

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21
Date: 6 November 2024

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez
Judge Keebong Paek, Alternate Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**Public
With Confidential Annex**

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

Source: Registry

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

The Office of the Prosecutor

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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of the Public Counsel for
Victims**

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

States’ Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. On 13 April 2022, Trial Chamber VI ("Chamber") issued its "Decision on matters relating to the participation of victims during the trial" ("Decision")¹ in which it *inter alia* adopted an amended version of the victim admission system endorsed by Pre-Trial Chamber II ("PTC" and "Victim Application Procedure")² in light of the expected low number of applications in the present case of the *Prosecutor v. Mahamat Said Abdel Kani* ("Case").³
2. In compliance with the Victim Application Procedure, the Victims Participation and Reparations Section of the Registry ("VPRS") shall classify victim 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") ("A-B-C approach").
3. In addition, the VPRS must transmit Group A and Group C applications to the parties together with the corresponding reports pursuant to Regulation 86(5) of the Regulations of the Court ("RoC").⁴
4. The Registry hereby transmits its seventh report on one complete application to participate ("Application") in the Case. The Registry has assessed this Application to fall in Group A.
5. The Application is listed in the annex to the present report ("Annex") and is being transmitted separately in original version to the Chamber and in redacted form to the parties, in accordance with the Decision.⁵

¹ Trial Chamber VI, "Decision on matters relating to the participation of victims during the trial", 13 April 2022, ICC-01/14-01/21-278, para. 16-18.

² On 16 April 2021 Pre-Trial Chamber II issued its "Decision Establishing the Principles Applicable to Victims' Applications for Participation" (ICC-01/14-01/21-56) in which it endorsed, *mutatis mutandis*, the victim application procedure adopted in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiissona* (5 March 2019, ICC-01/14-01/18-141) ("5 March 2019 Decision").

³ Decision, para. 16.

⁴ Decision, para. 16, in variation to the general standard approach foreseen by the 5th edition (2022) of the Chambers Practice Manual, para. 96 *lit.* (v), owing to the expected low number of applications in the present case.

⁵ Decision, paras. 16, 17 and regarding necessary redactions paras. 23, 24.

II. Procedural History

6. On 9 December 2021, the PTC confirmed part of the charges against Mr Said (“Confirmation of Charges Decision”),⁶ relating to crimes allegedly committed at the *Office Central de Répression du Banditisme* (“OCRB”).
7. On 13 April 2022, the Chamber issued the Decision, amending the pre-trial A-B-C approach in light of the expected low number of applications in the Case;⁷ it also set the “end of the Prosecution’s presentation of evidence as the deadline for the transmission of victim applications by the Registry”.⁸
8. On 6 May 2022, the Registry submitted its first assessment report⁹ and transmitted 20 applications classified as belonging to Group A and three applications classified as belonging to Group C.¹⁰
9. On 27 May 2022, the Chamber authorised 20 victims to participate in the Case (“First Decision”).¹¹
10. On 13 July 2022, the Registry submitted its second assessment report¹² and transmitted 14 applications classified as belonging to Group A and five applications classified as belonging to Group C.¹³

⁶ Pre-Trial Chamber II, “Public redacted version of Decision on the confirmation of charges against Mahamat Said Abdel Kani, 9 December 2021, ICC-01/14-01/21-218-Red.

⁷ Decision, para. 16, in reference to the Appeals Chamber’s ‘Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled “Decision establishing the principles applicable to victims’ applications for participation”’, ICC-01/14-01/21 OA2, 14 September 2021 and the latest edition (5th edition, 2022) of the Chambers Practice Manual which sets the ABC application process as the general default, para. 96 (albeit limiting the transmission of forms to the parties to “C” forms, *id.*, para. 96 (vi)).

⁸ Decision, paras 10-28.

⁹ Registry, “First Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 6 May 2022, ICC-01/14-01/21-297.

¹⁰ Registry, “First Registry Transmission of Group A and C Victim Applications for Participation in Trial Proceedings”, 6 May 2022, ICC-01/14-01/21-296.

¹¹ Trial Chamber VI, “Decision authorising 20 victims to participate in the proceedings”, 27 May 2022, ICC-01/14 01/21-331.

¹² Registry, “Second Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 13 July 2022, ICC-01/14-01/21-405-Conf. A public redacted version was filed on the same day (ICC-01/14-01/21-405-Red).

¹³ Registry, “Second Registry Transmission of Group A and C Victim Applications for Participation in Trial Proceedings”, 13 July 2022, ICC-01/14-01/21-406.

11. On 6 September 2022 the Chamber clarified that the scope of the charges in the Case is limited to the specific criminal acts listed by the PTC in paragraph 29 of the operative part of the Confirmation of Charges Decision.¹⁴
12. On 27 September 2022, the Chamber issued the “Order for the Reassessment of Victims Applications” in which it instructed the Registry “to reassess all applications that it had previously classified as Group A, including those authorised to participate in the First Decision, in light of the clarified scope of the charges”.¹⁵
13. Between 8 November 2023 and 22 July 2024, the Chamber authorised the participation of 31 victims in the trial proceedings,¹⁶ and denied such authorisation to five applicants.¹⁷

III. Classification

14. The Annex to this report is classified as confidential in accordance with the Victim Application Procedure.¹⁸

IV. Applicable Law

15. 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 RoC, and regulations 107 to 109 of the Regulations of the Registry.

¹⁴ Trial Chamber, “Decision on the Scope of the Charges”, 6 September 2022, ICC-01/14-01/21-472, para. 25.

¹⁵ Trial Chamber VI, “Order for the Reassessment of Victims Applications”, 27 September 2022, ICC-01/14-01/21-490. para. 8.

¹⁶ Trial Chamber VI, “Second Decision Authorising Victims to Participate in the Proceedings”, 8 November 2023; ICC-01/14-01/21-640-Conf. A public redacted version of the decision was filed on the same day (ICC-01/14-01/21-640-Red) and “Fourth Decision Authorising Victims to Participate in Proceedings”, 22 July 2024, ICC-01/14-01/21-812.

¹⁷ Trial Chamber VI, “Third Decision Authorising Victims to Participate in the Proceedings”, 14 February 2024, 01/14-01/21-695-Conf. A public redacted version of the decision was filed on the same day (ICC-01/14-01/21-695-Red)

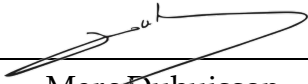
¹⁸ 5 March 2019 Decision, para. 41(iii).

V. Submissions

16. In accordance with the Victim Application Procedure, the VPRS has assessed the application transmitted as complete. In conducting its assessment,¹⁹ the VPRS confirms that the applicant whose application is being transmitted in Group A has met *prima facie* the following criteria:

- i. His or her identity as a natural person is established;²⁰
- ii. He or she has suffered harm;²¹
- iii. The harm suffered is a result of an incident listed in paragraph 29 of the operative part of the Confirmation of Charges Decision ("Incident"),²² and therefore falls within the temporal, geographic and material scope of the Case.²³

17. The Registry has received additional applications it has currently assessed as falling outside the scope of the case²⁴ or as incomplete.²⁵ It will continue to assess all applications it receives according to the criteria established by the Chamber, in order to prepare the next stage of proceedings, if any.



 Marc Dubuisson
 Director, Division of Judicial Services
 on behalf of Osvaldo Zavala Giler, Registrar

Dated this 6 November 2024

At The Hague, The Netherlands

¹⁹ In accordance with paragraph 38 of the 5 March 2019 Decision.

²⁰ 5 March 2019 Decision, para. 31.

²¹ *Id.*, paras 31, 35.

²² See Incident (h).

²³ *Id.*, para. 37.

²⁴ Approximately 30 applications received by the Registry in 2024 are currently assessed as falling outside the scope of the Case.

²⁵ Approximately 20 applications received by the Registry on 30 October 2024 require additional information or clarifications from the applicants.