

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/14-01/18
Date: 11 December 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 *EX PARTE* Annex available only to the Registry and the
Common Legal Representatives of Victims**

Ninth 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:

The Office of the Prosecutor

Karim A. A. Khan
Mame Mandiaye Niang
Kweku Vanderpuye

Counsel for Alfred Yekatom

Mylène Dimitri
Thomas Hannis
Anta Guissé
Sarah Bafadhel

Legal Representatives of the Victims

Abdou Dangabo Moussa
Elisabeth Rabesandratana
Yaré Fall
Marie-Edith Douzima-Lawson
Paolina Massidda
Dmytro Suprun

Counsel for Patrice-Edouard Ngaïssona

Geert-Jan Alexander Knoops
Richard Omissé-Namkeamaï
Marie-Hélène Proulx

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**Office of the Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Oswaldo Zavala Giler

Country Analysis Unit

Hiroto Fujiwara

Victims and Witnesses Section

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

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 ninth 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 Ngaiissona* ("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 Ngaiissona* ("CLRV2").

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, 24 November 2023 at 15:13.

⁴ Email from Me Suprun to Registry, 6 December 2023 at 12:19; email from Me Dangabo, Me Douzima, Me Fall, Me Massidda and Me Rabesandratana to Registry, 7 December 2023 at 00:03.

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 of Charges Decision").⁸
7. On 19 March 2020, the Chamber issued its "Order Scheduling First Status Conference", 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.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”.¹²
10. On 11 November 2020, the Chamber issued the Decision.
11. Between 12 April 2021 and 11 August 2023, the Registry submitted eight periodic reports on victims admitted to participate in the proceedings.¹³
12. On 17 October 2023, the Chamber issued its “Twenty-First Decision on Victims’ Participation in Trial Proceedings (Groups A and B) and Decision on Requests for Extension of Time to Transmit Applications” (“17 October 2023 Decision”) in which it granted the Registry an extension of time until 29 February 2024 for the transmission of 337 incomplete applications in the possession of the Registry.¹⁴

III. Applicable Law

13. 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

14. 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.

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

¹³ See last report: Registry, “Eighth Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 August 2023, ICC-01/14-01/18-2023 (“Registry’s Eighth Report”).

¹⁴ Trial Chamber V, “Twenty-First Decision on Victim’s Participation in Trial Proceedings (Groups A and B) and Decision on Requests for Extension of Time to Transmit Applications”, 17 October 2023, ICC-01/14-01/18-2148, para. 12 and p. 10.

V. Submissions

A. Number of Participating Victims

15. To date, the Registry has received a total of 3,207 applications for participation in the proceedings in relation to the Case.
16. Out of these, the Registry transmitted to date 2,870 applications - including 1,896 Group A applications, as well as 931 Group B and 43 Group C applications - to the Chamber, which has so far granted victim status to 1,917 applicants at the trial stage.¹⁵
17. The Registry is carrying on its preliminary assessment on the 337 incomplete applications in its possession and will transmit them to the Chamber in compliance with the deadline set by the Chamber in its 17 October 2023 Decision.¹⁶

¹⁵ 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; "Nineteenth Decision on Victims' Participation in Trial Proceedings (Groups B and C)", 13 March 2023, ICC-01/14-01/18-1795; "Twentieth Decision on Victims' Participation in Trial Proceedings (Group A)", 24 August 2023, ICC-01/14-01/18-2050; and "Twenty-First Decision on Victim's Participation in Trial Proceedings (Groups A and B) and Decision on Requests for Extension of Time to Transmit Applications", 17 October 2023, ICC-01/14-01/18-2148.

¹⁶ See *supra*, footnote 14.

B. Number of victims represented by each team of CLRVs

18. For the purpose of the current update, the Registry only presents hereafter the number of victims accepted thus far by the Chamber that are represented by the CLRVs, following the Registry's review of applications against the revised scope of the Case after the Confirmation of Charges Decision. However, it notes that the CLRVs represent a total of 54 additional victims who were either accepted to participate ahead of the Confirmation of Charges Decision and whose status at the trial stage is still being assessed¹⁷ or were deferred by the Chamber pending supplementary information (and subject to future reporting).¹⁸

) *Former Child Soldiers*

19. A total of 292 victims of the crime of enlistment of children under the age of 15 years and their use to participate actively in hostilities ("Former Child Soldiers") have been admitted so far as participating victims at the trial stage.¹⁹

) *Victims of the Other Crimes*

20. A total of 1625 victims of the other crimes listed in the Confirmation of Charges Decision (the "Victims of Other Crimes") have been admitted as participants at trial stage.²⁰

21. The Registry notes that the information presented in the Registry Last Assessment Report, including *inter alia* the victims' age, gender and crimes remains unchanged.²¹

¹⁷ Registry, "Twenty-Eighth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings" ("Registry Last Assessment Report"), 7 September 2023, ICC-01/14-01/18-2081, para. 18. 52 applications are presently pending confirmation by the CLRV to be transmitted as Group B Applications, or were assessed as incomplete and require supplementary information.

¹⁸ *Ibid.* para. 18. Two applications were deferred by the Chamber pending supplementary information.

¹⁹ This includes 86 of the 88 Former Child Soldiers previously admitted to participate at pre-trial stage.

²⁰ 255 of them were previously admitted to participate at pre-trial stage.

²¹ See *supra*, footnote 17 (Registry Last Assessment Report, para 21-23).

C. CLRVs' activities and victims' views

22. In accordance with paragraph 9 of the Decision, the CLRV1²² and the CLRV2²³ 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.

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

) *Former Child Soldiers*

Information provided by CLRV1 ²⁴
On the form and content of interactions with victims
During the reporting period, the CLRV1 carried out two missions in the field. During these activities the victims were met both in group and individually. In addition, the CLRV1 continued holding regular remote meetings with the victims on a bi-weekly basis, in group 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, and then had the opportunity to ask questions, express their views and concerns, as well as their expectations in terms of the justice and assistance they need. Other interactions were held on a daily individual basis in relation to a specific topic which could be related to health, security or socio-economic reintegration issues. The CLRV1 observed that the victims remained consistently interested to participate in information sessions, despite being busy in rural activities constituting the only source of their subsistence, in particular in the absence of the possibility for the majority of the victims to follow the development of the trial from any other sources.

²² See *supra*, footnote 1.

²³ *Id.*

²⁴ Email from Me Suprun to Registry on 6 December 2023 at 12:19.

On the security situation in the respective communities

The CLRV1 stated that during the reporting period, the security situation in the localities where most former child soldiers live was relatively calm.

The CLRV1 noted that a number of the victims continued reporting of being regularly stigmatized by their respective communities because of their experience as child soldiers and despite the time elapsed after the events. In this regard, the CLRV1 reported that these victims asked for assistance, for instance in a form of outreach or community therapy, to address the stigmatization issue and to help them reintegrate their respective 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 the victims could benefit from some assistance as part of the TFV's assistance programmes in the CAR, they complained about the limited nature of this assistance which mainly consisted of the provision of basic medical care only. In particular, the victims suffering from diverse health pathologies or gynecological issues complained of only been provided with basic medications and of feeling now abandoned with no further and more substantive care. The vast majority of the victims could not yet benefit from any medical care or any other 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 capacities 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-M'Poko and Lobaye prefectures, the victims' ability to follow the trial was limited. Only a number of victims reported of being able to follow the trial sequences broadcasted for instance by some national and regional radio stations.

The CLRV1 indicated that in the absence of access to any other sources, 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 development in the proceedings.

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

) *Victims of the Other Crimes*

Information provided by the CLRV2 Team ²⁵
On the form and content of interactions with victims
<i>Victims based in CAR</i>
The CLRV2 Team reported that that they maintained regular contact with their clients in Bangui and outside Bangui by organizing individual or small group meetings with Counsel/Assistants of Counsel based in CAR. The CLRV2 Team noted that meetings via telephone and <i>WhatsApp</i> meetings were also held between victims, CAR-based counsel, focal points and intermediaries. It was also possible to hold meetings via <i>WebEx/ WhatsApp</i> between victims and Counsel based outside CAR. The CLRV2 Team indicated that, as usual, the number of victims contacted per week varied according to their ability to travel, their professional obligations and the security situation. Counsel have 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 victims that they had difficulty accessing their homes in Bossangoa. In this respect, Counsel continue to consult with the Registry (VPRS). Counsel have organized identification, awareness-raising and form-filling sessions for potential victims wishing to take part in the proceedings.²⁶ The CLRV2 Team explained that during the meetings, victims were first informed of their status and the progress of the proceedings, then given the opportunity to ask questions and express their views and concerns. They were also asked about their health needs and/or socio-economic situation. The CLRV2 Team highlighted that specific individual meetings were also organized with victims whose forms were considered incomplete or for whom the Chamber had requested additional information. In this respect, Counsel provided the Registry (VPRS) with additional information for a number of victims. The CLRV2 Team indicated that, in particular, during a mission in Bangui

²⁵ Email from Me Dangabo, Me Douzima, Me Fall, Me Massidda and Me Rabesandratana to Registry on 7 December 2023 at 00:03.

²⁶ The Registry notes that the interaction with victim applicants and active collection of new application/reparations 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 the on-going case. Forms are then forwarded to the Registry for assessment and processing.

which took place from 20 to 30 November 2023, 300 victims were informed about the progress of the proceedings. In addition, following the “Twenty-First Decision on Victims’ Participation in Trial Proceedings and Decision on Requests for Extension of Time to Transmit Applications” issued on 17 October 2023, supplementary information was collected on the field.

Victims based in Chad

The CLRV2 Team reported that during a mission carried out in August 2023, Counsel have been able to collect supplementary information requested by the Registry (VPRS). The said additional information has been forwarded to Registry (VPRS). Counsel maintained regular contact with clients thanks to the assistance of focal points in the field.

On the views and concerns of victims

According to the CLRV2 Team, victims are generally satisfied with the pace of the trial and understand the difficulties involved. However, as the trial progresses, a number of victims become impatient and some feel less involved in the process. Moreover, victims have expressed concerns about the impact of the withdrawal of charges against Maxime Mokom on the Yekatom & Ngaissona case.

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* (Coalition of Patriots for Change)- 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 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 situation caused victims to flee their localities and to seek refuge in neighbouring countries, mainly Cameroon, Democratic Republic of Congo (“DRC”) and Chad. This makes it increasingly difficult for Counsel to locate them. Moreover, Counsel added that, all in all, the security situation is becoming increasingly confused.

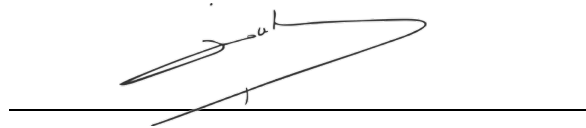
The CLRV2 Team further reiterated their previous observations according to which many victims find themselves in a very vulnerable situation. Some victims continue to report physical and psychological health problems, difficulties in finding daily subsistence means, healthcare, employment, and the inability 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.

Finally, 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.

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 during the meetings, the 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.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 11 December 2023

At The Hague, The Netherlands