



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 1, 2, 4 and 5 only available to the Registry,
Public redacted versions of Annexes 1 and 2, and Public Annex 3**

**Public redacted version of "Twenty-fourth report to Trial Chamber III on
applications to participate in the proceedings", 5 April 2012, ICC-01/05-01/08-2187-
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

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

NOTING Trial Chamber III’s (“Chamber”) decisions on applications by victims to participate in the proceedings issued on 22 February 2010 (“22 February 2010 Decision”),¹ 30 June 2010,² 18 November 2010,³ 23 December 2010,⁴ 8 July 2011,⁵ 25 October 2011,⁶ 15 December 2011⁷ and 9 March 2012;⁸

NOTING the memorandum of the Presiding Judge dated 16 September 2010 which required the Registry to provide the Chamber with reports which, for each application, summarise the alleged facts and harm suffered as well as providing a *prima facie* assessment of the application’s compliance with the requirements of rule 85 of the Rules of Procedure and Evidence;⁹

NOTING the Registry's "Report on issues concerning intermediaries' involvement in completion of applications for participation" dated 3 June 2011;¹⁰

NOTING the Chamber’s Corrigendum of Decision issued on 21 July 2011, deferring its decision on 70 applications until further information is submitted;¹¹

NOTING the Chamber's Decision issued on 11 July 2011, ordering the VPRS to contact the 70 applicants assisted by “Intermediary 2” and included in the Ninth Transmission in order to verify the accuracy of the information contained in their applications, to file a report with the Chamber on the results of its inquiry, and to file or re-file in the record of the case the original applications of re-interviewed

¹ ICC-01/05-01/08-699.

² ICC-01/05-01/08-807.

³ ICC-01/05-01/08-1017.

⁴ ICC-01/05-01/08-1091.

⁵ ICC-01/05-01/08-1590.

⁶ ICC-01/05-01/08-1862.

⁷ ICC-01/05-01/08-2011.

⁸ ICC-01/05-01/08-2162.

⁹ Memorandum dated 16 September 2010 from the Presiding Judge to the Director, Division of Court Services (“DCS”).

¹⁰ ICC-01/05-01/08-1478-Conf.

¹¹ ICC-01/05-01/08-1590.

applicants together with any supplementary information collected during the inquiry process , as well as a consolidated individual assessment report (the "Decision of 11 July");¹²

NOTING the Chamber's instruction, conveyed by email on 1 March 2012 (the "Instructions of 1 March") that the VPRS re-interviews those applicants whose applications to participate were filled in with the assistance of Intermediary 2 and who were referred to in an internal Memorandum sent to the Chamber by the Registry on 31 January 2012,¹³ and that the Registry transmits the said applications completed with additional statements collected by the Victims Participation and Reparations Section (the "VPRS") by 5 April 2012;¹⁴

NOTING the Chamber's instruction, conveyed in the same email of 1 March 2012, that no supplementary information that would complete applications submitted before 16 September 2012 should be collected after 6 March 2012;¹⁵

NOTING the Chamber's instruction, conveyed by email on 15 March 2012, that the Registry transmits by 5 April 2012 applications completed with supplementary information received in the field on 6 March 2012;¹⁶

NOTING article 68(3) of the Rome Statute, rule 89(1) of the Rules of Procedure and Evidence and regulations 23 *bis*, 24 *bis* (2) and 86 (4), (5) and (7) of the Regulations of the Court;

CONSIDERING that, following the Chamber's instructions given on 1 March, the VPRS staff conducted a mission in Bangui from [REDACTED] 2012 (the "Mission").

¹² ICC-01/05-01/08-1593-Conf.

¹³ Memorandum sent on 31 January 2012 from ALO, VPRS to ALO, Trial Division (VPRS-A-2012-011).

¹⁴ Email of 1 March 2012, from Assistant Legal Officer ("ALO"), Trial Division, to Assistant Legal Officer ("ALO"), DCS.

¹⁵ *Idem*.

¹⁶ Email of 15 March 2012, from ALO, Trial Division, to ALO, DCS.

In the course of this mission, they met with 62¹⁷ of the 91¹⁸ applicants to collect additional statements on their applications for participation;

CONSIDERING that among these 62 concerned applicants, one¹⁹ expressed her wish to withdraw her application and provided a declaration to that effect, and one²⁰ was assessed as not linked with the case;

CONSIDERING that supplementary information for another 12 applications submitted before 16 September 2011 was received in the field on 6 March 2012;

CONSIDERING that a total of 72 applications submitted have now been processed and redacted in accordance with the guidelines established by the Chamber;²¹

TRANSMITS to the Chamber the following report on 72 applications for participation in the proceedings.

A. Background and content of this report

1. The present report covers 72 applications by natural persons to participate in the proceedings.
2. The 72 applications have been filed with the Chamber. The present report serves to transmit to the Chamber the reports which are required by regulation 86(5) of the Regulations of the Court as further elaborated by the memorandum of the Presiding Judge dated 16 September 2010.

¹⁷ The VPRS notes that its Field Officer in Bangui had begun interviewing applicants on [REDACTED] 2012, and that one more interview was conducted on [REDACTED] 2012.

¹⁸ The 91 applicants were either concerned by the Decision of 11 July (18 applicants), but had not been met in the context of the previous mission, or by the Instructions of 1 March (73 applicants).

¹⁹ [REDACTED].

²⁰ [REDACTED].

²¹ ICC-01/05-01/08-699, paragraph 33.

3. The Registry brings to the attention of the Chamber the fact that this report covers two types of applications to participate.
4. Twelve of the 72 applications covered in this report were submitted to the VPRS before the deadline of 16 September 2011 set by the Chamber to submit new applications to participate in the case,²² and supplementary information that complete these applications were received by the VPRS field office on 6 March 2012.²³
5. Of those twelve applications covered in this report, two applications²⁴ have been filed previously,²⁵ and were rejected.²⁶ Following the Chamber's instructions in its 22 February 2010 Decision,²⁷ the Registry is transmitting these applications for reconsideration by the Chamber in light of information received subsequently to the above mentioned decision.
6. Sixty²⁸ of the 72 applications covered in this report are applications that were filled in with the assistance of Intermediary 2²⁹ that have been completed with

²² ICC-01/05-01/08-1590

²³ As conveyed in an email sent on 9 March 2012 by ALO, DCS to ALO, Trial Division, in its 23rd transmission the VPRS was not in a position to transmit to the Chamber, Parties and Victim's Legal Representatives a certain number of applications for which supplementary information was received in the field on 6 March 2012, because the said information had not been received at the headquarters in time for the transmission. On 15 March 2012, The Chamber instructed the Registry to transmit these applications in its 24th transmission. The Registry informs the Chamber that on 7 March 2012 the VPRS received supplementary information for two additional applications received before 16 September 2011 (applications [REDACTED]). Pursuant to the Chamber's instruction and unless otherwise instructed, the Registry will not transmit said applications as the supplementary information to complete this applications were received after the deadline set by the Chamber.

²⁴ [REDACTED].

²⁵ ICC-01/05-01/08-1806 and ICC-01/05-01/08-1604

²⁶ ICC-01/05-01/08-2011 and ICC-01/05-01/08-1862. In relation to application [REDACTED], the Chamber considered that the applicant did not provide a precise date for the alleged events but merely claims that he returned in April 2003. Given that the applicant only returned when the Banyamulengués had already left, the Chamber was not in a position to determine whether his belongings were pillaged by the Banyamulengués. In relation to application [REDACTED], the Chamber noted that the applicant first stated that the Banyamulengués pillaged his belongings and set his house on fire while he later claimed that his house was entirely burned down with all his belongings. The Chamber was of the view that this inconsistency undermined the credibility of the applicant.

²⁷ ICC-01/05-01/08-699, para. 20.

²⁸ 10 of the 60 applications have previously been transmitted to the Chamber and Parties. In accordance with the Chamber's Decision of 11 July, these applications are now transmitted again

additional statements collected by the VPRS in accordance with the instructions of the Chamber.³⁰ A report on the results of the Mission is included in annex 1 of the current report.

7. This report provides an overview of the applications transmitted, while the following documents are provided as annexes:

- **Annex 1:** Report on the VPRS mission held in Bangui from 14 to 29 March 2012;
- **Annex 2:** Explanation of the contents of the individual assessment reports which constitute Annex 4;
- **Annex 3:** Map showing the geographical areas used to group applications;
- **Annex 4 :** Reports under regulation 86(5), providing the Registry's assessment of each application (as explained in Annex 2);
- **Annex 5:** Index showing applications filed with this report per geographical area A to D.

8. As described in its previous reports,³¹ the Registry has categorized applications according to the geographical locations at which crimes are alleged by the applicants to have been committed.³² These groupings are explained in Annex 2 and shown on the map in Annex 3. The applications which are the subject of this report fall within all four groups, but in order to facilitate the Chamber's consideration, an Index is provided as Annex 5. This annex divides the applications according to their groups

along with supplementary information collected during the Mission (ICC-01/05-01/08-1593-Conf., para. 37 e).

²⁹ See Annex 1, para. 1.

³⁰ Email of 1 March 2012 from ALO, Trial Division to ALO, DCS.

³¹ For example, the Registry's Report on applications to participate in the proceedings, ICC-01/05-01/08-653-Conf-Exp, paragraph 8 ; Second report to Trial Chamber III on applications to participate in the proceedings, ICC-01/05-01/08-796-Conf-Exp, paragraphs 6 to 8, and annex 2 to that report (ICC-01/05-01/08-796-Conf-Exp-Anx2).

³² As set out in Public Redacted Annex B to the "Prosecution's Submission of the Document Containing the Charges as Confirmed by the Pre-Trial Chamber filed in accordance with the Chamber's Order of 7 October 2009", ICC-01/05-01/08-593, dated 4 November 2009.

(groups A to D) based on the geographical area of the alleged events.³³ The Registry draws to the Chamber's attention the fact that it is not aware, when processing the applications, whether any applicants would fall within group E (dual status victims).³⁴ As a consequence, none of the applications has been allocated to this group.

B. *Prima facie* assessments in relation to rule 85

9. As requested by the Chamber, the Registry has, for each application covered by this report, undertaken a *prima facie* assessment of compliance with the requirements of rule 85. The reports which constitute Annex 4 show the individual results of these assessments, and the reasons for them (including whether the requirements of rule 85 are demonstrated and any legal issues which are apparent), as well as summaries of the applications.

10. For applications which are completed with additional statements collected by the VPRS, the *prima facie* assessments included in the current report take into account any new information collected during the investigation process, as well as each individual report of the interview conducted (contained in Annex 4) between the VPRS staff and the applicant during the Mission, in order to draw an overall conclusion on the application. Further details on the content of the individual assessments are provided in Annex 2, including explanations of how specific issues arising in the context of the Mission have been dealt with in the Registry's *prima facie* assessment reports.³⁵

³³The Registry notes that as regards Group D, Moundoumba and the surrounding area, some applications have been included in this group even though it is not clear whether in fact the alleged incident took place closer to Bangui or to the area of Moundoumba, which is situated to the South of Bangui. This is due to the similarity in the patterns of events alleged by these applicants.

³⁴ ICC-01/05-01/08-1012-Corr.

³⁵ For the 12 applications that were not the object of a re-interview of the applicant by the VPRS, the Registry refers the Chamber to the document usually filed as Annex 1 ("Explanation of the contents of the individual assessment reports which constitute Annex 3") to the Registry's Reports on applications for participation in the proceedings. For the 60 applications for which applicants were re-interviewed by the VPRS, Annex 2 of the current Report provides details the content of the individual assessments

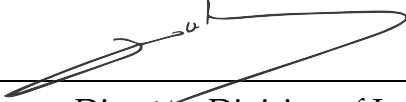
11. In relation to each application, the Registry indicates either that:

- (a) The application appears *prima facie* to comply with the requirements of rule 85; or
- (b) The application is unclear, when the Registry is not in a position to make a *prima facie* assessment without further guidance from the Chamber on specific matters that are indicated.

C. Protection

12. The Registry notes that the 72 applications which are the subject of this report have been transmitted in redacted form to the Parties in compliance with the Chamber's Order conveyed by email on 16 September 2010,³⁶ and in accordance with the guidelines on redactions provided in the 22 February 2010 Decision. The redacted applications have also been notified to the legal representatives of the respective applicants in compliance with the Chamber's Order conveyed by email on 26 August 2010.³⁷

13. At this time no further measure of protection appear to be necessary.



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

Dated this 6 April 2018

At The Hague, The Netherlands

in light of this particular exercise. In particular, part "A Report of Interview with Applicant" has been added and amendments were made to paragraphs 8 to 11, 24, 31, 44, 51, 53 and 65.

³⁶ Email of 16 September 2010 from Legal Advisor, Trial Division, to Director, DCS and Chief, VPRS.

³⁷ Email of 26 August 2012 from the Legal Officer, Trial Chamber III to the ALO, DCS.