

**Reparations Section**

Ms Fiona McKay

**Other**

Trial Chamber III (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court” or “ICC”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, (“Bemba case”) issues the following Decision on 772 applications by victims to participate in the proceedings.

## I. Background

1. On 12 December 2008, the Single Judge of Pre-Trial Chamber III (“Pre-Trial Chamber”) issued his “Fourth Decision on Victims’ Participation” in which 54 individuals were granted permission to participate as victims in the pre-trial stage of the present case.<sup>1</sup>

2. On 22 February 2010, Trial Chamber III issued its “Decision defining the status of 54 victims who participated at the pre-trial stage, and inviting the parties’ observations on applications for participation by 86 applicants”. In this decision, the Chamber, *inter alia*, endorsed the Pre-Trial Chamber’s criteria regarding the documents necessary for an application, including those required for proof of an applicant’s identity.<sup>2</sup> The Chamber further instructed the Registry to transmit the applications for participation to the parties in an appropriate form whereby any information which may lead to the identification of the victims and their whereabouts has been expunged.<sup>3</sup>

3. On 11 June 2010, the Victims Participation and Reparation Section (“VPRS”) filed its “Second report to Trial Chamber III on applications to participate in the proceedings,” *ex parte*, Registry only, in which 192 victims’ applications for

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<sup>1</sup> Fourth Decision on Victims’ Participation, 12 December 2008, ICC-01/05-01/08-320, pages 36-37.

<sup>2</sup> Decision defining the status of 54 victims who participated at the pre-trial stage, and inviting the parties’ observations on applications for participation by 86 applicants, 22 February 2010, ICC-01/05-01/08-699, paragraphs 35 and 36.

<sup>3</sup> ICC-01/05-01/08-699, paragraph 39 iii).

participation were transmitted to the Chamber ("the second set").<sup>4</sup>

4. On 30 June 2010, the Chamber issued its Decision on the first set of applications entitled "Decision on the participation of victims in the trial and on 86 applications by victims to participate in the proceedings".<sup>5</sup>

5. On 18 August 2010, the Office of the Prosecutor ("the prosecution") filed the "Revised Second Amended Document Containing the Charges."<sup>6</sup>

6. On 6 September 2010, Trial Chamber III issued its "Decision on three issues related to victims' applications for participation in the proceedings" whereby it, *inter alia*, rejected the defence request for disclosure of dates and locations of alleged events described in victims' applications for participation.<sup>7</sup>

7. On 7 September 2010, the Chamber issued its "Decision setting a time-limit for the submission of new victims' applications for participation."<sup>8</sup>

8. During the status conference held on 24 September 2010, the Chamber informed the parties that an approximate number of 850 victims' applications to participate in the proceedings would be notified to the parties in sets and on a rolling basis. The Chamber further ordered the parties to submit their

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<sup>4</sup> Second report to Trial Chamber III on applications to participate in the proceedings, 11 June 2010 (notified on 14 June 2010), ICC-01/05-01/08-796-Conf-Exp.

<sup>5</sup> Decision on the participation of victims in the trial and on 86 applications by victims to participate in the proceedings, 30 June 2010, ICC-01/05-01/08-807; *Corrigendum* to Decision on the participation of victims in the trial and on 86 applications by victims to participate in the proceedings, 12 July 2010, ICC-01/05-01/08-807-Corr.

<sup>6</sup> Revised Second Amended Document Containing the Charges, ICC-01/05-01/08-856 and its annexes.

<sup>7</sup> Decision on three issues related to victims' applications for participation in the proceedings, 6 September 2010, ICC-01/05-01/08-871, paragraph 17.

<sup>8</sup> Decision setting a time-limit for the submission of new victims' applications for participation, 7 September 2010, ICC-01/05-01/08-875.

observations on each set within 10 days of being notified.<sup>9</sup>

9. On 24 September 2010, the VPRS filed its “Third report to Trial Chamber III on applications to participate in the proceedings”, *ex parte*, Registry only,<sup>10</sup> and transmitted 218 victims’ applications for participation to the Chamber (“the third set”).<sup>11</sup>

10. Pursuant to an Order of the Chamber as it was then constituted, the VPRS transmitted to the parties redacted copies of the relevant applications on 24 September 2010.<sup>12</sup>

11. On 1 October 2010, the VPRS filed its “Fourth report to Trial Chamber III on applications to participate in the proceedings”, *ex parte*, Registry only,<sup>13</sup> and transmitted 176 victims’ applications for participation to the Chamber<sup>14</sup> (“fourth set”) as well as redacted copies of these applications to the parties.<sup>15</sup>

12. On 8 October 2010, the VPRS filed its “Fifth report to Trial Chamber III on applications to participate in the proceedings”, *ex parte*, Registry only,<sup>16</sup> and transmitted 104 victims’ applications for participation to the Chamber<sup>17</sup> (“fifth

<sup>9</sup> Transcript, ICC-01/05-01/08-T-25-Conf-ENG, 24 September 2010, pages 23 and 24.

<sup>10</sup> Third report to Trial Chamber III on applications to participate in the proceedings, 24 September 2010 (notified on 24 September 2010), ICC-01/05-01/08-904-Conf-Exp.

<sup>11</sup> Third transmission to the Trial Chamber of applications for participation in the proceedings, 24 September 2010 (notified on 24 September 2010), ICC-01/05-01/08-900-Conf-Exp and its annexes.

<sup>12</sup> Third transmission to the parties and legal representatives of redacted versions of applications for participation in the proceedings, 24 September 2010 (notified on 24 September 2010), ICC-01/05-01/08-903.

<sup>13</sup> Fourth report to Trial Chamber III on applications to participate in the proceedings, 1 October 2010 (notified on 1 October 2010), ICC-01/05-01/08-915-Conf-Exp.

<sup>14</sup> Fourth transmission to the Trial Chamber of applications for participation in the proceedings, 1 October 2010 (notified on 1<sup>st</sup> October 2010), ICC-01/05-01/08-913-Conf-Exp and its annexes.

<sup>15</sup> Fourth transmission to the parties and legal representatives of redacted versions of applications for participation in the proceedings, 1 October 2010 (notified on 1 October 2010), ICC-01/05-01/08-914.

<sup>16</sup> Fifth report to Trial Chamber III on applications to participate in the proceedings, 8 October 2010 (notified on 8 October 2010), ICC-01/05-01/08-934-Conf-Exp and its annexes.

<sup>17</sup> Fifth transmission to the Trial Chamber of applications for participation in the proceedings, 8 October 2010 (notified on 8 October 2010), ICC-01/05-01/08-932-Conf-Exp and its annexes.

set”) and transmitted to the parties redacted copies of these applications.<sup>18</sup>

13. On 8 October 2010, the VPRS transmitted 82 victims’ applications for participation to the Chamber<sup>19</sup> (“sixth set”) and transmitted to the parties on the same day the redacted copies of these applications.<sup>20</sup> Subsequently, on 11 October 2010, the VPRS filed its “Sixth report to Trial Chamber III on applications to participate in the proceedings”, *ex parte*, Registry only.<sup>21</sup>

14. On 11 October 2010, the prosecution and the defence submitted their observations on the third set of applications for victims’ participation in the proceedings.<sup>22</sup>

15. On 14 and 21 October 2010, the prosecution filed its observations on the fourth set as well as on the fifth and sixth sets of applications.<sup>23</sup>

16. The defence filed its observations on the fourth, fifth and sixth sets of applications for victims’ participation on 22 October 2010, 4 November and 15 November 2010 respectively.<sup>24</sup>

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<sup>18</sup> Fifth transmission to the parties and legal representatives of redacted versions of applications for participation in the proceedings, 8 October 2010 (notified on 8 October 2010), ICC-01/05-01/08-933 and its annexes.

<sup>19</sup> Sixth transmission to the Trial Chamber of applications for participation in the proceedings, 8 October 2010 (notified on 8 October 2010), ICC-01/05-01/08-936-Conf-Exp and its annexes.

<sup>20</sup> Sixth transmission to the parties and legal representatives of redacted versions of applications for participation in the proceedings, 8 October 2010 (notified on 8 October 2010), ICC-01/05-01/08-937 and its annexes.

<sup>21</sup> Sixth report to Trial Chamber III on applications to participate in the proceedings, 11 October 2010 (notified on 11 October 2010), ICC-01/05-01/08-942-Conf-Exp and its annexes.

<sup>22</sup> Prosecution’s Observations on 218 Applications for Victim’s Participation in the Proceedings, 11 October 2010, ICC-01/05-01/08-946; *Corrigendum* to Prosecution’s Observations on 218 Applications for Victim’s Participation in the Proceedings, 14 October 2010, ICC-01/05-01/08-946-Corr; Defence Response to the Third Transmission of Victims’ Applications for Participation in the Proceedings, 11 October 2010, ICC-01/05-01/08-945.

<sup>23</sup> Prosecution’s Observations on 176 Applications for Victims’ Participation in the Proceedings, 14 October 2010, ICC-01/05-01/08-952; Prosecution’s Observations on 104 Applications for Victims’ Participation in the Proceedings, 21 October 2010, ICC001/05-01/08-966; Prosecution’s Observations on 82 Applications for Victims’ Participation in the Proceedings, 21 October 2010, ICC-01/05-01/08-967.

<sup>24</sup> Defence Observations on the “Fourth Transmission to the parties and legal representatives of redacted versions of applications for participation in the proceedings”, 22 October 2010, ICC-01/05-01/08-968;

## II. Relevant provisions

17. In accordance with Article 21 (1) of the Rome Statute ("Statute"), the Chamber has considered the following provisions of the Statute, the Rules of Procedure and Evidence ("Rules") and the Regulations of the Court ("Regulations"):

### Article 68 of the Statute

#### Protection of the victims and witnesses and their participation in the proceedings

1. The Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. In so doing, the Court shall have regard to all relevant factors, including age, gender as defined in article 7, paragraph 3, and health and the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence or violence against children. The Prosecutor shall take such measures particularly during the investigation and prosecution of such crimes. These measures shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

[...]

3. 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.

[...]

### Rule 85 of the Rules

#### Definition of Victims

For the purposes of the Statute and the Rules of Procedure and Evidence:

(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.

### Rule 89 of the Rules

#### Application for participation of victims in the proceedings

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Observations de la Défense sur les 104 demandes de participation à la procédure en qualité de victimes, 4 November 2010, ICC-01/05-01/08-995; Observations de la Défense sur les 82 demandes de participation à la procédure en qualité de victimes, 15 November 2010, ICC-01/05-01/08-1009.

1. 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. Subject to the provisions of sub-rule 2, the Chamber shall then specify the proceedings and manner in which participation is considered appropriate, which may include making opening and closing statements.

[...]

4. Where there are a number of applications, the Chamber may consider the applications in such a manner as to ensure the effectiveness of the proceedings and may issue one decision.

### **Rule 91 of the Rules**

#### **Participation of legal representatives in the proceedings**

1. A Chamber may modify a previous ruling under rule 89.

[...]

### **Regulation 86 of the Regulations**

#### **Participation of victims in the proceedings under rule 89**

1. For the purposes of rule 89 and subject to rule 102 a victim shall make a written application to the Registrar who shall develop standard forms for that purpose which shall be approved in accordance with regulation 23, sub regulation 2 [...]

[...]

3. Victims applying for participation in the trial and/or appeal proceedings shall, to the extent possible, make their application to the Registrar before the start of the stage of the proceedings in which they want to participate.

[...]

5. The Registrar shall present all applications described in this regulation to the Chamber together with a report thereon. The Registrar shall endeavour to present on report for a group of victims, taking into consideration the distinct interests of the victims.

6. Subject to any order of the Chamber, the Registrar may also submit one report on a number of applications received in accordance with sub-regulation 1 to the Chamber seized of the case or situation in order to assist that Chamber in issuing only one decision on a number of applications in accordance with rule 89, sub-rule 4. Reports covering all applications received in a certain time period may be presented on a periodic basis.

7. Before deciding on an application, the Chamber may request, if necessary with the assistance of the Registrar, additional information from *inter alia*, States, the Prosecutor, the victims or those acting on their behalf or with their consent. If information is received from States or the Prosecutor, the Chamber shall provide the relevant victim or victims with an opportunity to respond.

8. A decision taken by a Chamber under rule 89 shall apply throughout the proceedings in the same case, subject to the powers of the relevant Chamber in

accordance with rule 91, sub-rule 1.

### **III. Summary of the observations of the parties**

#### **A. Observations of the prosecution**

18. In its observations on the five sets of applications for participation, the prosecution submits that 697 out of 772 applicants should be granted authorisation to participate in the proceedings, as they *prima facie* meet the requirements. In relation to 13 applicants, the prosecution contends that, although they omit certain information in their applications, they should be authorised to participate as from the information provided by them, it can be presumed that they also meet these requirements. In this regard, the prosecution notably submits that applicants who claim to be victims of sexual violence, in light of the similarity of the crimes allegedly suffered to the crime of rape with which the accused is charged, should be allowed to participate in the proceedings.

19. With regard to 35 applicants, the prosecution contends that the redactions of certain information prevent it from assessing whether or not the applicants meet the requirements. Accordingly, the prosecution leaves it to the Chamber to determine whether the requirements are fulfilled.

20. Furthermore, the prosecution observes that 10 applicants provide a statement of the chief of the village ("*chef du village*") in order to demonstrate their identity. While recognising that this item is not included in the list of accepted documents, the prosecution avers that in light of the particular position of this person within the politico-administrative structure in the Central African Republic ("CAR"), such item can be considered an official document. Accordingly, the prosecution argues that the Chamber should determine whether applicants need to provide additional documentation to prove their identity.

21. In relation to 19 applicants, the prosecution submits that the decision on their applications should be deferred until further information is provided by the applicants. This concerns instances where applicants (i) fail to indicate the location or the date of the alleged crime; (ii) do not provide documents demonstrating identity and kinship with regard to claims of emotional harm and (iii) where a person pretending to act on behalf of an applicant fails to provide documents establishing his or her *locus standi* to introduce such an application.

## **B. Observations of the defence**

22. As far as the defence is concerned, while complaining about the timing of the filing of these applications,<sup>25</sup> it submits that all victims' applications shall be rejected as none of them fulfill all the requirements to be granted the participating status in the present case.<sup>26</sup> The defence arguments are summarised in the paragraphs below.

### **i. The redactions applied in the applications for participation**

23. The defence underlines that the redactions applied in the applications for participation rendered difficult the determination as to whether the applicants meet all the requirements for participation in the present trial. It vigorously criticises the procedure applied for redactions as it prevented the defence (i) from making meaningful observations and (ii) from accessing potentially exculpatory information.<sup>27</sup>

<sup>25</sup> ICC-01/05-01/08-945, paragraph 7; ICC-01/05-01/08-968, paragraph 5; ICC-01/05-01/08-995, paragraph 9; ICC-01/05-01/08-1009, paragraph 9.

<sup>26</sup> ICC-01/05-01/08-859, page 5; ICC-01/05-01/08-945, paragraph 37; ICC-01/05-01/08-968, paragraph 29; ICC-01/05-01/08-995, page 12 and ICC-01/05-01/08-1009, paragraph 29.

<sup>27</sup> ICC-01/05-01/08-859, paragraphs 5 to 12; ICC-01/05-01/08-945, paragraphs 13 to 19; ICC-01/05-01/08-968, paragraphs 7 to 21; ICC-01-05-01/08-995, paragraphs 11 to 14 and ICC-01/05-01/08-1009, paragraphs 11 to 15.

24. The defence indeed submits at the outset that the extensive redactions go beyond what was authorised by the Trial Chamber. It also challenges the necessity and proportionality of these redactions and underlines that the applications for participation should not have been redacted *vis-à-vis* the defence when the applicant did not request for his or her identity not to be disclosed to it.

25. According to the defence, such redactions rendered its exercise meaningless. More specifically, the defence claims that redactions as to the places and dates of the alleged events made it impossible to ascertain whether the allegations fall within the temporal and geographical scope of the case, i.e. whether there is a link between the harm allegedly suffered by the applicant and the Revised Second Amended Document Containing the Charges. Also, the redactions as to the identities of the applicants do not enable the defence to assess the existence of a kinship between an applicant and his or her deceased relative.

26. It also calls the attention to the fact that these redactions also prevented the defence from accessing potentially exculpatory material and that in the alternative, unredacted versions should have been disclosed to the prosecution for it to comply with its obligations pursuant to Article 67(2) of the Statute and Rule 77 of the Rules and to give victims the possibility to make representations to the prosecution pursuant to Article 15(2) of the Statute.<sup>28</sup> Accordingly, the defence requests that unredacted versions of the applications for participation be disclosed to the prosecution whenever the applicant has not opposed it.

ii. The applicants' failure to link the alleged harm to the events of the case

27. Firstly, the defence submits that a vast majority of applications for participation does not give any factual basis to substantiate their claims that the

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<sup>28</sup> ICC-01/05-01/08-995, paragraphs 15 to 19; ICC-01/05-01/08-1009, paragraphs 16 to 19.

alleged perpetrators of the crimes from which they suffered harm were troops of the *Mouvement pour la Libération du Congo* ("MLC"). The defence contends that bearing in mind that multiple groups were present in the same location and fighting as either part of the same coalition or on the opposing side, the applications for participation should be rejected whenever the applicant (i) fails to give any basis for his or her assertion that the alleged perpetrators of the crimes belonged to the MLC and (ii) bases his or her assertion on the fact that the alleged perpetrators spoke Lingala and does not mention in the application form Lingala as one of the languages he or she either speak or understand.<sup>29</sup> The defence adds that unless the physical perpetrators are identified as subordinates of the accused, liability as a commander does not arise.<sup>30</sup>

28. The defence further states that in order to ascertain that the applicants have established the harm as a result of a specific charge/particular crime charged "the applicant must establish that the harm resulted from an incident which has occurred on a date and location which is explicitly referred to in the incidents set out in the operative section of the counts in the DCC."<sup>31</sup> In this respect, it underlines that in several instances, the applicants attribute responsibility to the MLC at a time and at a location which either predates their arrival at this location or postdates their departure.<sup>32</sup> More striking for the defence is the failure of some applicants to provide specific dates at which the alleged crimes were committed<sup>33</sup> which impacts on the defence's ability to ascertain whether the MLC troops were at the alleged location at the alleged date. This is the case for instance when the applicant was absent from his/her house when the alleged pillage occurred. It also holds that these applications shall be deemed incomplete as they fail to

<sup>29</sup> ICC-01/05-01/08-945, paragraphs 20 to 23.

<sup>30</sup> ICC-01/05-01/08-968, paragraphs 22 to 23.

<sup>31</sup> ICC-01/05-01/08-1009, paragraph 6. See also ICC-01/05-01/08-945, paragraph 31; ICC-01/05-01/08-968, paragraph 24; ICC-01/05-01/08-995, paragraph 6.

<sup>32</sup> ICC-01/05-01/08-968, paragraph 22.

<sup>33</sup> ICC-01/05-01/08-995, paragraphs 20 to 24.

provide one of the necessary information as listed by the Chamber.<sup>34</sup>

29. Secondly, the defence holds that the applications for participation shall be rejected when the applicants fail in giving sufficient details to assess whether the elements of an offence charged in the Revised Second Amended Document Containing the Charges exist. The Defence underlines for instance that when the applicant is too vague such as referring to “sexual violence” he or she “does not provide substantial grounds for the belief that the crime of rape, as charged in the DCC, occurred.”<sup>35</sup>

30. Finally, the defence requests the Chamber to reject the applications for participation whenever an applicant claims to be a victim of a crime which has not been charged in the Revised Second Amended Document Containing the Charges.<sup>36</sup> The Defence more specifically refers to acts of destruction of property, torture, body injury or temporary detainment.

iii. Lack of required supporting documents and of corroboration

31. The defence contends that many applications shall be rejected as they fail in appending certain supporting documents.

32. According to the defence, applications for participation shall be rejected when the applicant fail to provide corroborative witnesses or impartial corroborative witnesses. It also relies on the lack of supporting documents to prove the alleged suffered harm as a reason for the rejection (e.g. lack of medical documents in support of their application or lack of contemporaneous documents to prove their allegations).

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<sup>34</sup> ICC-01/05-01/08-995, paragraph 22.

<sup>35</sup> ICC-01/05-01/08-945, paragraphs 26 and 27; ICC-01/05-01/08-968, paragraph 24.

<sup>36</sup> ICC-01/05-01/08-945, paragraphs 24 and 25; ICC-01/05-01/08-995, paragraph 27.

33. Furthermore, the defence contends that many of the applicants do not provide the requisite proof of identity of and relationship with a relative when claiming emotional harm as a result of a relative's death.<sup>37</sup> The defence submits that such proof shall also be submitted by the applicant whenever he or she claims emotional harm on account of crimes committed against a relative. It requests that whenever an applicant fails in providing such proof, his or her application must be rejected.

34. Finally, the defence submits that any application which does not contain as a means of identification one of the documents listed in the Chamber's 22 February 2010 Decision shall be rejected.<sup>38</sup> It underlines especially that the documents which were signed by the chief of the village are insufficient to establish an applicant's identity and the fact that the chief of the village might have filed an application for participation on his behalf further militates in favour of rejecting these documents as he might have a personal or financial incentive.<sup>39</sup> In addition, the defence requests the Chamber to dismiss the applications which only contain copies of electoral cards since, based on a Report of the International Crisis Group, it asserts that such documents are, in the present case, insufficiently reliable.<sup>40</sup>

iv. Credibility undermined by the language used in the applications

35. The defence alleges that the legal language employed in some of the victims' applications for participation casts doubt as to the veracity and credibility thereof as it either appeared to have been tailored to fit the requirement of the crimes under the Statute or gives rise to a presumption that it is a third party who

<sup>37</sup> ICC-01/05-01/08-945, paragraphs 36 to 37; ICC-01/05-01/08-968, paragraph 27.

<sup>38</sup> ICC-01/05-01/08-968, paragraph 25; ICC-01/05-01/08-995, paragraphs 25 to 26.

<sup>39</sup> ICC-01/05-01/08-968, paragraph 25.

<sup>40</sup> ICC-01/05-01/08-968, paragraph 26.

answered the questions in *lieu* of the applicants.<sup>41</sup>

#### IV. Analysis and Conclusions

36. The parties submitted observations on the redacted versions of the 772 applications dealt with in the present decision. These observations were taken into consideration when examining each application. As far as the parties' general comments as summarised above are concerned, they will be analysed and decided upon in the present decision. A case-by-case analysis of each application for participation is appended thereto and should thus be read in conjunction with the present decision. Such analysis of each application is set out in Annexes A, B, C, D and E where the Chamber will only address the parties' specific comments in relation to individual applications for participation.<sup>42</sup>

##### A) General principles

###### 1) Criteria for granting victims' applications to participate in the proceedings

37. The Chamber notes that the parties have not suggested any departure from the existing jurisprudence on the criteria for determining whether an individual may be allowed to participate as a victim under Rule 85 of the Rules. Therefore, the Chamber has evaluated the applications as well as the observations of the parties in accordance with the general principles established in its decisions of 22 February 2010<sup>43</sup> and of 12 July 2010<sup>44</sup> as hereby recalled or clarified as the case may be in light of the parties' observations.

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<sup>41</sup> The defence refers for instance to Applicants a/1452/10, a/1455/10, a/1550/10 or a/1558/10 who mention in their applications for participation that "Les principaux responsables des faits se trouvaient le chef de guerre Jean Pierre BEMBA Combo et les officier des troupes Banyamulenge qui n'avaient pas respect la Convention de Genève signée le 12 Aout 1949 et le Droit International Humanitaire."

<sup>42</sup> The annexes are filed as confidential, *ex parte*, available only to the legal representatives of victims and to the Registry. A confidential redacted version available to the parties will be filed in due time.

<sup>43</sup> ICC-01/05-01/08-699.

<sup>44</sup> ICC-01/05-01/08-807-Corr, paragraphs 20 to 25.

38. As previously underlined, for the Chamber to grant participating status to applicants, it has to satisfy itself (i) that the applicant is a natural or a legal person; (ii) that the applicant suffered harm; (iii) that the events described by the applicant constitute a crime within the jurisdiction of the Court and with which the accused is charged and (iv) that there is a link between the harm suffered and the crimes charged in the case at hand.<sup>45</sup> The applicants are required to establish that these four criteria have been met *prima facie*.

39. It is further recalled that the Chamber will assess only complete applications namely applications which contain the following information, supported by documentation, if applicable:<sup>46</sup>

- (i) the identity of the applicant;
- (ii) the date of the crime(s);
- (iii) the location of the crime(s);
- (iv) a description of the harm suffered as a result of the commission of any crime within the jurisdiction of the Court;
- (v) proof of identity;
- (vi) if the application is made by a person acting with the consent of the victim, the express consent of that victim;
- (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 kinship or legal guardianship; or, in the case of a victim who is disabled, proof of legal guardianship;
- (viii) a signature or thumb-print of the Applicant on the document at the very least on the last page of the application.

40. With respect to the requirement that the identity of the applicant as a natural person be sufficiently established, the Chamber recalls that it has endorsed the approach employed by the Pre-Trial Chamber and has therefore accepted other forms of identification as elaborated in the precedent as follows:<sup>47</sup>

36. After careful consideration, and having had due regard to the practice established by other chambers of the Court, the Single Judge accepts the following documentation as proof of identity, as indicated in the report of the VPRS: (i) «certificat de nationalité», (ii) «permis de conduire», (iii) «passeport», (iv) «livret de

<sup>45</sup> ICC-01/05-01/08-807-Corr, paragraphs 21 to 24. See also 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, paragraphs 32 to 39.

<sup>46</sup> ICC-01/05-01/08-699, paragraph 35.

<sup>47</sup> ICC-01/05-01/08-699, paragraph 36.

famille», (v) «extrait d'acte de mariage», (vi) «acte de mariage», (vii) «extrait d'acte de décès», (viii) «acte de décès», (ix) «jugement supplétif», (x) «extrait d'acte de naissance», (xi) «acte de naissance», (xii) «nouvelle carte d'identité», (xiii) «ancienne carte d'identité qui n'est plus en vigueur», (xiv) «carte professionnelle», (xv) «carte d'association», (xvi) «récépissé de dépôt de demande de carte nationale d'identité», (xvii) «carte de commission d'emploi», (xviii) «carte de député», (xix) «déclaration de naissance», (xx) «carte d'identité pastorale», (xxi) «testament», and (xxii) «livret de pension».

37. The Single Judge wishes to clarify that in those instances where it is not possible for a victim applicant to acquire or produce a document of the kind set out above, the Single Judge will consider a statement signed by two witnesses attesting to the identity of the victim applicant and including, where applicable, the relationship between the victim applicant and the person acting on his or her behalf. The statement should be accompanied by proof of identity of the two witnesses as set out above.

38. Pursuant to rule 89(3) of the Rules, an application may also be made by a person acting with the consent of the victim, or a person acting on behalf of a victim, in the case of a victim who is a child or, where necessary, a victim who is disabled. The Single Judge wishes to specify that in this case the identity of both the victim applicant and the person acting with his or her consent or on his or her behalf must be confirmed by one of the above listed documents. Finally, following the practice of Pre-Trial Chamber I and II, the Single Judge is of the view that the link existing between a child applying for participation and the person acting on his or her behalf (kinship, guardianship, or legal guardianship) as well as the link existing between a disabled applicant and the person acting on his or her behalf (legal guardianship) should be confirmed within the meaning of regulation 86(2)(e) of the Regulations.

41. In this respect, as Trial Chamber I held, while determining whether the applicant is a “natural or legal person,” the Chamber “will seek to achieve a balance between the need to establish an applicant’s identity with certainty, on the one hand, and the applicant’s personal circumstances, on the other.”<sup>48</sup> In this regard, the Chamber notes that in its report to Pre-Trial Chamber III, the VPRS submitted that “numerous CAR citizens, living in rural areas, do not possess any official identity document” and that others “face difficulties in obtaining identity documents due to e.g. cumbersome administrative procedures, the high costs incurred and a lack of transport means to reach the competent authorities.”<sup>49</sup> Thus, the above mentioned documents, which are used in the CAR as substitutes for official identity documentation, are to be considered as a sample. Therefore,

<sup>48</sup> Decision on victims’ participation, 18 January 2008, ICC-01/04-01/06-1119, paragraph 87.

<sup>49</sup> ICC-01/05-01/08-320, paragraph 35.

whenever the documents appended by the applicants have similar features as the ones listed above and the Chamber is satisfied that at this stage they sufficiently establish the applicants' identity, they will be accepted as proof of identity.

42. In the present decision, the Chamber authorises as proof of identity the following documents: electoral cards;<sup>50</sup> baptism cards;<sup>51</sup> *certificats de frequentation scolaire*<sup>52</sup> and student cards<sup>53</sup>; *attestations d'état civil*, signed and stamped by the *Chef de quartier*;<sup>54</sup> *certificats de residence*;<sup>55</sup> refugee cards<sup>56</sup> and police statements for loss of identity documents.<sup>57</sup> However, the Chamber rejects, as a proof of identity, vaccination cards and medical cards.<sup>58</sup>

43. The Chamber recalls that when an application is submitted on behalf of a deceased victim, sufficient information has to be provided as to the identity of, and the kinship between, the dead victim and the person acting on his or her behalf.<sup>59</sup> When such application is submitted by a relative who is also alleging personal harm on the account of crimes committed against the deceased, the Chamber has treated both, the harm allegedly suffered by the deceased and the harm allegedly suffered by the person submitting the application on his or her behalf.<sup>60</sup>

44. Likewise, as held by the Appeals Chamber, when an applicant alleges harm as a result of the loss of a family member, the Chamber must require proof of the

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<sup>50</sup> See for example Applicant a/1385/10; Applicant a/1400/10.

<sup>51</sup> See for example Applicant a/1384/10; Applicant a/0723/10.

<sup>52</sup> See for example Applicant a/1315/10.

<sup>53</sup> See for example Applicant a/1323/10.

<sup>54</sup> See for example Applicant a/0790/10; Applicant a/0792/10; Applicant a/0804/10.

<sup>55</sup> See for example Applicant a/1415/10.

<sup>56</sup> See for example Applicant a/0712/10.

<sup>57</sup> See for example Applicant a/0712/10; Applicant a/0835/10.

<sup>58</sup> Applicant a/1410/10; Applicant a/1727/10; Applicant a/2176/10.

<sup>59</sup> ICC-01/05-01/08-807-Corr, paragraph 83.

<sup>60</sup> ICC-01/05-01/08-807-Corr, paragraph 84.

identity of the family member and of his or her relationship with the applicant.<sup>61</sup> However, what evidence may be sufficient to prove the aforementioned does not necessarily need to fulfil the same evidentiary requirements as in respect of the identities of the applicants themselves.<sup>62</sup> Accordingly, the Chamber will assess these instances on a case-by-case basis. These principles also apply *mutatis mutandis* to instances of emotional harm claimed to be suffered on the account of crimes committed against a relative who is still alive e.g. the rape of an applicant's wife.

45. Finally, when applications for participation are submitted by legal persons pursuant to Rule 85(b) of the Rules the Chamber, endorsing the criteria established by Pre-Trial Chamber III, it is required that the person making an application on behalf of the organisation or institution submits any of the relevant documents in order to prove his or her identity and his or her *locus standi* to act on its behalf.<sup>63</sup>

## 2) Personal interests of victims under Article 68(3) of the Statute

46. The Chamber recalls its previous rulings on the interpretation of Article 68(3) of the Statute for determining whether the interests of a victim are affected at a particular stage in the proceedings:<sup>64</sup>

96. Following an initial determination by the Trial Chamber that a victim shall be allowed to participate in the proceedings, thereafter in order to participate at any specific stage in the proceedings, e.g. during the examination of a particular witness or the discussion of a particular legal issue or type of evidence, a victim will be required to show, in a discrete written application, the reasons why his or her interests are affected by the evidence or issue then arising in the case and the nature and extent of the participation they seek. A general interest in the outcome of the case

<sup>61</sup> Judgment on the appeals of the Defence against the decisions entitled "Decision on victims' applications for participation a/0010/06, a/0064/10 to a/0070/10, a/0081/06, a/0082/06, a/0084/06 to a/0089/06, a/0091/09 to a/0097/06, a/0099/06, a/0100/06, a/0102/06 to a/0104/06, a/0111/06, a/0113/06 to a/0117/06, a/0120/06, a/0121/06 and a/0123/06 to a/0127/06" of Pre-Trial Chamber II, 23 February 2009, ICC-02/04-179, paragraphs 1 and 36.

<sup>62</sup> ICC-02/04-179, paragraph 38.

<sup>63</sup> ICC-01/05-01/08-320, paragraph 53.

<sup>64</sup> ICC-01/05-01/08-807-Corr, paragraph 25.

or in the issues or evidence the Chamber will be considering at that stage is likely to be insufficient. These applications will necessarily be examined on a case-by-case basis, since the question of whether "personal interests" are affected is necessarily fact-dependent. However, involvement in or presence at a particular incident which the Chamber is considering, or if the victim has suffered identifiable harm from that incident, are examples of the factors that the Chamber will be looking for prior to granting the right to participate at any particular stage in the case.

[...]

99. Addressing the standard of proof to be applied in order for victims to participate, there is no statutory or regulatory provision in this regard. It would be untenable for the Chamber to engage in a substantive assessment of the credibility or the reliability of a victim's application before the commencement of the trial. Accordingly the Chamber will merely ensure that there are, *prima facie*, credible grounds for suggesting that the applicant has suffered harm as a result of a crime committed within the jurisdiction of the Court. The Trial Chamber will assess the information included in a victim's application form and his or her statements (if available) to ensure that the necessary link is established.

[...]

101. It is clear from the analysis set out above that participation is not a once-and-for-all event, but rather should be decided on the basis of the evidence or issue under consideration at any particular point in time.

102. When considering victims' applications for participation, the Trial Chamber will assess whether the interests of the victims relate to the prosecution's "summary of presentation of evidence". The Chamber will be assisted by the report on the applications submitted to it by the Registry's Victims Participation and Reparation Section in accordance with Regulation of the Court 86.

103. Subsequently, a victim who wishes to participate in relation to any identified stage of the proceedings should set out in a discrete written application the nature and the detail of the proposed intervention (e.g. by providing the questions that he or she seeks to put). At this stage, the victim must describe the way in which his or her personal interest is affected, for example by identifying how the harm he or she suffered relates to the evidence or the issues the Chamber is considering in its determination of the charges.

104. Once the Trial Chamber has determined that the interests of a victim or group of victims are affected at a certain stage of the proceedings, the Trial Chamber will determine if participation in the manner requested is appropriate and consistent with the rights of the defence to a fair and expeditious trial.

## **B) Individual applications for participation**

47. The Chamber has evaluated the 772 applications for participation in accordance with the criteria described in paragraphs 37 to 46 above. In light of these criteria, the Chamber will hereunder address specific issues raised by the

parties in their respective observations.

1) The evidential threshold for victims' applications

48. A number of arguments raised by the defence are linked to the evidential threshold to be applied while assessing the victims' applications for participation. In this regard, as already underlined by the Chamber, the applicants are required to establish that the four criteria under Rule 85 have been met *prima facie*. Accordingly,<sup>65</sup>

92. It is not necessary for applicants to provide corroborative witnesses for the Chamber to reach a *prima facie* conclusion. Instead, there simply needs to be sufficient evidence to establish *prima facie* that the applicant is a victim under Rule 85(a) of the Rules, on the basis that he or she suffered personal harm as a result of crimes confirmed against the accused, namely the alleged pillage, murder or rape by the Banyamulengués of Jean-Pierre Bemba in the period between 26 October 2002 to 15 March 2003.

94. It will inevitably sometimes be impossible for applicants to establish precisely who committed relevant crimes during the alleged attacks in the CAR, particularly given their absence at the material time. In the view of the Chamber 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. The accused is charged with offences allegedly committed in the period between 26 October 2002 to 15 March 2003, and there is evidence that his troops allegedly targeted the civilian population in each of the relevant locations, in an organised manner, as they advanced into, and later retreated from, the CAR in the aftermath of military clashes with the troops of President Bozizé. Given that troops allegedly controlled by the accused were at the various locations described by the applicants at the time of the material events, notwithstanding the fact that the responsibility of others cannot be discounted, on the material provided to the Bench there is *prima facie* evidence (as opposed to proof beyond a reasonable doubt or on a balance of probabilities) that the relevant applicants are victims under Rule 85(a) of the Rules, having suffered personal harm as a result of crimes confirmed against the accused, in the period between 26 October 2002 to March 2003.

49. The Chamber further notes the defence contentions as to the legal language used in some application forms as well as to the similarities in the wording of the description of events by the applicants which, in its view, casts doubt as to the credibility of the applicant. The Chamber considers that such contentions cannot

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<sup>65</sup> ICC-01/05-01/08-807-Corr, paragraph 92.

be sustained at this stage.

50. First and foremost, the Chamber underlines that no provision of the Statute, the Rules or the Regulations nor the principles established by the present Chamber require that the application for participation be filled in by the applicants themselves. The Chamber further notes that it has not considered the mention of the name and signature of the intermediary or person assisting the applicant in filling in the form as a prerequisite for the completeness of the application.

51. In addition, the Chamber recognises the role that intermediaries might play during the application process, notably in assisting in the filling in of the forms, even writing down the answers given by applicants – some of them being illiterate or not speaking the language in which the form was filled in. In particular, it observes that several applications were submitted with the assistance of the same intermediaries. Thus, the Chamber accepts the fact that the same legal wording or similar descriptions of the facts were used by the intermediaries while reflecting the applicant's own account of the events.

52. The Chamber considers that only when there are indications that there might have been a misunderstanding or that there is a doubt as to the extent of the intermediary's involvement in the filling in of the applications for participation, it will either reject the application for participation or defer its decision until further information pursuant to Regulation 86(7) of the Regulations is received. In the absence of such indications, the Chamber will consider the description contained in the applications as being the appropriate mirror of the applicants' accounts of the events as they recalled them and which will be subject to a *prima facie* assessment.

2) Alleged crimes falling outside the material, temporal or geographical scope of the case

53. The Chamber notes the defence arguments that a large number of applications shall be rejected as the alleged events from which they claim to have suffered harm fall outside the material, the temporal or the geographical scope of the present case.

54. At the outset, the Chamber recalls that:

96. [...] Discrepancies as to dates or locations are not necessarily fatal in terms of the merits of these applications - it all depends on the overall evidence presented.<sup>66</sup>

55. In addition, in relation to the defence request that any application which does not establish that the harm results from an incident which has occurred on a date and location which is explicitly referred to in the operative section of the counts be rejected, the Chamber is of the view that such request should be dismissed. Indeed, the Chamber underlines that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,<sup>67</sup> the accused is charged with the crimes of murder, rape and pillage committed from on or about 26 October 2002 to 15 March 2003 in the locations included, *but not limited to*, those mentioned in the operative section of the counts.

56. With regard to the defence contention that some applicants refer to acts with which the accused is not charged, the Chamber recalls that whenever the interests of victims are not reflected in the confirmed charges, their applications for participation in the present case are rejected. For instance, the Chamber

<sup>66</sup>ICC-01/05-01/08-807-Corr, paragraph 96.

<sup>67</sup> Decision on the defence application for corrections to the Document Containing the Charges and for the prosecution to file a Second Amended Document Containing the Charges, 20 July 2010, ICC-01/05-01/08-836, paragraphs 84 to 86.

already held that the harm resulting from the “shelling” is not reflected in the confirmed charges.<sup>68</sup> In the same vein it has held that in case of destruction of property by fire, applications for participation will be rejected when there is no indication that the property was looted before being destroyed.<sup>69</sup> The Chamber reiterates that the accused is charged with the crimes of murder, rape and pillage. Therefore, any allegation which falls short of these crimes is dismissed. This also includes allegations of torture, temporary detainment or assault.

57. However, in relation to the allegation of “sexual violence”, the Chamber notes the VPRS report in which it explains that in some instances, it is possible to infer that an applicant who refers to “sexual violence” committed against him or her has suffered a rape. This approach is alleged to reflect their experience in the field, demonstrating that many victims of rape are reluctant to discuss the crimes suffered in explicit terms in their applications.<sup>70</sup> Accordingly, the Chamber will assess the application as a whole and provided that, from the context and the applicant’s account of the events, it can be inferred on a *prima facie* basis that the applicant was a victim of rape, the allegations of “sexual violence” will be treated as referring to acts of rape. Conversely, when it appears that the allegations *prima facie* refer to acts such as humiliation or degrading treatment, the application for participation in relation to the harm suffered from such act will be dismissed.

58. Finally, the Chamber underlines that the accused is charged with crimes which were allegedly committed from on or about 26 October 2002 to 15 March 2003 in the Central African locations included, but not limited to, those mentioned in the operative section of the counts. The Chamber is of the view that any allegations of acts committed outside the Central African Republic fall outside the geographical scope of the present case. In this regard, the Chamber

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<sup>68</sup> ICC-01/05-01/08-807-Corr, paragraph 89.

<sup>69</sup> ICC-01/05-01/08-807-Corr, paragraph 90.

<sup>70</sup> Annex 1 to Third report to Trial Chamber III on applications to participate in the proceedings, 24 September 2010, ICC-01/05-01/08-904-Conf-Exp-Anx1 paragraphs 27 to 29.

notes that some applicants refer to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo. In these instances, the Chamber is of the view that unless it transpires from the application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.

### 3) Redactions

59. The Chamber recalls that in its 6 September 2010 Decision, which has not been appealed by the defence, it has treated a defence submission as a general request for disclosure of the precise dates and locations of the alleged events described in all the individual applications for participation by victims. The Chamber rejected such request and held that:<sup>71</sup>

[t]he defence has been provided with sufficient information on the dates and locations of the alleged events for most of the applications. In the few applications where such information is redacted the redactions were the only available measures to protect the applicants concerned, and the disclosure of any further information would unnecessarily compromise their safety and security.

60. Accordingly, the Chamber does not see any compellable reason to depart from its previous finding. In the same vein, the Chamber also recalls that:<sup>72</sup>

At this early stage of the proceedings, on the basis of a preliminary assessment, the suggested non-disclosure of the victims' identities and the linked material to the prosecution, the defence, the States parties or the general public is proportionate and necessary, and it will not materially undermine the fair-trial rights of the accused. At later stages of the proceedings, for those granted leave to participate, and depending on the level of suggested participation by individual victims and the report of the VWU, this approach will be revisited on a case-by-case basis.

61. Overall, in its assessment of the applications and of any materials annexed thereto, the Chamber has ensured that the relevant applicants have provided sufficient evidence to establish, *prima facie*, that they are victims under Rule 85(a)

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<sup>71</sup> ICC-01/05-01/08-871, paragraph 16.

<sup>72</sup> ICC-01/05-01/08-699, paragraph 31.

or (b) of the Rules on the basis that they suffered personal harm as a result of crimes which charges have been confirmed against the accused, namely the alleged murder, rape or pillage by the Banyamulengués troops under the control of the accused in the period between 26 October 2002 and 15 March 2003. However, as a result of its assessment, the Chamber considers that it shall receive further information in relation to 133 applications for participation in order to reach a decision on the merits of these applications.

### **C) Summary of the Annexes**

62. The applicant-by-applicant analysis is set out in the appended annexes as follows:

- Annex A, filed as *ex parte* only available to the Registry and Mr Assingambi Zarambaud: analysis of the applications belonging to Group A (alleged crimes committed in or around Bangui and PK12);
- Annex B, filed as *ex parte* only available to the Registry and Ms Douzima: analysis of the applications belonging to Group B (alleged crimes committed in or around Damara and Sibut);
- Annex C, filed as *ex parte* only available to the Registry and Ms Douzima: analysis of the applications belonging to Group C (alleged crimes committed in or around Boali, Bossembélé, Bossangoa and Bozoum);
- Annex D, filed as *ex parte* only available to the Registry and Ms Douzima: analysis of the applications belonging to Group D (alleged crimes committed in or around Mongoumba); and
- Annex E, filed as *ex parte* only available to the Registry and Mr Assingambi Zarambaud: analysis of the applications made by witnesses.

## V) Orders

63. For these reasons, the Trial Chamber hereby:

a. Grants participating status to the following 624 applicants:

- Group A: a/0129/09; a/0431/09; a/0661/09; a/0665/09;  
a/0666/09; a/0800/09; a/0001/10; a/0002/10; a/0004/10;  
a/0005/10; a/0006/10; a/0007/10; a/0010/10; a/0011/10;  
a/0012/10; a/0017/10; a/0023/10; a/0024/10; a/0025/10;  
a/0155/10; a/0158/10; a/0161/10; a/0162/10; a/0163/10;  
a/0164/10; a/0165/10; a/0168/10; a/0170/10; a/0171/10;  
a/0173/10; a/0176/10; a/0177/10; a/0178/10; a/0182/10;  
a/0185/10; a/0186/10; a/0189/10; a/0193/10; a/0196/10;  
a/0197/10; a/0199/10; a/0210/10; a/0211/10; a/0212/10;  
a/0213/10; a/0214/10; a/0299/10; a/0300/10; a/0303/10;  
a/0305/10; a/0307/10; a/0308/10; a/0309/10; a/0310/10;  
a/0311/10; a/0312/10; a/0314/10; a/0315/10; a/0316/10;  
a/0317/10; a/0318/10; a/0320/10; a/0322/10; a/0325/10;  
a/0326/10; a/0651/10; a/0652/10; a/0653/10; a/0654/10;  
a/0655/10; a/0656/10; a/0658/10; a/0659/10; a/0660/10;  
a/0661/10; a/0664/10; a/0665/10; a/0666/10; a/0667/10;  
a/0668/10; a/0669/10; a/0677/10; a/0683/10; a/0685/10;  
a/0690/10; a/0692/10; a/0693/10; a/0694/10; a/0695/10;  
a/0696/10; a/0697/10; a/0698/10; a/0699/10; a/0702/10;  
a/0703/10; a/0706/10; a/0746/10; a/0748/10; a/0749/10;  
a/0750/10; a/0751/10; a/0752/10; a/0864/10; a/0865/10;  
a/0887/10; a/0891/10; a/0892/10; a/0894/10; a/0962/10;  
a/0966/10; a/0967/10; a/0969/10; a/0975/10; a/0977/10;  
a/1005/10; a/1006/10; a/1007/10; a/1008/10; a/1009/10;  
a/1010/10; a/1016/10; a/1017/10; a/1018/10; a/1019/10;

a/1020/10; a/1293/10; a/1294/10; a/1295/10; a/1354/10;  
 a/1401/10; a/1406/10; a/1447/10; a/1449/10; a/1451/10;  
 a/1452/10; a/1456/10; a/1457/10; a/1458/10; a/1461/10;  
 a/1463/10; a/1466/10; a/1470/10; a/1473/10; a/1475/10;  
 a/1477/10; a/1479/10; a/1482/10; a/1483/10; a/1484/10;  
 a/1488/10; a/1491/10; a/1496/10; a/1497/10; a/1504/10;  
 a/1506/10; a/1507/10; a/1508/10; a/1511/10; a/1512/10;  
 a/1516/10; a/1519/10; a/1520/10; a/1525/10; a/1527/10;  
 a/1528/10; a/1529/10; a/1532/10; a/1534/10; a/1535/10;  
 a/1536/10; a/1538/10; a/1546/10; a/1548/10; a/1551/10;  
 a/1552/10; a/1553/10; a/1558/10; a/1559/10; a/1560/10;  
 a/1562/10; a/1564/10; a/1565/10; a/1566/10; a/1567/10;  
 a/1568/10; a/1576/10; a/1578/10; a/1579/10; a/1752/10;  
 a/1753/10; a/1754/10; a/1755/10; a/1756/10; a/1757/10;  
 a/1917/10; a/1920/10; a/1925/10; a/1935/10; a/1939/10;  
 a/1941/10; a/1950/10; a/2183/10; a/2228/10; a/2230/10;  
 a/2231/10; a/2232/10; a/2233/10; a/2237/10; a/2239/10;  
 a/2240/10; a/2245/10; a/2246/10; a/2247/10; a/2250/10;  
 a/2251/10; a/2252/10; a/2253/10; a/2254/10; a/2255/10;  
 a/2256/10; a/2260/10; a/2261/10; a/2275/10; a/2276/10;  
 a/2277/10; a/2278/10; a/2279/10; a/2281/10; a/2282/10;  
 a/2283/10; a/2284/10; a/2285/10; a/2286/10; a/2287/10;  
 a/2288/10; a/2289/10; a/2290/10; a/2291/10; a/2292/10;  
 a/2293/10; a/2294/10; a/2295/10; a/2296/10; a/2297/10;  
 a/2298/10; a/2299/10; a/2300/10; a/2301/10; a/2302/10;  
 a/2303/10; a/2304/10; a/2305/10; a/2306/10; a/2307/10;

- Group B: a/0662/09; a/0667/09; a/0801/09; a/0166/10;  
 a/0172/10; a/0194/10; a/0215/10; a/0323/10; a/0742/10;  
 a/0743/10; a/0745/10; a/0758/10; a/0799/09; a/0871/10;  
 a/0882/10; a/0883/10; a/0930/10; a/0963/10; a/0964/10;

a/0968/10; a/0971/10; a/0972/10; a/0973/10; a/0974/10;  
 a/1011/10; a/1030/10; a/1299/10; a/1300/10; a/1301/10;  
 a/1302/10; a/1303/10; a/1304/10; a/1305/10; a/1306/10;  
 a/1307/10; a/1308/10; a/1309/10; a/1310/10; a/1311/10;  
 a/1312/10; a/1313/10; a/1315/10; a/1316/10; a/1317/10;  
 a/1318/10; a/1320/10; a/1321/10; a/1322/10; a/1323/10;  
 a/1324/10; a/1325/10; a/1326/10; a/1328/10; a/1329/10;  
 a/1330/10; a/1331/10; a/1332/10; a/1333/10; a/1334/10;  
 a/1335/10; a/1336/10; a/1337/10; a/1338/10; a/1339/10;  
 a/1340/10; a/1341/10; a/1342/10; a/1343/10; a/1345/10;  
 a/1346/10; a/1347/10; a/1348/10; a/1349/10; a/1351/10;  
 a/1352/10; a/1380/10; a/1381/10; a/1382/10; a/1383/10;  
 a/1384/10; a/1385/10; a/1386/10; a/1387/10; a/1388/10;  
 a/1389/10; a/1390/10; a/1391/10; a/1392/10; a/1393/10;  
 a/1394/10; a/1395/10; a/1396/10; a/1399/10; a/1400/10;  
 a/1407/10; a/1408/10; a/1409/10; a/1411/10; a/1412/10;  
 a/1413/10; a/1414/10; a/1415/10; a/1416/10; a/1417/10;  
 a/1418/10; a/1419/10; a/1420/10; a/1421/10; a/1422/10;  
 a/1423/10; a/1424/10; a/1425/10; a/1426/10; a/1427/10;  
 a/1436/10; a/1438/10; a/1513/10; a/1573/10; a/1599/10;  
 a/1626/10; a/1722/10; a/1724/10; a/1725/10; a/1726/10;  
 a/1728/10; a/1729/10; a/1731/10; a/1732/10; a/1733/10;  
 a/1734/10; a/1735/10; a/1736/10; a/1737/10; a/1738/10;  
 a/1739/10; a/1740/10; a/1742/10; a/1743/10; a/1744/10;  
 a/1745/10; a/1759/10; a/1815/10; a/2011/10; a/2212/10;  
 a/2216/10; a/2220/10; a/2222/10; a/2241/10

- Group C: a/0553/08; a/0013/10; a/0014/10; a/0015/10;  
 a/0016/10; a/0018/10; a/0157/10; a/0159/10; a/0160/10;  
 a/0179/10; a/0180/10; a/0183/10; a/0187/10; a/0188/10;  
 a/0190/10; a/0191/10; a/0200/10; a/0201/10; a/0202/10;

a/0203/10; a/0204/10; a/0205/10; a/0206/10; a/0207/10;  
a/0209/10; a/0298/10; a/0330/10; a/0674/10; a/0678/10;  
a/0710/10; a/0711/10; a/0712/10; a/0713/10; a/0715/10;  
a/0716/10; a/0717/10; a/0718/10; a/0721/10; a/0722/10;  
a/0723/10; a/0724/10; a/0867/10; a/0869/10; a/0875/10;  
a/0881/10; a/0921/10; a/0924/10; a/0931/10; a/0970/10;  
a/0976/10; a/0978/10; a/0979/10; a/1031/10; a/1252/10;  
a/1259/10; a/1260/10; a/1262/10; a/1263/10; a/1362/10;  
a/1365/10; a/1366/10; a/1367/10; a/1444/10; a/1454/10;  
a/1464/10; a/1476/10; a/1486/10; a/1489/10; a/1494/10;  
a/1503/10; a/1537/10; a/1571/10; a/1590/10; a/1606/10;  
a/1624/10; a/1657/10; a/1663/10; a/1828/10; a/1847/10;  
a/1854/10; a/1973/10; a/1995/10; a/2134/10; a/2136/10;  
a/2139/10; a/2140/10; a/2141/10; a/2142/10; a/2143/10;  
a/2145/10; a/2146/10; a/2148/10; a/2150/10; a/2151/10;  
a/2152/10; a/2154/10; a/2155/10; a/2159/10; a/2160/10;  
a/2162/10; a/2163/10; a/2164/10; a/2165/10; a/2168/10;  
a/2170/10; a/2171/10; a/2172/10; a/2173/10; a/2175/10;  
a/2177/10; a/2178/10; a/2179/10; a/2180/10; a/2181/10;  
a/2182/10; a/2198/10; a/2200/10; a/2201/10; a/2202/10;  
a/2203/10; a/2204/10; a/2205/10; a/2206/10; a/2207/10;  
a/2208/10; a/2209/10 and a/2210/10.

- Group D: a/0664/09; a/0003/10; a/0020/10; a/0167/10;  
a/0169/10; a/0174/10; a/0175/10; a/0181/10; a/0184/10;  
a/0198/10; a/0301/10; a/0691/10; a/0788/10; a/0790/10;  
a/0792/10; a/0793/10; a/0794/10; a/0795/10; a/0796/10;  
a/0797/10; a/0798/10; a/0799/10; a/0800/10; a/0801/10;  
a/0802/10; a/0803/10; a/0804/10; a/0805/10; a/0806/10;  
a/0816/10; a/0817/10; a/0818/10; a/0819/10; a/0820/10;  
a/0822/10; a/0823/10; a/0824/10; a/0825/10; a/0826/10;

a/0827/10; a/0828/10; a/0829/10; a/0830/10; a/0831/10;  
 a/0832/10; a/0833/10; a/0834/10; a/0835/10; a/0866/10;  
 a/0878/10; a/0879/10; a/0884/10; a/0885/10; a/0910/10;  
 a/0912/10; a/0917/10; a/0927/10; a/0928/10; a/0940/10;  
 a/0950/10; a/1001/10; a/1245/10; a/1246/10; a/1248/10;  
 a/1249/10; a/1250/10; a/1251/10; a/1450/10; a/1474/10;  
 a/1524/10; a/1541/10; a/1549/10; a/1589/10; a/1596/10;  
 a/1625/10; a/1900/10; a/1901/10; a/1902/10; a/1903/10;  
 a/1904/10; a/1905/10; a/1906/10; a/1907/10; a/1908/10;  
 a/1909/10; a/1910/10; a/1911/10; a/1912/10; a/1914/10;  
 a/1916/10; a/1934/10; a/1958/10 and a/1986/10

- Dual status: a/0663/09 and a/1015/10.

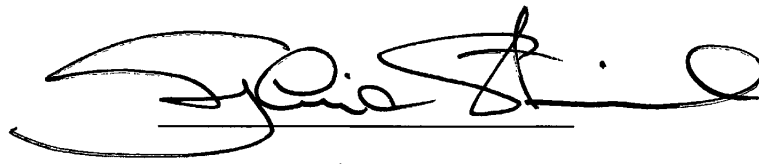
- b. Rejects the applications to participate by 15 applicants namely  
 a/0008/10; a/0192/10; a/0195/10; a/0704/10; a/0705/10; a/0719/10;  
 a/0720/10; a/0922/10; a/1049/10; a/1398/10; a/1410/10; a/1727/10;  
 a/2144/10; a/2166/10 and a/2176/10;
- c. Defers its decision on the following 133 victims' applications until  
 further information is submitted: a/0019/10; a/0021/10; a/0156/10;  
 a/0297/10; a/0302/10; a/0304/10; a/0306/10; a/0313/10; a/0319/10;  
 a/0321/10; a/0324/10; a/0327/10; a/0328/10; a/0329/10; a/0331/10;  
 a/0332/10; a/0644/10; a/0645/10; a/0646/10; a/0647/10; a/0648/10;  
 a/0649/10; a/0650/10; a/0657/10; a/0662/10; a/0663/10; a/0670/10;  
 a/0671/10; a/0672/10; a/0673/10; a/0675/10; a/0676/10; a/0679/10;  
 a/0680/10; a/0681/10; a/0682/10; a/0684/10; a/0686/10; a/0687/10;  
 a/0688/10; a/0689/10; a/0840/10; a/0845/10; a/0847/10; a/0848/10;  
 a/0862/10; a/0863/10; a/0961/10; a/0980/10; a/0984/10; a/1455/10;  
 a/1460/10; a/1469/10; a/1471/10; a/1487/10; a/1500/10; a/1517/10;  
 a/1530/10; a/1531/10; a/1533/10; a/1543/10; a/1550/10; a/1570/10;  
 a/1572/10; a/1574/10; a/1575/10; a/1772/10; a/1774/10; a/1776/10;

a/1779/10; a/1782/10; a/1784/10; a/1785/10; a/1786/10; a/1787/10;  
 a/1788/10; a/1790/10; a/1791/10; a/1794/10; a/1798/10; a/1799/10;  
 a/1804/10; a/1808/10; a/1810/10; a/1919/10; a/1921/10; a/1924/10;  
 a/1927/10; a/1929/10; a/1930/10; a/1937/10; a/1942/10; a/1944/10;  
 a/1945/10; a/1946/10; a/1951/10; a/1952/10; a/1953/10; a/1954/10;  
 a/1956/10; a/0851/10; a/0853/10; a/0854/10; a/0902/10; a/0938/10;  
 a/0951/10; a/0955/10; a/0983/10; a/0999/10; a/1039/10; a/1269/10;  
 a/1288/10; a/1369/10; a/1478/10; a/1490/10; a/1493/10; a/1499/10;  
 a/1515/10; a/1521/10; a/1545/10; a/1561/10; a/1577/10; a/1585/10;  
 a/1597/10; a/1598/10; a/1778/10; a/1800/10; a/1926/10; a/1940/10;  
 a/1949/10; a/1955/10; a/1977/10 and a/1987/10;

- d. Orders the Registry to submit to the Chamber a report on any potential requests for protective and special measures of victims who have been granted status to participate as soon as practicable;
- e. Orders that any victims wishing to participate in person during the trial proceedings shall apply in writing no later than 5 January 2011.

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

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



**Judge Sylvia Steiner**



**Judge Joyce Aluoch**



**Judge Kuniko Ozaki**

Dated this 18 November 2010

At The Hague, The Netherlands