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PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Tomoko Akane
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* MAXIME JEOFFROY ELI MOKOM GAWAKA**

Public

With Confidential Annexes 1 and 2, Confidential *EX PARTE* Annex 3 only available to the Registry, Confidential Annex 4, and Annex 5 in Confidential *EX PARTE* only available to the Registry version and Confidential Redacted version

Seventh Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings

Source: Registry

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

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I. Introduction

1. On 27 June 2022, Pre-Trial Chamber II (“Chamber”) issued its “Order on the conduct of the confirmation of charges proceedings” (“27 June 2022 Order”)¹ in the case of *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka* (“Case”), in which it *inter alia* adopted the “A-B-C” victim application procedure² and endorsed the guidance on the legal assessment of victim applications adopted by the Pre-Trial Chamber in the case of *The Prosecutor v. Yekatom and Ngaïssona* (“*Yekatom and Ngaïssona* Case”).³ Specifically, in its 27 June 2022 Order, the Chamber instructed the Registry to:
 - a. “Classify the 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”);⁴ and
 - b. Prepare reports that accompany each transmission. These reports should list the applications for participation and the group they are classified in”.⁵
2. The Registry hereby transmits its seventh consolidated assessment report (“Report”), on the total of 1228 applications (“Applications”) to participate in the present stage of the Case, which includes:
 - A brief description of the assessment criteria applied to 732 applicants who clearly, in the Registry’s assessment, qualify as victims falling within the scope of the Case (Group A);

¹ Pre-Trial Chamber II, “Order on the conduct of the confirmation of charges proceedings”, 27 June 2022, ICC-01/14-01/22-62.

² *Id.*, para. 40.

³ *Id.*, para. 44.

⁴ *Id.*, para. 40(iv).

⁵ *Id.*, para. 40(vii).

- A brief description of the assessment criteria applied in relation to the 162 applications which, in the Registry's assessment, clearly fall outside of the scope of the Case (Group B); and
 - In relation to one application (Group C), a brief description of the reason why the Registry was not in a position to make a clear determination as to whether or not they fall within the scope of the Case.
3. The Applications falling in Groups A, B and C, respectively, are listed in Annex 1 to the present submission ("Annex 1"). The Applications falling in Groups A and B that have not yet been transmitted in these categories are being transmitted in separate filings to the Chamber, in accordance with paragraph 40(v) of the 27 June 2022 Order. Annex 2 to the present submission ("Annex 2") is the consolidated list of all 423 applications which were previously transmitted in this Case between 14 September 2022 and 20 January 2023⁶ and since then reassessed by the Registry in light of the new scope of the case included in the Document Containing the Charges⁷ ("DCC" and "New Scope of the Case", respectively) (the table in Annex 2 shows the victim applicants' previous status and current status insofar as the Case and New Scope of the case is concerned, respectively). Annex 3 is a brief description of the assessment criteria applied in relation to Group B applications that have not previously been transmitted in the Group B category. Annex 4 contains relevant issues and extracts regarding one Application falling in Group C.

⁶ Registry, "First Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", dated 13 September 2022 and registered on 14 September 2022, ICC-01/14-01/22-87, "Second Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", 13 October 2022, ICC-01/14-01/22-102, "Third Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings", 21 November 2022, ICC-01/14-01/22-114, "Fourth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings", 15 December 2022, ICC-01/14-01/22-121, and "Fifth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", 20 January 2023, ICC-01/14-01/22-134.

⁷ Office of the Prosecutor, "Prosecution's Submission of the Document Containing the Charges", 9 March 2023, ICC-01/14-01/22-174.

Annex 5 contains the said Application and is made available to the Chamber in original version and to the parties in redacted version, in accordance with paragraph 40(vi) and (ix) of the 27 June 2022 Order.

II. Procedural History

4. On 22 March 2022, the Warrant of Arrest against Mr Mokom was made public.⁸ On the same date, Mr Mokom made his first appearance before the Chamber.⁹ At that occasion, the Chamber scheduled the opening of the confirmation of charges hearing provisionally for 31 January 2023.¹⁰
5. On 27 June 2022, the Chamber issued its Order setting out *inter alia* the admission procedure for victims' participation in the Case¹¹ and endorsing the guidance on the legal assessment of victim applications adopted by the Pre-Trial Chamber in the *Yekatom and Ngaïssona* Case.¹²
6. Between 14 September 2022 and 20 January 2023, the Registry transmitted 423 applications categorised in Group A,¹³ together with reports thereon.¹⁴
7. On 9 March 2023, the Office of the Prosecutor notified the DCC.¹⁵ In light of the New Scope of the Case, the Registry reassessed the 423 applications

⁸ Pre-Trial Chamber II, "Public Redacted Version of 'Warrant of Arrest for Maxime Jeoffroy Eli Mokom Gawaka' (ICC-01/14-01/22-2-US-Exp)" ("Warrant of Arrest"), dated 10 December 2018 and registered on 22 March 2022, ICC-01/14-01/22-2-Red2.

⁹ See Pre-Trial Chamber II, "Order convening a hearing for the first appearance of Mr Mokom", 16 March 2022, ICC-01/14-01/22-21.

¹⁰ ICC-01/14-01/22-T-001-Red-ENG WT 22-03-2022, p.11, lines 20-22.

¹¹ 27 June 2022 Order, paras. 40-41.

¹² *Id.*, para. 44.

¹³ Last Registry transmission: "Fifth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", 20 January 2023, ICC-01/14-01/22-134.

¹⁴ Last Registry report: "Fifth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings", 20 January 2023, ICC-01/14-01/22-133.

¹⁵ Office of the Prosecutor, "Prosecution's Submission of the Document Containing the Charges", 9 March 2023, ICC-01/14-01/22-174.

previously transmitted to verify if they were still falling within the New Scope of the Case ("Reassessment").

8. On 26 May 2023, as a result of the Reassessment, the Registry confirmed 170 previously transmitted applications as falling within the New Scope of the Case and thus did not re-transmit them.¹⁶ Also as a result of the Reassessment, it transmitted 101 applications categorised in Group A,¹⁷ and 58 applications categorised in Group B¹⁸ together with a report thereon.¹⁹
9. Between 30 May and 21 June 2023, the respective legal representatives of the victims ("LRV") either confirmed that they agreed with the Registry's preliminary assessment concerning all applications categorised in Group B,²⁰ or did not object to it.²¹

¹⁶ These 170 Applications are listed in confidential Annex 2 to the "Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings", dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209.

¹⁷ Registry, "Sixth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-207.

¹⁸ Registry, "First Registry Transmission of Group B Applications for Victim Participation in Pre-Trial Proceedings", dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-208.

¹⁹ Registry, "Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings", dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209.

²⁰ Email from Me Massidda to Registry on 30 May 2023 at 11:47, emails from Me Fall to Registry on 1 June 2023 at 12:16, 12:51 and 12:54, email from Me Fall to Registry on 6 June 2023 at 20:46, email from Me Massidda to Registry on 8 June 2023 at 11:51, email from Me Fall to Registry on 13 June 2023 at 13:30, email from Me Fall to Registry on 16 June 2023 at 15:35, email from Me Dangabo on 17 June 2023 at 21:33, email from Me Fall to Registry on 19 June 2023 at 19:22, email from Me Fall to Registry on 20 June 2023 at 12:08 and email from Me Fall to Registry on 21 June 2023 at 17:01. The Registry notes that in her email to Registry on 22 June 2023 at 13:34, Me Massidda indicated that in relation to confirmation of Group B applications in the Mokom case, OPCV will only, as of 22 June 2023, evaluate requests related to victims represented by OPCV's team. Me Massidda recalled that, in accordance with decision ICC-01/14-01/22-182, the Pre-Trial Chamber appointed Ms Rabesandratana, Mr Dangabo, Ms Douzima-Lawson and Mr Fall as common legal representatives in the Mokom case with effect from the issuance of the decision on applications for victim participation. Me Massidda added that because a decision on the applications of victims will be issued shortly - since the confirmation of charges hearing will be held on 22 August 2023, she considers appropriate for the appointed counsel to proceed with the evaluation of Group B applications in the Case.

²¹ In the case of the former child soldier applications categorised as Group B, the Registry still consulted Me Suprun although the New Scope of Case was clear about the removal of the related charge (as victims may have suffered multiple different harms).

III. Classification

10. The annexes to the present submission are classified respectively as confidential (Annexes 1, 2, 4 and 5 in redacted version) and confidential *ex parte*, only available to the Registry (Annexes 3 and 5 in original version), in accordance with the 27 June 2022 Order.²²

IV. Applicable Law

11. 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, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

V. Submissions

12. During the pre-trial proceedings, the Registry received a total of 1228 victim applications²³ to participate in the Case (“Total Applications Received”). Out of those, the Registry received 1214 applications from individuals and 14 applications from organisations (*i.e.* mosques). The Registry has assessed the 1228 Total Applications Received. Of these, 423 applications had been assessed prior to the Reassessment and thereafter (“Reassessed Applications”); the

²² 27 June 2022 Order, para. 40(vi-ix).

²³ The Registry notes that the Total Applications Received do not include applications put on hold by the LRVs, withdrawn applications, or identified duplicates (*i.e.* additional form(s) submitted by the same applicant in the same proceedings). Additionally, in order to meet the 27 June 2022 Order’s deadline, the Registry set the internal deadline of 12 May 2023 to its interlocutors and notably to the LRVs, for the transmission of applications to the Registry (deadline indicated on the ICC Victims Webpage <https://www.icc-cpi.int/victims/mokom-case>; and e-mail correspondences of the Registry to the LRVs of 16 February 2023 at 16:03; and 17 February 2023 at 11:32 and 11:33). The Registry was able to assess all victim applications thus received until 19 June 2023. Between 20 June and 26 June 2023, the Registry received 13 newly collected applications, which are not addressed in this report. The Registry will be in a position to process them for the next phase of the proceedings, if any.

remaining 805 applications have been assessed by the Registry after the issuance of the DCC.

13. Out of the 423 Reassessed Applications previously transmitted as Group A, 192 applications were reassessed by the Registry as falling within the New Scope of the Case (Group A),²⁴ and 84 applications were assessed by the Registry as falling outside the New Scope of the Case (Group B).²⁵ The remaining 147 applications are presently pending confirmation by their respective LRVs 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. The Registry has sent specific requests for the 147 aforementioned applications to the respective LRVs.
14. Out of the 805 new applications assessed after DCC, 540 applications fall within the New Scope of the Case (Group A),²⁶ 78 applications were assessed by the Registry as falling outside the New Scope of the Case (Group B),²⁷ and one application was assessed by the Registry as unclear (Group C). The remaining 186 applications are pending confirmation by their LRVs to be

²⁴ Out of those 192 applications, 170 have been reported on in the “Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209. The remaining 22 applications are reported on in the present report, *see infra*, at para. 16. The abovementioned 192 applications are not being re-transmitted as they were reassessed and were maintained in the same Group A category.

²⁵ Out of those 84 applications, 25 have been reported on and transmitted with the Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209. The remaining 59 applications are reported on and transmitted with the present report. The abovementioned 84 applications are retransmitted as they were reassessed as falling in a different category (i.e. from Group A to Group B).

²⁶ Out of those 540 applications, 101 have been reported on and transmitted with the “Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209. The remaining 439 applications are reported on and transmitted with the present report; *see infra*, at para. 16.

²⁷ Out of those 78 applications, 33 have been reported on and transmitted with the “Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209. The remaining 45 applications are reported on and transmitted with the present report.

transmitted as Group B Applications, or were assessed by the Registry as incomplete and require supplementary information. The Registry has sent specific requests for the 186 aforementioned applications to the respective LRVs.

15. In summary, among the 1228 Total Applications Received, 732 applications have been assessed by the Registry as falling in Group A, 162 applications were assessed as Group B, one application was assessed as Group C, and 333 applications still require final confirmation from the LRVs to be transmitted as Group B, or are pending receipt of supplementary information.

Details on the Assessment Criteria of Applications Falling within Group A

16. Applying the criteria set out in paragraph 40(ii) of the 27 June 2022 Order, the Registry has assessed as complete each of the 22 Reassessed Applications listed in Annex 2²⁸ as well as the remaining 439 Applications presently transmitted under Group A,²⁹ which makes a total of 461 applications. In conducting its assessment, in accordance with paragraph 40(ii) of the 27 June 2022 Order, the Registry confirms that each of the 461 applicants whose applications are being (re)transmitted in Group A have met *prima facie* the following criteria:

- i. Her or his identity is established³⁰;
- ii. She or he has suffered harm; and
- iii. The harm suffered is a result of an incident falling within the temporal, geographic and material New Scope of the Case.

²⁸ See *supra*, fn. 24.

²⁹ See *supra*, fn. 26.

³⁰ 14 applications were submitted on behalf of an organisation (*i.e.* mosques). These applications are: /40082/23, a/40083/23, a/40084/23, a/40085/23, a/40086/23, a/40646/23, a/40647/23, a/40648/23, a/40649/23, a/40650/23, a/40651/23, a/40652/23, a/40653/23, and a/40672/23.

Observations in relation to criterion (i)

17. Certain Applications presently transmitted³¹ falling under Group A contain what appear to be minor discrepancies, pertaining to *inter alia*: the date of birth or the age of the applicant or the person acting on the applicant's behalf; the inversion of the applicant's first and last name; the partial illegibility of the applicant's date of birth on the identity document, while the other elements of the applicant's identity, like the name and the place of birth, are consistent; the spelling of the name of the applicant or the person acting on the applicant's behalf; the applicant's signature appearing on the first page of the form, or other apparent minor inconsistencies in the information provided which

³¹ The applications with minor discrepancies include: a/70353/22, a/70770/22, a/70779/22, a/70877/22, a/70930/22, a/70967/22, a/70968/22, a/70970/22, a/70978/22, a/71013/22, a/71014/22, a/71015/22, a/71049/22, a/71089/22, a/71090/22, a/71093/22, a/71108/22, a/71109/22, a/71150/22, a/71153/22, a/71156/22, a/71152/22, a/71155/22, a/71156/22, a/71157/22, a/71158/22, a/71166/22, a/71225/22, a/71226/22, a/71227/22, a/71233/22, a/40090/23, a/40093/23, a/40095/23, a/40108/23, a/40109/23, a/40110/23, a/40113/23, a/40114/23, a/40115/23, a/40116/23, a/40117/23, a/40118/23, a/40120/23, a/40121/23, a/40122/23, a/40138/23, a/40139/23, a/40141/23, a/40154/23, a/40159/23, a/40171/23, a/40173/23, a/40175/23, a/40179/23, a/40181/23, a/40182/23, a/40183/23, a/40184/23, a/40187/23, a/40188/23, a/40189/23, a/40193/23, a/40194/23, a/40195/23, a/40197/23, a/40198/23, a/40199/23, a/40200/23, a/40201/23, a/40202/23, a/40203/23, a/40204/23, a/40206/23, a/40207/23, a/40208/23, a/40209/23, a/40211/23, a/40213/23, a/40214/23, a/40216/23, a/40275/23, a/40286/23, a/40299/23, a/40300/23, a/40302/23, a/40303/23, a/40304/23, a/40305/23, a/40306/23, a/40310/23, a/40311/23, a/40312/23, a/40319/23, a/40320/23, a/40322/23, a/40323/23, a/40324/23, a/40325/23, a/40329/23, a/40332/23, a/40338/23, a/40339/23, a/40342/23, a/40343/23, a/40349/23, a/40353/23, a/40354/23, a/40356/23, a/40357/23, a/40358/23, a/40363/23, a/40364/23, a/40365/23, a/40370/23, a/40371/23, a/40372/23, a/40374/23, a/40375/23, a/40380/23, a/40381/23, a/40384/23, a/40385/23, a/40386/23, a/40387/23, a/40388/23, a/40391/23, a/40392/23, a/40393/23, a/40394/23, a/40397/23, a/40401/23, a/40405/23, a/40407/23, a/40408/23, a/40411/23, a/40412/23, a/40414/23, a/40417/23, a/40418/23, a/40420/23, a/40425/23, a/40426/23, a/40427/23, a/40430/23, a/40431/23, a/40432/23, a/40433/23, a/40434/23, a/40435/23, a/40436/23, a/40437/23, a/40440/23, a/40441/23, a/40444/23, a/40446/23, a/40447/23, a/40448/23, a/40449/23, a/40451/23, a/40452/23, a/40453/23, a/40455/23, a/40459/23, a/40460/23, a/40462/23, a/40463/23, a/40464/23, a/40465/23, a/40466/23, a/40468/23, a/40470/23, a/40474/23, a/40476/23, a/40477/23, a/40482/23, a/40485/23, a/40488/23, a/40489/23, a/40490/23, a/40491/23, a/40495/23, a/40496/23, a/40497/23, a/40499/23, a/40501/23, a/40503/23, a/40505/23, a/40507/23, a/40509/23, a/40510/23, a/40511/23, a/40512/23, a/40513/23, a/40514/23, a/40515/23, a/40516/23, a/40518/23, a/40519/23, a/40520/23, a/40521/23, a/40522/23, a/40524/23, a/40525/23, a/40526/23, a/40656/23, a/40665/23, a/40684/23, a/40688/23, a/40690/23, a/40701/23, a/40702/23, a/40709/23, a/40721/23, a/40723/23, a/40725/23, a/40727/23, a/40744/23, a/40751/23 and a/40756/23. The Registry notes that it did not list the minor discrepancies pertaining to the Reassessed Applications.

appear to be the result of inadvertent errors or the deterioration of hard-copy documentation over time. In these cases, the Registry took note of the Chamber's endorsement³² of the guidance on the legal assessment adopted by the Pre-Trial Chamber in the *Yekatom and Ngaïssona* Case that "a certain degree of flexibility must be shown"³³ and considered that the discrepancies presented in these applications "do not call into question the overall credibility of the information provided by the applicant [...]".³⁴

18. Some applicants or persons acting on their behalf have submitted as identification document two types of cards delivered by relevant camp management agencies following a registration process ("Registration card" or "Entitlement card").³⁵ In accordance with paragraph 43 of the 27 June 2022 Order, the Registry follows the Pre-Trial Chamber's approval in the *Yekatom and Ngaïssona* Case and considers such documents as sufficiently establishing the identity of applicants in the Case.³⁶

Observations in relation to criterion (iii)

³² 27 June Order, para. 44.

³³ Pre-Trial Chamber II, *The Prosecutor v. Yekatom and Ngaïssona*, "Decision Establishing the Principles Applicable to Victims' Applications for Participation" ("5 March 2019 Decision"), 5 March 2019, ICC-01/14-01/18-141, para. 34.

³⁴ *Ibid.*

³⁵ The Registry reported – in the context of the *Yekatom and Ngaïssona* case – that in many instances, displaced applicants 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 ICC-01/14-01/18-133-AnxII-Red2, pp. 78-80). It was also reported that Registration cards and Entitlement cards were used outside of the context of internally displaced persons camps/sites for identification purposes. The applications concerned are: a/71150/22, a/71153/22, a/71156/22, a/71157/22, a/40154/23, a/40175/23, a/40182/23, a/40201/23, a/40300/23, a/40322/23, a/40325/23, a/40353/23, a/40354/23, a/40371/23, a/40372/23, a/40380/23, a/40384/23, a/40387/23, a/40391/23, a/40392/23, a/40434/23, a/40446/23, a/40449/23, a/40491/23, a/40514/23, and a/40517/23.

³⁶ Email from Pre-Trial Chamber II in the *Yekatom and Ngaïssona* Case to Registry on 2 August 2019 at 15:20.

19. In identifying the crimes falling within the New Scope of the Case, the Registry looks solely at the alleged acts and – save in the case of alleged persecution – does not make any assessment as to the potential underlying grounds for their commission.³⁷
20. The Registry notes that certain applications³⁸ appear to provide an erroneous date of the alleged events, sometimes contradicting other dates in the narrative, or do not explicitly state specific dates (such as, 5 December 2019 or 2023 instead of 5 December 2013 for the Attack of Bangui). However, they also refer to publicly known events (*e.g.*, in Mbaiki, the evacuation of the Muslim community to Bangui by the Chadian forces)³⁹ or provide any other sufficiently detailed contextual descriptions that date the events in question. In these cases, in accordance with paragraph 44 of the 27 June 2022 Order, the Registry has applied the Pre-Trial Chamber’s guidance in the *Yekatom and Ngaïssona* Case “to adopt a flexible approach in assessing victim applications with regard to the temporal and territorial scope of the present case at this stage of the proceedings”.⁴⁰

³⁷ As a result, the Registry considers within Group A applicants who have suffered harm from at least one of the crimes charged against the suspect. 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.

³⁸ These applications include: a/70770/22, a/70779/22, a/71014/22, a/71015/22, a/71049/22, a/71093/22, a/71095/22, a/71108/22, a/71109/22, a/71133/22, a/71137/22, a/71150/22, a/71152/22, a/71156/22, a/71157/22, a/71158/22, a/71159/22, a/71226/22, a/71227/22, a/40093/23, a/40108/23, a/40115/23, a/40123/23, a/40124/23, a/40170/23, a/40172/23, a/40181/23, a/40186/23, a/40189/23, a/40197/23, a/40208/23, a/40302/23, a/40306/23, a/40307/23, a/40310/23, a/40315/23, a/40322/23, a/40323/23, a/40325/23, a/40326/23, a/40327/23, a/40332/23, a/40334/23, a/40337/23, a/40356/23, a/40357/23, a/40360/23, a/40376/23, a/40414/23, a/40420/23, a/40429/23, a/40430/23, a/40436/23, a/40437/23, a/40438/23, a/40464/23, a/40770/23 and a/40695/23, a.

³⁹ 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 Watch, “Central African Republic: Muslims forced to flee”, 12 February 2014, at .

⁴⁰ Pre Trial Chamber II, *The Prosecutor v. Yekatom and Ngaïssona*, “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-Red, para. 24. Accordingly, the Registry has considered as

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

21. The 104 Applications transmitted under Group B consist of 59 Reassessed Applications⁴¹ and 45 applications not yet previously transmitted to the Chamber.⁴²
22. Applying the criteria set out in paragraph 40(ii) of the 27 June 2022 Order, the Registry has assessed each of the 104 Applications transmitted under Group B as complete.⁴³
23. In conducting its *prima facie* assessment in accordance with paragraph 40(ii) of the 27 June 2022 Order, the Registry has concluded that the persons whose applications have been transmitted under Group B clearly do not qualify as victims in the New Scope of the Case because the harm alleged has resulted from the indication of alleged perpetrators and/or events falling outside the territorial, temporal, and/or material parameters of the New Scope of the Case.
24. Pursuant to paragraph 40(viii) of the 27 June 2022 Order, the Registry provides an assessment report for the Chamber in Annex 3, setting out the specific

falling within Group A “applications that are internally coherent, clearly relate to the events described in the Warrants of Arrest and/or, where appropriate, the information in other victim applications, and clearly establish that the alleged perpetrators were part of the Anti-Balaka.”

⁴¹ See *supra*, fn. 25. The 59 Reassessed Applications are: a/70324/22, a/70331/22, a/70334/22, a/70338/22, a/70361/22, a/70362/22, a/70363/22, a/70372/22, a/70377/22, a/70386/22, a/70388/22, a/70392/22, a/70394/22, a/70395/22, a/70396/22, a/70398/22, a/70406/22, a/70408/22, a/70409/22, a/70426/22, a/70440/22, a/70652/22, a/70653/22, a/70654/22, a/70655/22, a/70656/22, a/70657/22, a/70658/22, a/70659/22, a/70660/22, a/70661/22, a/70662/22, a/70663/22, a/70664/22, a/70665/22, a/70668/22, a/70671/22, a/70672/22, a/70675/22, a/70759/22, a/70761/22, a/70762/22, a/70763/22, a/70764/22, a/70765/22, a/70766/22, a/70767/22, a/70831/22, a/70832/22, a/70833/22, a/70834/22, a/70835/22, a/70836/22, a/70837/22, a/70838/22, a/70839/22, a/70841/22, a/70842/22 and a/70845/22.

⁴¹ Some applications have been submitted by a minor, applying on her or his own behalf (a/70654/22, a/70656/22, a/70659/22, a/70661/22, a/70663/22 and a/70668/22). For these applications, the Registry has assessed the maturity of the applicant based on the information contained in the form in accordance with the Chamber’s endorsement of the Pre-Trial Chamber’s instructions in the *Yekatom and Ngaïssona* Case (email from Pre-Trial Chamber in the *Yekatom and Ngaïssona* Case to VPRS, 11 July 2019 at 11:24). This includes the applicants’ personal information such as their current occupation, marital status, number of children and dependants. The Registry also took into consideration the fact that the applicants have turned 18 since the time of the submission of their Applications.

⁴² See *supra*, fn. 27.

reasons for rejecting aforesaid applications, in order to assist the Chamber to take a decision on these applications.

Details on the Issue Impacting the Application Falling within Group C

25. The Registry has assessed one Application categorised in Group C as complete in accordance with the criteria set out in paragraph 40(ii) of the 27 June 2022 Order. However, the Registry is not in a position to make a clear determination as to the applicant's status because it remains unclear whether or not the personal harm reported by the applicant resulted from an incident falling within the material parameters of the Case, as detailed next.

Children born after the forced displacement of their pregnant mother

26. The Registry is transmitting the application of an individual born following the forced displacement of her pregnant mother during the 5 December 2013 attack on Bangui. The applicant mentions that she suffered personal harm; that is, being born in a refugee camp, to be a result of the forced displacement of her family in refugee camp.⁴⁴

27. The Registry notes in particular Trial Chamber V's ruling in the *Yekatom Ngaïssona* Case on a similar issue in which Trial Chamber V was satisfied that the applicant demonstrated a sufficient link between the alleged harm suffered and the parameters of the charges on a *prima facie* basis.⁴⁵

28. The Registry respectfully seeks the Chamber's clarification as to whether it intends to endorse the aforementioned Chamber's ruling that a child born after the forced displacement of his/her parents in a refugee camp may also be

⁴⁴ a/40126/23.

⁴⁵ *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Trial Chamber V, "Nineteenth Decision on Victims' Participation in Trial Proceedings (Groups B and C)", 13 March 2023, ICC-01/14-01/18-1795, paras 8-12.

considered a victim (direct or indirect) of forced displacement in the present Case.

29. The Registry concludes with the present report its analysis and transmission of applications for participation and/or reparations for the purpose of the pre-trial proceedings in the Case.



p.p. Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 28 June 2023

At The Hague, The Netherlands