



Original: **English**

No.: ICC-01/05-01/08

Date: 6 April 2018

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 Document

**With Confidential *EX PARTE* Annexes, only available to the Registry and the
Office of Public Counsel for Victims**

**Public redacted version of "Report of the Registry drawing to the Chamber's
attention an issue regarding an application for participation in the proceedings",
dated 14 October 2010 and registered on 15 October 2010,**

ICC-01/05-01/08-953-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**

Ms Paolina Massidda

**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

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

NOTING the Trial Chamber’s “Decision setting a time-limit for the submission of new victims’ applications for participation” (“7 September 2010 Decision”);¹

NOTING Rule 89(1) of the Rules of Procedure and Evidence and Regulations 23 *bis*, 24*bis*, 86(4) and (5) of the Regulations of the Court;

CONSIDERING that the Registry has the responsibility to present applications for participation in the proceedings to Trial Chamber III (the “Chamber”), together with any additional information obtained in relation to those applications;

CONSIDERING that to date the Registry has filed with the Chamber six groups of applications to participate in the proceedings together with a report thereon, and is continuing to process and file on a weekly basis applications received before the time limit for submission of new victims’ applications for participation established by the Chamber;

CONSIDERING that the Registry has received information concerning an application for participation which has not yet been submitted to the Chamber, and which could potentially have implications concerning other applications for participation;

CONSIDERING that the Registry believes it is necessary for the proper discharge of its functions to draw this information to the Chamber’s attention;

CONSIDERING in light of the above that it is necessary that further inquiries are carried out to ensure that the issue which is the object of the present submission does not affect applications to be transmitted or has not affected applications already transmitted to the Chamber, parties and participants;

¹ ICC-01/05-01/08-875.

CONSIDERING therefore, that until any further information is provided to the Chamber about this sensitive issue and with a view to avoid a notification to the parties and participants which at this stage would trigger observations by the parties that may potentially delay the ongoing process of transmission of applications, the present submission is filed as confidential *ex parte* only available to the Registry;

TRANSMITS the following report to the Chamber:

Information received

1. On [REDACTED] 2010 applicant [REDACTED] came to [REDACTED] in order to obtain information regarding the status of his application.
2. During the discussion with the applicant, it became clear to the VPRS staff that he had not been a victim of the crimes described in his application for participation, completed in [REDACTED] 2010 and received by the Court in [REDACTED] 2010.² In his application, it is alleged that he was a victim of pillage and murder in [REDACTED]. However, the applicant explained to the VPRS that he had been a victim of pillage in [REDACTED].³
3. Responding to questions from the VPRS, the applicant explained that he had been assisted by [REDACTED] to fill in his application. He alleged that [REDACTED] was writing in the form while

² See annex 1

³ See Declaration, annex 2.

putting questions to him. This is confirmed by the information provided in the form, where it is indicated, in Section I, that [REDACTED] assisted the applicant to complete the form.

4. [REDACTED]

5. A declaration made by the applicant at the meeting on [REDACTED] 2010 is attached,⁴ as well as a report by the VPRS staff members who conducted the meeting,⁵ and a document establishing the identity of the applicant.⁶

Analysis of the information

6. The statement made by the applicant shows that it is possible that the person who assisted him to fill in the form, [REDACTED], provided false information in the application in order to give the applicant a chance to be accepted to participate in the ICC proceedings relating to the present case.⁷

7. The Registry believes that the receipt of this information could potentially cast doubt on the accuracy of information provided by all the applicants assisted by [REDACTED], as it raises suspicions of fraud by this individual that might be corroborated by other information.

⁴ See annex 2.

⁵ See annex 3.

⁶ See annex 4.

⁷ The same person assisted the wife of applicant a/1283/10, who is applicant a/1284/10, to fill in an application in which another place and date is indicated for the crimes alleged.

Preliminary steps undertaken

8. Preliminary steps taken by the Registry immediately following the meeting with the applicant on [REDACTED] 2010 and other information received around the same time has given the Registry cause for concern regarding the ethical behavior of this person. [REDACTED].

9. The Registry notes that the vast majority of applications in which [REDACTED] assisted the applicants, including [REDACTED], were received by the VPRS from the Office of Public Counsel for Victims (the "OPCV"), [REDACTED].

Additional steps undertaken

10. Since the information received raises suspicions as to the accuracy of information provided by all the applicants assisted by [REDACTED], the VPRS took immediate steps to identify in which applications he was involved as the person assisting applicants to fill in the application form.

11. This reveals the following:
 - a. Of the applications relating to which VPRS has done at least a preliminary processing, approximately 326 applicants have been

assisted by this individual to complete their applications, which were received by VPRS starting from February 2010;

- b. [REDACTED];

- c. Of these, 131 have already been filed (39 in the group of 192 filed on 14 June 2010,⁸ 59 in the group transmitted on 24 September 2010⁹ and 33 in the group transmitted on 1 October 2010¹⁰), and the remaining 195 are among those still to be filed. This breakdown is shown in the annexed table.¹¹ There are a further 338 applications received before the time limit of 15 September 2010 in relation to which VPRS is in the process of undertaking registration and processing, and among those it is possible that there may be a further number, in particular among the 74 received from OPCV;
- d. The Registry does not believe that any applications where the applicant was assisted by this person have already been accepted to participate in the proceedings;¹²
- e. The vast majority of the applicants assisted by this individual were received by the VPRS from the OPCV. A smaller number were received directly by the VPRS in the Field Office.

⁸ ICC-01/05-01/08-796-Conf-Exp+Conf-Exp-Anxs

⁹ ICC-01/05-01/08-900+Conf-Exp-Anxs

¹⁰ ICC-01/05-01/08-913+Conf-Exp-Anxs

¹¹ See annex 5.

¹² [REDACTED]

12. In addition, the Registry held back from last week's two filings, any applications that involved [REDACTED].

Recommendations

13. The Registry believes that further inquiries into the issue are necessary in order to establish whether the provision of inaccurate information in application [REDACTED] is an isolated incident, or whether the accuracy of the information provided in other applications in which this individual has been involved is in question.

14. As noted above, the Registry has not filed any applications in which this individual has been involved since receiving the information contained in this filing. However, the Registry intends to file applications in this category in its future filings of applications, unless otherwise instructed by the Chamber.

15. The Registry believes that the following steps could be undertaken:

- a. Questions could be put to the OPCV as it was aware of some of the concerns relating to the intermediary in order to know whether they have additional information with regards to the issue of possible fraud by this particular individual and if they have verified the statements made by applicants in the applications that were presented to the Registry by them;¹³
- b. An interview could be arranged with [REDACTED] with regards to the issues raised in this report;¹⁴
- c. The VPRS could try to contact some or all of the applicants who have been assisted by him, in order to verify their statements. Given the number of applicants involved, if contact were to be made with all

¹³ [REDACTED].

¹⁴ [REDACTED].

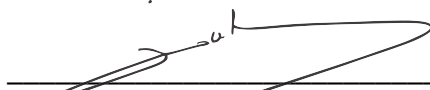
applicants, this could potentially take a significant amount of time which could also be used by the applicants to fill in the relevant part of the application form for reparation.

16. The Registry remains at the disposal of the Chamber to assist with regards to these questions and will await instructions from the Chamber.

17. The following documents are annexed to the present submission:

- Annex 1: Application for participation [REDACTED] dated [REDACTED]
- Annex 2: Declaration from applicant [REDACTED] dated [REDACTED]
- Annex 3: VPRS report on the meeting with applicant [REDACTED] of [REDACTED]
- Annex 4: Professional card of applicant [REDACTED] received [REDACTED]
- Annex 5: Table showing the applications of applicants assisted by [REDACTED]

RESPECTFULLY SUBMITTED,



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

Dated this 6 April 2018

At The Hague, The Netherlands