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**International
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TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung
Judge Beti Hohler, Alternate Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

PUBLIC

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

Eleventh 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 eleventh 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 Ngaïssona* ("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 Ngaïssona* ("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, 9 July 2024 at 10:02.

⁴ Email from Me Suprun to VPRS, 5 August 2024 at 17:17; and email from Me Dangabo, Me Douzima, Me Fall, Me Massidda and Me Rabesandratana to VPRS, 5 August 2024 at 17:30.

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. 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.¹³
12. Since 12 April 2021, the Registry has submitted ten periodic reports on victims admitted to participate in the proceedings.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 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.

¹⁴ See last report: Registry, “Tenth Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 April 2024, ICC-01/14-01/18-2443 (“Tenth Report”).

V. Submissions

A. Number of Participating Victims and number of Participating Victims represented by each team of CLRVs

15. The Registry notes that there have been no new victims admitted to participate in the Case since the Registry's Tenth Report. Therefore, the information presented in the latter remains unchanged.¹⁵

B. CLRVs' activities and victims' views

16. In accordance with paragraph 9 of the Decision, the CLRV1¹⁶ and the CLRV2¹⁷ 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.

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

- ***Former Child Soldiers***

Information provided by CLRV1 ¹⁸
On the form and content of interactions with victims
During the reporting period, the CLRV1 carried out one mission in the field. During these activities, the victims were met both in group and individually. In addition, the CLRV1 held regular remote meetings with the victims on a monthly basis, in group gathered in the respective communities. An average of 30 victims attended each group session. The CLRV1 indicated that during the group meetings, which lasted on average

¹⁵ Tenth Report, paras 15 – 21.

¹⁶ See *supra*, footnote 1.

¹⁷ *Id.*

¹⁸ Email from Me Suprun to VPRS, 5 August 2024 at 17:17.

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.

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 further 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 addition, a number of the victims reported of being approached by former Anti-Balaka elements with proposal to join armed groups currently operating in the region.

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 although 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. However, the majority of the victims could not yet benefit from even basic medical care or any other type of support.

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 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.

- *Victims of the Other Crimes*

Information provided by the CLRV2 Team ¹⁹
On the form and content of interactions with victims
<i>Victims based in CAR</i>
The CLRV2 Team reported that they maintained regular contact with their clients in and outside Bangui by organizing individual or small group meetings with Counsel/Assistants to Counsel based in CAR. The CLRV2 Team noted that meetings <i>via</i> telephone and <i>WhatsApp</i> were also held between victims, CAR-based Counsel, focal points and intermediaries and that it was possible as well to hold meetings <i>via 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 reported to have made special efforts to contact victims recently admitted by the Chamber to participate in the proceedings. The CLRV2 Team noted that the main challenge remains to reach all victims who were 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 and in other localities. In this respect, Counsel continue to consult with the Registry (VPRS). The CLRV2 Team explained that during the meetings, victims were first informed of their status and the progress of the proceedings, then they were 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.
<i>Victims based in Chad</i>
The CLRV2 Team reported that it maintained contact with victims through small and collective meetings by telephone. During these meetings, Counsel

¹⁹ Email from Me Dangabo, Me Douzima, Me Fall, Me Massidda and Me Rabesandratana to Registry, 5 August 2024 at 17:30.

exchanged information with victims, in particular about the procedural developments and the current stage of the proceedings. Counsel also highlighted that, during the small meetings, they informed victims of their admission by the Chamber to the proceedings.

The CLRV2 team added that its field team, consisting of a field assistant and support staff, has made regular visits to the locations where the victims have taken refuge. The team enquired about the victims current situation and living conditions. Counsel reported that the location and dispersal of the victims in several camps and sites in Chad (Dosseye, Danamadja, Amboko, Maingama, Djako, Doyaba, Sido, Yaroungou, Moula, Gondjé, Goré and Haraz and in other provinces and villages in the country) has made it difficult to reach all the victims. According to them, the security situation and the lack of logistical support do not allow them to travel to certain locations. In addition victims often lack the means to travel and join the meetings, which are often organised in the camps most accessible to the victims

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 potential impact on the present Case of the withdrawal of charges in the case against Mr Maxime Mokom. Counsel indicated that in Chad, for example, the willingness of victims to attend meetings with their counsel or to meet the field team has declined since Mr Mokom's release.

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 the regular internal displacement of victims. Counsel reported that victims are also increasingly concerned about the role of the Wagner forces that 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, the 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, in particular those from Bossangoa, reported that they face difficulties in accessing their homes in certain towns and villages in the CAR.

Counsel stressed that the situation of victims who have taken refuge in Chad is beyond catastrophic: victims have not received humanitarian aid since 2015. They experience an unprecedented humanitarian crisis, which both the host country and by international organisations decry.

The CLRV2 team reported that victims in Chad are located in the IDP sites of : Dosseye, Danamadja, Amboko, Maingama, Djako, Doyaba, Sido, Yaroungou, Moula, Gondjé, Goré and Haraz. They highlighted that in these camps, the victims face difficulties in terms of health, education and housing. Counsel noted that a very high mortality rate has been reported due to the lack of health facilities and health care support. Most of the minor children face health problems, malnutrition and a lack of education. They are more exposed to problems related to the lack of protection, as they are more vulnerable due to the trauma resulting from uprooting. According to Counsel, female victims and young girls are more exposed to gender-based violence and prostitution.

The CLRV2 team reported that cases of fire (during the dry season) and flooding (during the rainy season) in the refugee camps are very common. Most of their huts are built with tarpaulins and are not resistant to the aforementioned bad weather. This results, among other outcomes, in the loss of victims' identity documents and the outbreak of epidemics and diseases.

The CLRV2 team stressed that victims are in an alarming situation due to the trauma caused by the crimes they have suffered from and to the degrading conditions in which they live in Chad.

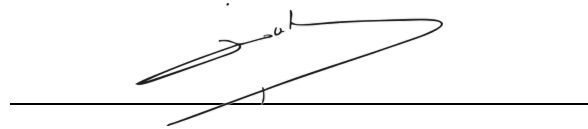
Finally, the CLRV2 Team reported that the victims called on the Trust Fund for Victims (TFV) to intervene through its assistance mandate. According to Counsel, victims expressed the hope that this mandate would be implemented this year, and that it would give priority to vulnerable groups of victims, particularly in the areas of physical and mental health, and social. 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 nor 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 live certain parts of the trial. 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 12 August 2024

At The Hague, The Netherlands