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Date: 7 September 2023

**TRIAL CHAMBER V**

**Before:** Judge Bertram Schmitt, Presiding Judge  
Judge Péter Kovács  
Judge Chang-ho Chung

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II**

**IN THE CASE OF  
THE PROSECUTOR *v.* ALFRED YEKATOM AND PATRICE-EDOUARD  
NGAISSONA**

**Public**

**With Confidential Annex 1 and Confidential *EX PARTE* Annex 2 only available to  
the Registry**

**Twenty-Eighth Registry Assessment Report on Victim Applications for  
Participation in Trial Proceedings**

**Source: Registry**

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

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## I. Introduction

1. On 19 March 2020, Trial Chamber V ("Chamber") issued its "Order Scheduling First Status Conference" ("Scheduling Order") in which it *inter alia* endorsed the victim application procedure previously adopted by Pre-Trial Chamber II ("PTC").<sup>1</sup> During the pre-trial stage, the latter had instructed the Registry in its "Decision establishing the principles applicable to victims' applications for participation" of 5 March 2019 ("Decision")<sup>2</sup> to:
  - i. Classify victim applicants into three categories: (a) applicants who clearly qualify as victims ("Group A"); (b) applicants who clearly do not qualify as victims ("Group B"); and (c) applicants for whom the Registry could not make a clear determination for any reason ("Group C");<sup>3</sup> and
  - ii. Prepare "regular reports that list the applications for participation and classify them according to the three groups".<sup>4</sup>
  
2. The Registry hereby transmits its twenty-eighth consolidated assessment report ("Consolidated Report") on a total of 3,207 applications for participation in the trial proceedings in relation to the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* ("Applications" and "Case", respectively), which includes:

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<sup>1</sup> Trial Chamber V, "Order Scheduling First Status Conference", 19 March 2020, ICC-01/14-01/18-459, para. 8 (iv).

<sup>2</sup> Pre-Trial Chamber II, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 5 March 2019, ICC-01/14-01/18-141.

<sup>3</sup> *Id.*, para. 41 (i). In paragraph 41 (ii) of the Decision, the PTC ordered the Registry to transmit to the Chamber on a rolling basis and in unredacted form all complete applications and any supporting documentation in its possession. In paragraph 41 (iv) of the Decision the PTC also ordered the Registry to disclose to the Prosecution and the Defence all Group C applications, redacted as needed.

<sup>4</sup> *Id.*, para. 41(iii).

- A brief description of the assessment criteria applied in relation to the 1,896 applicants who clearly, in the Registry's assessment, qualify as victims falling within the scope of the Case (Group A);
  - A brief description of the assessment criteria applied in relation to the 931 applications who, in the Registry's assessment, clearly fall outside of the scope of the Case (Group B).
3. The applications falling in Group A and Group B are listed in annex 1 to the present submission ("Annex 1") and are being transmitted separately to the Chamber, in accordance with paragraph 41(ii) of the Decision. Annex 2 to the present submission ("Annex 2") contains a brief description of the assessment criteria applied in relation to Group B applications.
  4. The Registry hereby also requests an extension of the admission and transmission timelines for victim applications to participate in the trial proceedings.

## II. Procedural History

5. On 5 March 2019, the PTC issued the Decision, setting out *inter alia* the admission procedure for victims' participation in the Case.<sup>5</sup>
6. On 21 June 2019, the PTC authorised 15 victims to participate at the confirmation hearing in the Case ("First Decision on Victims' Applications").<sup>6</sup>
7. On 13 September 2019, the PTC authorised an additional 1,070 victims to participate in the proceedings ("Second Decision on Victims' Applications").<sup>7</sup>

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<sup>5</sup> See *supra*, footnote 2.

<sup>6</sup> Pre Trial Chamber II, "Decision regarding the Registry's First Assessment Report on Applications for Victim Participation, the Registry's First Transmission of Group C Applications, the appointment of counsel for Victims of Other Crimes, and the victims' procedural position", 21 June 2019, ICC-01/14-01/18-227-Conf. A public redacted version was filed on the same day (ICC-01/14-01/18-227-Red).

<sup>7</sup> Pre Trial Chamber II, "Decision regarding the Registry's Outstanding Transmissions of Applications for Victim Participation", 13 September 2019, ICC-01/14-01/18-338.

8. On 11 December 2019, the PTC issued a decision partially confirming the charges against the accused (“Decision on the Confirmation of Charges”).<sup>8</sup>
9. On 19 March 2020, the Chamber issued its Scheduling Order, in which it *inter alia*: i) endorsed the victim application procedure set out in the Decision;<sup>9</sup> and ii) requested the Registry to provide an update and forecast on (additional) applications by victims to participate in the proceedings.<sup>10</sup>
10. On 22 May 2020, the Registry provided its update on victim participation.<sup>11</sup>
11. On 16 July 2020, the Chamber set the start of the trial on 9 February 2021 and the “end of the Prosecution’s presentation of evidence as the deadline for the transmission of victim applications by the Registry” (“16 July 2020 Decision”).<sup>12</sup> The start of the trial was later postponed to 16 February 2021.<sup>13</sup>
12. Between 19 October 2020 and 14 June 2023, the Registry transmitted 1,687 applications categorised in Group A,<sup>14</sup> 871 applications in Group B<sup>15</sup> and 43 applications categorised in Group C<sup>16</sup> together with reports thereon.<sup>17</sup>

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<sup>8</sup> Pre Trial Chamber II, “Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaissona”, 11 December 2019, ICC-01/14-01/18-403-Conf. A public redacted version was filed on 20 December 2019. A corrected public redacted version was filed on 14 May 2020 (ICC-01/14-01/18-403-Red-Corr).

<sup>9</sup> Scheduling Order, para. 8 (iv).

<sup>10</sup> *Id.*, para. 3 (I).

<sup>11</sup> Registry, “Update on Victim Applications for Participation”, 8 April 2020, ICC-01/14-01/18-470-Conf-Exp-AnxIII. A confidential redacted version was filed on the same day (ICC-01/14-01/18-470-Conf-AnxIII-Red). A public redacted version was filed on 22 May 2020 (ICC-01/14-01/18-470-AnxIII-Red2).

<sup>12</sup> Trial Chamber V, “Decision Setting the Commencement Date of the Trial”, 16 July 2020, ICC-01/14-01/18-589.

<sup>13</sup> Trial Chamber V, “Order Rescheduling the Commencement Date of the Trial”, 8 February 2021, ICC-01/14-01/18-875.

<sup>14</sup> See last Registry, “Twenty-Fourth Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings”, 14 June 2023, ICC-01/14-01/18-1921.

<sup>15</sup> See last Registry, “Fifteenth Registry Transmission of Group B Applications for Victim Participation in Trial Proceedings”, 22 December 2022, ICC-01/14-01/18-1713.

<sup>16</sup> See last Registry, “Third Registry Transmission of Group C Applications for Victim Participation in Trial Proceedings”, 27 July 2022, ICC-01/14-01/18-1529.

<sup>17</sup> See last Registry, “Twenty-Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 14 June 2023, ICC-01/14-01/18-1920.

13. Between 23 November 2020 and 24 August 2023, the Chamber issued twenty decisions on the merits of those applications.<sup>18</sup>
14. Between 1 and 29 August 2023, the Common Legal Representatives of the Victims (“CLRV”) confirmed that they agreed with the Registry’s preliminary assessment concerning the applications of their clients categorised as Group B.<sup>19</sup>

### III. Classification

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<sup>18</sup> See Trial Chamber V, “Decision on Victims’ Participation in Trial Proceedings”, 23 November 2020, ICC-01/14-01/18-738 (“23 November 2020 Decision”); “Second Decision on Victims’ Participation in Trial Proceedings (Group A)”, 11 December 2020, ICC-01/14-01/18-765; “Third Decision on Victims’ Participation in Trial Proceedings (Group A)”, 29 December 2020, ICC-01/14-01/18-798; “Fourth Decision on Victims’ Participation in Trial Proceedings (Group A)”, 29 January 2021, ICC-01/14-01/18-858; “Fifth Decision on Victims’ Participation in Trial Proceedings (Group A)”, 1 April 2021, ICC-01/14-01/18-943; “Sixth Decision on Victims’ Participation in Trial Proceedings (Groups A and B)”, 4 May 2021, ICC-01/14-01/18-980; “Seventh Decision on Victims’ Participation in Trial Proceedings (Groups A and B)”, 1 June 2021, ICC-01/14-01/18-1009; “Eighth Decision on Victims’ Participation in Trial Proceedings (Group A)”, 16 June 2021, ICC-01/14-01/18-1028; “Ninth Decision on Victims’ Participation in Trial Proceedings (Groups A and B)”, 27 July 2021, ICC-01/14-01/18-1075; “Tenth Decision on Victims’ Participation in Trial Proceedings (Groups A and B)”, 24 August 2021, ICC-01/14-01/18-1092; “Eleventh Decision on Victims’ Participation in Trial Proceedings (Group C)”, 8 September 2021, ICC-01/14-01/18-1104 (“8 September 2021 Decision”); “Twelfth Decision on Victims’ Participation in Trial Proceedings (Groups A and B)”, 29 October 2021, ICC-01/14-01/18-1153; “Thirteenth Decision on Victims’ Participation in Trial Proceedings (Groups A and B)”, 19 November 2021, ICC-01/14-01/18-1180; “Fourteenth Decision on Victims’ Participation in Trial Proceedings (Groups A and B)”, 9 February 2022, ICC-01/14-01/18-1274; “Fifteenth Decision on Victims’ Participation in Trial Proceedings (Group A)”, 5 May 2022, ICC-01/14-01/18-1391; “Sixteenth Decision on Victims’ Participation in Trial Proceedings (Group A)”, 26 July 2022, ICC-01/14-01/18-1526 (“Sixteenth Decision”); and “Seventeenth Decision on Victims’ Participation in Trial Proceedings (Groups A, B and C), 21 November 2022, ICC-01/14-01/18-1672, “Eighteenth Decision on Victims’ Participation in Trial Proceedings (Groups A and B), 20 December 2022, ICC-01/14-01/18-1708, “Nineteenth Decision on Victims’ Participation in Trial Proceedings (Groups B and C)”, 13 March 2023, ICC-01/14-01/18-1795 and “Twentieth Decision on Victims’ Participation in Trial Proceedings (Group A)”, 24 August 2023, ICC-01/14-01/18-2050.

<sup>19</sup> Emails from Me Fall to Registry on 1 August 2023 at 14:54, on 18 August 2023 at 18:26 and 18:32, and on 19 August at 17:15; emails from Me Rabesandratana to Registry on 21 August 2023 at 06:54 and 06:55, emails from Me Massidda to Registry on 18 August 2023 at 14:34, on 21 August 2023 at 13:41, and on 22 August 2023 at 09:48; email from Me Douzima to Registry on 25 August 2023 at 13:40; and email from Me Suprun to Registry on 29 August 2023 at 13:18. The Registry notes that seven additional applications not represented by any lawyer have been added to the list of Group B applications concerned by the present report and related transmission filings.

15. The annexes to the present submission are classified respectively as confidential (Annex 1) and confidential *ex parte*, only available to the Registry (Annex 2), in accordance with the Decision.<sup>20</sup>

#### IV. Applicable Law

16. The present transmission is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence (“RPE”), regulation 86 of the Regulations of the Court (“RoC”), and regulations 107 to 109 of the Regulations of the Registry. The Registry’s request for an extension of time limits is additionally based on regulations 24*bis*(1) and 35 of the RoC.

#### V. Submissions

##### A. Relevant figures and details

##### a) Number of applicants and participating victims

17. Since 27 March 2019, the Registry has received and assessed a total of 3,207 victim applications<sup>21</sup> to participate in the Case (“Total Applications Received”).

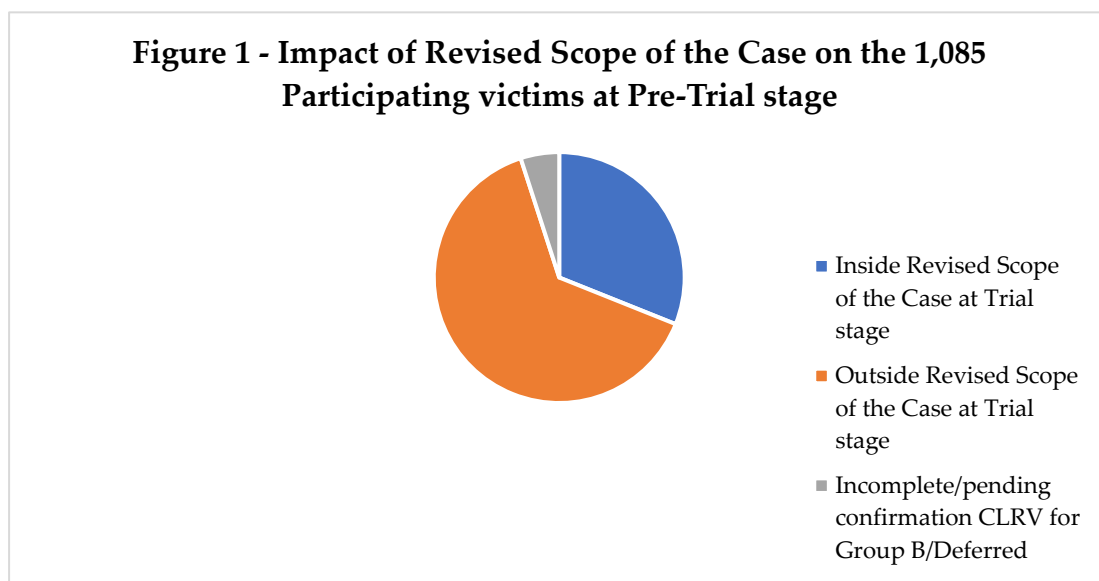
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<sup>20</sup> Decision, paras 41(iii) for the lists of applications to be addressed to the Chamber, parties and if applicable to the legal representatives of participating victims, and para. 41(vi) for the assessment reports containing the reasons for rejecting applications in Group B to be provided exclusively to the Chamber.

<sup>21</sup> The Registry notes that the Total Applications Received do not include withdrawn or duplicate applications (i.e. additional form(s) submitted by the same applicant in the same proceedings). Additionally, in order to meet the 16 July 2020 Decision’s deadline, the Registry set the internal deadline of 11 August 2023 to its interlocutors and notably to the CLRV, for the transmission of applications to the Registry (e-mail correspondence of the Registry to the CLRV of 6 July 2023 at 13:19). The Registry was able to assess all victim applications and supplementary information received until 31 August 2023. The Registry notes that the CLRV requested 96 duplications of victim applications for other family members. As of 11 May 2022, the Registry introduced a follow-up form in the application to register the request of the CLRV and clarify the name of the applicant concerned when it differs from the name indicated on the front page of the application.

*b) Revised Scope of the Case After Confirmation of Charges*

18. Of these, 1,085 were accepted to participate ahead of the confirmation of charges hearing at the pre-trial stage.<sup>22</sup> They then were reassessed under the revised scope of the Case, as established by the Decision on the Confirmation of Charges (“Revised Scope of the Case”). As a result, 337 of the 1,085 applications admitted at pre-trial were reassessed as falling within the Revised Scope of the Case,<sup>23</sup> and 694 were reassessed as adversely affected by the Revised Scope of the Case.<sup>24</sup> Two applications were deferred by the Chamber pending supplementary information.<sup>25</sup> The remaining 52 applications are presently pending confirmation by the CLRV to be transmitted as Group B Applications, or were assessed as incomplete in light of the New Scope of the Case and require supplementary information.



<sup>22</sup> See *supra*, paras. 5-6.

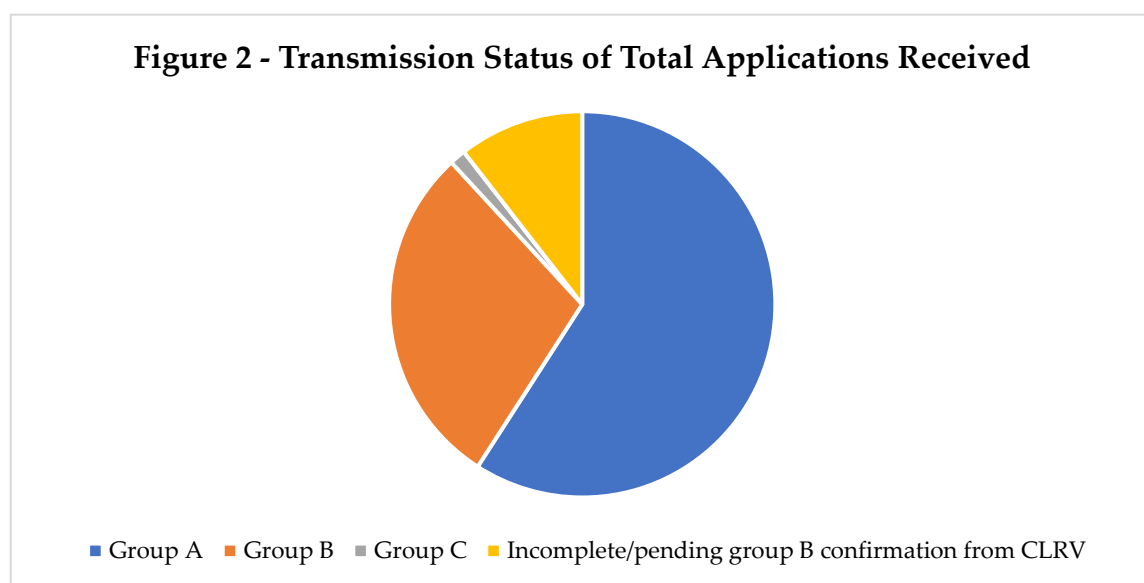
<sup>23</sup> Out of these 337 applications, 326 were already accepted to participate at trial and 11 are being transmitted separately as part of the 25<sup>th</sup> transmission of applications falling within the Group A related to this report.

<sup>24</sup> Out of these 694 applications, 673 were already rejected at trial and 21 are being transmitted separately as part of the 16<sup>th</sup> transmission of applications falling within the Group B related to this report.

<sup>25</sup> The deferred applications are a/66138/19 and a/66150/19. To date, they both are still pending the supplementary information requested by the Chamber.

*c) Transmission Status of the Total Number of Applications Received<sup>26</sup>*

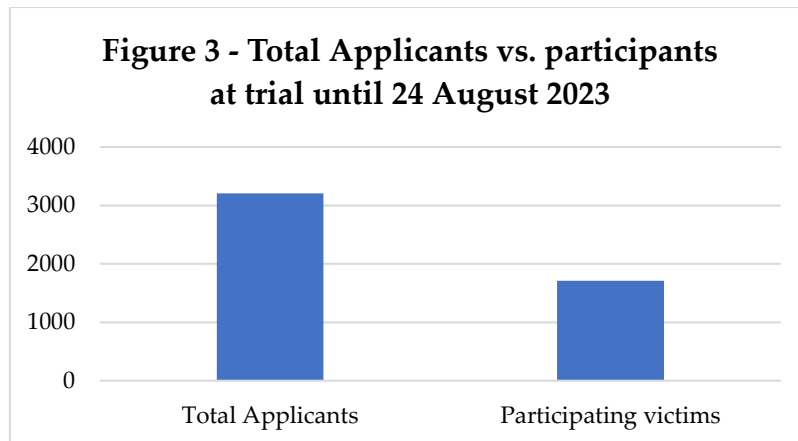
19. To date and including the present filing, among the 3,207 Total Applications Received, the Registry transmitted 2,870 applications. 1,896 applications were assessed as falling in Group A, 931 applications were assessed as falling in Group B, 43 applications were assessed as falling in Group C, and 337 applications still require final confirmation from respective legal representatives of victims that they can be transmitted by the Registry as Group B, or are pending receipt of supplementary information.



20. To date, at the trial stage, the Chamber granted victim status to 1,708 applicants and rejected 889 applications.<sup>27</sup> Four applications have been deferred pending the collection of supplementary information.

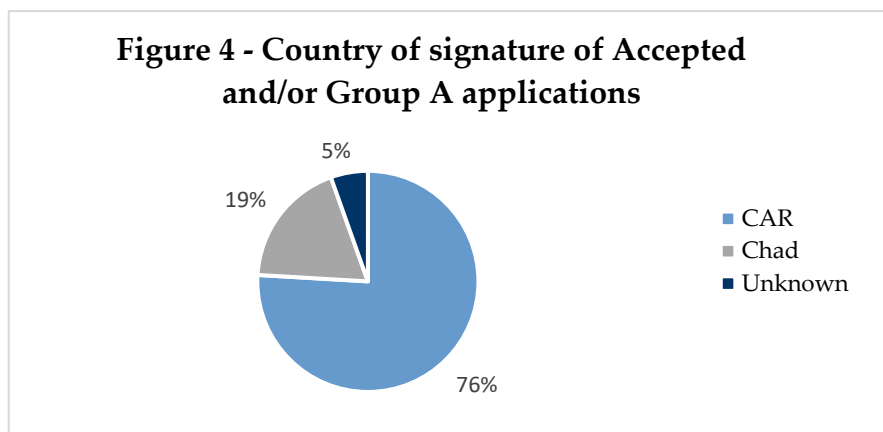
<sup>26</sup> Relevant figures include the aforementioned re-assessed applications previously admitted a pre-trial.

<sup>27</sup> To date, Registry assessments of all 1,687 Group A applications have been certified by the Chamber. Similarly, Registry assessments of all 871 Group B applications have been confirmed by the Chamber. Finally, out of the 43 Group C applications submitted by the Registry, the Chamber granted victim status to 21 applicants, while 18 applicants were denied victim status in the Case; the decision on four applicants has been deferred. The Chamber's rulings on C applications are reflected in the figures presented in para. 20.



d) Information about participating victims/group A applications

21. Among the applications that have been assessed as falling in Group A and/or accepted as participating victims,<sup>28</sup> 76% were collected in Central African Republic and 19% were collected in Chad.



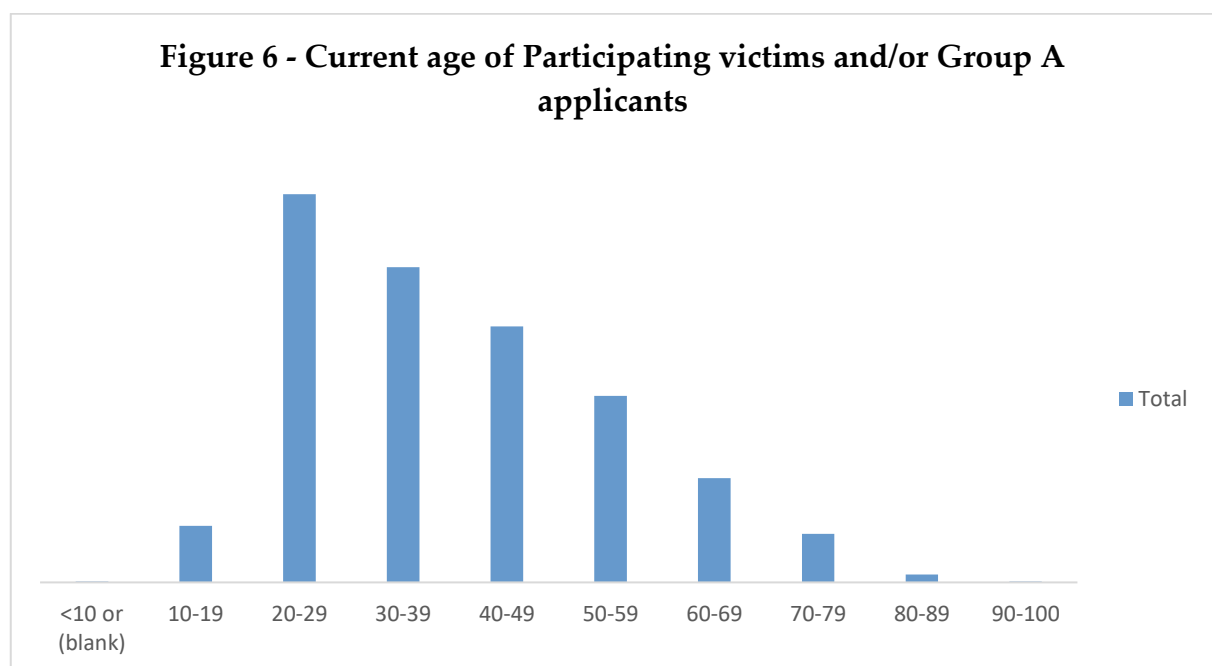
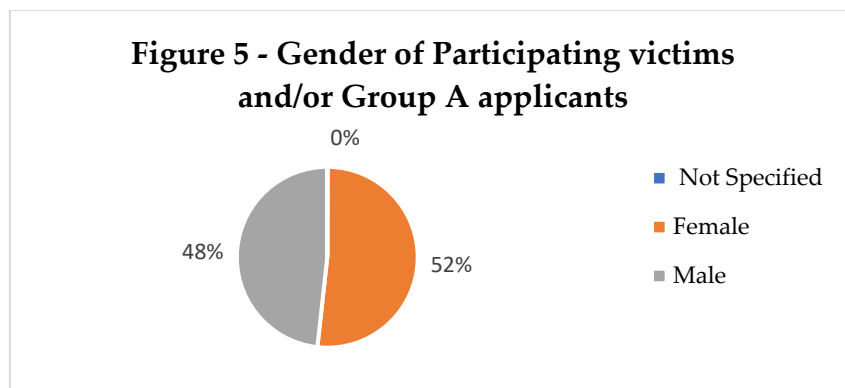
22. Among the Group A applications assessed, one was submitted by an organisation (*i.e.* mosque)<sup>29</sup> whereas the rest was received from individuals. Of the individual applicants, 991 are female, 923 are male and two do not specify their gender.<sup>30</sup> Applications received represent well the different victims'

<sup>28</sup> The figure includes the 1,708 participating victims to date as well as the 209 Group A applications transmitted in the present report. If the Chamber were to certify the Registry's current assessment, the total of certified Group A application would amount to 1,917.

<sup>29</sup> The application is a/66256/19.

<sup>30</sup> The Registry notes that the standard victim application form approved for the Case contains only tick boxes for female and male genders. It does not provide tick boxes for other genders.

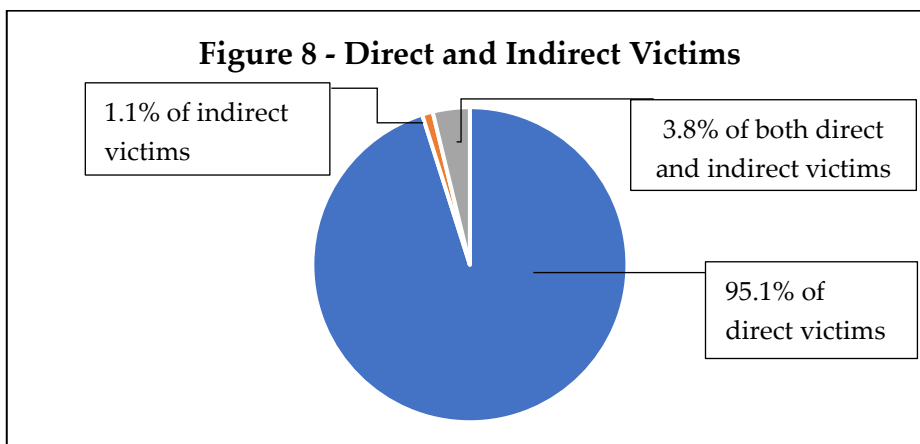
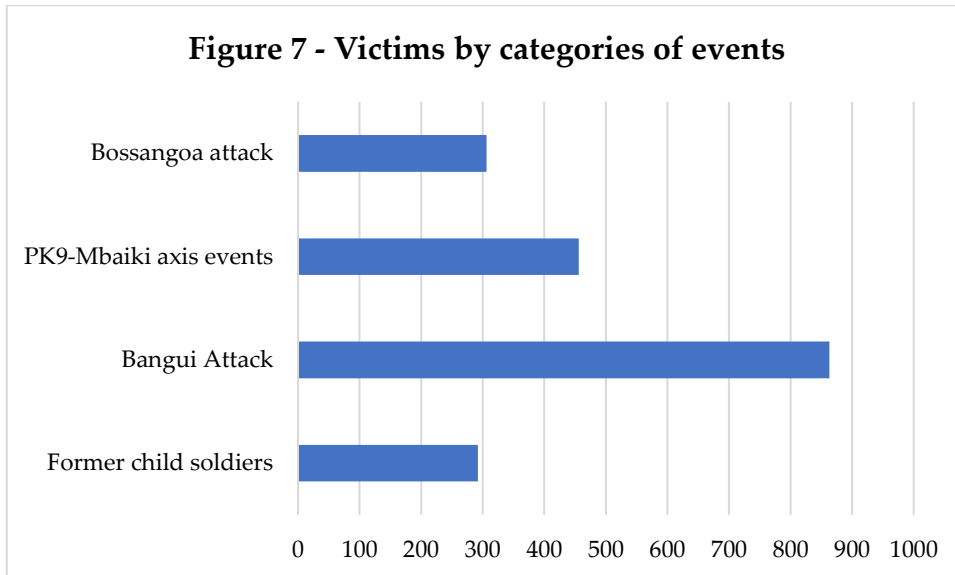
groups' age spectrum, except for those currently between 10 to 19 years, for which fewer applications were collected than prevalent in all other age segments.<sup>31</sup> Furthermore, the Registry notes that the average life expectancy for the CAR population is currently at the age of 53 years for both women and men,<sup>32</sup> which many participating victims have already reached.

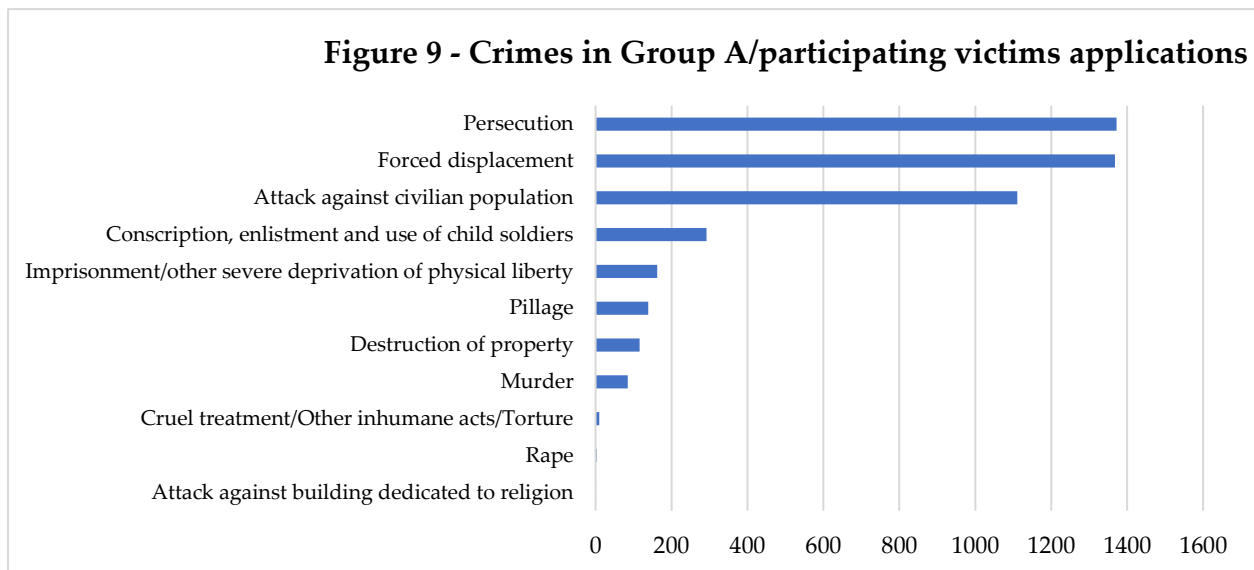


<sup>31</sup> According to World Health Organisation (“WHO”) statistics, the group age 10-19 represented 26,7% of the CAR population in 2020. See WHO, « *Central African Republic [Country overview]* », at: [Central African Republic \(who.int\)](https://www.who.int/country-profile/central-african-republic). The low number of participating victims in the 10-19 year age segment compared to the subsequent segments can be explained by the lack of understanding of victims in affected areas that children retain a separate right to participation and/or reparations before the Court. Registry efforts are focusing on clarifying this point with affected communities.

<sup>32</sup> See “The World Bank in Central African Republic - Overview.”, at: [Central African Republic Overview: Development news, research, data | World Bank](https://www.worldbank.org/en/country/central-african-republic/overview).

23. Among the 1,917 applications that have been assessed as falling in Group A and/or accepted as participating victims, 292 are former child soldiers, 863 are victims of the Bangui Attack, 456 are victims of the PK9-Mbaiki events, and 306 are victims of the Bossangoa attack.





e) Details on the Assessment Criteria and List of Applications Falling within Group A

24. Applying the criteria set out in paragraph 31 of the Decision, the Registry has assessed each of the 209 Applications presently transmitted under Group A as complete.<sup>33</sup> In conducting its assessment in accordance with paragraph 38 of the Decision, the Registry confirms that each of the 1,896 total applicants whose applications have been or are being transmitted in Group A have met *prima facie* the following criteria:

- i. Her or his identity as a natural person is established;<sup>34</sup>

<sup>33</sup> 11 victims included in the twenty-fifth transmission of Group A Applications were admitted at pre-trial stage: a/65078/19, a/65095/19, a/65096/19, a/65112/19, a/65198/19, a/65744/19, a/66045/19, a/66215/19, a/66219/19, a/66246/19 and a/66248/19. The Registry has reviewed said applications (five were consolidated with supplementary information after the confirmation of charges stage) and concluded that the crimes suffered by these victims remained within the scope of the Case following the Decision on the Confirmation of Charges.

<sup>34</sup> Decision, paras. 31-34. Certain applications have been submitted by minors, applying on their own behalf (a/65198/19 and a/70078/22). The Registry only listed the relevant applications included in the Twenty-fifth Transmission of Group A Applications. For these applications, the VPRS has assessed the maturity of the applicant based on the information contained in the form in accordance with the Chamber's instruction (email from Chamber to VPRS, 30 July 2020 at 17:29). This includes personal information such as current occupation, marital status, number of children and dependants contained in page three of the form (which is not included in the version of the form transmitted to the Chamber). The VPRS also took into consideration the fact that the applicants have turned 18 since the time of the submission of their Application.

- ii. She or he has suffered harm;
- iii. The harm suffered is a result of an incident falling within the temporal, geographic and material scope of the Case.<sup>35</sup>

*Observations in relation to criterion (i)*

25. Certain Applications<sup>36</sup> falling under Group A contain minor discrepancies, pertaining to *inter alia*: the date of birth of the applicant or the person acting on her/his behalf (“PAB”); an inversion of the applicant’s first and last name; the spelling of the applicant or the PAB’s name; or other minor inconsistencies in the information provided which appear to be the result of inadvertent errors. In these cases, the Registry took note of the PTC’s instruction – as endorsed by the Chamber<sup>37</sup> – that “a certain degree of flexibility must be shown”<sup>38</sup> and considered in the present assessment that the discrepancies presented in these applications “do not call into question the overall credibility of the information provided by the applicant [...]”.<sup>39</sup>

26. One Application<sup>40</sup> has been submitted on behalf of a deceased person. In accordance with paragraph 36 of the Decision, the Registry submits that the

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<sup>35</sup> *Id.*, para. 37.

<sup>36</sup> The applications with minor discrepancies include: a/65011/19, a/65078/19, a/65096/19, a/65112/19, a/65744/19, a/66244/19, a/15105/20, a/15106/20, a/15132/20, a/15155/20, a/20001/21, a/20013/21, a/20018/21, a/20094/21, a/20187/21, a/20296/21, a/20372/21, a/20404/21, a/20406/21, a/20414/21, a/20417/21, a/20418/21, a/20424/21, a/20449/21, a/20450/21, a/20455/21, a/20457/21, a/70531/22, a/70050/22, a/71222/22, a/71223/22, a/71224/22, a/40676/23, a/40580/23, a/40691/23, a/40692/23, a/40693/23, a/40694/23, a/40863/23, a/40865/23, a/40542/23, a/40580/23, a/40594/23, a/40553/23, a/40639/23, a/40685/23, a/40691/23, a/40692/23, a/40693/23, a/40694/23, a/40597/23, a/40857/23, a/40858/23, a/40859/23, a/40861/23, a/40863/23, a/40865/23, a/40871/23, a/40874/23, a/40879/23, a/40881/23, a/40884/23, a/40886/23, a/40888/23, a/40890/23, a/40891/23, a/40894/23, a/40899/23, a/40902/23, a/40905/23, a/40919/23, a/70592/22, a/40854/23, a/40860/23 and a/40866/23. The Registry only listed the relevant applications included in the Twenty-fifth Transmission of Group A Applications.

<sup>37</sup> Scheduling Order, para. 8 (iv).

<sup>38</sup> Decision, para. 34.

<sup>39</sup> *Ibid.*

<sup>40</sup> Application a/65018/19. The Registry only listed the relevant application included in the Twenty-fifth Transmission of Group A Applications.

rights of a deceased victim may be “exercised by their successors during the proceedings, if these successors are victims recognized as participants in the proceedings [...]”<sup>41</sup> The relevant application is thus transmitted as Group A.

27. Some applicants have submitted as identification document a card delivered by relevant camp management agencies following a registration process (“Registration card”) as well as identification documents cards delivered by non-governmental organisations in the context of assistance programmes (“Entitlement cards”).<sup>42</sup> The Registry has previously obtained<sup>43</sup> the PTC’s approval to consider such document as sufficiently establishing the identity of applicants in the Case; this has been also presently applied in accordance with paragraph 25 of the Decision.

*Observations in relation to criterion (iii)*

28. In identifying the crimes falling within the scope of the Case, the Registry looks solely at the alleged acts and – save in the case of alleged persecution – does

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<sup>41</sup> Decision, para. 36: “[T]he applicant must provide sufficient information on: (i) the identity of the deceased person, (ii) the identity of the successor, (iii) the kinship between the successor”. The person acting of behalf (‘PAB’) of applicant a/65018/19 is applicant a/66245/19 whose application is transmitted as a Group A application in the Twenty-fifth Transmission of Group A Applications.

<sup>42</sup> The Registry found that in many instances displaced applicants and/or persons acting on their behalf had lost their identification document and had difficulties to access local authorities. However, they often possessed cards delivered by UN agencies, refugee camp management agencies or NGOs in a similar role, which they used in lieu of any other type of identification (See, ICC-01/14-01/18-133-AnxI, para. 21. A sample of such documents is available in annex II to the Registry’s report, see ICC-01/14-01/18-133-AnxII-Red2, pp. 78-80). The Registry further found that Registration cards and Entitlement cards were used outside of the context of internally displaced persons camps/sites for identification purposes. These applications are a/15132/20, a/15155/20, a/20404/21, a/20406/21, a/20417/21, a/20424/21, a/40858/23 and a/40859/23. The Registry notes that it only listed the relevant applications included in the Twenty-fifth Transmission of Group A Applications.

<sup>43</sup> Email from PTC to Registry on 2 August 2019 at 15:20, in response to an email from Registry to PTC on 1 August 2019 at 18:33. The Registry noted (i) that both documents contained similar features to the ones considered to be valid by the PTC in the instant Case; and (ii) that many displaced victims had lost their identification documents (*see supra.*, fn. 26).

not make any assessment as to the potential underlying grounds for their commission.<sup>44</sup>

29. In accordance with the Decision on the Confirmation of Charges,<sup>45</sup> the Registry categorises within Group A *inter alia* applicants who mention the crime of imprisonment and other forms of severe deprivation of physical liberty in relation to their forced stay at the *Ecole de la Liberté* in Bossangoa during December 2013.
30. In accordance with the 23 November 2020 Decision and the 8 September 2021 Decision,<sup>46</sup> the Registry further categorises within Group A applicants who mention crimes committed by Anti-Balaka groups in areas neighbouring the borders of Cattin or Boeing and clearly related to the alleged attack in Bangui on 5 December 2013. In accordance with the 8 September 2021 Decision, the Registry categories within Group A applicants who mention crimes committed by Anti-Balaka groups along the PK9-Mbaiki axis and clearly related to the Anti-Balaka's advance through and takeover of villages along the PK9-Mbaiki axis, notably within a short distance of the villages of Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa and Mbaiki.<sup>47</sup>
31. Lastly, the Registry notes that certain applications provide an erroneous date of the alleged events or do not explicitly state specific dates. However, they refer to publicly known events (such as, in Mbaiki, the evacuation of the Muslim community to Bangui by the Chadian forces<sup>48</sup> and the murder of

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<sup>44</sup> As a result, the Registry assesses within Group A applicants who have suffered harm from at least one of the crimes charged against the accused. The Registry assesses whether relevant victim applicants were "perceived as collectively responsible for, complicit with, or supportive of the Seleka" only in cases where the applicant appears to have suffered from the charged crime of persecution.

<sup>45</sup> Decision on the Confirmation of Charges, p. 106 at (v)(b).

<sup>46</sup> Respectively, 23 November 2020 Decision, paras 27-33 and 8 September Decision, paras 17-29.

<sup>47</sup> 8 September Decision, paras 36 and 39.

<sup>48</sup> This event occurred on or around 6 February 2014. See TCV Single Judge, "Public redacted version of Corrected version of 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona'", 29 June 2021, ICC-01/14-01/18-403-Corr-Red, para. 134 or also Human Rights

Deputy Mayor Saleh<sup>49</sup>), or provide other sufficiently detailed contextual descriptions that date the events.<sup>50</sup> In these cases, the Registry has applied the Chamber’s instruction to assess applications “holistically by assessing their internal coherence and the overall context of the alleged acts”.<sup>51</sup>

*f) Details on the Assessment Criteria and List of Applications Falling within Group B*

32. Applying the criteria set out in paragraph 31 of the Decision, the Registry has assessed each of the 931 victim applications transmitted under Group B as complete, including the 60 applications presently transmitted.<sup>52</sup>
33. The 60 applications listed in the Annex 1 and presently transmitted under Group B include 21 applications from victims that had previously been admitted to participate during the pre-trial stage.<sup>53</sup>

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Watch, “Central African Republic: Muslims forced to flee”, 12 February 2014, at [Central African Republic: Muslims Forced to Flee | Human Rights Watch \(hrw.org\)](https://www.hrw.org/news/2014/02/12/central-african-republic-muslims-forced-to-flee).

<sup>49</sup> This event occurred on 28 February 2014. See ICC-01/14-01/18-403-Red, paras. 136-137.

<sup>50</sup> These applications include: a/65198/19, a/65744/19, a/66045/19, a/20187/21, a/20764/21, a/70050/22, a/70261/22, a/70463/22, a/71222/22, a/71223/22, a/71224/22, a/40544/23, a/40545/23, a/40553/23, a/40554/23, a/40556/23, a/40557/23, a/40558/23, a/40560/23, a/40561/23, a/40563/23, a/40580/23, a/40593/23, a/40597/23, a/40604/23, a/40607/23, a/40614/23, a/40615/23, a/40623/23, a/40631/23, a/40639/23, a/40856/23 and a/40857/23. The Registry notes that it only listed the relevant applications included in the Twenty-fifth Transmission of Group A Applications.

<sup>51</sup> Email from the Chamber to the Registry of 30 July 2020 at 17:29. The Registry notes that relevant instructions were provided where applications contained discrepancies with regards to the date. The Registry respectfully submits that the same logic should apply to those instances where an applicant did not provide an exact date but where the applicant’s submission clearly relates to the events described in the Decision on the Confirmation of Charges. The Registry respectfully submits that such interpretation is consistent with the guidance provided by the Chamber in the 23 November 2020 Decision.

<sup>52</sup> Decision, paras. 31-34. The VPRS notes that one application has been submitted by minors, applying on their own behalf (*i.e.* a/65929/19). The Registry notes that it only listed the relevant application included in the sixteenth Transmission of Group B Applications. For this application, the VPRS has assessed the maturity of the applicant based on the information contained in the form in accordance with the Chamber’s instruction (email from Chamber to VPRS, 30 July 2020 at 17:29). This includes personal information such as current occupation, marital status, number of children and dependants contained in page three of the form (which is not included in the version of the form transmitted to the Chamber). The VPRS also took into consideration the fact that the applicants have turned 18 since the time of the submission of their Application.

<sup>53</sup> The victims admitted at pre-trial stage are: a/65036/19, a/65056/19, a/65069/19, a/65070/19, a/65075/19, a/65093/19, a/65108/19, a/65117/19, a/65440/19, a/65715/19, a/65789/19, a/65920/19, a/66000/19,

34. In conducting its *prima facie* assessment in accordance with paragraph 38 of the Decision, the Registry has concluded that the persons whose applications have been transmitted under Group B clearly do not qualify as victims in the Case because the harm alleged has resulted from the indication of perpetrators and events falling outside the territorial, temporal, and/or material parameters of the Case.
35. Pursuant to paragraph 41(vi) of the Decision, the Registry has provided an assessment report in Annex 2, setting out the specific reasons for rejecting the applications in order to assist the Chamber in its decision on said applications.

g) Consolidated applications of participating victims

36. The Registry has received supplementary information regarding 36 applications of victims already admitted to participate by the Chamber.<sup>54</sup> The Registry has assessed the information provided and considers that it does not impact its previous Rule 85 assessment of the 36 applications. The Registry stands ready to transmit the consolidated files of said 36 consolidated applications to the Chamber, should it so wish.

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a/66002/19, a/66005/19, a/66184/19, a/66200/19, a/66205/19, a/66206/19, a/66212/19 and a/65385/19. The Registry recalls that when applicants or victims are represented, the transmission of their applications to the Chamber in Group B follows a process of verification with the CLRV to ensure that no additional information is available that could impact the Registry's assessment. See also *supra*, para. 10. This process may take several months, which in turn explains the present submission of the 21 abovementioned forms.

<sup>54</sup> The applications are: a/65133/19, a/65226/19, a/65227/19, a/65423/19, a/65431/19, a/65729/19, a/66024/19, a/66036/19, a/66038/19, a/66039/19, a/66052/19, a/66058/19, a/15008/20, a/15038/20, a/15066/20, a/15088/20, a/15314/20, a/15324/20, a/20033/21, a/20066/21, a/20069/21, a/20077/21, a/20212/21, a/20214/21, a/20430/21, a/20481/21, a/20638/21, a/20695/21, a/20808/21, a/20809/21, a/20810/21, a/20811/21, a/20815/21, a/70201/22, a/70528/22 and a/71123/22. The Registry notes that five of these applications (i.e. a/65133/19, a/65226/19, a/65227/19, a/65423/19 and a/20695/21) relate to former child soldiers and that a new date of birth was indicated in the supplementary information provided.

B. Requests for extension of the admission and transmission timelines for victim applications

a) Request for an Extension of deadline for the transmission of victim applications presently in possession of the Registry

37. The Chamber set the end of the Prosecution's presentation of evidence as the deadline for the transmission of victim applications by the Registry.<sup>55</sup> Yet, at the present juncture, the Registry is in receipt of altogether 337 applications which still require either supplementary information or final confirmation from respective legal representatives of victims on certain points before the Registry can make a final determination for onward transmission to the Chamber.<sup>56</sup> This is mainly due to difficulties in reaching out to relevant victims and/or their own challenges in their ability to provide the required information/documentation.<sup>57</sup> It is expected that said determination per application – and subsequent transmission to the Chamber - will be possible in the coming months. Therefore, the Registry respectfully requests an extension of deadline to allow all applications presently in the Registry's possession to be transmitted to the Chamber once duly completed. The Registry proposes to transmit said applications in batches on a rolling basis as soon as possible after their completion.<sup>58</sup>

38. The Registry submits that extending the deadline would afford victim applicants on file with the Registry certainty about the processing of their applications, without affecting the expeditiousness of the proceedings or the rights of the Defence. A similar regime has been adopted by Trial Chamber I

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<sup>55</sup> See also the Chambers Practice Manual in its seventh edition, at para. 97(iii).

<sup>56</sup> See *supra*, para. 19.

<sup>57</sup> Said challenges are best explained by the infrastructural and security challenges particularly in a number of localities outside of Bangui.

<sup>58</sup> Batches could be between 20 and 50 applications in size; the final deadline, it is suggested, could be the end of the presentation of evidence in the Case.

in the *Abd-Al-Rahman* proceedings for application forms in the Registry's possession, which were not yet ready for transmission by the cut-off date.<sup>59</sup>

b) *Request for an extension of deadline for transmission of any future victim applications*

39. Still mindful of the Chamber's set deadline for the transmission of victim applications by the end of the Prosecutor's presentation of evidence, the Registry submits that an extension may be warranted for future victim applications yet to be collected by the Registry.

40. First, the prevalent security situation in the country and related logistical challenges to find and reach out to victim communities (who themselves may have been displaced multiple times over the years) has hindered the Registry's efforts to complete victim consultations in the Case. In this regard, there appears to be sizeable, including relevant victim communities, in various locations outside the country, which have not yet been covered by the Registry's teams.<sup>60</sup> In view of these operational challenges, it is the Registry's view that an extension of the deadline is warranted, and would enable victims to fully avail themselves of their participatory rights in the proceedings under the Rome Statute framework.

41. Second, the Registry submits that victims continue to have a legitimate interest to obtain participatory status in the trial proceedings beyond the Prosecution case. This encompasses not only the CLRV case<sup>61</sup> but, should apply throughout the Defence case as well. This is enshrined in rule 91 of the RPE, which offers

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<sup>59</sup> *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*, Trial Chamber I, "Decision on the Second Registry's Request to Extend the Time Limit to Submit Victim Applications for Participation", ICC-02/05-01/20-943, 16 May 2023 ("*Abd-Al-Rahman* Decision"), para. 12.

<sup>60</sup> The Registry has only recently obtained this information.

<sup>61</sup> Trial Chamber I in the *Abd-Al Rahman* case accepted an extension of the Registry's transmission deadline of victim application until the end of the CLRV case in its 'Decision on the Registry's request for extension of time limit to submit victims' applications for participation', ICC-02/05-01/20-868, 9 February 2023, para. 22...

the relevant procedural instruments for victims' legal representatives to voice their clients' views and concerns throughout the entire presentation of evidence before the Chamber. Procedural vehicles such as the legal representatives' final trial brief and closing statements on behalf of participating victims span victims' participatory rights and interests up until the very end of trial. Particularly during the Defence case, victims' interests to interact in the hearing of evidence (through their counsel) will be just as legitimate as during the Prosecution case. Trial Chamber I noted in the *Abd-Al-Rahman* proceedings that "victims admitted after the conclusion of the CLRV case will be able to participate in 'several important procedural events'."<sup>62</sup>

42. Following this logic, in previous ICC proceedings successive victim admission until the conclusion of proceedings was accepted.<sup>63</sup> The Chamber may thus be minded to apply a similar approach.
43. Finally, it is submitted that continued transmission of application forms (following the ABC approach) will not affect the expeditiousness or general fairness of the proceedings as the scope of victims' participatory rights does not focus on the guilt or innocence of the accused.

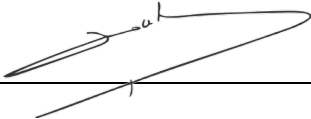
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<sup>62</sup> *Abd-Al-Rahman* Decision, para. 9, in reference to the Common Legal Representative of Victims, "Observations on behalf of Victims on the public redacted version of "Second Registry Request to Extend the Time Limit to Submit Victim Applications for Participation", ICC-02/05-01/20-937, 10 May 2023 ("CLRV Observations"), para. 3.

<sup>63</sup> Trial Chamber I, "Redacted version of the Decision on the applications by 7 victims to participate in the proceedings", 25 July 2011, ICC-01/04-01/06-2764-Red and "Order on the applications by victims to participate and for reparations " 27 January 2012, ICC-01/04-01/06-2838.

c) Conclusion

44. In light of the foregoing, the Registry respectfully requests an extension of time limit for the transmission of future victim applications to the end of trial, or in the alternative, the Chamber's authorisation to transmit all applications presently in the Registry's possession, once duly completed.
45. The Registry will, in any event, continue to collect relevant information from victims with a view to providing a mapping of potentially eligible beneficiaries of reparations in preparation of potential future proceedings.<sup>64</sup>



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Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 7 September 2023

At The Hague, The Netherlands

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<sup>64</sup> Chambers Practice Manual, 7th edition, para. 97(iii); see also *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*, Trial Chamber I, Decision on the Registry's request for extension of time limit to submit victims' applications for participation, ICC-02/05-01/20-868, 9 February 2023, para. 21).