

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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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 Document

Public Redacted Version of "Defence Observations on the Requests for leave to submit observations on reparations issues (ICC-01/14-01/18-2833 and ICC-01/14-01/18-2843)", ICC-01/14-01/18-2855-Conf, 03 December 2025

Source: Defence of Patrice-Edouard Ngaïssona

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(Participation/Reparation)

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Queen's University Belfast's Human Right
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ARC-EN-CIEL

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I. INTRODUCTION

1. The Defence of Mr Ngaïssona (“the Defence”) hereby submits its observations to the requests for leave to file submissions on reparations issues by the following two applicants:
 - Queen’s University Belfast’s Human Rights Centre (“QUBHRC Request”);¹
 - Association des Réintégréés en Centrafrique (“ARC-EN-CIEL Request”).²
2. The Defence does not oppose the Requests and defers to the Chamber’s discretion to determine the appropriate scope of their submissions, ensuring they remain within their respective demonstrated qualifications and expertise.

II. CONFIDENTIALITY

3. The present observations are filed on a confidential basis pursuant to Regulation 23*bis*(2) of the Regulations of the Court (“RoC”) given that one of the applicants – ARC-EN-CIEL – filed its annexes confidentially. The Defence will file a public redacted version shortly.

III. PROCEDURAL HISTORY

4. On 8 October 2025, Trial Chamber V (“Chamber”) issued its “Order for Submissions on Reparations”, inviting interested persons or organisations, particularly with local expertise, to request leave to make submissions in accordance with paragraph 6(iv) thereof, by 14 November 2025.³
5. On 4 November 2025, the Registry transmitted to the Chamber the QUBHRC Request,⁴ received on 31 October 2025. This institution identifies as a centre

¹ ICC-01/14-01/18-2833, with Public Annex 1.

² ICC-01/14-01/18-2843, with Confidential Annexes 1-6.

³ ICC-01/14-01/18-2821.

⁴ ICC-01/14-01/18-2833.

specialised in researching and teaching human rights, international criminal justice and transitional justice.⁵

6. On 14 November 2025, the Registry transmitted to the Chamber the ARC-EN-CIEL Request,⁶ received on 14 November 2025. This entity identifies as an association that works for reinsertion, psychological reconstruction, and support of victims of armed conflicts in the Central African Republic (“CAR”).⁷
7. On 18 November 2025, the Chamber instructed the Parties that any observations to the *amicus curiae* requests for leave to file submissions on reparations should be filed by 24 November 2025.⁸
8. On 19 November 2025, the Yekatom Defence requested an extension of time to file its observations, given the Appeal Briefs deadline set on 25 November 2025.⁹ On the same day, the Defence joined the request¹⁰ and the Common Legal Representatives of Victims of Other Crimes notified the Chamber that they would not oppose the Defence requests.¹¹
9. The Single Judge found that there was good cause to extend the time limit to submit observations to the Requests and instructed the parties to file any observations by 3 December 2025.¹²

IV. OBSERVATIONS

10. The Defence considers that the Court may benefit from receiving observations from individuals or organisations with expertise in the field of reparations. It therefore welcomes the Chamber’s initiative to invite such persons or entities, particularly

⁵ *Ibid.*, para. 3.

⁶ ICC-01/14-01/18-2843.

⁷ *Ibid.*, Annex 1.

⁸ E-mail sent by the Chamber to the Parties on 18 November 2025, at 5:49 PM.

⁹ E-mail sent by Yekatom Defence to the Chamber on 19 November 2025, at 12:56 AM.

¹⁰ E-mail sent by Ngaïssona Defence to the Chamber on 19 November 2025, at 10:07 AM.

¹¹ E-mail sent by the Common Legal Representatives on 19 November 2025, at 11:38 AM.

¹² E-mail sent by the Chamber to the Parties on 19 November 2025, at 2:41 PM.

those with local expertise,¹³ to make submissions that could assist the Chamber at this sensitive and complex stage of the proceedings.

11. In light of these considerations, the Defence does not, in principle, oppose the Requests. Rather, it aims to highlight concerns regarding the permissible scope of the *amicus curiae* submissions. As emphasised by the Chamber in *Ongwen*, “the observations should be informed by the existing expertise and information available to these persons or organisations”.¹⁴ Any participation should remain strictly within these parameters to ensure that the process is both relevant and consistent with the objectives of the reparations phase.

A. Queen’s University Belfast’s Human Rights Centre Request

12. Should the Chamber find merit in the QUBHRC Request, the scope of its submissions should be strictly confined to its demonstrated area of expertise. The QUBHRC contends 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”.¹⁵ However, it fails to clarify whether this expertise encompasses the CAR, the wider region, or the specific conflict at issue. While QUBHRC is undoubtedly an academic institution qualified to address questions of law, it appears that, rather than focusing on the legal issues identified by the Court, it seeks to engage with considerations of a predominantly factual nature. In particular, points (f) and (g) of its proposed submissions concern, respectively, “the 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” and “estimates as to the costs to repair the harms suffered by the victims in light of the appropriate modalities for

¹³ ICC-01/14-01/18-2821, para. 6(iv).

¹⁴ *The Prosecutor v. Dominic Ongwen*, Decision on the requests for leave to submit amicus curiae observations, ICC-02/04-01/15-1860, 17 June 2021, para. 11.

¹⁵ ICC-01/14-01/18-2833, para. 3.

repairing them.”¹⁶ These matters involve concrete and factual assessments rather than theoretical or critical legal analysis.

13. QUBHRC does not claim any engagement with civil society in the CAR, nor with individual victims and their families. There is no indication of direct field research or any form of interaction with affected communities, nor expertise regarding the underlying facts of the crimes for which Mr Ngaïssona was convicted. Its activities appear to be conducted remotely, suggesting no legitimate connection to the CAR context. Consequently, its factual assessment, such as cost estimates or evaluations of local feasibility, risk being speculative and disconnected from the socio-economic realities faced by victims. *Prima facie*, QUBHRC does not appear to offer distinctive insights that would meaningfully assist the Chamber in its determination. The absence of any practical engagement in CAR may substantially limit the relevance and reliability of the proposed factual observations, which would otherwise extend beyond the institution’s demonstrated area of expertise. Moreover, prior participation as *amicus* in other cases does not, in itself, confer qualification to intervene in this particular case.

14. The Defence respectfully submits that QUBHRC’s contribution could be most valuable if restricted to legal principles and comparative analysis, rather than on factual or economic assessments that fall outside its demonstrated competence and contextual knowledge.

B. ARC-EN-CIEL Request

15. First, while the Defence does not oppose the ARC-EN-CIEL Request in principle, the Chamber must disregard its substantive submissions, which go beyond the scope of a request for leave to file submissions.¹⁷ ARC-EN-CIEL submitted various annexes containing proposed reparations action plans, estimated amounts for

¹⁶ ICC-01/14-01/18-2833, para 2.

¹⁷ *The Prosecutor v. Dominic Ongwen*, Decision on the requests for leave to submit amicus curiae observations, ICC-02/04-01/15-1860, 17 June 2021, para. 9; *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on the application by Child Soldiers International for leave to submit observations pursuant to rule 103 of the Rules of Procedure and Evidence, ICC-01/04-01/06-3044, 16 August 2013, para. 9.

reparations including two “options”, categories of reparations,¹⁸ victims’ identifying information,¹⁹ and specific geographical “zones of intervention” in CAR.²⁰ These elements go well beyond the narrow purpose of a request for leave to provide observations under Rule 103.

16. Second, ARC-EN-CIEL’s observations may be more appropriately confined to certain factual matters, given its limited demonstrated expertise in legal issues. The association appears to operate as a civil society organization. While it asserts that it engages in reintegration, psychological reconstruction, and support for victims of armed conflict in CAR, [REDACTED].²¹ This discrepancy raises serious doubts about the association’s actual activities and its capacity to contribute meaningfully to the reparations process. As the Chamber noted in *Lubanga*, where the issues were essentially legal and the applicant was a “research and advocacy organisation,” such participation was not considered “desirable for the proper determination of the case”.²² Should the Chamber deem the association legitimate to make submissions, their scope should be strictly confined to areas of demonstrable expertise, which remains unclear from the information provided.

17. The inconsistent and insufficiently substantiated mandate of the association is further underscored by the ambiguity surrounding its creation timeline. It claims to have been active since 2017 and to have assisted victims identified in the *Mokom* case since 2018, however, [REDACTED], suggesting that its formal creation or recognition occurred only at that time.²³

18. Third, while the association indicates that it does not seek to substitute itself for any party or participant, it also claims to represent victims who already have legal

¹⁸ *Ibid.*, Annex 1 (submissions on amounts to be paid out to the victims with options A and B and other recommendations on form of individual, collective or symbolic reparations).

¹⁹ ICC-01/14-01/18-2843, Annexes 2, 3, and 4 list victim codes, dates of birth, and admission status in proceedings before the Court.

²⁰ *Ibid.* (“Bangui (Boeing, Cattin, PK9), Bossangoa (quartier Boro), Axe PK9-Mbaïki”).

²¹ *Ibid.*, Annex 6.

²² ICC-01/04-01/06-3044, para. 11.

²³ ICC-01/14-01/18-2843, Annex 5 (“Récépissé provisoire de déclaration d’association”).

representation before the Court.²⁴ It is therefore uncertain whether its proposed contribution would offer a distinct perspective or added value,²⁵ beyond the support and representation already provided by the Victims' Legal Representatives and the Victims Participation and Reparations Section ("VPRS"). As stated in the latest Registry Progress Report on Victim Mapping, [REDACTED], the VPRS intends to [REDACTED].²⁶ VPRS also indicates [REDACTED].²⁷ These [REDACTED] ARC-EN-CIEL, to better understand community perspectives. It is therefore unclear how the association's mandate would meaningfully contribute to already existing initiatives.

V. CONCLUSION

19. In light of these considerations, the Defence respectfully defers to the Chamber's discretion with respect to the Requests. It submits, however, that any substantive material already included in the ARC-EN-CIEL Request should be disregarded at this stage, as it falls outside the scope of a request for leave under Rule 103. Furthermore, should the Chamber authorise the participation of the *amici curiae*, their involvement should be strictly confined to specific areas of demonstrable and distinct expertise that can genuinely assist the Chamber in its determination.

²⁴ ICC-01/14-01/18-2843, Annexes 1-2.

²⁵ *The Prosecutor v. Jean-Pierre Bemba Gombo*, Decision on the application of 14 September 2009 for participation as an amicus curiae, ICC-01/05-01/08-602, 9 November 2009, para. 11.

²⁶ ICC-01/14-01/18-2849, paras 16, 19.

²⁷ ICC-01/14-01/18-2849, paras 11.

Respectfully submitted,



G. J. Alexander Knoops
on behalf of
Patrice-Edouard Ngaïssona

Dated this 21 January 2026

At The Hague, the Netherlands