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**No. ICC-01/14-01/18
Date: 13 March 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 one public annex**

**Nineteenth Decision on Victims' Participation in Trial Proceedings
(Groups B and C)**

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

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TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Article 68(3) of the Rome Statute, Rules 85 and 89 of the Rules of Procedure and Evidence (the ‘Rules’) and Regulation 86 of the Regulations of the Court, issues this ‘Nineteenth Decision on Victims’ Participation in Trial Proceedings (Groups B and C)’.

I. Procedural history

1. The Chamber recalls the procedural history set out in its previous decisions concerning victim participation.¹
2. On 21 November 2022, the Chamber deferred its decision on the admission of applicant a/15139/20 (the ‘Group C Application’) and directed the Registry to provide additional information on (i) the relationship between applicants a/15138/20 and a/15139/20 (the ‘Applicant’); and (ii) the harm allegedly suffered by the Applicant.²
3. On 22 December 2022, the Chamber received a total of 18 Group B victims’ applications (the ‘Group B Applications’).³ Additionally, the Registry filed an accompanying assessment report, containing a brief description of the criteria applied in its transmission of the Group B Applications.⁴ Moreover, the Registry provided further information concerning the Group C Application.⁵

¹ See, in particular, Decision on Victims’ Participation in Trial Proceedings, 23 November 2020, ICC-01/14-01/18-738 (the ‘First Decision on Victim Participation’), paras 1-5.

² Seventeenth Decision on Victim Participation (Groups A, B and C), 21 November 2022, ICC-01/14-01/18-1672-Conf (public redacted version notified the same day, ICC-01/14-01/18-1672-Red) (the ‘Seventeenth Decision on Victim Participation’), para. 22, p. 10.

³ Fifteenth Registry Transmission of Group B Applications for Victim Participation in Trial Proceedings, ICC-01/14-01/18-1713 (with 18 confidential *ex parte* annexes, only available to the Registry) (the ‘Fifteenth Registry Transmission’).

⁴ Twenty-Sixth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, 22 December 2022, ICC-01/14-01/18-1714 (with confidential Annex 1; confidential *ex parte* Annexes 2 and 3, only available to the Registry; and confidential redacted version of Annex 3) (the ‘Twenty-Sixth Registry Report’).

⁵ Twenty-Sixth Registry Report, ICC-01/14-01/18-1714, para. 17; Annex 3 to the Twenty-Sixth Registry Report, ICC-01/14-01/18-1714-Conf-Anx3-Red.

II. Analysis

4. The Chamber incorporates by reference the applicable law set out in its ‘Decision on Victims’ Participation in Trial Proceedings’.⁶

A. Group B Applications

5. The Chamber recalls the criteria for applicants to qualify as victims and the procedure established for their admission to participate in the proceedings, namely that ‘barring a clear, material error’, it would ratify the Registry’s assessment of the applications.⁷ The Chamber further recalls that Group B applications correspond to ‘applicants who clearly do not qualify as victims’.⁸
6. The Chamber notes that the Group B Applications were individually assessed by the Registry. Furthermore, it notes that, after conducting its *prima facie* assessment, the Registry 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 [its] territorial, temporal, and/or material parameters’.⁹
7. The Chamber has not identified any clear or material errors in the Registry’s assessment and thus rejects the 18 applicants whose applications were transmitted under Group B.

B. The Group C Application

8. The Chamber recalls its findings in relation to the Group C Application,¹⁰ and notes the additional information provided by the Registry.¹¹

⁶ First Decision on Victim Participation, ICC-01/14-01/18-738, paras 11-12.

⁷ Pre-Trial Chamber II, Decision Establishing the Principles Applicable to Victims’ Applications for Participation, 5 March 2019, ICC-01/14-01/18-141 (the ‘5 March 2019 Decision’), paras 29-41.

⁸ 5 March 2019 Decision, ICC-01/14-01/18-141, para. 41(i).

⁹ Twenty-Sixth Registry Report, ICC-01/14-01/18-1714, paras 18-19.

¹⁰ Seventeenth Decision on Victim Participation, ICC-01/14-01/18-1672-Red, paras 13-15, 20-22.

¹¹ Twenty-Sixth Registry Report, ICC-01/14-01/18-1714, para. 17; Annex 3 to the Twenty-Sixth Registry Report, ICC-01/14-01/18-1714-Conf-Anx3-Red.

9. In particular, the Chamber notes that the Registry provided (i) a statement from applicant a/15138/20; (ii) a signed statement from two individuals supporting the Applicant's submissions; (iii) the Applicant's birth certificate; and (iv) further observations from the Applicant's counsel.¹²
10. The Chamber notes that the name of the Applicant's mother listed in the birth certificate corresponds to the name of applicant a/15138/20, as indicated in the latter's victim application, and that the statements of two other individuals confirm the relationship between the Applicant and a/15138/20.¹³ The Chamber is thus satisfied that the relation between the Applicant and applicant a/15138/20 has been sufficiently established.
11. With regard to the alleged harm, the Chamber notes that the Applicant's birth certificate indicates that she was born in Ndjaména, Chad, immediately after her mother's displacement; and that two individuals confirm her place of birth in a refugee camp in Ndjaména.¹⁴ Moreover, it notes that the Applicant considers her harm, that is, being born in a refugee camp, to be a result of the deportation of her mother.¹⁵ In this regard, the Chamber further notes that the statement of applicant a/15138/20 recounts the same, adding that, were it not for her deportation, her daughter would have been born in better conditions in Bangui, like her siblings.¹⁶
12. The Chamber recalls its previous finding considering that the link between the alleged harm suffered and the parameters of the charges regarding applicant a/15138/20's forced displacement had been demonstrated on a *prima facie* basis.¹⁷ In light of the additional information provided by the Registry, the Chamber is satisfied that the Applicant has also demonstrated a link between the alleged harm suffered and the parameters of the charges on a *prima facie* basis.

¹² Annex 3 to the Twenty-Sixth Registry Report, ICC-01/14-01/18-1714-Conf-Anx3-Red, pp. 7-14.

¹³ Annex 3 to the Twenty-Sixth Registry Report, ICC-01/14-01/18-1714-Conf-Exp-Anx3, pp. 10-11; Annex 7 to the Second Registry Transmission of Group C Applications for Victims' Participation in Trial Proceedings, ICC-01/14-01/18-940-Conf-Exp-Anx7.

¹⁴ Annex 3 to the Twenty-Sixth Registry Report, ICC-01/14-01/18-1714-Conf-Exp-Anx3, pp. 10-11.

¹⁵ Annex 3 to the Twenty-Sixth Registry Report, ICC-01/14-01/18-1714-Conf-Exp-Anx3, p. 2.

¹⁶ Annex 3 to the Twenty-Sixth Registry Report, ICC-01/14-01/18-1714-Conf-Anx3-Red, p. 8.

¹⁷ Eleventh Decision on Victims' Participation in Trial Proceedings (Group C), 8 September 2021, ICC-01/14-01/18-1104, paras 16-17.

Consequently, the Chamber authorises the Applicant to participate as a victim in the present proceedings.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the 18 applicants whose applications were transmitted under Group B, listed in the annex to the present decision, as participating victims for the purpose of the trial proceedings; and

ADMITS applicant a/15139/20 as participating victim.

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



Judge Péter Kovács



Judge Bertram Schmitt

Presiding Judge



Judge Chang-ho Chung

Dated 13 March 2023

At The Hague, The Netherlands