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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 PROSECUTOR *v.*
ALFRED YEKATOM AND PATRICE-EDOUARD NGAÏSSONA**

Public

Prosecution's Observations on Reparations

Source: Office of the Prosecutor

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) provides these observations to assist the Chamber in determining the reparations phase of the *Yekatom and Ngaissona* proceedings.¹

2. *First*, the Chamber should adopt the principles established by the Appeals Chamber in *Lubanga*² and supplemented by the Trial Chamber in *Ongwen*,³ adapting them to the characteristics of this case to reflect the harm suffered by the victims of the crimes for which Mr Yekatom and Mr Ngaissona stand convicted.⁴ *Second*, the Prosecution defers to the submissions of the Common Legal Representatives of Victims of Other Crimes (“CLRV2”), the Trust Fund for Victims (“TFV”) and Registry as to the nature and extent of harm suffered, the prioritisation of victims, estimates as to the costs to repair the harms suffered, information as to whether any victims have already received any form of compensation, and any additional information relevant to reparations.⁵ *Third*, the Prosecution considers that reparations should be collective in nature and complemented by individualised components where appropriate.

II. SUBMISSIONS

A. The Chamber should amend and/or supplement the principles established by the Appeals Chamber in *Lubanga* to reflect the characteristics of this case

3. The “Principles on Reparations” established by the Appeals Chamber in *Lubanga*⁶ and elaborated by the *Ongwen* Trial Chamber⁷ are generally applicable in the present case. Nevertheless, the Chamber should develop and, where necessary,

¹ ICC-01/14-01/18-2821 (“Order”).

² ICC-01/04-01/06-3129, paras. 1-52.

³ ICC-02/04-01/15-2074, paras. 56-86

⁴ The Prosecution notes that the Parties have appealed the convictions. However, this has no bearing on the reparations proceedings. The issuance of a reparations order is not prejudicial to the rights of a convicted person, regardless of whether an appeal against the conviction is pending, as affirmed in *Bemba* (ICC-01/05-01/08-3522, para. 15).

⁵ Order, para. 6((i)(c), (d), (g), (h), and (k).

⁶ ICC-01/04-01/06-3129, paras. 1-52.

⁷ ICC-02/04-01/15-2074, paras. 56-86

supplement these principles to ensure that they are appropriately tailored to the specific characteristics and needs of the victims of the crimes for which Mr Yekatom and Mr Ngaissona have been convicted.⁸ In particular, the Chamber should ensure that the reparations framework applied adequately reflects the discriminatory nature of the crimes of conviction, which were directed against Muslim civilians, primarily on the basis of their religious and ethnic identity.

4. The Court has previously recognised the need to adapt reparations frameworks to the specific nature of victimisation, including in relation to child victims and victims of sexual and gender-based crimes.⁹ The harm suffered in this case encompasses, *inter alia*, religious persecution resulting not only in individual injury, but also in the marginalisation, displacement, and destruction of Muslim communities, as such.¹⁰

5. Consequently, the reparations procedure should be designed in a manner that acknowledges and addresses:

- i. the stigmatisation and exclusion associated with discriminatory targeting;
- ii. the collective harm suffered by the Muslim community, and
- iii. the long-term consequences of such discrimination, including loss of livelihoods, social cohesion, and security.

This approach aligns with the Court's obligation to ensure reparations are responsive to the harm suffered, and that they are genuinely meaningful to victims.

⁸ ICC-01/04-01/06-3129-AnxA, para. 5.

⁹ ICC-01/04-02/06-2659, paras.53-59, 63-67. *See also*, ICC-02/04-01/15-2074, paras. 79-86. In this regard, the Prosecution notes that it has appealed the judgment relating to Mr Ngaissona's acquittal for rape, counts 40 and 41 and persecution through rape, count 42,(ICC-01/14-01/18-2846-Red).

¹⁰ ICC-01/14-01/18-2784-Red ("Judgment"), paras. 4419-4424.

B. Observations on the issues raised by the Trial Chamber

1) Estimated total number of direct and indirect victims of the crimes who may be potentially eligible for reparations

6. Consistent with the Trial Chamber's findings in *Ntganda*, the number of potentially eligible beneficiaries of reparations may be calculated based on a series of factors including: the number of individual applicants, the number of victims at the time the crimes were committed, and the number of victims likely to come forward to benefit from the reparations programmes during the implementation stage.¹¹ However, a chamber is not required to determine a precise number of beneficiaries in circumstances (such as the present case) where collective, community-based reparations are envisaged.¹² In such cases, it may choose to identify in the Reparations Order the *eligible beneficiaries* or, if a chamber orders collective reparations,¹³ set out the *eligibility criteria* and entrust the TFV to identify the relevant beneficiaries at the implementation stage.¹⁴

7. As underscored by the Appeals Chamber in *Lubanga*, where a chamber relies on estimates of the number of victims, these must be grounded in a sufficiently strong evidential basis and be as concrete as possible, with any remaining uncertainties resolved in favour of the convicted person(s).¹⁵

8. The crimes committed in this case affected Muslim civilians across multiple geographic areas in the Central African Republic ("CAR"). Most directly, these included Bangui, Bossangoa, villages along the PK9–Mbaïki axis. They also impacted several other locations across the western prefectures of CAR as part of a widespread and systematic attack, namely: Ombella-M'Poko (Gaga, Zawa, Yaloké), Ouham-Pendé

¹¹ ICC-01/04-02/06-2659, paras. 230-231.

¹² ICC-02/04-01/15-2074, para. 704.

¹³ ICC-01/04-01/06-3129, paras. 148-157.

¹⁴ ICC-02/04-01/15-2074, para. 95; ICC-01/04-02/06-2659, para. 105; and ICC-01/04-01/06-3129, para. 205.

¹⁵ ICC-01/04-01/06-3466-Red, paras 90, 223-224.

(Bossemptélé), Nana-Mambéré (Baoro), Mambéré-Kadéï (Guen, Carnot, Berbérati), and Lobaye (Boda).¹⁶ The evidence presented at trial demonstrates patterns of mass displacement and targeted attacks directed against Muslim communities all across these regions.¹⁷

9. It is not possible to provide a definitive estimate of the number of *potential* victims given the nature, scope, and duration of the crimes for which Messrs Yekatom and Ngaissona stand convicted — nor, does the Prosecution seek to do so. Nevertheless, it is plainly evident that the scale of victimisation here extends well beyond those individuals formally identified in the proceedings. In this regard, although the 1,965 victims authorised to participate in the proceedings¹⁸ is indicative of the breadth of harm, the specific factual findings concerning the circumstances underpinning the crimes committed as set out in the Trial Judgment establish that the total number of affected persons significantly higher.

10. In light of the foregoing, the Prosecution defers to the appropriate assessments of the CLRV2, the TFV, and the Registry as to the number of victims who may benefit from reparations at the implementation stage, on the basis of the criteria set out in the Reparations Order. In this regard, the Trial Judgment, together with the patterns of harm identified above, provides a sufficiently robust framework to guide the identification of the broader universe of victims affected by the crimes for which Mr Yekatom and Mr Ngaissona were convicted.¹⁹

¹⁶ Judgment, paras. 1922-2114.

¹⁷ Judgment, para. 2718 (noting that “As regards the number of victims, the Prosecution alleges that, at the end of December 2013, there were ‘nearly 100,000’ internally displaced persons in the third district of Bangui, where PK5 is located”). See also, Judgment, para. 2732 (noting that “[..] the Chamber notes the abundant evidence on the case record pointing to the massive displacement of the Muslim population of Bangui to PK5 and to other parts within and outside of the CAR, in the context of the Bangui Attack”); para. 3568 (noting that “[..] the Chamber concludes that at least 3,000 Muslims were removed from Mbaïki that day”).

¹⁸ Judgment, para. 22.

¹⁹ Judgment, paras. 119, 122, 2586, 2608, 2612-2616, 2649-2651, 2662, 2696, 2703, 2708, 2719, 2732, 2747, 2870, 2874-2877, 2883-2895, 2938, 3018-3021, 3033-3037, 3167, 3176-3178, 3230, 3446-3448, 3568, 3623-3627, 3923, 3965, 4057, 4331, 4592, 4511-4512, 4541, 4571, 4597-4598.

2) Any factual or legal issues relevant to the identification of eligible victims

i. Direct and indirect victims

11. Natural and legal persons are eligible for reparations as ‘direct’ victims where they can demonstrate, on the applicable standard of proof, that they suffered harm as a result of at least one of the crimes for which Messrs Yekatom and Ngaissona were convicted.²⁰ The direct victims thus include individuals who suffered harm as a consequence of the following crimes established in the Judgment: (i) victims of the crimes committed in the context of the Anti-Balaka attack on Bangui, including Boeing and Cattin (Counts 1 to 6 and 8);²¹ (ii) victims of the crimes committed within the context of the events at Yamwara on and around 24 December 2013 (Counts 11 to 17);²² (iii) victims of the crimes committed in the context of the Anti-Balaka’s advance through and takeover of villages along the PK9-Mbaïki axis (Counts 24 to 28);²³ and (iv) victims of the crimes committed in the context of the attack on Bossangoa on 5 December 2013 and thereafter (Counts 30 to 33, 37 to 39, 42).²⁴

12. ‘Indirect’ victims are persons who, as a result of their relationship with a direct victim, suffer harm arising from the loss, injury, or damage caused to that direct victim.²⁵ In the context of the present case—marked by widespread violence, multiple crime sites, and large-scale displacement, the number of indirect victims is likely to be significant and, in many instances, may exceed that of direct victims.

13. The categories of indirect victims identified in *Ongwen* provide a useful framework and are equally applicable in this case. These include: (i) family members of direct victims; (ii) anyone who attempted to prevent the commission of one or more of the crimes under consideration; (iii) individuals who suffered harm when helping

²⁰ ICC-02/04-01/15-2074, para. 97.

²¹ Judgment, paras. 4492 and 4708.

²² Judgment, paras. 4551 and 4788.

²³ Judgment, paras. 4605 and 4807.

²⁴ Judgment para. 4733.

²⁵ ICC-01/04-02/06-2659, para. 35. *See also*, ICC-01/04-01/06-1813, para. 49.

or intervening on behalf of direct victims; (iv) other persons who suffered harm as a result of the crimes; and (v) individuals who witnessed the commission of such crimes, provided that their personal harm and the requisite causal link to the crimes are established in accordance with the applicable standard of proof.²⁶

14. In assessing whether a person qualifies as a “family member” of a direct victim, the Trial Chamber should take into account the social and familial structures prevailing in CAR,²⁷ subscribing to the understanding that, “[..] broadly, in the African continent [..], the concept of family goes beyond the strict frame of a couple and their children, to include their father and mother, brothers and sisters, and other relatives”.²⁸ Such an approach ensures that the identification of indirect victims reflects the lived realities of affected communities and captures the full extent of harm caused by the crimes.

ii. Standard of proof of the causal link and causation standard

15. The applicant victims bear the burden of proving the causal link between the crimes for which Messrs Yekatom and Ngaissona were convicted and the harm they personally suffered. In line with the previous jurisprudence, the Chamber may adopt a causation standard requiring both a “but for” connection and a sufficiently “proximate cause,”²⁹ assessed in light of the specific circumstances of this case.

16. With regard to the applicable standard of proof, the Chamber should apply the “balance of probabilities” test.³⁰ This standard is appropriate in the reparations phase,

²⁶ ICC-02/04-01/15-2074, para. 128. *See also*, ICC-01/04-01/06-3129-AnxA, para. 6(b) and ICC-01/04-02/06-2659, para. 36.

²⁷ ICC-01/04-02/06-2659, para. 37. *See also*, ICC-01/04-01/06-3129-AnxA, para. 7.

²⁸ ICC-02/04-01/15-2074, para. 131.

²⁹ ICC-02/04-01/15-2074, para. 420; ICC-01/04-02/06-2659, para. 132; ICC-01/04-01/06-3129-AnxA, para. 59.

³⁰ ICC-02/04-01/15-2074, para. 422; ICC-01/04-02/06-2659, para. 136; ICC-01/04-01/06-3129-AnxA, para. 65; ICC-01/04-01/07-3728-tENG, paras. 49-51; ICC-01/12-01/15-236, para. 44; ICC-01/04-01/07-3778-Red, para. 42.

which is distinct from criminal proceedings, and must be applied in a manner that is responsive to the evidentiary challenges faced by victims.

17. In practice, applicant victims must provide sufficient *indicia* to establish their identity, the harm suffered, and the causal nexus between that harm and the crimes of conviction.³¹ Such proof may include official or unofficial identification documents, or other reliable means of establishing identity.³² Where documentary evidence is unavailable, a statement signed by two credible witnesses attesting to the identity of the victim and, where relevant, their relationship to any person acting on their behalf, should be considered sufficient.³³

18. In assessing the sufficiency of the evidence, the Chamber should adopt a flexible and context-sensitive approach. Many victims were forcibly transferred and/or deported, including large numbers of Muslim civilians constrained to flee their homes, and to become internally displaced persons or refugees.³⁴ As a result, documentation may have been lost, destroyed, or rendered inaccessible. More broadly, victims may face difficulties in obtaining or reproducing official documents in CAR. These constraints should be duly taken into account to ensure that evidentiary requirements do not operate to exclude otherwise eligible victims.³⁵

3) Whether recourse to factual presumptions should be considered

19. Consistent with the Court's jurisprudence, the Chamber may rely upon presumptions to establish certain facts to the requisite standard of proof where applicants face difficulties in adducing direct evidence.³⁶ The use of such presumptions is especially warranted here, given the scale of the violence and the

³¹ ICC-02/04-01/15-2074, para. 423; ICC-01/04-02/06-2659, para. 137; ICC-01/04-01/06-3129-AnxA, para. 22; ICC-01/04-01/07-3728-tENG, para. 45.

³² ICC-02/04-01/15-2074, para. 423; ICC-01/04-02/06-2659, para. 137.

³³ ICC-02/04-01/15-2074, para. 423; ICC-01/04-02/06-2659, para. 137; ICC-01/04-01/06-3129-AnxA, para. 57.

³⁴ Judgment, para. 1900-1910.

³⁵ ICC-02/04-01/15-2074, paras. 424-426.

³⁶ ICC-02/04-01/15-2074, para. 156; ICC-01/04-02/06-2659, para. 141.

resulting mass displacement leading to the loss or destruction of personal documentation, including identification papers and other records relevant to substantiate reparations claims.

20. In this context, presumptions of harm may arise from the Chamber's factual findings as to the commission and impact of the crimes. Where an applicant demonstrates presence in an affected area, or otherwise establishes a causal link with the crimes, certain forms of harm may be inferred.

21. Accordingly, where the requisite nexus is established, the Chamber may consider that:

- Muslim residents of Bangui, including those from Cattin and Boeing neighbourhoods, were displaced in the context of the attack on Bangui, on 5 December 2013, as well as during the subsequent dislocation of Muslim populations in the towns and villages along the PK9 Mbaïki Axis -including in Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa, Mbaïki- between on or about 10 January 2014 and on or about 6 February 2014;³⁷
- such displacement generally resulted in material loss and psychological harm, particularly for victims who lost homes, property, and other essential assets, thereby significantly affecting their daily lives and livelihoods;³⁸
- members of the Muslim communities of Boeing and Cattin suffered psychological and moral harm as a result of the destruction and damage inflicted on the Boeing Mosque;³⁹

³⁷ Judgment, paras. 4520, 4611, 4720.

³⁸ Judgment, para. 4531 (noting that, "[...] victims had to leave their houses and for some, their belongings behind, and thus emphasises that their return to the CAR or their place of origin does not mean that they were able to reach the same standards of living or live in the same conditions as before [...]"). *See also*, CAR-OTP-2127-6805, p.27-35.

³⁹ Judgment, para. 4541. *See also*, CAR-OTP-2127-6805, p.22-23.

- direct victims of imprisonment and other inhumane acts suffered material, physical, and psychological harm as a consequence of those crimes;⁴⁰
- close family members of direct victims of murder suffered psychological harm as indirect victims;⁴¹
- victims of the destruction of Muslim homes, particularly in predominantly Muslim neighbourhoods such as Boro, Arabe, and Fulbe, in the context of the attack on Bossangoa on 5 December 2013 and in its immediate aftermath, suffered material and psychological harm.⁴²

22. The victim applicants only need demonstrate either their presence in the affected areas or a causal link to the crimes on the balance of probabilities. Consistent with *Ongwen*, the presumptions apply once this nexus is established.⁴³

4) Types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Messrs Yekatom and Ngaissona were convicted

23. The Prosecution defers to the submissions of the CLRV2, the TFV and Registry to assist the Chamber in determining the appropriate types and modalities of reparations in this case. Nevertheless, in light of the criteria set out in rules 97(1) (scope and extent of damage) and 98(3) (number of victims, forms and modalities of reparations may make a collective award more appropriate), the Chamber should have particular regard to the following factors:

⁴⁰ Judgment, para. 4566.

⁴¹ Judgment, paras. 4507, 4596, 4633, 4716,

⁴² Judgment, paras. 4753-4757.

⁴³ ICC-02/04-01/15-2074, paras. 165 and 519.

- the significant number of victims who may apply for and be entitled to reparations, including the 1,965 victims already authorised to participate in the proceedings;
- the large number of victims identified by the Chamber in the Judgment;⁴⁴
- the serious and multi-layered nature of the harm suffered, including physical, psychological, and material harm, as well as the enduring impact on affected communities, particularly for child victims, individuals forcibly transferred from their homes, and those who witnessed the destruction of their property and loss of family members.

24. In light of the scale of victimisation and the nature of harm, collective reparations would be the most appropriate form of redress in this case, potentially complemented by individualised components where necessary. Such an approach would enable the Chamber to address both the widespread and systemic harm suffered and the specific needs of particularly vulnerable victims.

25. The modalities of collective reparations may include, *inter alia*:

- Community reconstruction- including the rebuilding of homes, mosques, and local markets destroyed in the course of the attacks;
- Livelihood assistance- financial support for displaced persons, including traders, and the provision of education, vocational training, and micro-economic programmes aimed at restoring economic autonomy;
- Rehabilitation-providing access to medical care, as well as psychological and psychiatric support, to address both physical and mental harm, alongside broader socio-economic rehabilitation measures;⁴⁵

⁴⁴ Judgment, paras. 1901-1906, 2732, and 3568.

⁴⁵ ICC-02/04-01/15-2074, para. 617.

- Symbolic reparations- memorialisation initiatives such as community memorial ceremonies and public acknowledgement of crimes committed against Muslim communities⁴⁶

5) Any considerations the Chamber should take into account when assessing liability for reparations with respect to the crimes for which Mr Yekatom and Mr Ngaissona were convicted

i. Mr Yekatom

26. The Court's established jurisprudence provides that a convicted person's liability for reparations must be proportionate to the harm caused in the specific circumstances of the case.⁴⁷

27. Mr Yekatom's culpable conduct reflects a particularly high degree of responsibility. As the leader of his Anti-Balaka Group, "he exercised a leading role and unlimited control over his group and the crimes committed by the elements".⁴⁸ The crimes for which Mr Yekatom was convicted were marked by their discriminatory nature and by the extreme vulnerability of the victims.⁴⁹ Muslim civilians were deliberately targeted on, *inter alia*, religious grounds, as well as those associated with Muslims. His forces murdered traders during the Bangui attack; subjected detainees at the Yamwara School Base to torture, including the particularly cruel treatment inflicted on LAPO N'GOMAT prior to his killing; participated in the killing and mutilation of SALEH – Mbaiki's Muslim Deputy Mayor; and attacked the main mosque serving the communities of Boeing and Cattin.⁵⁰ These acts were not isolated, but formed part of a broader pattern of Anti-Balaka violence that resulted in the large-scale displacement and forcible transfer of thousands of civilians across multiple

⁴⁶ ICC-02/04-01/15-2074, para. 635.

⁴⁷ ICC-02/04-01/15-2074, para. 72; ICC-01/04-01/06-3129-AnxA, para. 21; ICC-01/04-02/06-2659, para. 96.

⁴⁸ Judgment, para. 4494.

⁴⁹ Judgment, para. 4422.

⁵⁰ Judgment, p. 1608-1610.

locations, including Boeing, Cattin, Bossangoa, the PK9–Mbaiki axis, and Mbaiki itself, in the context of an even broader campaign to inflict great suffering on the Muslim population in western CAR in carrying out a widespread and systematic attack.⁵¹

ii. Mr Ngaissona

28. Mr Ngaissona's culpable conduct likewise reflects a high degree of gravity. He was actively involved in planning the concrete steps to respond to the Seleka violence in CAR, as well as to ensure François BOZIZE's return to power, by all means possible, including through armed violence. He provided financial aid, organisational assistance, and psychological support to the Anti-Balaka, making these contributions for the purpose of facilitating the commission of criminal acts targeting the Muslim population, and fully aware that the Anti-Balaka would violently target the Muslim civilian population in the west of CAR.⁵² By facilitating and encouraging the commission of crimes on a sustained basis, Mr Ngaissona played a central role in the realisation of the Anti-Balaka's victimisation of the Muslim communities that they violently attacked. His actions thus had direct bearing on the scale and persistence of the harm inflicted on victims.

29. The harm flowing from these crimes was multiple, severe, and enduring. It encompassed loss of life, serious physical injury and psychological trauma, destruction of property, and the long-term disruption of community structures and livelihoods. Mr Yekatom's and Mr Ngaissona's liability for reparations must therefore reflect not only the number of crimes for which they were convicted, but also the breadth and lasting nature of the harm caused, and their key contributions to it .

⁵¹ Judgment, paras. 1922-2114.

⁵² Judgment, para. 4709.

6) 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-Mbaïki axis

i. Bangui (Boeing and Cattin)

30. The evidence before the Chamber indicates that, before the conflict, approximately 130,000 Muslims resided in Bangui's⁵³ neighbourhoods and eight *arrondissements*, including Cattin and Boeing.⁵⁴ This baseline is critical to appreciating the scale of the impact of the crimes.

31. The record further indicates that, by the end of December 2013, nearly 100,000 internally displaced persons were present in the third district of Bangui, where PK5 is located.⁵⁵ This concentration reflects the significant displacement of the Muslim population.

ii. Bossangoa (Boro neighbourhood)

32. The evidence shows that before the conflict, approximately 8,000 Muslims resided in Bossangoa.⁵⁶ As violence escalated in the lead-up to the 5 December 2013 attack, several hundred to a thousand Muslims had fled to the *École de la Liberté*.⁵⁷ The available documentary evidence provides a range of estimates of this displaced population, ranging from approximately 4,000 to 8,500 individuals.⁵⁸ While these figures vary, they consistently indicate that a substantial proportion of the Muslim

⁵³ CAR-OTP-2001-4429, at 4429.

⁵⁴ ICC-01/14-01/18-723-Red, para. 392.

⁵⁵ ICC-01/14-01/18-2738-Red, para. 577. *See also*, CAR-OTP-2110-0460.

⁵⁶ CAR-OTP-2079-0678.

⁵⁷ Judgment, para. 2957.

⁵⁸ Judgment, para. 2967.

population was displaced and concentrated at that site. The last of these individuals was finally evacuated, *inter alia*, to Chad in April 2014.⁵⁹

iii. Villages along the PK9-Mbaïki axis

33. The evidence further shows that, before the conflict, the Muslim population of Mbaiki alone amounted to at least 2,000 individuals.⁶⁰ This figure does not include Muslim residents of surrounding towns and villages along the PK9–Mbaiki axis, underscoring the broader geographic spread of the affected population.

34. The record also indicates that at least 1,000 additional Muslims from these surrounding areas fled to Mbaiki as the situation deteriorated.⁶¹

35. In light of the evidentiary record, the Prosecution considers that the figures set out above provide a conservatively reliable indication of the scale of the Muslim population affected across the relevant locations. At the same time, it defers to the submissions of the CLRV2, TFV, and Registry with respect to any final or consolidated estimates to be adopted by the Chamber.

⁵⁹ Judgment, paras. 2981, 3030, and 3032.

⁶⁰ Judgment, para. 3448.

⁶¹ Judgment, para. 3568.

III. CONCLUSION

36. The Prosecution respectfully requests the Chamber to consider that the harm established in this case is large-scale, multi-layered, and community-wide in nature, consistent with the framework articulated in *Ongwen*. In this context, the category of indirect victims should be interpreted broadly, and the Chamber should adopt factual presumptions to facilitate the identification of appropriate beneficiaries.

37. The reparations determined must reflect the full scale and impact of the crimes of conviction on the Muslim communities. Against this backdrop, and in light of the widespread and collective nature of the harm, an award of collective reparations, complemented by individualised components where appropriate, would best achieve the objectives of reparations in the present case.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 13th April 2026
At The Hague, The Netherlands