

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 March 2025

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 1 and Confidential EX PARTE Annex 2, only available
to the Registry**

**Eighth 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

☒ Counsel for the Defence

D33

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ 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 the case of the *Prosecutor v. Mahamat Said Abdel Kani* ("Case").³ On 13 December 2024, the Chamber allowed victims who had submitted incomplete applications before the end of the Prosecution case to complete them by 14 March 2025.⁴
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 B applications to the Chamber together with the corresponding assessment reports that shall be addressed to the Chamber, the Prosecution, the Defence and the legal representatives of the victims, when applicable.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 Ngaïssona* (5 March 2019, ICC-01/14-01/18-141) ("5 March 2019 Decision").

³ Decision, para. 16.

⁴ Trial Chamber VI, "Fifth Decision Authorising Victims to Participate in the Proceedings", 13 December 2024, ICC-01/14-01/21-906 ("Fifth Decision").

⁵ 5 March 2019 Decision, para 41. (ii) and (iii).

4. The Registry hereby transmits its eighth report on 25 complete applications to participate (“Applications”) in the Case. The Registry has assessed these Applications to fall in Group B. The Applications are listed in Annex 1 and Annex 2 contains a brief justification of the Registry’s assessment, as well as additional observations on the specific issues encountered, in order to allow the Chamber to take a final decision. The Applications are being transmitted separately in original version to the Chamber, in accordance with the Victim Application Procedure.⁶

II. Procedural History

5. On 9 December 2021, the PTC confirmed part of the charges against Mr Said (“Confirmation of Charges Decision”),⁷ relating to crimes allegedly committed at the *Office Central de Répression du Banditisme* (“OCRB”).
6. On 13 April 2022, the Chamber issued the Decision,⁸ and set the “end of the Prosecution’s presentation of evidence as the deadline for the transmission of victim applications by the Registry” (“Deadline”).⁹
7. On 6 May 2022, the Registry submitted its first assessment report¹⁰ and transmitted 20 applications classified as belonging to Group A and three applications classified as belonging to Group C.¹¹
8. On 27 May 2022, the Chamber authorised 20 victims to participate in the Case (“First Decision”).¹²

⁶ Ibid.

⁷ 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.

⁸ 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)).

⁹ Decision, paras 10-28.

¹⁰ Registry, “First Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 6 May 2022, ICC-01/14-01/21-297.

¹¹ 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.

¹² Trial Chamber VI, “Decision authorising 20 victims to participate in the proceedings”, 27 May 2022, ICC-01/14 01/21-331.

9. On 13 July 2022, the Registry submitted its second assessment report¹³ and transmitted 14 applications classified as belonging to Group A and five applications classified as belonging to Group C.¹⁴
10. 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.¹⁵
11. 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”.¹⁶
12. Between 8 November 2023 and 13 December 2024, the Chamber authorized the participation of 32 victims in the trial proceedings¹⁷ and denied authorization to five applicants.¹⁸ Additionally, it allowed victims who had submitted incomplete applications before the Deadline to complete them by 14 March 2025.¹⁹

¹³ 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).

¹⁴ 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.

¹⁵ Trial Chamber, “Decision on the Scope of the Charges”, 6 September 2022, ICC-01/14-01/21-472, para. 25.

¹⁶ Trial Chamber VI, “Order for the Reassessment of Victims Applications”, 27 September 2022, ICC-01/14-01/21-490. para. 8.

¹⁷ 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)); “Fourth Decision Authorising Victims to Participate in Proceedings”, 22 July 2024, ICC-01/14-01/21-812 and “Fifth Decision Authorising Victims to Participate in the Proceedings”, 13 December 2024, ICC-01/14-01/21-906 (“Fifth Decision”).

¹⁸ 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).

¹⁹ Fifth Decision, para. 16.

III. Classification

13. In accordance with the Victim Application Procedure, Annex 1 to this report is classified as confidential,²⁰ and Annex 2 as confidential *ex parte*, only available to the Registry.²¹

IV. Applicable Law

14. The present report 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 Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

V. Submissions

15. In accordance with the Victim Application Procedure, the VPRS has assessed the Applications as complete.²² In conducting its assessment,²³ the VPRS has concluded that these applicants clearly do not qualify as victims in the Case since:
- i. their alleged harm has resulted from events falling outside the parameters of the Case, and/or
 - ii. the VPRS doubts the reliability of the information they provided.

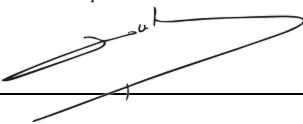
²⁰ 5 March 2019 Decision, para. 41(iii).

²¹ 5 March 2019 Decision, para. 41(vi).

²² The Common Legal Representatives of Victims ("CLRV") further informed the VPRS that with respect to the applications already transmitted and deemed incomplete by the Chamber (a/70449/22, a/70451/22 and a/70452/22), her clients have decided "not to apply to participate in light of the jurisprudence of Trial Chamber VI" and further added that. "this decision [was], of course, without prejudice to the exercise of their rights in future proceedings." Email from CLRV to VPRS, 17 January 2025 at 11:19.

²³ In accordance with paragraph 38 of the 5 March 2019 Decision.

16. In accordance with the Victim Application Procedure,²⁴ the VPRS has provided an assessment report to the Chamber in Annex 2 setting out the specific reasons for rejecting the applications, as well as additional observations on the specific issues encountered under para. 15 (ii) above, in order to allow the Chamber to take a final decision on such applications.


A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Marc Dubuisson, Director, Division of Judicial Services

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 21 March 2025

At The Hague, The Netherlands

²⁴ See *supra*. Fn. 21.