

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/14-01/21

Date: 22 June 2021

**THE APPEALS CHAMBER**

**Before:** Judge Gocha Lordkipanidze, Presiding  
Judge Piotr Hofmański  
Judge Luz del Carmen Ibáñez Carranza  
Judge Marc Perrin de Brichambaut  
Judge Solomy Balungi Bossa

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II**

**IN THE CASE OF  
THE PROSECUTOR *v.*  
MAHAMAT SAID ABDEL KANI**

**Public Document**

**Submissions in the general interest of victims  
in the Defence's Appeal against the  
"Decision establishing the principles applicable to  
victims' applications for participation" (ICC-01/14-01/21-56)**

**Source:** Office of Public Counsel for Victims

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

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## I. INTRODUCTION

1. Counsel from the Office of Public Counsel for Victims (the “OPCV” or the “Office”) submits that the Defence Appeal<sup>1</sup> against the “Decision establishing the principles applicable to victims’ applications for participation” (the “Impugned Decision”)<sup>2</sup> must be dismissed. The appeal does not demonstrate that Pre-Trial Chamber II (the “Chamber”) committed any error when issuing the Impugned Decision.

2. In particular, Counsel posits that the Chamber properly interpreted and applied rule 89 of the Rules of Procedure and Evidence (the “Rules”) in light of article 68 of Rome Statute (the “Statute”). The Chamber rightly considered that the transmission of victims’ application forms to the parties is subject to the Statute’s relevant provisions and in particular to article 68(1). Pursuant to the latter, the Court has the discretion to take any measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. The only limit to such discretion is that said measures shall not be prejudicial or inconsistent with the rights of a suspect or an accused to a fair and impartial trial.

3. In addition, the Chamber rightly considered that the wording of rule 89(4) of the Rules gives it discretion to “*consider the applications in such a manner as to ensure the effectiveness of proceedings*”. This is also in compliance with the Chambers’ duties under articles 57(3)(c) and 64(2) of the Statute. In this sense, the right to a fair trial corresponds with the Chamber’s ultimate duty of ensuring expeditiousness and fairness towards all participants. In the case at the hand, the Defence does not show how the system of transmission and admission of victims’ application forms adopted by the Chamber would cause prejudice to Mr Kani and/or would undermine the overall fairness and expeditiousness of the proceedings.

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<sup>1</sup> See the “*Mémoire d’appel de la Défense au soutien de son appel contre la ‘Decision establishing the principles applicable to victims’ applications for participation’* (ICC-01/14-01/21-56) *du Juge Unique rendue le 16 avril 2021*”, [No. ICC-01/14-01/21-88](#), 3 June 2021 (the “Defence Appeal”).

<sup>2</sup> See the “Decision establishing the principles applicable to victims’ applications for participation” (Pre-Trial Chamber II, Single Judge), [No. ICC-01/14-01/21-56](#), 16 April 2021 (the “Impugned Decision”).

4. Accordingly, the approach of the Chamber is correct and reasonable and the Defence does not show any error likely to warrant the quashing of the Impugned Decision.

## II. PROCEDURAL BACKGROUND

5. On 16 April 2021, the Single Judge, acting on behalf of the Chamber, issued the “Decision establishing the principles applicable to victims’ applications for participation” (the “Impugned Decision”).<sup>3</sup>

6. On 26 April 2021, the Defence filed its request for leave to appeal the Impugned Decision.<sup>4</sup>

7. On 21 May 2021, the Single Judge partially granted the Defence’s Request for leave to appeal, on the “*question whether the Single Judge erred in finding, in line with previous jurisprudence of this Court, that the system for the transmission and admission of victims’ applications set out into three categories of groups – A, B and C – (the ‘A-B-C Approach’) is in compliance with the statutory framework, in particular rule 89 of the Rules*”.<sup>5</sup>

8. On 3 June 2021, the Defence filed the “*Mémoire d’appel de la Défense au soutien de son appel contre la ‘Decision establishing the principles applicable to victims’ applications for participation’ (ICC-01/14-01/21-56) du Juge Unique rendue le 16 avril 2021*”.<sup>6</sup>

9. On 7 June 2021, the OPCV requested to appear before the Appeals Chamber on the issues on appeal and to file observations within the deadline established by the Chamber (the “OPCV Request to Appear”).<sup>7</sup>

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<sup>3</sup> *Idem.*

<sup>4</sup> See the “Application for leave to appeal the ‘Decision establishing the principles applicable to victims’ applications for participation (ICC-01/14-01/21-56)”, [No. ICC-01/14-01/21-63-tENG](#), 26 April 2021.

<sup>5</sup> See the “Decision on the Defence’s request for leave to appeal the ‘Decision establishing the principles applicable to victims’ applications for participation” (Pre-Trial Chamber II), [No. ICC-01/14-01/21-79](#), 21 May 2021, para. 21.

<sup>6</sup> See the Defence Appeal, *supra* note 1.

<sup>7</sup> See the “Request to appear before the Appeals Chamber pursuant to regulation 81(4)(b) of the Regulations of the Court”, [No. ICC-01/14-01/21-90 OA2](#), 7 June 2021. See also, the “*Version publique*

10. On 9 June 2021, the Registry filed a request to submit observations in the Defence's Appeal (the "Registry Request").<sup>8</sup>

11. On 11 June 2021, the Prosecution filed the "Prosecution's response to Mahamat Said Abdel Kani's appeal against the 'Decision establishing the principles applicable to victims' applications for participation'".<sup>9</sup>

12. On 17 June 2021, the Appeals Chamber granted the OPCV Request to Appear and the Registry Request, indicating that submissions shall be filed by 22 June 2021 and authorising the Defence to respond thereto by 28 June 2021.<sup>10</sup>

### III. SUBMISSIONS

**The Chamber properly interpreted rule 89 of the Rules in light of the Statute and correctly found that the three categories approach (A-B-C) in assessing victims' application forms is in compliance with the Court's legal framework**

13. The Defence argues that the Chamber erred in its interpretation of rule 89 of the Rules. Firstly, the Defence submits that the Chamber failed to consider that according to the French version of said provision,<sup>11</sup> all victims' application forms would "*always*" have to be transmitted to the parties.<sup>12</sup> However, Counsel notes that the French adverb

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*expurgée de la 'Réponse de la Défense à la « Request to appear before the Appeals Chamber pursuant to regulation 81(4)(b) of the Regulations of the Court » (ICC-01/14-01/21-90)''*, [No. ICC-01/14-01/21-93-Red OA2](#), 8 June 2021.

<sup>8</sup> See the "Registry Request for Leave to Submit Observations in the Defence Appeal Against Decision ICC-01/14-01/21-56, [No. ICC-01/14-01/21-95 OA2](#), 9 June 2021. See also, the "*Réponse de la Défense à la 'Registry Request for Leave to Submit Observations in the Defence Appeal Against Decision ICC-01/14-01/21-56' (ICC-01/14-01/21-95)''*", [No. ICC-01/14-01/21-96 OA2](#), 11 June 2021.

<sup>9</sup> See the "Prosecution's response to Mahamat Said Abdel Kani's appeal against the 'Decision establishing the principles applicable to victims' applications for participation'". [No. ICC-01/14-01/21-97 OA 2](#), 11 June 2021.

<sup>10</sup> See the "Decision on the filing of additional submissions in the appeal" (Appeals Chamber), [No. ICC-01/14-01/21-101 OA2](#), 17 June 2021.

<sup>11</sup> See rule 89(1) of the Rules, French version: "*Les victimes qui veulent exposer leurs vues et leurs préoccupations adressent une demande écrite au Greffier, qui la communique à la Chambre compétente. Sous réserve des dispositions du Statut, en particulier du paragraphe 14 de l'article 68, le Greffier communique une copie de la demande au Procureur et à la défense, qui ont toujours le droit d'y répondre dans le délai fixé par la Chambre*". (Emphasis added).

<sup>12</sup> See the Defence Appeal, *supra* note 1, paras. 19-22.

“*toujours*” – which does not appear in the correspondent English text –<sup>13</sup> refers instead to the right of the parties to respond to victims’ application forms once those are transmitted to them.

14. Such requirement is fully respected in the current system of admission and transmission of victims’ application forms in the proceedings. The approach adopted through the Impugned Decision does not prevent the parties to file submissions on the transmitted forms. Indeed, parties retain the right to respond to all Group C application forms once those are communicated by the Registry.<sup>14</sup> Similarly, and in accordance with paragraph 2 of the same provision, parties also retain the right to request the rejection of any of the Group C application forms on the ground that the criteria set forth in article 68(3) are not fulfilled.

15. Counsel further notes that the Defence’s reference to the Appeals Chamber’s jurisprudence on the Registry’s obligation to transmit to the parties copies of the victims’ application forms<sup>15</sup> is misplaced. In the specific case referred to by the Defence, the debate revolved around the disclosure of application forms of dual status individuals. For this specific category of victims, given their dual standing as Prosecution’s witnesses and participating victims, there is indeed an obligation of disclosure of their application forms to the Defence, with redactions as appropriate. In this regard, the Appeals Chamber found in fact that victims’ application forms can “*be the subject of separate disclosure obligations of the Prosecutor once they are in her possession or control, in particular if the copies that have been provided to the Prosecutor contain lesser redactions than those provided to the defence or no redactions at all. Depending on the circumstances, and in particular if the Prosecutor decides to call the victims in question as witnesses (so-called ‘dual status’ victims), she may determine that the applications in question*

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<sup>13</sup> See rule 89(1) of the Rules, English version: “*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*”.

<sup>14</sup> See the Impugned Decision, *supra* note 2, para. 36.

<sup>15</sup> See the Defence Appeal, *supra* note 1, para. 22.

are disclosable under rule 77 of the Rules".<sup>16</sup> On the contrary, the Appeals Chamber has already established that the Defence is not entitled to receive information, whether incriminatory or potentially exculpatory, from the victims.<sup>17</sup>

16. Secondly, the Defence argues that the Chamber erred in adopting a system of transmission and admission of victims' application forms that is not either explicitly foreseen in, or contradicted by, some ancillary texts on the practice of the Court. In particular, the Defence notes that such approach was not envisaged in the 2019 Chambers Practice Manual;<sup>18</sup> that the "*Registry's single policy document on the Court's legal aid system*"<sup>19</sup> foresees the allocation of some resources for the Defence to review victims' application forms; and that regulation 99 of the Regulations of the Registry<sup>20</sup> provides for the Registry to assess whether the information contained in said forms can be safely transmitted to the parties before deciding to do so.<sup>21</sup>

17. Counsel submits that none of these references shows that the Chamber committed an error in interpreting rule 89 and adopting the current system to consider victims' application forms in the present case. As its name indicates, the Chambers' Manual summaries some of the relevant practices adopted by Chambers of the Court. The fact that the Manual was not updated to include the recent practice of adopting

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<sup>16</sup> See "Public Redacted Version Judgment on the appeal of Mr Laurent Gbagbo against the oral decision on redactions of 29 November 2016" (Appeals Chamber), [No. ICC-02/11-01/15-915-Red OA9](#), 31 July 2017, para. 56.

<sup>17</sup> See the "Judgment on the Appeal of Mr Katanga Against the Decision of Trial Chamber II of 22 January 2010 Entitled 'Decision on the Modalities of Victim Participation at Trial'" (Appeals Chamber), [No. ICC-01/04-01/07-2288 OA11](#), 16 July 2010, para. 87.

<sup>18</sup> See the "[Chambers Practice Manual](#)", 29 November 2019.

<sup>19</sup> See the "*Registry's single policy document on the Court's legal aid system*", Assembly of States Parties, Doc. [ICC-ASP/12/3](#), 4 June 2013.

<sup>20</sup> See rule 99 of the Regulations of the Registry: "*Upon receipt of an application from a victim and pending any decision by the Chamber, the Registry shall review the application and assess whether the disclosure to the Prosecutor, the defence and/or other participants of any information contained in such application, may jeopardise the safety and security of the victim concerned or any third person. 2. Such review shall take into account the factors set out in article 68, paragraph 1, any request for non-disclosure made by the victim, consultations held with the legal representative(s) of the victim, where appropriate, and inter alia, the level of security in the area where the victim lives and the feasibility of implementing local measures for their protection and security and/or protective measures where necessary. 3. The Registry shall inform the Chamber of the results of the assessment and may make recommendations regarding the disclosure of all or part of the information provided by the victim. [...].*"

<sup>21</sup> See the Defence Appeal, *supra* note 1, paras. 23-30.

the current system of transmission and admission of application forms, does not show that the Chamber erred in following the A-B-C approach. In this regard, Counsel recalls that, since 2015, all the Chambers whether at pre-trial or trial stage have opted for the current system when facing a significant number of victims' applications to participate in the proceedings.<sup>22</sup> Whether or not such practice is included in the Chambers Manual, which is itself not legally binding, has no bearing on the issue of establishing if the adopted system is in compliance with the Court's legal framework.

18. The same considerations apply to the allocation of resources to the Defence for activities related to the review of victims' application forms, referred to in the "*Registry's single policy document on the Court's legal aid system*".<sup>23</sup> In fact, as recalled by the Defence,<sup>24</sup> the parties do not have an obligation to engage in the review of these documents; nor are they required to dedicate specific resources to such an exercise. The fact that the Registry can allocate resources to the Defence to review such forms, when necessary, is in line with article 67(b) of the Statute and, in the case at hand, might be applicable when reviewing Group C application forms.

19. Lastly, in relation to the Defence's arguments on regulation 99 of the Regulations of the Registry, Counsel posits that they actually run against the Defence's position on the matter on appeal. In fact, such provision confirms that the Registry has an obligation to consider the security situation of the relevant victims before advising the Chamber on the non-disclosure to the parties of "*all or part of the information*

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<sup>22</sup> In the *Ntaganda* case, see the "Decision on victims' participation in trial proceedings" (Trial Chamber VI), [No. ICC-01/04-02/06-449](#), 6 February 2015. In the *Al Hassan* case, see the "Decision Establishing the Principles Applicable to Victims' Applications for Participation" (Pre-Trial Chamber I), [No. ICC-01/12-01/18-37](#), 24 May 2018 and the "Decision on the procedure for the admission of victims to participate in proceedings for the purposes of trial" (Trial Chamber X), [No. ICC-01/12-01/18-661](#), 12 March 2020. In the *Yekatom and Ngaïssona* case, see the "Decision Establishing the Principles Applicable to Victims' Applications for Participation" (Pre-Trial Chamber II), [No. ICC-01/14-01/18-141](#), 5 March 2019 and the "Order Scheduling First Status Conference" (Trial Chamber V), [No. ICC-01/14-01/18-459](#), 19 March 2020, para. 8 and fn. 5. In the *Abd-Al-Rahman* case, see the "Decision establishing the principles applicable to victims' participation and representation during the Confirmation Hearing" (Pre-Trial Chamber II), [No. ICC-02/05-01/20-259](#), 18 January 2021, para. 34.

<sup>23</sup> See the "*Registry's single policy document on the Court's legal aid system*", Assembly of States Parties, Doc. [ICC-ASP/12/3](#), 4 June 2013.

<sup>24</sup> See the Defence Appeal, *supra* note 1, para. 26.



*provided*<sup>25</sup> in the application forms. Accordingly, the provision supports the correctness of the Chamber's approach and its discretion in organising the transmission and admission of victims' application forms in light of article 68(1) of the Statute.

20. Contrary to the Defence's submissions in this regard,<sup>26</sup> measures under article 68(1) of the Statute are thus clearly not limited to discrete redactions of the relevant victims' application forms. It is in fact the Court's duty to take any measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. The only limit to such discretion is that said measures shall not be prejudicial or inconsistent with the rights of a suspect or an accused to a fair and impartial trial.

21. In the present case, the Chamber correctly interpreted and applied rules 89(1) and (4) of the Rules in light of the Statute. The Chamber rightly considered that the transmission of victims' application forms to the parties is subject to its duty to protect the victims' safety, well-being, dignity and privacy and that the adoption of the current system does not cause prejudice to the rights of the Suspect. It further rightly noted that the adopted approach is conducive to the expeditious and fair conduct of the proceedings as it enables the greatest number of victims to apply to participate in the proceedings.<sup>27</sup>

22. The Defence merely disagrees with the Chamber's approach and does not show how the decision not to communicate Group A and B application forms to the parties would cause prejudice to Mr Kani and/or would undermine the overall fairness and expeditiousness of the proceedings. In this regard, Counsel recalls that "[u]nlike evidence collected to support or challenge the substantive criminal charges in the case, the application forms are administrative in nature and are created through a relationship of confidence between a potential victim and the Registry of the Court" and "[applications

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<sup>25</sup> See rule 99 of the Regulations of the Registry, *supra* note 20. (Emphasis added).

<sup>26</sup> See the Defence Appeal, *supra* note 1, paras. 35-36.

<sup>27</sup> See the Impugned Decision, *supra* note 2, para. 35.

forms] are intended to serve a limited purpose: to provide the Chamber with a basis for determining whether individual victims should be permitted to participate in the proceedings pursuant to rule 89 of the Rules".<sup>28</sup>

23. Contrary to the Defence's submissions,<sup>29</sup> victims are not required to identify the perpetrator of the crimes they suffered from. In fact, such identification "is not a requirement for a victim's application for participation to be considered complete".<sup>30</sup> The purpose of a decision under rule 89 of the Rules is not "to make a final determination of the nature of the crimes which the events described by the applicant may constitute, or to analyse whether the constituent elements of each such crime are effectively present: both these analyses pertain to the determination of the guilt of the accused, rather than to the assessment of the status of victims whose personal interests are affected within the meaning of article 68, paragraph 3, of the Statute".<sup>31</sup>

24. A similar approach has been taken by the Chambers in respect of the assessment of the existence of a link between the alleged incident and the harm alleged in the victims' application forms. In this regard, Pre-Trial Chamber II found that "a determination of the specific nature of such a link goes beyond the purposes of a determination made under rule 89 of the Rules, whether in the context of a situation or of a case".<sup>32</sup> Whereas

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<sup>28</sup> See the "Public redacted version of the First decision on the prosecution and defence requests for the admission of evidence, dated 15 December 2011" (Trial Chamber III), [No. ICC-01/05-01/08-2012-Red](#), 9 February 2012, paras. 100-101.

<sup>29</sup> See the Defence Appeal, *supra* note 1, para. 9.

<sup>30</sup> See the "Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings" (Pre-Trial Chamber II, Single Judge), [No. ICC-01/09-01/11-249](#), 5 August 2011, paras. 21-24. See also the "Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings" (Pre-Trial Chamber II, Single Judge), [No. ICC-01/09-02/11-267](#), 26 August 2011, paras. 31-34. See the "Decision on the 138 applications for victims' participation in the proceedings" (Pre-Trial Chamber I, Single Judge), [No. ICC-01/04-01/10-351](#), 11 August 2011, paras. 36 and 39. See the "Corrigendum to the Second decision on victims' participation at the confirmation of charges hearing and in the related proceedings" (Pre-Trial Chamber I, Single Judge), [No. ICC-02/11-01/11-384](#), 6 February 2013, paras. 36-37, and the "Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings" (Pre-Trial Chamber II, Single Judge), [No. ICC-01/04-02/06-211](#), 15 January 2014, para. 64.

<sup>31</sup> See the "Decision on Victims' Applications for Participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06" (Pre-Trial Chamber II), [No. ICC-02/04-101](#), 10 August 2007, para. 13.

<sup>32</sup> *Idem*, para. 14.

such an analysis may be required for the purposes of a reparation order, it is definitely not needed when the mere determination to permit an applicant to present "*views and concerns*" within the meaning of article 68(3) of the Statute is at stake.<sup>33</sup>

25. Accordingly, the Defence's arguments on the alleged prejudice during a potential reparations' phase are equally inapposite.<sup>34</sup> Counsel recalls that reparations are in fact a different and separate stage of the proceedings. At that stage, the standard of proof of the "*balance of probabilities*" – instead of the *prima facie* one – applies to the assessment of victims' application forms.<sup>35</sup> Pre-Trial Chamber II also indicated that the standard of proof with regard to the *nexus* element of the victim definition is higher for reparation purposes than for other stages of the proceedings.<sup>36</sup> It is in fact only at that stage that victims will be acting as a party to the proceedings and that the Defence will have accordingly the opportunity to raise any concern in relation to reparations.

26. In light of the above, Counsel submits that the Chamber rightly considered that (i) the adopted system is in compliance with the Court's legal framework; (ii) that the measures taken under rule 89(4) of the Rules do not cause prejudice to the right of the Suspect and, instead (iii) are conducive to an overall fair and expeditious trial – in compliance with the Chambers' duties under article 57(3)(c), 64(2) and 68 of the Statute. In this regard, Counsel reiterates that the right to a fair trial applies to all parties<sup>37</sup> to the proceedings (including victims): "[a] *trial must be fair to all the parties and*

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<sup>33</sup> *Ibid.*

<sup>34</sup> See the Defence Appeal, *supra* note 1, para. 12.

<sup>35</sup> See, *inter alia*, the "Judgment on the appeals against the 'Decision establishing the principles and procedures to be applied to reparations' of 7 August 2012" (Appeals Chamber), [No. ICC-01/04-01/06-3129 A A2 A3](#), paras. 81-84. See also, the "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" (Appeals Chamber), [No. ICC-01/04-01/07-3778-Red A3 A4 A5](#), 8 March 2018, para. 42; and the "Order for Reparations pursuant to Article 75 of the Statute" (Trial Chamber II), [No. ICC-01/04-01/07-3728-tENG](#), 24 March 2017, para. 50.

<sup>36</sup> See the "Decision on Victims' Applications for Participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06", *supra* note 31, para. 14.

<sup>37</sup> See the "Judgment on the Prosecutor's Appeal against the Decision of Trial Chamber II entitled 'Judgment Pursuant to Article 74 of the Statute' - Joint Dissenting Opinion of Judge Ekaterina Trendafilova and Judge Cuno Tarfusser", No. [ICC-01/04-02/12-271-AnxA A](#), 27 February 2015, paras. 6, 12.

*participants in the case – the Defence and the Prosecution alike. And the victims, too”*.<sup>38</sup> The system as currently adopted has the benefit of limiting the disclosure of victims’ sensitive information by focusing the debates on “*unclear or borderline*”<sup>39</sup> issues arising from a limited number of application forms that pose assessment problems.<sup>40</sup>

27. In addition, the adopted system enables the greatest number of victims to apply to participate in the proceedings. In this regard, Counsel underlines that “*protective and special measures for victims are often the legal means by which the Court can secure the participation of victims in the proceedings, because they are a necessary step in order to safeguard their safety, physical and psychological well-being, dignity and private life in accordance with article 68(1) of the Statute*”.<sup>41</sup>

28. Consequently, Counsel submits that the approach of the Chamber is correct and reasonable and the Defence does not show any error likely to warrant the quashing of the Impugned Decision.

#### IV. CONCLUSION

29. For the foregoing reasons, Counsel respectfully requests the Appeals Chamber to dismiss the Defence Appeal in its entirety.



**Paolina Massidda**  
**Principal Counsel**

Dated this 22<sup>nd</sup> day of June 2021  
At The Hague, The Netherlands

<sup>38</sup> See the “Public redacted version of Decision on Defence Applications for Judgments of Acquittal” (Trial Chamber V(a)), No. [ICC-01/09-01/11-2027-Red-Corr](#), 16 June 2016, Reasons of Judge Eboe-Osuji, para. 190.

<sup>39</sup> See the “Registry Submissions on Aspects Related to the Participation of Victims in the Proceedings”, No. [ICC-01/14-01/21-25](#), 26 February 2021, para. 8.

<sup>40</sup> *I.e.* Only Group C applications submitted to the Chamber and the parties.

<sup>41</sup> See the “Decision on victims’ participation” (Trial Chamber I), No. [ICC-01/04-01/06-1119](#), 18 January 2008, para. 128.