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**International
Criminal
Court**

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TRIAL CHAMBER III

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Chang-ho Chung
Judge Kimberly Prost

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR *v.* JEAN-PIERRE BEMBA GOMBO**

Public redacted version of "Report on the status of applications for participation in the proceedings or for reparations received by the Victims Participation and Reparations Section", 05 October 2009, ICC-01/05-01/08-541-Conf-Exp

Source: Registry

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

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

Noting the Decision dated 18 September 2009 issued by the Presidency constituting Trial Chamber III and transmitting the pre-trial record of proceedings in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* to that Chamber, as well as the role of the Registry in receiving, processing and reporting to the Chamber on applications for participation in the proceedings and for reparations in accordance with regulation 86 of the Regulations of the Court and regulations 97 to 110 of the Regulations of the Registry, the Registry is pleased to address the Trial Chamber in this Report on the following issues:

1. Preliminary issues regarding the receipt, processing and filing of applications from victims in relation to the situation in the Central African Republic (CAR);
2. A summary of the status of applications for participation in proceedings received in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* and the situation in the CAR to date;
3. Practice of the Registry in filing reports under regulation 86 paragraph 5 of the Regulations of the Court;
4. Protection ;
5. Legal representation ;
6. Applications for reparations;
7. Matters on which the Registry would appreciate guidance from the Chamber.

1. Preliminary issues regarding the receipt, processing and filing of applications from victims in relation to the Central African Republic (CAR)

1.1. Role of the Registry

According to rule 16 of the Rules of Procedure and Evidence (RPE), the Registrar has the responsibility to assist victims in relation to their participation in different phases of the proceedings. Regulation 86, paragraph 9 of the Regulations of the Court (RoC) provides for the establishment within the Registry of a specialised unit dealing with victims' participation

and reparations that will be responsible for assisting victims and groups of victims. The Registrar established and assigned these functions to the Victims Participation and Reparations Section (VPRS), and further elaborated the functions in the Regulations of the Registry (RoR).

1.2. The receipt of written applications from victims

According to rule 89 paragraph 1 of the RPE: “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.”

The procedure is further elaborated in regulation 86 of the RoC, which charges the Registrar with developing standard forms for the purpose of rule 89 of the RPE and prescribes the content of such forms. Four standard forms are currently in use, namely:

- Standard application form to participate in proceedings before the International Criminal Court for individual victims and persons acting on their behalf (form participation-1)
- Standard application form to participate in proceedings before the International Criminal Court for victims which are organisations or institutions (form participation-2)
- Standard application form for reparations before the International Criminal Court for individual victims and persons acting on their behalf (form reparation-1)
- Standard application form for reparations before the International Criminal Court for victims which are organisations or institutions (form reparation-2)

These four standard forms were approved by the Presidency on 27 March 2006 and have been made available in the CAR by the Registry, in accordance with regulations 23, sub-regulation 2 as well as regulation 86 of the RoC. In the case of CAR, all applicants who have applied for participation to date have used the forms approved by the Court. The Registry expects that revised versions of the forms will shortly be approved; following which the new forms will be distributed in CAR.

The standard forms are currently available in both working languages of the Court, English and French, and are posted on the Court's web site together with an explanatory booklet. The VPRS also distributes the forms in the field, largely through intermediaries that have contact with communities of victims. The forms have not yet been made available in other languages, due to the fact that the Registry does not currently have the capacity to rapidly translate significant numbers of forms that might be received completed in other languages. This situation is kept under review, and the Registry asks people to inform the Court in advance if they wish to submit applications in languages other than English or French. Although the forms themselves are not currently available in other languages, the Registry has translated the questions contained in the forms, in the form of a list, into other languages¹ for the purpose of making these available to intermediaries who assist victims to fill in the forms, in order to facilitate their providing explanations in languages known to the applicants.

Since September 2009, VPRS has had one staff person based in the Court's field office in Bangui, which is expected to greatly facilitate its ability to carry out its functions such as to follow up on applications received and obtain missing information.²

1.3. The role of intermediaries

The Registry would further like to note the fact that very few applications to participate in proceedings relating to the CAR have been received directly from individual victims. Most applications to participate in proceedings are presented to the Court by legal representatives or by intermediaries who are normally local community based or non-governmental organisations. Frequently these same organisations have assisted the applicants to complete the application form.

¹ Currently, Swahili and Arabic, and a version in Sango, the main language spoken in CAR, is currently being prepared.

² [REDACTED]

Given the important role played by intermediaries in informing and assisting victims, and in providing continuing support to victims throughout the proceedings, the Registry has adopted strategies aimed at identifying and training potential intermediaries and legal representatives in the CAR, even though this has been challenging without the benefit of having field based staff. The Registry views the fact that so few applications have been received from applicants who do not fall within the main elements of the definition of a victim in rule 85 of the Rules of Procedure and Evidence as an indication of the success of these strategies. However the Registry has also been able to identify that certain questions in the Court's standard application forms – notably the different phases of the proceedings and matters relating to protection - have not been well understood, and has used these indications as a basis for training targeted at intermediaries, to raise awareness and promote better understanding of these issues among the victim communities. Another issue that may be less well understood is the link that an applicant is required to have with a particular case in order to be recognized as a victim entitled to participate in proceedings relating to that case, in accordance with Article 68 paragraph 3 of the Statute.

2. A summary of the status of applications for participation in proceedings received in relation to the case *The Prosecutor v. Jean-Pierre Bemba Gombo* and the situation in CAR to date

2.1. The status of the applications received by the Registry and filed in the record of the case *The Prosecutor v. Jean-Pierre Bemba Gombo*

In accordance with Decision of Pre-Trial Chamber III dated 12 September 2008³ ordering the Registrar to transmit to the Chamber any complete applications to participate in the proceedings received no later than 30 days before the confirmation hearing, the Registry filed applications with the Pre-Trial Chamber, together with reports thereon.

The Single Judge of Pre-Trial Chamber III subsequently issued a Decision on 2 December 2008⁴ concerning the time limit for the submission of applications for participation in the

³ ICC-01/05-01/08-103

⁴ ICC-01/05-01/08-305

confirmation of charges hearing. In this decision the Judge decided that “no further victim application will be considered prior to the conclusion of the confirmation hearing relating to the case”.

2.1.1. Applications for participation filed with Pre-Trial Chamber III in the record of the case

Since the opening of the case *The Prosecutor v. Jean-Pierre Bemba Gombo*, the VPRS filed a total of 58 applications for participation with Pre-Trial Chamber III in the record of the case, together with reports thereon. These represent the applications received up to the deadline set by the Pre-Trial Chamber for participation in the confirmation of charges hearing.

- On 3 October 2008, the following applications were filed: a/0271/08, a/0272/08, a/0273/08, a/0275/08, a/0277/08, a/0278/08, a/0279/08, a/0280/08 and a/0283/08 to a/0298/08 (24 applications);⁵
- On 7 November 2008, the following applications were filed: a/0390/08 to a/0396/08 and a/0455/08 to a/0481/08 (34 applications);⁶

2.1.2. Applicants accorded the status of victim in the proceedings before Pre-Trial Chamber III relating to the case *The Prosecutor v. Jean-Pierre Bemba Gombo*

Of the 58 applications filed, the Pre-Trial Chamber accepted a total of 54 applicants as entitled to participate in the proceedings relating to the case *The Prosecutor v. Jean-Pierre Bemba Gombo*, between the opening of the case and the confirmation of charges hearing. In a Decision dated 12 December 2008,⁷ Pre-Trial Chamber III decided:

- to grant the status of victims of the case for the purpose of participating in the proceedings concerning the confirmation hearing to the following applicants: a/0271/08; a/0272/08; a/0273/08; a/0275/08; a/0277/08; a/0278/08; a/0279/08; a/0283/08; a/0284/08; a/0285/08; a/0286/08; a/0287/08; a/0288/08; a/0289/08; a/0290/08; a/0291/08; a/0292/08; a/0294/08; a/0296/08; a/0298/08; a/0390/08; a/0391/08; a/0393/08; a/0394/08; a/0395/08; a/0396/08; a/0455/08; a/0457/08; a/0458/08; a/0459/08; a/0460/08; a/0461/08;

⁵ ICC-01/05-01/08-137-Conf-Exp

⁶ ICC-01/05-01/08

⁷ ICC-01/05-01/08-320

a/0462/08; a/0463/08; a/0464/08; a/0465/08; a/0466/08; a/0467/08; a/0468/08; a/0469/08;
a/0470/08; a/0471/08; a/0472/08; a/0473/08; a/0474/08; a/0475/08; a/0476/08; a/0478/08;
a/0479/08; a/0480/08 and a/0481/08 (54 victims).

- to recognize applicants a/0293/08 and a/0297/08 as victims in the case insofar as the victim applicants act on their own behalf. [REDACTED]

- to recognize applicant a/0477/08 as a victim in the case acting both on her own behalf and on behalf of her deceased father. [REDACTED]

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ [REDACTED].

¹¹ [REDACTED].

¹² [REDACTED].

¹³ [REDACTED].

2.1.3. Applications deferred by Pre-Trial Chamber III in relation to the case

- In its Decision of 12 December 2008, the Chamber deferred the decision on applicant a/0295/08 “until missing in and documents in support thereof...is submitted”.¹⁴ The supplementary information has not been received to date.
- With reference to application a/0297/08, the Single Judge notes that the victim applicant alleges that “both his house and the church in which he exercised his duties as a priest have been pillaged.”¹⁵ However, the Single Judge “notes that the victim applicant failed to provide sufficient information with regard to the institution, the church, on behalf of which he wishes to act” and decides this part of the decision to be deferred until further information is submitted.¹⁶

2.1.4. Applications rejected by Pre-Trial Chamber III in relation to the case

- The Chamber rejected applications of victims a/0280/08, a/0392/08 and a/0456/08 to participate in the proceedings.¹⁷

a/0280/08	[REDACTED].
a/0392/08	[REDACTED].

¹⁴ ICC-01/05-01/08-320.

¹⁵ ICC-01/05-01/08-320, paras. 54 to 56, p. 18-19.

¹⁶ ICC-01/05-01/08-320-Conf-Anx, [REDACTED].

¹⁷ *Ibid.*

¹⁸ ICC-01/05-01/08-320-Conf-Anx, [REDACTED].

¹⁹ ICC-01/05-01/08-320-Conf-Anx, [REDACTED].

a/0456/08	[REDACTED].

2.1.5. Applications received by the Registry but not yet filed

The Registry received 107 applications subsequent to the deadline set by Pre-Trial Chamber II which have not yet been filed either in the record of the situation or of the Bemba case. The Registry believes that among them there are 7 applicants that may not fall within the criteria defined by the charges for being accepted as victims in the Bemba case.

According to Regulation 101 of the RoR, the Registry would like to inform the Chamber that of these 100 applications, 4 (four) have been withdrawn at the request of the legal representative of the victims and 1(one) is still pending for withdrawal. The reasons for the withdrawal were that these applications were duplicates of other applications that had been already been filed before the Registry. The withdrawn applications have not yet been filed in any Chamber.²¹ A total of 95 applications are still outstanding that appear to be linked to the case.

Of the new applications not yet filed, the Registry believes that 21 do not fulfil the requirements of a complete application as defined by Pre-Trial Chamber III in its Fourth Decision on Victims' Participation.²²

Summary Table showing status of applications to participate in relation to the Bemba case

Total number of applications received	165
Applications filed in the record of the Bemba case with PTC III	58
Applications to participate in the pre-trial phase of the Bemba case accepted by PTCIII	54

²⁰ [REDACTED].

²¹ See incoming letter from Mr. Goungaye Wanfiyo, VPRS-A-2008-089-inc, Annex I of the present Memo.

²² ICC-01/05-01/08-320, p. 25-26..

Applications to participate in the pre-trial phase of the Bemba case rejected by PTCIII	3
Applications to participate in the pre-trial phase of the Bemba case deferred by the PTCIII	2
Applications not yet filed in the record of the case or the situation	103
Applications withdrawn	4 ²³
Duplicate application for withdrawal still pending	1
Applications not yet filed that demonstrate a possible link with the charges confirmed against Jean-Pierre Bemba	95

2.2. The status of the applications received by the Registry in the record of the situation in CAR

Following instructions of the Pre-Trial Chamber, the Registry did not file any of the applications received in the record of the situation in the CAR, including the ten applications that do not appear to be related to the Bemba case. The Registry is seeking instructions from PTC II on this question.

3. Practice of the Registry in filing reports under regulation 86.5 of the Regulations of the Court

3.1. The grouping of applications

Regulation 86, paragraph 5 of the RoC provides that the Registry shall present all applications received to the relevant Chamber, together with a report thereon. It is further specified that the Registrar shall endeavour to present one report for a group of victims, taking into consideration the distinct interests of the victims. Paragraph 6 adds that the Registry may submit a single report on a number of applications in order to assist the

²³ The four applications were withdrawn in accordance with a letter from legal representative, received by the VPRS, see VPRS-A-2008-089-inc, Annex II.

Chamber in issuing only one decision on a number of applications as envisaged in rule 89, paragraph 4 of the RPE, in the interests of ensuring the effectiveness of the proceedings.

When preparing reports under regulation 86 paragraph 5 of the RoC, the Registry aims to apply these provisions in the most efficient way possible. On the basis of a preliminary review of applications received, applications may be grouped on the basis of the type of crime alleged, and/or the geographical area and the date of the alleged crime.

3.2. Obtaining further information for the purposes of completing applications

Regulation 86 paragraph 4 of the RoC allows the Registrar to request further information from victims or from those presenting an application, as well as additional information from States, the Prosecutor and intergovernmental or non-governmental organisations, in order to ensure that an application contains, to the extent possible, the information required, before transmission to the Chamber. The Chamber itself, according to paragraph 7 of regulation 86 of the RoC, also has the possibility to request additional information.

Where supplementary information is received before the report under regulation 86 paragraph 5 of the RoC is filed, the Registry includes such information in the report, and has developed the practice of annexing a follow-up form prepared by the field staff of the VPRS and signed by them, in which the circumstances in which the further information has been obtained is described.

The question arises whether the Registry should submit applications, together with reports under regulation 86, paragraph 5 of the RoC, when they are received, even if certain information is missing, or only file applications when they appear to be complete. According to the Fourth Decision on Victims' Participation of Pre-Trial Chamber III,²⁴ at the pre-trial stage the Registry only filed applications, after obtaining missing information that appeared necessary in order to enable the Chamber to make the relevant determinations in relation to the applications. In the lead up to the trial, the Registry recommends that filing applications

²⁴ ICC-01/05-01/08-320 of 12 December 2008.

only when complete appears to be more efficient, in terms of the Chamber's own consideration of an application as well as the giving of observations by the parties.

The Registry would like to inform the Chamber that all the applications received in the situation of CAR appear to be complete except for 21. Of these, 12 are expected to be completed by the end of October, 2009. The Registry is currently seeking to ascertain how long it might take to obtain complete information as regards the remaining 9 applications.

The Registry would also like to inform the Chamber that it has completed the processing of the applications received to date, so these could be filed within a short space of time. According to information received from the field, the Registry also expects to receive further applications for participation in the coming weeks.

3.3. Definition of a complete application

Unless the Chamber indicates otherwise, the Registry will continue to assess the completeness of applications on the basis of the guidance provided by Pre-Trial Chamber III, including in relation to the question of which documents will be accepted as proof of identity or of other matters.²⁵

In its first report to Pre-Trial Chamber III, VPRS included a report on documents of identity available and used in CAR²⁶ which resulted from preliminary research conducted on the availability of various types of relevant documentation in CAR after finding that some applicants were experiencing difficulties in producing proofs of identity, medical records

²⁵ On the criteria to consider an application to be complete, in its Fourth Decision on Victims' Participation, ICC-01/05-01/08-320, the Single Judge "further concurs with the findings of Pre-Trial Chamber I as regards the information which must be covered by the applications submitted. An application is considered complete if it contains the following information, supported by documentation, if applicable: (i) the identity of the applicant; (ii) the date of the crime(s); (in) 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.

²⁶ Report to Pre Trial Chamber III on applications to participate in proceedings in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence and Regulation 86 paragraph 5 of the Regulations of the Court, 17 October 2008, ICC-01/05-01/08

and other documentation to support their applications. Currently, the newly appointed VPRS Field Assistant in Bangui is working to update this research, and the Registry will inform the Chamber should any changes or additional relevant information come to light.

3.4. Form and Content of reports under regulation 86 paragraph 5

As regards the form and content of the reports filed under regulation 86 paragraph 5 of the RoC, the Registry has developed a standardised template which it is currently using for all Chambers, based on information that the Chambers have communicated they would like to have included in the reports. The Registry is annexing hereto a blank template of this report.²⁷ The Registry will be happy to discuss any changes that the Chamber might wish to suggest based in the experience in particular of TC I, and will also consider whether, from its side, it would like to recommend any changes based on experience to date.

4. Protection

From the applications to be filed, 61 applicants have requested the non disclosure excepting the Prosecution and 6 victim applicants have requested the complete non disclosure of their identity. Consistent with its established practice, the Registry recommends that only redacted versions of the applications be transmitted to the parties for observations at this time, according to Rule 87 of the RPE and Regulation 100.2 of the Regulations of the Registry (RoR).

This is appropriate given that the applications have not yet been considered by the Chamber stating that the question of whether or not the identity of an applicant should be disclosed prior to actual participation should the application to participate be accepted could be considered by the Chamber separately, after the legal representatives had been asked to make submissions on this point.

The Registry therefore recommends that, for the purpose of allowing observations to be provided, the parties be provided redacted versions of the applications. For the same

²⁷ See Annex II of the present Memo.

reasons, the applications should not be made available to states and other participants at this time. Should the applications, or some of them, be accepted by the Chamber then the nominated legal representatives could be requested to clarify or confirm the requests of their clients.

Should the Single Judge require redacted versions of the applications to be transmitted, the Registry is ready to prepare these. For the purpose of providing consistent guidelines for preparing redactions of applications for participation or reparations at this stage, the VPRS and VWU have developed detailed guidelines which is added to this report in Annex III.²⁸

5 Legal Representation

5.1 Applications already accepted by Pre-Trial Chamber III at the confirmation of charges stage

On October 3, 2008, the Registry filed with Pre-Trial Chamber III 24 applicants to participate in proceedings, from which 15 applicants were represented either by Maître Marie Edith Douzima or by Maître Goungaye Wanfiyo, both registered in the list of Counsel. The remaining 9 applicants, as they did not have a legal representative, were represented by the OPCV.²⁹ On 7 November 2008, the Registry filed a further 34 applications to participate in the proceedings, from which 21 were represented by Maître Wanfiyo and the remaining 13 were transmitted to the OPCV in accordance with the Decision of 12 September 2008. According to the decision of Pre-Trial Chamber III, the OPCV had been appointed by the Chamber as the legal representative for those victims “where no legal representative has been appointed by the victims”.³⁰

In its Fifth Decision on Common Legal Representation, the Pre-Trial Chamber requested all the victims recognised as participants in the case to choose a common legal representative from the CAR³¹ On 5 January 2009, following the sudden death on 27 December 2008 of

²⁸ See Annex III of the present report. A catalogue adapted to the Bemba Case will be developed by the VPRS the coming days.

²⁹ ICC-01/05-01/08-528.

³⁰ ICC-01/05-01/08-103-tENG-Corr.pp5 and 6.

³¹ Fifth Decision on Victims’ Issues Concerning Common Legal Representation of Victims, decision ICC-01/05-01/08-322 of 16 December 2008. Through this decision, the Pre-Trial Chamber III had initially ordered that one of the two Legal Representatives

Maître Goungaye Wanfiyo who had been appointed by a large number of victims accepted to participate in the confirmation of charges hearing, Pre-Trial Chamber III decided to appoint Maître Marie Edith Douzima, who also represented a number of victims accepted in the case, as Common Legal Representative for the purposes of the confirmation of charges hearing, for those victims who had not chosen the OPCV as their legal representative.³²

As regards the new applications received subsequent to the deadline set by Pre-Trial Chamber III for participation in the confirmation of charges hearing, the situation of their legal representation is as follows:

Victims that have chosen the OPCV as legal representative	9
Victims that have chosen Maître Marie Edith Douzima as legal representative	3
Victims that have chosen Maître Goungaye Wanfiyo as legal representative	56
Victims that have not chosen a legal representative	27

The Registry proposes to make fuller recommendations to the Chamber regarding the organisation of common legal representation in accordance with Rule 90 of the Rules of Procedure and Evidence in the near future. In the meantime, an issue requiring determination is the appointment of legal representatives in the interim period regarding victims who do not currently have a legal representative, as well as those that were formerly represented by Maître Goungaye.

As regards the victims who are currently unrepresented, the Registry would recommend that the Chamber appoint the OPCV to represent their interests until such time as they

chosen by the victims be chosen as common legal representative to represent all the victims. While the consultation process was ongoing, Maître Goungaye Wanfiyo died.

³² ICC-01/05-01/08 of 5 January 2009.

choose a legal representative or an order on common legal representation is made, as has been the practice of other Chambers.³³

As regards the applicants formerly represented by Maitre Goungaye, there would appear to be two main options. The first would be to appoint the common legal representative appointed by the Pre-Trial Chamber III, Maître Marie Edith Douzima, taking into account the fact that Maître Douzima is currently the only lawyer from the Central African Republic registered on the List of Counsel maintained by the Registry, as well as the fact that she represented the victims in this category who had already submitted their applications in time, at the confirmation of charges hearing. The other option would be for the Chamber to appoint the Office of the Public Counsel for Victims until the victims choose a lawyer or a decision on common legal representation is made. In this regard, the Registry would raise on the one hand, the interest of avoiding as far as possible a situation where victims are forced to change their legal representative, and at the same time the interests of establishing a framework for common legal representation in the case as early as possible in order to allow sufficient time for preparation. In light of these considerations, the Registry proposes to submit recommendations on common legal representation as soon as possible, taking into account the fact that the VPRS now has field staff based in Bangui that could assist in consulting with the victims. The VPRS Field Assistant is currently endeavouring to establish the position as regards the law office of Maitre Goungaye and his former clients. The Registry would recommend that while the situation is being clarified, those victims who had been represented by Maître Douzima during the confirmation of charges hearing should continue to be represented by her, while a decision as regards the others could be deferred pending clarification of the situation.

6. Applications for reparations

Two applications for reparation have been received to date, and the Registry expects that others may be received prior to the commencement of the trial. In any event, any applications for reparations received prior to the commencement of the trial will be transmitted to the defence in accordance with Rule 94.2 of the RPE.

³³ ICC-01/04-423-Corr, ICC-01/04-505; ICC-01/04-374-tFRA-Corr; ICC-01/04-01/06-1211-tFRA et ICC-01/05-01/08-103

7. Matters on which the Registry would appreciate guidance from the Chamber


The Registry would be grateful to receive guidance from the Chamber on the following matters:

- (a) Does the Chamber wish the Registry to file only applications that appear to be directly linked with the charges confirmed against the Accused and, if not, on what basis should applications be filed?
- (b) Any other steps the Chamber would like the Registry to now take in relation to applications received that do not appear to be linked to the Bemba case. For instance, would the Chamber like these applications to be filed with the Chamber or, alternatively, for the Registry to provide summarised information regarding these applications.³⁴
- (c) Whether the Chamber proposes to consider again the applications for participation already decided upon by Pre-Trial Chamber II (whether those accepted, rejected or pending). If in the affirmative, would the Chamber like the Registry to file those applications again with the Chamber, together with reports under regulation 86 paragraph 5.
- (d) As the Trial approaches, the Chamber may wish to establish a deadline for submission of applications to participate in the opening of the trial, taking into account the time required for processing the applications, for observations to be made by the parties, and for consideration of the applications by the Chambers.
- (e) Whether the Registry should file only complete applications, or whether to file all applications upon receipt, even if incomplete. In this regard the Registry notes its recommendation made above that filing only complete applications has benefits as regards efficiency³⁵.
- (f) Does the Chamber wish to change the criteria established by Pre-Trial Chamber III as regards what constitutes a complete application?

³⁴ See in this regard, ICC-01/04-01/07-933, paras. 24 and 26.

³⁵ See Note 34 *ibid*

- (g) As indicated in this report, the Registry is in a position to file in the near future the nearly 100 applications for participation that have been received to date, but expects to receive further applications in the coming weeks. The Registry would appreciate the guidance of the Chamber as to whether it would prefer to receive at this point all applications received to date, and then further applications at a later date up to any deadline that might be set by the Chamber for the start of the trial, or whether it would prefer to receive all applications at once, once any deadline has expired.
- (h) In light of the recommendations made in this report as regards protection, the Registry would be grateful for guidance as to whether the Chamber would like the Registry to prepare redacted versions of the applications for transmission to the parties and, if in the affirmative, according to which guidelines.
- (i) As regards legal representation, should the Registry appoint the OPCV to represent victims who do not currently have a legal representative, until such time as a common legal representative is appointed or whether the Chamber has any other particular instructions as regards legal representation at this point? In this regard, the Registry draws to the Chamber's attention the efforts it is making to establish the position as regards victims formerly represented by Maitre Goungaye, deceased, on which it hopes to receive clarification in the near future. The Registry also notes that it will aim to make recommendations to the Chamber regarding common legal representation as early as possible, based on the experience of the other two trials to date as well as the particularities of this case.



Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, Registrar

Dated this 5 April 2018

At The Hague, The Netherlands