



Original: English

**No.: ICC-01/14-01/21
Date: 13 December 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

Fifth Decision Authorising Victims to Participate in the Proceedings

Decision to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor Mr Karim A. A. Khan Ms Holo Makwaia	Counsel for the Defence Ms Jennifer Naouri Mr Dov Jacobs
Legal Representatives of Victims Ms Sarah Pellet	Legal Representatives of Applicants
Unrepresented Victims	Unrepresented Applicants for Participation/Reparations
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives	Amicus Curiae

REGISTRY

Registrar Mr Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Unit Nigel Verrill	Detention Section
Victims Participation and Reparations Section Philipp Ambach	Other

TRIAL CHAMBER VI of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64(2), 67(1) and 68(1) of the Rome Statute (the ‘Statute’), issues this ‘Fifth Decision Authorising Victims to Participate in the Proceedings’.

I. PROCEDURAL HISTORY

1. On 13 April 2022, the Chamber issued its ‘Decision on matters relating to the participation of victims during the trial’ (the ‘Participation Decision’),¹ whereby it instructed the Registry to classify the victims’ applications for participation into three categories:

- a. Group A: applicants who clearly qualify as victims in this case;
- b. Group B: applicants who clearly do not qualify as victims in this case: and
- c. Group C: applicants for whom the Registry could not make a clear determination for any reason.²

2. On 6 May 2022, the Registry submitted its first assessment report (the ‘First Report’),³ on 20 applications classified as Group A and three applications classified as Group C.

3. On 27 May 2022, the Chamber issued its ‘Decision authorising 20 victims to participate in the proceedings’ (the ‘First Decision’), in which it authorised all 20 applicants classified as Group A to participate in the proceeding and denied authorisation to all three Group C applicants included in the First Report.⁴

4. On 6 September 2022, the Chamber issued its ‘Decision on the Scope of the Charges’,⁵ clarifying ‘that the scope of the charged crimes in the present case is limited

¹ Decision on matters relating to the participation of victims during the trial, 13 April 2022, [ICC-01/14-01/21-278](#) (‘Participation Decision’).

² [Participation Decision](#), paras 10-18.

³ First Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, [ICC-01/14-01/21-297](#) (‘First Report’).

⁴ Decision authorising 20 victims to participate in the proceeding, [ICC-01/14-01/21-331](#) (‘First Decision’), disposition.

⁵ Decision on the Scope of the Charges, 6 September 2022, [ICC-01/14-01/21-472](#), para. 25.

to the specific criminal acts listed by the Pre-Trial Chamber in paragraph 29 of the operative part of the Confirmation of Charges Decision'.⁶

5. On 27 September 2022, in light of the clarified scope of the charges, the Chamber issued its 'Order for the Reassessment of Victims Applications' (the 'Order'),⁷ instructing the Registry to reassess all victims' applications that it had previously classified as Group A, including those authorised to participate in the First Decision.

6. On 11 October 2022, the Registry submitted its 'Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings' (the 'Updated Assessment Report').⁸

7. On 8 November 2023,⁹ 14 February 2024,¹⁰ and 22 July 2024¹¹ the Chamber issued a number of decisions in which it authorised 31 victims to participate in the trial proceedings.

8. On 6 November 2024, the Registry submitted its seventh assessment report on victim applications (the 'Seventh Assessment Report')¹² as well as the fifth transmission of Group A victim applications.¹³

9. On 15 November 2024, the Prosecution notified the Chamber that it had concluded the presentation of its evidence.¹⁴

⁶ 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 Order for the Reassessment of Victims Applications, [ICC-01/14-01/21-490](#).

⁸ Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings, [ICC-01/14-01/21-498](#) ('Updated Assessment Report').

⁹ Public Redacted Version of Second Decision Authorising Victims to Participate in the Proceedings, 8 November 2023, [ICC-01/14-01/21-640-Red](#).

¹⁰ Public Redacted Version of Third Decision Authorising Victims to Participate in the Proceedings, 14 February 2024, [ICC-01/14-01/21-695-Red](#).

¹¹ Fourth Decision Authorising Victims to Participate in Proceedings, 22 July 2024, [ICC-01/14-01/21-812](#).

¹² Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, 6 November 2024, [ICC-01/14-01/21-890](#) (with confidential annex).

¹³ Fifth Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings, 6 November 2024, [ICC-01/14-01/21-889](#) (with confidential annex).

¹⁴ Notice of the Conclusion of the Prosecution's Presentation of Evidence, 15 November 2024, [ICC-01/14-01/21-895](#).

10. On 18 November 2024, the Defence submitted its response to the Seventh Assessment Report (the ‘Defence Response’)¹⁵ and the OPCV submitted its observations to the same (the ‘OPCV Submissions’).¹⁶ The Prosecution did not make submissions.

II. SUBMISSIONS

11. According to the Seventh Assessment Report, the Registry has received around 50 applications in 2024, all but one of which are either deemed as falling outside the scope of the case or as incomplete.¹⁷ However, the Registry considers that the application of a/30060/24¹⁸ is complete and that he qualifies as a victim of Incident (h).¹⁹

12. The Defence claims that the large number of redactions to a/30060/24’s application make it difficult for it to analyse the application.²⁰ The Defence also asks the Chamber to instruct the Registry to transmit an unredacted version of the application form for the purpose of allow the accused to prepare his defence.²¹ The Defence points out, in this regard, that it is already aware of the names of all the alleged victims of Incident (h), including a/30060/24 and that there is thus no point in or justification for maintaining the redactions.²² Nevertheless, the Defence agrees that a/30060/24 *prima facie* seems to be a victim of Incident (h).²³

¹⁵ Version publique expurgée de la Réponse de la Défense à la « Fifth Registry Transmission of Group A Victim Applications for participation in Trial Proceedings » (ICC-01/14-01/21-889) et à la « Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings » (ICC-01/14-01/21-890), 18 November 2024, [ICC-01/14-01/21-897-Red](#) (the confidential version was submitted on 18 November 2024, whereas the public redacted version was filed on 22 November 2024).

¹⁶ Victims’ observations on the “Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 18 November 2024, [ICC-01/14-01/21-896](#).

¹⁷ Seventh Assessment Report, [ICC-01/14-01/21-890](#), para. 17.

¹⁸ Annex 1 to the Fifth Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings, ICC-01/14-01/21-889-Conf-Exp Anx1.

¹⁹ Seventh Assessment Report, ICC-01/14-01/21-890, para. 16.

²⁰ Defence Response, [ICC-01/14-01/21-897-Red](#), paras 31-33.

²¹ Defence Response, [ICC-01/14-01/21-897-Red](#), paras 36-37.

²² Defence Response, [ICC-01/14-01/21-897-Red](#), para. 38.

²³ Defence Response, [ICC-01/14-01/21-897-Red](#), paras 34-35.

13. The OPCV also argues that a/30060/24 qualifies as a victim of Incident (h)²⁴ and claims that the redactions to his application form are necessary to protect his safety as well as his physical and psychological well-being.²⁵

III. ANALYSIS

A. a/30060/24

14. The Chamber has reviewed a/30060/24's application and finds that he *prima facie* qualifies as a victim of Incident (h).

B. Lifting of Redactions

15. In relation to the Defence's request to order the disclosure of an unredacted version of a/30060/24's application, the Chamber recalls that it has already held that victim application forms do not constitute evidence and are not subject to disclosure.²⁶ The Defence did not seek to challenge this decision on appeal and has not raised any argument in its current submissions that could cause the Chamber to review its position in this regard.

C. Closing of Deadline for New Applications and Completion of Pending Applications

16. As the Prosecution has now concluded the presentation of evidence, the period for submitting new applications for participation has come to an end.²⁷ The Chamber is aware that there are a number of applications that were submitted before the deadline, but which are still incomplete. The Chamber further understands that all applicants who have submitted incomplete applications have been informed of this by the Registry. In order to allow the orderly conclusion of the application process, applicants have until 14 March 2025 to complete their applications.

²⁴ OPCV Observations, [ICC-01/14-01/21-896](#), paras 11-13.

²⁵ OPCV Observations, [ICC-01/14-01/21-896](#), para. 14.

²⁶ Fourth Decision Authorising Victims to Participate in Proceedings, 22 July 2024, [ICC-01/14-01/21-812](#), para. 23.

²⁷ Participation Decision, [ICC-01/14-01/21-278](#), para. 28.

FOR THESE REASONS, THE CHAMBER HEREBY

AUTHORISES a/30060/24 to participate in these proceedings;

REJECTS the Defence request for an unredacted version of a/30060/24's application;
and

INVITES applicants to complete their applications by 14 March 2025.

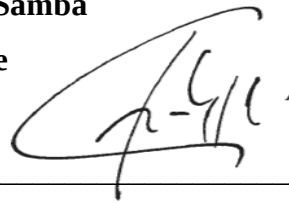


Judge Miatta Maria Samba

Presiding Judge



Judge María del Socorro Flores Liera



Judge Sergio Gerardo Ugalde Godínez

Done in both English and French, the English version being authoritative.

Dated 13 December 2024

At The Hague, The Netherlands