

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10

Date: 16 August 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF THE PROSECUTOR
*v. CALLIXTE MBARUSHIMANA***

Public

**With one public and three confidential *ex parte* annexes only available to the
Registry**

Report on the legal representation of participating victims

Source: Registry

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Mrs Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Mr Nicholas Kaufman

Ms Yael Vias-Gvirsman

Legal Representatives of Victims

Legal Representatives of Applicants

Me Hervé Diakiese

Me Mayombo Kassongo

Me Ghislain Mabanga

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**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Mr Esteban Peralta Losilla

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the Single Judge’s Decision on the 138 applications regarding the applications for victims’ participation in the proceedings issued on 11 August 2011 (the “Decision”);¹

NOTING rules 16(1)(b) and 90 of the Rules of Procedure and Evidence and regulations 23*bis*, 79 and 80 of the Regulations of the Court;

TRANSMITS to the Chamber the following report on the actions taken by the Registry concerning the legal representation of participating victims, in compliance with the Decision:

1. On 11 August 2011 the Single Judge, in her Decision, accepted 130 victims as participants in pre-trial proceedings in the present case. Of these victims, 48 were represented by one of Me Hervé Diakiese, Me Mayombo Kassongo or Me Ghislain Mbanga, while 82 remained unrepresented.
2. Noting the short time before the Confirmation of Charges hearing and the prevailing security situation in the Kivus, the Single Judge therefore deemed it appropriate that the 82 unrepresented victims be represented by one or more of the three legal representatives already representing other participating victims. She therefore ordered the Registry to appoint counsel for the 82 unrepresented victims among the three acting legal representatives, and to transmit the victims’ application forms to the relevant appointed legal representative(s) by Friday, 12 August 2011.

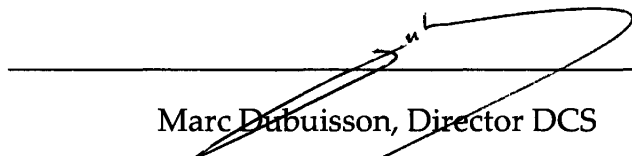
¹ ICC-01/04-01/10-351.

3. In compliance with the Single Judge's decision, the Registry has taken the following steps, bearing in mind that all three legal representatives were already representing victims in the case and were therefore preparing themselves for the Confirmation of Charges hearing:
 - (i) the 82 unrepresented victims were divided into three groups, based principally on their geographical locations;
 - (ii) each of the three legal representatives was appointed to represent one of the three groups of unrepresented victims respectively (in addition to those victims already represented by him) taking into account his ability to effectively represent victims in the particular geographical area involved;
 - (iii) on 12 August 2011 each of Me Ghislain Mabanga, Me Mayombo Kassongo and Me Hervé Diakiese was informed of the victims in respect of whom he was appointed, and given by hand a CD-Rom containing the unredacted versions of their application forms.

4. By way of overview the Registry notes that the participating victims are now represented as follows:
 - (i) Me Ghislain Mabanga represents 63 victims, including 31 who nominated him in their applications and a further 32 designated by the Registry;
 - (ii) Me Mayombo Kassongo represents 37 victims, including 13 who nominated him in their applications and a further 24 designated by the Registry;
 - (iii) Me Hervé Diakiese represents 30 victims, including 4 who nominated him in their applications and a further 26 designated by the Registry.

5. Annex 1 to the present report sets out a table indicating the legal representation of the 130 victims accepted by the Single Judge to participate in the present case.

6. The Registry's letters of appointment and counsel's acknowledgment of receipt of the relevant application forms are included as Annexes 2 to 4. These documents have been classified as confidential *ex parte* only available to the Registry as they include the personal contact details of the legal representatives.



Marc Dubuisson, Director DCS
per delegation of Silvana Arbia, Registrar

Dated this 16 August 2011

At The Hague, Netherlands