

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18

Date: 11 August 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
NGAÏSSONA***

PUBLIC

**With Confidential *EX PARTE* Annex available only to the Registry and the
Common Legal Representatives of Victims**

Eighth Periodic Report on the Victims Admitted to Participate in the 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 11 December 2020, Trial Chamber V ("Chamber") issued its "Second Decision on Victims' Participation in Trial Proceedings (Group A)" ("Decision") in which it directed the Registry to report every four months on: (i) the number of participating victims; (ii) the number of victims represented by each team of Common Legal Representatives of Victims ("CLRVs");¹ (iii) the recent activities of the CLRVs in their respective victims' communities; and (iv) any views and/or concerns expressed by the participating victims to the CLRVs, including regarding the victims' ability to follow the proceedings from their respective communities.²
2. In accordance with the Decision, the Registry's Victims Participation and Reparations Section ("VPRS") has liaised with the CLRVs to collect the above mentioned information.³ The latter provided the VPRS with detailed information relating to their activities with participating victims during the reporting period as well as information on victims' views and concerns.⁴
3. The Registry hereby transmits its eighth periodic report on the requested information. It further appends, as an annex to the present report, information provided by the Registry's Country Analysis Unit and the Victims and Witnesses Section, pertaining to the safety and security of the victims during the reporting period ("Annex"). This is to provide the Chamber with a comprehensive overview of the challenges participating victims in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiisonga* ("Case") and intermediaries may be facing on the ground.

¹ The two CLRVs teams are: i) the common legal representative of the victims of the crime of enlistment of children under the age of 15 years and their use to participate actively in hostilities ("CLRV1") and ii) the common legal representatives of the victims of the other crimes listed in the decision confirming partially the charges in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiisonga* ("CLRV2 Team").

² Trial Chamber V, "Second Decision on Victims' Participation in Trial Proceedings (Group A)", 11 December 2020, ICC-01/14-01/18-765, para. 9.

³ Email from VPRS to both CLRVs teams, 15 March 2023 at 13:26.

⁴ Email from CLRV1 to VPRS, 3 April 2023 at 15:58; email from CLRV2 to VPRS, 5 April 2023 at 09:59.

II. Procedural History

4. On 5 March 2019, Pre-Trial Chamber II set out the admission procedure for victims' participation in the Case ("PTC" and "5 March 2019 Decision", respectively).⁵
5. On 21 June 2019, the PTC authorised 15 victims to participate at the confirmation hearing in the Case,⁶ and on 13 September 2019 an additional 1,070 victims.⁷
6. On 11 December 2019, the PTC issued a decision partially confirming the charges against the accused ("Confirmation Decision").⁸
7. On 19 March 2020, the Chamber issued its "Order Scheduling First Status Conference" ("Scheduling Order"), in which it *inter alia*: i) endorsed the victim application procedure set out in the 5 March 2019 Decision,⁹ and ii) requested the Registry to provide an update and forecast on (additional) applications by victims to participate in the proceedings.¹⁰
8. On 22 May 2020, the Registry provided its update on victim participation in the Case ("Update").¹¹

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

⁶ 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).

⁷ 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 Pre Trial Chamber II, "Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona", 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).

⁹ Trial Chamber V, "Order Scheduling First Status Conference", 19 March 2020, ICC-01/14-01/18-459, para. 8 (iv).

¹⁰ *Ibid.*, para. 3 (I).

¹¹ 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).

9. On 16 July 2020, the Chamber set 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”).¹²
10. On 11 November 2020, the Chamber issued the Decision.
11. Between 12 April 2021 and 11 April 2023, the Registry submitted seven periodic reports on victims admitted to participate in the proceedings.¹³

III. Applicable Law

12. This submission is made pursuant to articles 68(1) and (3) of the Rome Statute, rule 16 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court (“RoC”) and in compliance with the Decision.

IV. Classification

13. In accordance with regulation 23*bis*(1) of the RoC, the annex to this filing is submitted as confidential *ex parte*, available only to the Registry and both CLRVs, because it contains sensitive information that relates to the safety and physical well-being of victims.

V. Submissions

A. Number of Participating Victims

14. To date, the Registry has received a total of 3,136 applications for participation in the proceedings in relation to the Case.

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

¹³ Registry, “First Periodic Report on the Victims Admitted to Participate in the Proceedings”, 12 April 2021, ICC-01/14-01/18-952; “Second Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 August 2021, ICC-01/14-01/18-1085; “Third Periodic Report on the Victims Admitted to Participate in the Proceedings”, 13 December 2021, ICC-01/14-01/18-1209; “Fourth Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 April 2022, ICC-01/14-01/18-1356-Conf-Exp, a public redacted version was filed on the same day (ICC-01/14-01/18-1356-Red); “Fifth Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 August 2022, ICC-01/14-01/18-1541; “Sixth Periodic Report on the Victims Admitted to Participate in the Proceedings”, 12 December 2022, ICC-01/14-01/18-1695; and “Seventh Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 April 2023, ICC-01/14-01/18-1835 (“Registry’s Seventh Report”).

15. Out of these, the Registry transmitted to date 2,601 applications - including 1,687 Group A applications, as well as 871 Group B and 43 Group C applications - to the Chamber, which has so far granted victim status to 1,666 applicants at the trial stage.¹⁴
16. The Registry recalls that 1,085 victims were accepted to participate ahead of the confirmation of charges hearing at the pre-trial stage.¹⁵ The VPRS has been reviewing these victim applications against the revised scope of the Case as established by the Confirmation Decision (“Revised Scope of the Case”). The Registry has assessed until now:
- approximately 700 of these applications as adversely affected by the Revised Scope of the Case;¹⁶ out of these, 673 applications were transmitted to the Chamber as Group B applications - upon confirmation

¹⁴ See Trial Chamber V, “Decision on Victims’ Participation in Trial Proceedings”, 23 November 2020, ICC-01/14-01/18-738; “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; “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, “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 and “Nineteenth Decision on Victims’ Participation in Trial Proceedings (Groups B and C)”, 13 March 2023, ICC-01/14-01/18-1795.

¹⁵ See *supra*, para. 5.

¹⁶ As explained in its Update, the VPRS provided on 27 February 2020 the CLRVs with a preliminary list of approximately 570 individuals. It latter informed the CLRVs that further 130 might fall outside the scope of the Case following the 23 November 2020 Decision (Emails from VPRS to Mr Dangabo, Ms Rabesandratana, Mr Fall and Ms Douzima, 4 February 2021 at 12:07 and to Ms Massidda, 4 February 2021 at 12:07).

from the respective CLRVs that no additional clarification/information could be obtained from the victims;

- approximately 325 of these applications as Group A applications which were subsequently admitted for participation at trial stage;
- approximately 60 of these applications were assessed as incomplete.¹⁷

17. The Registry is carrying on its preliminary assessment and will continue to transmit periodically to the Chamber applications for participation in compliance with the deadline set by the Chamber in its 16 July 2020 Decision.¹⁸

B. Number of victims represented by each team of CLRVs

18. The Registry notes that there have been no new victims admitted to participate in the Case since the Registry's Seventh Report. Therefore, the information presented in the latter remains unchanged.¹⁹

C. CLRVs' activities and victims' views

19. In accordance with paragraph 9 of the Decision, the CLRV1²⁰ and the CLRV2 team have provided the Registry with:

- information relating to their recent teams' activities amongst the victims' communities, and
- the views and/or concerns expressed by the participating victims to the CLRVs, including the victims' ability to follow the proceedings from their respective communities.

20. The following tables present the information reported to the Registry by the two CLRVs:

¹⁷ While some of these applications were assessed as complete at pre-trial stage, they became incomplete in light of the revised scope of the Case (e.g. they require more details in relation to the dates or to the geographical locations of the alleged crimes).

¹⁸ See *supra*, footnote 12.

¹⁹ See Registry's Seventh Report, paras. 18 to 23.

- *Former Child Soldiers*

Information provided by CLRV1 ²¹
On the form and content of interactions with victims During the reporting period, the CLRV1 carried out two missions in the field during which he met with victims both individually and in groups. In addition, the CLRV1 reported that he continued holding regular remote meetings with the victims on a bi-weekly basis, in groups gathered in the respective communities. An average of 20 victims attended each group session. The CLRV1 indicated that during the group meetings, which lasted on average one and a half hours, the victims were first informed of the developments in the proceedings. They then had the opportunity to ask questions, express their views and concerns, as well as their expectations in terms of justice and assistance they need. The CLRV1 added that other individual interactions were held on a daily basis in relation to a specific topic which could be related to health, security or socio-economic reintegration issues. The CLRV1 observed that victims remained consistently interested to participate in information sessions, despite being busy with rural activities which constitute their only source of subsistence. The CLRV1 further noted that for the majority of the victims there are no other available sources to follow the developments in the trial.
On the security situation in the respective communities The CLRV1 stated that during the reporting period, especially in July 2023, the security situation in the localities where most former child soldiers live has deteriorated. The CLRV1 noted that several armed groups increased their presence and activities in the region with the aim to frustrate the referendum vote scheduled on 30 July 2023. The CLRV1 further stated that: i) the local population was subjected to threats or otherwise encouraged to sabotage the referendum; and ii) a number of victims reported being solicited or convinced to join the armed groups composed by former Anti Balaka elements. The CLRV1 further explained that several victims continued reporting being regularly stigmatized by their respective families and communities because of their experience as child soldiers and despite the time elapsed since the events. In this regard, the CLRV1 reported that these victims asked for assistance, for instance in the form of outreach activities or community therapy, to address the stigmatization issue and to help them reintegrate into their respective

²¹ Emails from Me Suprun to Registry on 3 August 2023 at 10:23 and 10:31.

communities.

On the views and concerns of victims

The CLRV1 reported that many former child soldiers continued reporting physical and psychological health issues, as well as difficulties with finding ways to engage in income-generating activities. The CLRV1 further explained that while a number of victims could benefit from some assistance as part of the TFV's assistance programmes in the CAR, the vast majority of the victims could not yet benefit from any type of support. In this regard, the CLRV1 added that the former child soldiers called again on the TFV to consider extending its assistance programmes in the respective communities in terms of capacity and types of assistance provided.

On the victims' ability to follow the trial

The CLRV1 highlighted that in the localities where the former child soldiers live, namely the Ombella-Poko and Lobaye prefectures, the victims' ability to follow the trial was limited. He added that only a limited number of victims reported having been able to follow the trial sequences broadcasted, for instance, by some national and regional radio stations.

As a result, during the reporting period, for the vast majority of the participating former child soldiers, interactions with the CLRV1 were the only source of information on the developments in the proceedings.

Lastly, the CLRV1 reported that the victims expressed their wish that additional channels of transmission of relevant information are put in place in their respective localities, for instance *Ciné Vidéo*.

- ***Victims of the Other Crimes***

Information provided by the CLRV2 Team²²

On the form and content of interactions with victims

Victims based in CAR

The CLRV2 Team reported that they maintained regular contact with their clients both in Bangui and outside Bangui, holding individual or small group meetings with Counsel/Assistant to Counsel based in CAR.

The CLRV2 Team noted that meetings via telephone and WhatsApp were also held between victims, Counsel based in CAR, focal points, and intermediaries; and that it was also possible to hold meetings via WebEx/ WhatsApp between

²² Email from Me Dangabo, Me Douzima, Me Fall, Me Massidda and Me Rabesandratana to Registry on 7 August 2023 at 09:45.

victims and Counsel based outside CAR.

The CLRV2 Team indicated that, as usual, the number of victims reached per week varied depending on the possibility for them to travel to the venue, their professional obligations, and the security situation. Counsel submitted that they made special efforts to contact victims recently admitted to participate by the Chamber. The CLRV2 Team noted that the main challenge remains to reach all victims previously unrepresented because the contact details provided at the time the forms were filled in are no longer in use, or the person no longer lives in the same area; for example, the CLRV2 Team was informed by some of the victims that they encountered difficulties in accessing their homes in Bossangoa. In this respect, Counsel indicated that they continue to consult with the Registry (VPRS) to find a solution. Counsel also reported that they have organized identification, awareness-raising and form-filling sessions for potential victims wishing to participate in the proceedings.²³

The CLRV2 Team explained that during the meetings, victims were first informed about their status and the procedural developments, and they then had the opportunity to ask questions and express their views and concerns. The victims were also asked about their health needs and/or socio-economic situation.

The CLRV2 Team highlighted that specific individual meetings were also organised with victims whose forms were considered incomplete or from whom the Chamber had asked supplementary information. Counsel provided supplementary information for a number of victims to the Registry (VPRS).

Victims based in Chad

The CLRV2 Team reported that, after their mission in April 2022, they maintained regular contact with clients through the assistance of focal points in the field.

Counsel also indicated that they were able to hold remote meetings to verify a number of application forms and collect additional information to complete some application forms. They added that a number of new applications were transmitted to the Registry (VPRS).

On the views and concerns of victims

According to the CLRV2 Team, victims are generally satisfied with the pace of the trial and looking forward to the closing of the presentation of evidence by

²³ The Registry notes that the interaction with victim applicants and active collection of new application forms falls within the mandate of the Registry and is not a task of the Common Legal Representatives of Victims. This said, they may receive applications due to their representation role in on-going cases. Forms are then forwarded to the Registry for assessment and processing.

the Prosecution. However, Counsel noted that as the trial progresses, a number of victims are becoming impatient - a few victims feeling less engaged with the process.

The CLRV2 Team stressed that the security situation in the country remains a major concern for the victims, in particular with the creation of the *Coalition des Patriotes pour le Changement*- an armed coalition between the Anti-Balaka and the Seleka operating in certain towns within CAR. The CLRV2 Team emphasised that this situation resulted in regular internal displacement of victims. Counsel reported that victims are also increasingly concerned about the role of the Wagner's forces - whose presence is widely appreciated - since these forces are also committing atrocities against the population, particularly in certain towns in the interior of the country. According to the CLRV2 Team, this caused victims to flee their localities and to seek refuge in neighbouring countries, mainly Cameroon, Democratic Republic of Congo ("DRC") and Chad.

The CLRV2 Team further reiterated their previous observations according to which many victims find themselves in a very vulnerable situation. Some victims continue to report physical and psychological health problems, difficulties in finding daily subsistence means, health care, jobs, and the impossibility to send their children to school, whilst others reported that they are still living apart from members of their family who sought refuge in other countries - mainly the DRC, Chad and Cameroon. Moreover, Counsel added that some victims reported that they face difficulties in accessing their homes in certain towns and villages in the CAR.

The CLRV2 Team reported that the vast majority of victims asked about the TFV assistance programme and some victims told Counsel that they would like the TFV assistance programme to support vulnerable victims in 2024, particularly in the areas of health and education. In this respect, Counsel stated that they will continue to liaise with the TFV.

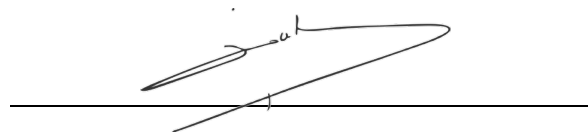
Finally, the CLRV2 Team highlighted that victims asked about the proceedings against Mr Mokom and expressed their wish to participate in those proceedings as well. Counsel reported that they provided information about said proceedings to victims and informed the Registry (VPRS) accordingly.

On the victims' ability to follow the trial

The CLRV2 Team reiterated that the possibility to be informed and follow the trial varies depending on the locations where victims reside, with those in Bangui town and surroundings having more opportunities than those living in rural areas. Counsel further explained that the current situation in CAR, where network and phone connections are not stable or available, does not allow to

communicate easily. As a result, some victims have reported facing difficulties in following the trial.

The CLRV2 Team reported that victims welcomed the Court's efforts to organize information campaigns in the various localities where they live and asked for the possibility to follow certain parts of the trial live. Counsel added that, according to the victims, this will enable them to be aware of what is really happening at the Court, since often rumours are spread about the release of the accused, which is a source of worry and anxiety for victims and their communities. In this respect, the CLRV2 Team indicated that the victims expressed their wish that the Court would mobilize again the media to ensure better follow-up of the trial in all the areas where the victims reside. Counsel stressed that this is all the more true in Chad, where the Court's presence on the ground is virtually non-existent.

A handwritten signature in black ink, appearing to read 'M. Dubuisson', is written over a horizontal line.

Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 11 August 2023

At The Hague, The Netherlands