



Original: English

No. ICC-01/14-01/18  
Date: 16 December 2025

**TRIAL CHAMBER V**

**Before:** Judge Beti Hohler, Presiding Judge  
Judge Joanna Korner  
Judge Keebong Paek

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II**

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

**Public**

**Decision on the requests for leave to make *amicus curiae* submissions**

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

Yekatom Defence

Ngaïssona Defence

☒ **Legal Representatives of the Victims**  
Common Legal Representatives of Victims of  
Other Crimes

☐ **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**

☒ **Trust Fund for Victims**

☒ **Amicus Curiae**

## **REGISTRY**

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**Registrar**  
Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations  
Section**

☐ **Other**

**Trial Chamber V** (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* (the ‘*Yekatom and Ngaïssona* case’), having regard to article 75 of the Rome Statute (the ‘Statute’) and rule 103 of the Rules of Procedure and Evidence (the ‘Rules’), issues the following ‘Decision on the requests for leave to make *amicus curiae* submissions’.

## **I. PROCEDURAL HISTORY**

1. On 8 October 2025, the Chamber issued its ‘Order for Submissions on Reparations’<sup>1</sup> (the ‘Order’), in which it, *inter alia*, invited any persons or organisations, particularly those with local expertise, interested in making observations related to the issues identified by the Chamber in the Order,<sup>2</sup> to request leave to file submissions pursuant to article 75 of the Statute and rule 103 of the Rules.<sup>3</sup>
2. On 4 and 17 November 2025, the Registry transmitted two requests for leave to the Chamber: (i) the ‘Request for leave to file submission on reparations issues pursuant to Article 75 of the Statute’, received on 31 October 2025<sup>4</sup> (the ‘HRC Request’), from Queen’s University Belfast Human Rights Centre (the ‘HRC’); and (ii) the ‘*Demande d’autorisation de présenter des Observations*’ (the

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<sup>1</sup> ICC-01/14-01/18-2821.

<sup>2</sup> The specific issues identified by the Chamber were: a. estimated total number of direct and indirect victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted, who may be potentially eligible for reparations; b. any factual or legal issues relevant to the identification of eligible victims; c. any victims or groups of victims who may require prioritisation in the reparations process; d. specification of the types and extent of the harm suffered by the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted; e. whether recourse to factual presumptions should be considered; f. types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted; g. estimates as to the costs to repair the harms suffered by the victims in light of the appropriate modalities for repairing them; h. information as to whether the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted have received any form of compensation or reparations for the harm suffered as a result of these crimes; i. any considerations the Chamber should take into account when assessing liability for reparations of each of the convicted persons with respect to the crimes for which both Mr Yekatom and Mr Ngaïssona were convicted; j. information about the numbers of the members of the Muslim population residing at the relevant time in: (i) Bangui, notably in the neighbourhoods of Boeing and Cattin, (ii) the town of Bossangoa, including the Boro neighbourhood, and (iii) the villages along the PK9-Mbaiki axis; and k. any additional information relevant to reparations. See [Order](#), ICC-01/14-01/18-2821, para. 6.

<sup>3</sup> [Order](#), ICC-01/14-01/18-2821, para. 6(iv).

<sup>4</sup> [Registry Transmission of ‘Request for leave to file submission on reparations issues pursuant to Article 75 of the Statute’](#), ICC-01/14-01/18-2833, with [Annex](#) ICC-01/14-01/18-2833-Anx.

‘Request to present observations’) received on 14 November 2025,<sup>5</sup> from Mr Bengo-Gate Saint Vincent de Paul, on behalf of Arc-en-Ciel, a non-governmental organisation from the Central African Republic (the ‘CAR’).<sup>6</sup>

3. On 3 December 2025, following the Chamber’s invitation to respond to the *amicus curiae* requests,<sup>7</sup> the Common Legal Representative for victims (‘CLRV’),<sup>8</sup> the Defence of Mr Ngaïssona (the ‘Ngaïssona Defence’),<sup>9</sup> and the Defence for Mr Yekatom (the ‘Yekatom Defence’),<sup>10</sup> submitted their responses to both requests.

## II. ANALYSIS

### A. The *amicus curiae* requests for leave and the observations of the parties

4. The HRC requests leave to file submissions on the following issues identified by the Chamber in the Order: (i) types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted; (ii) estimates as to the costs to repair the harm suffered by the victims in light of the appropriate modalities for repairing them; and (iii) any considerations the Chamber should take into account when assessing

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<sup>5</sup> [Registry Transmission of a ‘Demande d’autorisation de présenter des observations’](#), ICC-01/14-01/18-2843 with six confidential Annexes (ICC-01/14-01/18-2843-Conf-Anx1; ICC-01/14-01/18-2843-Conf-Anx2; ICC-01/14-01/18-2843-Conf-Anx3; ICC-01/14-01/18-2843-Conf-Anx4; ICC-01/14-01/18-2843-Conf-Anx5; ICC-01/14-01/18-2843-Conf-Anx6). Annex 1 contains the request of the Arc-en-Ciel NGO: *Demande d’autorisation de présenter des observations*, ICC-01/14-01/18-2843-Conf-Anx1 (the ‘Arc-en-Ciel Request’).

<sup>6</sup> Email received by CMS from Mr Bengo-Gate on 14 November 2025, sent at 17:08. *See also* Email sent by the Chamber to CMS on 17 November 2025, instructing the Registrar to submit the request sent by e-mail by Mr Bengo-Gate via a Registry’s transmission filing.

<sup>7</sup> Email from the Single Judge of Trial Chamber V to the parties on 18 November 2025, sent at 17:49. *See also* Email from the Single Judge of Trial Chamber V to the parties on 19 November 2025, sent at 14:41, extending the initially set deadline.

<sup>8</sup> Common Legal Representatives of Victims’ Response to the Requests for leave to submit observations pursuant to Rule 103 of the Rules of Procedure and Evidence, ICC-01/14-01/18-2854-Conf-Exp, with a public redacted version filed on the same day, ICC-01/14-01/18-2854-Red (the ‘CLRV’s Observations’).

<sup>9</sup> Defence for Mr Ngaïssona, Defence Observations on Amicus Curiae Leave to Present Submissions on Reparations, ICC-01/14-01/18-2855-Conf (the ‘Ngaïssona Defence Observations’).

<sup>10</sup> Defence for Mr Yekatom, Defence Observations on Amicus Curiae Leave to Present Submissions on Reparations, ICC-01/14-01/18-2856-Conf, (the ‘Yekatom Defence Observations’).

liability for reparations of each of the convicted persons with respect to the crimes for which both Mr Yekatom and Mr Ngaïssona were convicted.<sup>11</sup>

5. The HRC submits that it has over thirty years of experience in researching and providing expert testimony and consultation on reparations to a number of governments, regional courts, and civil society organizations.<sup>12</sup> The HRC submits that it has been granted standing to submit observations on reparations in the *Katanga*, *Al Mahdi*, *Bemba*, and *Al Hassan* cases and will ‘draw upon its members experience in numerous jurisdictions in effectively implementing reparations’.<sup>13</sup>
6. Arc-en-Ciel requests leave to file submissions on individual, collective and symbolic types and modalities of reparations, and the estimated costs of implementation of reparations,<sup>14</sup> based on its humanitarian and community-based knowledge of the field and of the victims’ needs.<sup>15</sup> Arc-en-Ciel explains that it has local experience and, since its creation in 2017, it has worked on the reintegration, psychological reconstruction, and support of victims of armed conflict in the Central African Republic.<sup>16</sup>
7. The CLRV considers that the HRC’s participation would be appropriate and useful, but opposes the request of Arc-en-Ciel.<sup>17</sup> In relation to the HRC, the CLRV requests the Chamber to limit the HRC submissions to ‘observations on the basis of information already in its possession’<sup>18</sup> and opposes the collection of information through interactions with the affected communities.<sup>19</sup> Regarding Arc-en-Ciel, the CLRV submits that the organisation lacks relevant proven expertise in the matters identified by the Chamber in the Order.<sup>20</sup>

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<sup>11</sup> [HRC Request](#), ICC-01/14-01/18-2833-Anx, para 2.

<sup>12</sup> [HRC Request](#), ICC-01/14-01/18-2833-Anx, para 3.

<sup>13</sup> [HRC Request](#), ICC-01/14-01/18-2833-Anx, paras 3-4.

<sup>14</sup> Arc-en-Ciel Request, ICC-01/14-01/18-2843-Conf-Anx1, p. 3. The Chamber notes that in this Decision where it refers to information referenced in a confidential filing, it does not consider that the information itself warrants a confidential classification.

<sup>15</sup> Arc-en-Ciel Request, ICC-01/14-01/18-2843-Conf-Anx1, p. 2.

<sup>16</sup> Arc-en-Ciel Request, ICC-01/14-01/18-2843-Conf-Anx1, p. 2.

<sup>17</sup> [CLRv’s Observations](#), ICC-01/14-01/18-2854-Red, para. 2.

<sup>18</sup> [CLRv’s Observations](#), ICC-01/14-01/18-2854-Red, para. 2.

<sup>19</sup> [CLRv’s Observations](#), ICC-01/14-01/18-2854-Red, para. 2.

<sup>20</sup> [CLRv’s Observations](#), ICC-01/14-01/18-2854-Red, para. 13.

8. The Yekatom Defence submits that the Chamber should reject both requests.<sup>21</sup> As regards the HRC, the Yekatom Defence points to its ‘absence of local expertise in the CAR situation’ and expresses concerns from its prior participation in the *Al Hassan* case, where, according to the Yekatom Defence, the HRC made assertions inappropriate for an *amicus*.<sup>22</sup> The Yekatom Defence adds that, if the Chamber were to grant the HRC leave to file submissions, it requests the Chamber to provide clear instructions circumscribing the scope and nature of any submissions.<sup>23</sup> In relation to Arc-en-Ciel, the Yekatom Defence argues that the organisation: (i) fails to specify which of the issues identified by the Chamber it intends to address;<sup>24</sup> (ii) exceeds the scope of the Order by advancing proposed reparations amounts instead of requesting leave to make submissions on that issue;<sup>25</sup> (iii) does not comply with the formal requirements of regulations 23(1)(b) and (d) of the Regulations of the Court (the ‘Regulations’);<sup>26</sup> (iv) provides inconsistent information regarding the date of its creation;<sup>27</sup> and (v) seeks prerogatives going beyond those appropriate for an *amicus curiae* and that overlap with those of the LRVs, the Victims Participation and Reparations Section (‘VPRS’) and the Trust Fund for Victims (‘TFV’).<sup>28</sup>
9. The Ngaïssona Defence does not oppose the requests for leave submitted by the HRC and Arc-en-Ciel.<sup>29</sup> However, regarding the HRC, the Ngaïssona Defence requests that its submissions be ‘strictly confined to its demonstrated area of expertise’, ‘restricted to legal principles and comparative analysis’ and that they do not engage with factual considerations, given the HRC’s apparent lack of expertise and experience within the CAR context.<sup>30</sup> As to Arc-en-Ciel, the Ngaïssona Defence notes that: (i) its observations exceed the scope of a leave to file submissions;<sup>31</sup> (ii) the organization claims to represent victims who already

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<sup>21</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 6.

<sup>22</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, paras 11-13.

<sup>23</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 13.

<sup>24</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 7.

<sup>25</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 7.

<sup>26</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 8.

<sup>27</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 9.

<sup>28</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 9.

<sup>29</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 2.

<sup>30</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, paras 12-14.

<sup>31</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 15.

have legal representation before the Court;<sup>32</sup> and (iii) that interacting with civil society organisations such as Arc-en-Ciel is within the mandate of the VPRS through the mapping exercise.<sup>33</sup> The Ngaïssona Defence requests that Arc-en-Ciel's submissions be 'confined to certain factual matters, given its limited demonstrated expertise in legal issues'.<sup>34</sup>

## **B. Determination by the Chamber**

10. The Chamber notes that, according to rule 103(1) of the Rules, it may grant leave to an organisation or person to submit observations on any issue that the Chamber considers appropriate. In line with the Court's jurisprudence, a chamber shall evaluate any request to make such observations by assessing whether the observations proposed are desirable for the proper determination of the case.<sup>35</sup>
11. Regarding the HRC, while it does not appear to have specific local expertise in the CAR, as observed by both Defence teams,<sup>36</sup> the Chamber notes that the HRC has considerable experience in different systems of reparations,<sup>37</sup> as well as international experience in human rights, international criminal justice and transitional justice.<sup>38</sup>
12. As regards Arc-en-Ciel, the Chamber notes that it is a local organisation working in the CAR and is in contact with victims of the conflict. The Chamber considers that, as such, the organisation has expertise on the local conditions and the needs of victims in terms of reparations.<sup>39</sup>

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<sup>32</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 19.

<sup>33</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 18.

<sup>34</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 16.

<sup>35</sup> Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, [Decision on 'request for leave to submit Amicus Curiae observations'](#), 7 January 2020, ICC-01/04-02/06-2460, para. 5; Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, [Decision on 'the requests for leave to submit amicus curiae observations'](#), 17 June 2021 ICC-02/04-01/15-1860, para. 8. See also Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Decision on 'Motion for Leave to File Proposed Amicus Curiae Submission of the International Criminal Bar Pursuant to Rule 103 of the Rules of Procedure and Evidence'](#), 22 April 2008, ICC-01/04-01/06-1289, para. 8.

<sup>36</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 11; Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 12.

<sup>37</sup> See [HRC Request](#), ICC-01/14-01/18-2833-Anx, para 3.

<sup>38</sup> See [HRC Request](#), ICC-01/14-01/18-2833-Anx, para 3.

<sup>39</sup> *Contra* [CLRV's Observations](#), ICC-01/14-01/18-2854-Red, para. 13.

13. While Arc-en-Ciel may be in contact with some victims already represented by the CLRV,<sup>40</sup> the Chamber recalls that the organisation clearly states that it does not seek to act as their legal representative but, instead, present observations on the basis of its knowledge of the local community.<sup>41</sup> Additionally, regarding the parties' submissions: (i) about deficiencies in the form and substance of Arc-en-Ciel's Request to present observations and in the details of the organisation,<sup>42</sup> and (ii) that Arc-en-Ciel seeks 'prerogatives going beyond those appropriate for an *amicus curiae*',<sup>43</sup> the Chamber rejects these arguments as unconvincing.
14. Consequently, the Chamber considers that both the HRC and Arc-en-Ciel are in a position to assist the Chamber in its determinations of the issues identified in paragraph 6(i) of the Order, and grants their requests.
15. The Chamber notes the concerns expressed by the CRLV and both Defence teams regarding the scope and substance of the observations.<sup>44</sup> In this regard, the Chamber instructs the HRC and Arc-en-Ciel to make observations limited to the issues identified in paragraph 6(i) of the Order,<sup>45</sup> and to not go beyond the issues mentioned in their requests and related to their area of expertise. More specifically, the Chamber considers that contacting victim communities for the specific purposes of submitting *amicus curiae* observations is not appropriate and the observations should be informed solely by the existing expertise and information already in their possession.<sup>46</sup>
16. The Chamber recalls that, as previously stated, the *amicus curiae* submissions shall not exceed 20 pages and must be filed by 27 March 2026.<sup>47</sup> The Chamber also reminds the *amicus curiae* of their obligation to ensure that their submissions

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<sup>40</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 19.

<sup>41</sup> Arc-en-Ciel Request ICC-01/14-01/18-2843-Conf-Anx1, p. 2. *See also contra* Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf para. 14; Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 18.

<sup>42</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 7-9; Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, paras 15-17.

<sup>43</sup> *See* Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 9.

<sup>44</sup> Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 16; [CLR's Observations](#), ICC-01/14-01/18-2854-Red, para. 13; Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 12-13.

<sup>45</sup> [Order](#), ICC-01/14-01/18-2821, para. 6(i).

<sup>46</sup> Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, [Decision on 'the requests for leave to submit amicus curiae observations'](#), 17 June 2021 ICC-02/04-01/15-1860, para. 11.

<sup>47</sup> [Order](#), ICC-01/14-01/18-2821, para. 6(iv).

on reparations comply with Regulations 23(1)(b) and (d), and 36 of the Regulations.

17. Finally, the Chamber notes that the Arc-en-Ciel Request was filed confidentially, and that, as a result, the Defence teams also filed their observations as confidential pursuant to Regulation 23*bis*(2) of the Regulations.<sup>48</sup> The Yekatom Defence notes that it does not oppose the reclassification of its filing as public.<sup>49</sup> However, the Chamber considers that Arc-en-Ciel should either submit a public redacted version of its filing ICC-01/14-01/18-2843-Conf-Anx1, or indicate that the filing can be reclassified as public, by 14 January 2026, and that the Yekatom Defence and the Ngaïssona Defence should, if necessary as a result of redactions applied by Arc-en-Ciel in its filing, submit public redacted versions of their respective filings afterwards, or indicate that they can be reclassified as public, by 21 January 2026.

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<sup>48</sup> See Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 9; Ngaïssona Defence Observations, ICC-01/14-01/18-2855-Conf, para. 3.

<sup>49</sup> Yekatom Defence Observations, ICC-01/14-01/18-2856-Conf, para. 9.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**GRANTS** the HRC and Arc-En-Ciel leave to make *amicus curiae* submissions of up to 20 pages each by 27 March 2026, limited to the issues identified in paragraph 6(i) of the Order;

**ORDERS** Arc-en-Ciel to submit a public redacted version of its filing ICC-01/14-01/18-2843-Conf-Anx1, or indicate that it can be reclassified as public, by 14 January 2026; and

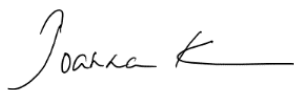
**ORDERS** the Yekatom Defence and the Ngaïssona Defence to submit public redacted versions of their respective filings, ICC-01/14-01/18-2856-Conf and ICC-01/14-01/18-2855-Conf , or indicate that they can be reclassified as public, by 21 January 2026.

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




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**Judge Beti Hohler**  
**Presiding Judge**




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**Judge Joanna Korner**




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**Judge Keebong Paek**

Dated 16 December 2025

At The Hague, The Netherlands