

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21
Date: 18 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

Victims' observations on the "Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings" (No. ICC-01/14-01/21-890)

Source: Office of Public Counsel for Victims

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

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I. INTRODUCTION

1. Counsel representing the collective interests of future applicants as well as of applicants in the proceedings and participating victims (the “Common Legal Representative”)¹ hereby submits her observations on the “Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings” (the “Registry Report” or the “Report”).²

2. The Common Legal Representative posits that the application *prima facie* fulfils the criteria of rule 85(a) of the Rules of Procedure and Evidence (the “Rules”) for Victim a/30060/24 to be admitted to participate in the proceedings.

II. PROCEDURAL BACKGROUND

3. On 16 April 2021, the Single Judge acting on behalf of Pre-Trial Chamber II (the “Single Judge”) in the present case issued the “Decision establishing the principles applicable to victims’ applications for participation”, endorsing, *mutatis mutandis*, the victim admission system adopted in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*.³

4. On 9 December 2021, Pre-Trial Chamber II (the “Pre-Trial Chamber”) confirmed the charges against Mahamat Said Abdel Kani (“Mr Saïd”) relating to crimes allegedly

¹ See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG](#) and [No. ICC-01/14-01/21-T-007-Red-ENG](#), p. 47, lines 12-24; the “Decision on matters relating to the participation of victims during the trial” (Trial Chamber VI), [No. ICC-01/14-01/21-278](#), 13 April 2022, para. 29; the “Decision authorising 20 victims to participate in the proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-331](#), 27 May 2022 (the “First Decision on Participation”); and the “Second Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-640-Conf](#), 8 November 2023 (the “Second Decision on Participation”).

² See the “Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-890](#), 7 November 2024 (dated 6 November 2024) (the “Registry Report”).

³ See the “Decision establishing the principles applicable to victims’ applications for participation” (Pre-Trial Chamber II, Single Judge), [No. ICC-01/14-01/21-56](#), 16 April 2021. See also the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation” (Pre-Trial Chamber II), [No. ICC-01/14-01/18-141](#), 5 March 2019.

committed at the *Office Central de Répression du Banditisme* (the “OCRB”) between 12 April and 30 August 2013 (the “Confirmation Decision”).⁴

5. On 13 April 2022, Trial Chamber VI (the “Chamber”) issued its “Decision on matters relating to the participation of victims during the trial”, in which it, *inter alia*, adopted an amended version of the victim admission system endorsed by the Single Judge, in light of the expected low number of applications in the present case.⁵

6. On 20 April 2022, the Chamber issued the “Decision on Prosecution Notification regarding the Charges (ICC-01/14-01/21-262-Red)”, ruling that “*the scope of the charged crimes in this case is limited to the specific criminal acts listed by the Pre-Trial Chamber in paragraph 29 of the Confirmation Decision*”.⁶

7. On 7 November 2024, the Registry submitted its Report assessing one application as falling in Group A,⁷ and transmitted the latter to the Chamber and the parties.⁸

III. SUBMISSIONS

8. In accordance with the Court’s consistent jurisprudence, individuals seeking to be admitted as participating victims have to demonstrate *prima facie* that they are victims within the meaning of rule 85 of the Rules, according to the following criteria: (i) the applicant has established his/her identity as a natural person; (ii) the applicant is alleged to have suffered harm; and (iii) the personal harm reported by the applicant

⁴ See the “Decision on the confirmation of charges against Mahamat Said Abdel Kani” (Pre-Trial Chamber II), [No. ICC-01/14-01/21-218-Conf](#) and [No. ICC-01/14-01/21-218-Red](#), 9 December 2021 (the “Confirmation Decision”).

⁵ See the “Decision on matters relating to the participation of victims during the trial”, *supra* note 1.

⁶ See the “Decision on Prosecution Notification regarding the Charges (ICC-01/14-01/21-262-Red)” (Trial Chamber VI), [No. ICC-01/14-01/21-282](#), 20 April 2022.

⁷ See the Registry Report, *supra* note 2.

⁸ See the “Fifth Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-889](#), 7 November 2024 (dated 6 November 2024).

resulted from an incident falling within the temporal, geographic and material parameters of the case.⁹

9. Therefore, applicants who demonstrate *prima facie* that they have suffered harm as a result of the commission of any of the confirmed crimes allegedly committed at the OCRB between 12 April and 30 August 2013 when Mr Saïd was in charge, should be admitted to participate in the present proceedings, as held by the Chamber.¹⁰

10. The Common Legal Representative further recalls that the Chamber's determination as to whether the criteria of rule 85 of the Rules have been met is based on a *prima facie* assessment of the information provided in the application forms, meaning that the Chamber should not engage in a systematic in-depth credibility assessment of all the information provided by the applicants.¹¹

11. Turning now to the application transmitted by the Registry, the Common Legal Representative underlines that Victim a/30060/24: (i) has established his identity; (ii) has suffered direct personal harm; and (iii) has clearly demonstrated that said harm is the result of events which took place between 12 April 2013 and 30 August 2013 at the OCRB and which correspond to the alleged crimes charged against Mr Saïd.¹²

12. Incidentally, Victim a/30060/24's harm is the result of one of the specific criminal acts listed as non-exhaustive examples of the confirmed crimes by the Pre-Trial Chamber in paragraph 29 of the operative part of the Confirmation Decision,¹³ namely incident (h), as noted by the Registry.¹⁴

⁹ See, *inter alia*, the First Decision on Participation, *supra* note 1, para. 8; the "First decision on the admission of victims to participate in trial proceedings" (Trial Chamber I), [No. ICC-02/05-01/20-556](#), 14 January 2022, para. 4; the "Decision Establishing the Principles Applicable to Victims' Applications for Participation" (Pre-Trial Chamber I, Single Judge), [No. ICC-01/12-01/18-37-tENG](#), 24 May 2018, para. 48; and the "Second decision on victims' participation in trial proceedings" (Trial Chamber VI), [No. ICC-01/04-02/06-650](#), 16 June 2015, para. 10.

¹⁰ See the First Decision on Participation, *supra* note 1, para. 8.

¹¹ *Idem*, para. 9.

¹² *Idem*, para. 8(b). See also the Confirmation Decision, *supra* note 4.

¹³ See the Confirmation Decision, *supra* note 4. See also the "Decision on the 'Prosecution's application to amend the charges'", *supra* note **Error! Bookmark not defined.**

¹⁴ See the Registry Report, *supra* note 2, para. 16(iii).

13. Consequently, the Common Legal Representative posits that the application *prima facie* fulfils the criteria for Victim a/30060/24 to be admitted to participate in the present proceedings.

14. Last but not least, the Common Legal Representative avers that the redactions applied to the application are necessary to protect the safety as well as the physical and psychological well-being of the victim in accordance with article 68 of the Rome Statute, and with the Chamber's instructions in this regard.¹⁵ Consequently, they are proportionate, appropriate and consistent with Mr Saïd's right to a fair trial.

FOR THESE REASONS, the Common Legal Representative respectfully requests the Chamber to admit Victim a/30060/24 to participate in the present proceedings.

A handwritten signature in black ink, appearing to read 'Pellet', followed by a period.

Sarah Pellet

Dated this 18th day of November 2024

At The Hague, The Netherlands

¹⁵ See the "Decision on matters relating to the participation of victims during the trial", *supra* note 1, paras. 23-25.