

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No.: ICC-01/14-01/21
Date: 27 September 2022**

TRIAL CHAMBER VI

**Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez**

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Public

Order for the Reassessment of Victims Applications

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Ms Holo Makwaia

Counsel for the Defence

Ms Jennifer Naouri
Mr Dov Jacobs

Legal Representatives of Victims

Ms Sarah Pellet

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**The Office of Public Counsel
for Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Mr Philipp Ambach

Other

TRIAL CHAMBER VI of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64(2) and 68(3) of the Rome Statute (the ‘Statute’), rules 85 and 89 of the Rules of Procedure and Evidence (the ‘Rules’), issues this Order for the Reassessment of Victims Applications (‘Order’).

I. PROCEDURAL HISTORY

1. On 13 April 2022, the Chamber issued its ‘Decision on matters relating to the participation of victims during the trial’,¹ *inter alia*, adopting an amended version of the A-B-C Approach, whereby the Registry classifies victims applications for participation into three categories: applicants who clearly qualify as victims (Group A); applicants who clearly do not qualify (Group B); and, applicants whose applications could not be clearly determined (Group C).²

2. On 6 May 2022, the Registry submitted its first assessment report (‘First Report’),³ on 20 applications classified as Group A and three applications classified as Group C.

3. On 27 May 2022, the Chamber issued its ‘Decision authorising 20 victims to participate in the proceedings’ (‘First Decision’), in which it authorised to participate in the proceedings all 20 applicants classified as Group A in the First Report.⁴

4. On 13 July 2022, the Registry submitted its second assessment report (‘Second Report’),⁵ on 14 applications classified as Group A and five applications classified as Group C.

¹ Decision on matters relating to the participation of victims during the trial, [ICC-01/14-01/21-278](#) (‘Decision on matters related to participation’).

² Decision on matters related to participation, [ICC-01/14-01/21-278](#), paras 10, 16, and disposition.

³ First Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, [ICC-01/14-01/21-297](#).

⁴ Decision authorising 20 victims to participate in the proceeding, [ICC-01/14-01/21-331](#) (‘First Decision’), disposition.

⁵ Second Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, ICC-01/14-01/21-405-Conf, public redacted version filed on the same day, [ICC-01/14-01/21-405-Red](#).

5. On 12 September 2022, the Registry submitted its third assessment report ('Third Report'),⁶ on three applications classified as Group A.

II. ANALYSIS

6. As noted in the First Decision, when analysing the victims' applications the assessment is directed at determining whether a person qualify as a victim of the crimes charged in this case.⁷ Key to that assessment is determining, *inter alia*, whether the events described in the victims' application forms correspond to at least one of the alleged crimes which have been confirmed.⁸

7. The Chamber notes that, since the issuance of the First Decision, the scope of the charges against Mr Said has been further clarified. In particular, as recently ruled by the Chamber,⁹ the scope of the charged crimes in the present case is limited to the 18 specific incidents listed by the Pre-Trial Chamber in paragraph 29 of the operative part of the Decision on the Confirmation of Charges.¹⁰

8. In light of the above and considering that 'for the purposes of participation in the trial proceedings, the harm alleged by a victim and the concept of personal interests under article 68 (3) of the Statute must be linked with the charges confirmed against the accused',¹¹ the Chamber deems it necessary for the Registry to reassess all applications that it had previously classified as Group A, including those authorised to participate in the First Decision. The Registry should therefore ensure that the events described in all victims' application forms classified as Group A correspond to at least one of the specific 18 incidents listed by the Pre-Trial Chamber in paragraph 29 of the operative part of the Decision on the Confirmation of Charges.

⁶ Third Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, [ICC-01/14-01/21-478](#).

⁷ First Decision, [ICC-01/14-01/21-331](#), paras 8,16.

⁸ First Decision, [ICC-01/14-01/21-331](#), para. 8.

⁹ Decision on the Scope of the Charges, 6 September 2022, [ICC-01/14-01/21-472](#), para. 25.

¹⁰ Pre-Trial Chamber II, Decision on the confirmation of charges against Mahamat Said Abdel Kani, 9 December 2021, [ICC-01/14-01/21-218-Red](#), para. 29.

¹¹ Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I's Decision on Victims' Participation of 18 January 2008, 11 July 2008, [ICC-01/04-01/06-1432](#), para. 65.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the Registry to reassess all victims' applications previously classified as Group A, in order to determine whether they qualify as victims of the case based on the clarified scope of the charges; and

ORDERS the Registry to submit an updated Assessment Report, within fourteen days from the notification of the present Order.

Done in both English and French, the English version being authoritative.



Judge Miatta Maria Samba
Presiding Judge



Judge María del Socorro Flores Liera



Judge Sergio Gerardo Ugalde Godínez

Dated this Tuesday, 27 September 2022

At The Hague, The Netherlands