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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

**Corrected Public Redacted version of the “Submissions on Reparations on behalf of
Victims”, 13 April 2026, ICC-01/14-01/18-2899-Conf**

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I. PROCEDURAL HISTORY

1. On 24 July 2025, Trial Chamber V, in its previous composition (the “Trial Chamber”), convicted Mr Alfred Yekatom and Mr Patrice-Edouard Ngaïssona for 27 counts of crimes against humanity and war crimes.¹ On the same day, Mr Yekatom was sentenced to 15 years of imprisonment and Mr Ngaïssona to 12 years of imprisonment.²
2. On 8 October 2025, Trial Chamber V, in its new composition (the “Chamber”),³ issued the Order for Submissions on Reparations (the “Order”), inviting, *inter alia*, the parties, the Registry and the Trust Fund for Victims (the “TFV”) to make observations on a number of identified issues relevant to the reparations proceedings.⁴
3. On 5 March 2026, the Chamber, granting a CLRV’s request,⁵ extended the deadline for the parties, the Registry and the TFV to submit observations on reparations until 13 April 2026.⁶
4. On 26 March 2026, having been authorised by the Chamber,⁷ the Human Rights Centre, Queen’s University Belfast submitted its *amicus curiae* observations.⁸

¹ See the “Judgment” (Trial Chamber V), [No. ICC-01/14-01/18-Conf](#), 24 July 2025, pp.1608-1615. A public redacted version [No. ICC-01/14-01/18-2784-Red](#) was filed on the same date (the “Trial Judgment”).

² *Ibid.*, para. 4848.

³ See the “Decision replacing Judges in Trial Chamber V”, (The Presidency), [No. ICC-01/14-01/18-2801](#), 19 August 2025.

⁴ See the “Order for Submissions on Reparations”, (Trial Chamber V), [No. ICC-01/14-01/18-2821](#), 8 October 2025, para. 6(i)(a)-(k) (the “Order”).

⁵ See the “Common Legal Representative of Victims’ Request for a limited extension of time limit to submit observations on reparations”, [No. ICC-01/14-01/18-2883-Conf](#), 24 February 2026. A public redacted version [No. ICC-01/14-01/18-2883-Red](#) was filed on 10 March 2026.

⁶ See the “Decision on the Common Legal Representative of Victims’ request for extension of time to submit observations on reparations” (Trial Chamber V), [No. ICC-01/14-01/18-2889](#), 5 March 2026.

⁷ See the “Decision on the requests for leave to make *amicus curiae* submissions” (Trial Chamber V), [No. ICC-01/14-01/18-2860](#), 16 December 2025.

⁸ See the “Submission on Reparations”, [No. ICC-01/14-01/18-2895](#), 27 March 2026 (the “*Amicus Curiae* Observations”).

II. CONFIDENTIALITY

5. Pursuant to regulation 23bis (1) of the Regulations of the Court, the present submission is filed confidential because it refers to information having the same classification. A public redacted version is filed simultaneously.

III. SUBMISSIONS

6. The CLRV emphasize that “[t]he reparations phase of the proceedings marks a critical juncture in the administration of justice. To some extent, the success of the Court is linked to the success of its reparations system. In effect, the victims’ rights to truth, justice, and reparations are all part of the victims’ right to a remedy”.⁹

7. Following the issuance of the Judgment and the Sentence, the CLRV met with the Victims they represent in the different locations where they reside in order to inform them about the proceedings, collect updated information on their current personal, professional and family situations, as well as their needs and wishes in terms of reparations.

8. In drafting these submissions, the CLRV considered the Reparations Principles, as adopted in the *Ntaganda* case¹⁰ and expanded upon in the *Ongwen* case;¹¹ in particular the principle of expeditiousness which is paramount for the success of the reparations process.

9. The CLRV addresses *infra* the issues identified by the Chamber in the Order.

⁹ See the “Reparations Order” (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021, para. 1 (the “*Ntaganda* Reparations Order”).

¹⁰ *Ibid.*, paras. 30-103.

¹¹ See the “Reparations Order” (Trial Chamber IX), [No. ICC-02/04-01/15-2074](#), 28 February 2024, paras. 57 and 78-86 (the “*Ongwen* Reparations Order”).

A. Estimated total number of eligible direct and indirect victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted

10. In accordance with the established practice of the Court, both natural and legal persons can qualify as beneficiaries for reparations. Eligible individuals can be direct or indirect victims as long as they can demonstrate personal harm suffered as a result of one of the crimes for which the Accused were convicted.¹²

11. While the attack against the Muslim population in the Central African Republic (the “CAR”) from September 2013 through February 2014 was widespread,¹³ only a limited number of persons applied to participate in the proceedings and an even smaller number was authorized to participate following the reduction of the scope of the case after the Decision Confirming the Charges.¹⁴ Numerous victims were also unable to participate due to the Registry and the CLRV’s inability to access certain refugee camps in Chad for security and logistical reasons. Moreover, it appears, from the CLRV’s recent consultations, that many victims - who fled because of the crimes committed - still remain abroad (in Cameroon, the Republic of Congo (Brazzaville) (the “Congo”), the Democratic Republic of Congo (the “DRC”), France and elsewhere). Therefore, the number of eligible victims for reparations is substantially higher than the number of participating victims.

12. In this regard, the CLRV are in contact in the CAR with 62 individuals who were not yet able to submit an application form (and additional 408 members of their family). Moreover, 1,848 potential beneficiaries have been identified amongst the family members of the participating victims. In Chad, 800 potential beneficiaries were

¹² *Ibid.*, paras. 31-40 and footnotes contained therein.

¹³ See the Trial Judgment, *supra* note 1, paras. 49 and 3933-3934.

¹⁴ See the “Consolidated list of victims admitted to participate in the proceedings”, [No. ICC-01/14-01/18-2768](#), 4 April 2025. See also, the “Corrected version of ‘Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona’” (Pre-Trial Chamber II), [No. ICC-01/14-01/18-403-Conf-Corr](#), 14 May 2020. A public redacted version [No. ICC-01/14-01/18-403-Red-Corr](#) was filed the same day.

identified in Gaoui, amidst approximately 7,000 refugees residing there.

13. Across four camps in Chad, 12,000 potential beneficiaries were identified.¹⁵ Furthermore, based on the information collected during consultations with the representatives of the National Commission for the Reception and Reinsertion of Refugees and Repatriated Persons (*Commission Nationale pour l'accueil et la reinsertion des réfugiés et rapatriés*), and chiefs of the camps, several thousand individuals may qualify as beneficiaries for reparations given their provenance from the locations concerned by the crimes, the registered dates of arrival in the camps and their Muslim identity. Said local authorities estimate the total number of victims affected by the crimes to be around 41,600 people based on a pre-identification exercise conducted across relevant camps, including Gaoui, Belom, Maingama, Moussoumba, Sido and Belom. Said numbers are merely indicative and cannot be considered as final.

14. Consistent with the Court's jurisprudence, due regard ought to be given to the social and familial structures in the affected communities, considering that, in many cultures, including in the CAR, the concept of family goes beyond the strict frame of a couple and their children, and includes other relatives.¹⁶ In this regard, chambers have emphasised the need to take into account the appropriate cultural understanding of the concept of "family" in a specific country.¹⁷ Accordingly, the CLRV underline that, in the social and family structures within Central African communities, including the Muslim community, families are generally large, also because polygamous marriage is permitted under the Central African Family Code and prevalent within the Muslim community.¹⁸

¹⁵ Said numbers were provided by the representatives of the National Commission for the reception and reinsertion of refugees and repatriated persons (*Commission Nationale pour l'accueil et la reinsertion des réfugiés et rapatriés*), as well as by the chiefs of the refugee camps.

¹⁶ See the *Ntaganda* Reparations Order, *supra* note 9, para. 124, referring to « Arrêt », [Le Procureur v. Hissein Habré \(Chambre africaine extraordinaire d'assises d'appel\)](#), para. 586. See also, the *Ongwen* Reparations Order, *supra* note 11, para. 131.

¹⁷ See the *Ongwen* Reparations Order, *supra* note 11, paras. 31-40 and footnotes contained therein.

¹⁸ See the [Loi n 97.013 Portant Code de la Famille](#), article 216.

15. Lastly, in line with the jurisprudence of the Court, victims cannot be discriminated on the basis of their birth or marital status. Consequently, unmarried partners and children born outside of marriage may be recognized as direct or indirect victims for reparations purposes.¹⁹

1) Number of direct victims of the crimes

16. The crimes affected the Muslim population across multiple regions in the CAR, including in Bangui (Boeing, Cattin and Yamwara), Bossangoa, and the PK9-Mbaïki axis.²⁰ The attacks against the civilian population resulted in the mass displacement of civilians in neighbouring countries, including Cameroon, Chad, the Congo, and the DRC. The crimes impacted entire communities.²¹

17. Due to the particular circumstances of the present case, any attempt to accurately estimate the total number of potential beneficiaries for reparations proves difficult. The Chamber should take into account several factors. These include the wide geographical dispersion of the victims across the areas where the crimes were committed; the ethnic and religious composition of the affected Muslim communities; the significant amount of time that has elapsed since the commission of the crimes which renders difficult the estimation of the population at the time of the events; the forced displacement that drove many victims to seek refuge in neighbouring countries and within the CAR, causing dispersion of family members, as well as the impossibility for many victims to return to their places of origin.

18. Available data indicate that 140,000 Muslims lived in Bangui before the Seleka

¹⁹ See the *Ntaganda* Reparations Order, *supra* note 9, para. 126. See also, the *Ongwen* Reparations Order, *supra* note 11, para. 133.

²⁰ See the Trial Judgment, *supra* note 1, paras. 3949-4006 in relation to Counts 1-6; paras. 4051-4093, and paras. 4099-4108 in relation to Counts 30-42; paras. 4300-4343 in relation to Counts 24-28, paras. 4133-4232 in relation to Counts 11-17; and paras. 4422, 4427, 4502, 4505, 4548, 4609, 4714, 4730, 4737, 4740, 4760, 4785 in relation to the harm taken into account for the purpose of sentencing.

²¹ *Ibid.*, paras. 1905-1910 (citing the Commission of Inquiry Report, [CAR-OTP-2001-7017](#), at 7108, paras. 437-438); and paras. 4520-4521, 4611, 4720.

takeover and the subsequent Anti-Balaka attack;²² over 8,000 Muslims lived in Bossangoa (one of the largest Muslim communities in the northwest of the CAR).²³ Data from international organisations also indicate that, depending on the source and time period considered, the number of individuals who fled the CAR to neighbouring countries between late 2013 and early 2014 ranges approximately between 140,000 and 190,000.²⁴ With respect to internally displaced persons, data indicate that, during the peak of the crisis between December 2013 and early 2014, the number of internally displaced persons in the CAR ranged approximately between 220,000 to 300,000.²⁵ Considering that the CAR has one of the youngest population in the world, it is estimated that around 48% to 52% of the displaced people were minors.²⁶

²² See Time, [U.N. Warns Capital of Central African Republic Nearly Cleared of Muslims](#), 9 March 2014.

²³ See ReliefWeb, [Displaced Muslims Struggle To Keep Going In Northern Town](#), 19 March 2014.

²⁴ See the Trial Judgment, *supra* note 1, para. 1905 and footnotes contained therein, in particular the Commission of Inquiry Report, [CAR-OTP-2001-7017](#), at 7108: “The scale of the exodus is illustrated by the number of persons who sought refuge outside the borders of the CAR during this period. In December 2013, there were 235,067 refugees from CAR. By March 2014, that figure had climbed steeply to 312,719 and in November it had reached 423,296. [...] By November 2014 the figure had decreased to 430,000. Most of the refugees were in Cameroon and Chad, with others also in Congo and the Democratic Republic of the Congo”. See also, at 7143, Annex III, map and footnote 283 indicating that the IOM and UNHCR data for 2014 recorded a total of 200,665 displaced individuals, including 69,592 who fled to Cameroon; 104,382 to Chad (of which 92,382 were evacuated); 18,248 to the DRC; and 8,443 to Congo. See also, the HRW report, [CAR-OTP-2001-7145](#), at 7167, according to which between December 2013 and October 2014, 187,000 people fled the CAR to seek shelter in neighbouring countries; Amnesty International Report, [CAR-OTP-2001-2707](#), at 2725, referring to UNHCR, [Renewed conflict in central CAR's Bambari displaces thousands of people](#), Briefing Notes, 27 June 2014, indicating that over 140,000 people sought refuge in said countries between December 2013 and June 2014; and UNHCR, [Population des personnes en déplacement forcé au Tchad](#), Juillet 2025, estimating the number of Central African refugees in neighbouring countries at 140,044.

²⁵ See the Trial Judgment, *supra* note 1, para. 1905 and footnotes contained therein, in particular the Commission of Inquiry Report, [CAR-OTP-2001-7017](#), at 7108: “The numbers of internally displaced persons also rose rapidly during this period, from 602,000 in December 2013 to 825,000 in January 2014”. See also, USAID, [Central African Republic - Complex Emergency](#), 3 January 2014, p. 2 : “On January 3, UNHCR reported approximately 935,000 IDPs in CAR—an increase of more than 46 percent from the December 17 estimate of 639,000 IDPs”.

²⁶ See Security Council, [The situation in Central African Republic](#), S/PV.7098, 22 January 2014, p. 2 (“The lack of security has resulted in the displacement over the course of 2013 of nearly half a million children across the country”). See also, UNICEF, [Evaluation of UNICEF's Response to the Crisis in Central African Republic \(2013 - 2015\)](#) Evaluation Brief No. 2016/9, March 2016 (“Insecurity and lawlessness throughout the country have led to children being displaced, separated from their families, recruited by armed groups, maimed, mutilated, abducted, raped and killed. More than 1.2 million children have been affected and many still remain at risk and continue to require assistance and protection”), and Child Alert – [Crisis in Central African Republic](#), 2018.

i. Victims of the attack on Bangui and related crimes

19. According to evidence in the record of the case, approximately 100,000 people were internally displaced from Boeing and Cattin to PK5 and neighbouring countries in the aftermath of the attack on Bangui on 5 December 2013.²⁷ The Trial Chamber also established that many Muslims residing in Boeing and Cattin were displaced through organized convoys to Chad, Cameroon and Congo.²⁸

20. In March 2014, only 900 Muslims were left in Bangui out of the 140,000 who inhabited the town.²⁹ More broadly, *“the most recent series of events was triggered by an attack by anti-Balaka and other armed groups against Muslims in Bangui on 5 December, which left more than 600 people dead and 214,000 internally displaced”*.³⁰ Accordingly, the CLRV estimate that between 140,000 and 214,000 victims were affected by the attack in Bangui.

ii. Victims of the attack on Bossangoa and related crimes

21. The Trial Chamber found that the number of Muslim inhabitants of Bossangoa that sought refuge at *École de la Liberté* rose to several thousands.³¹ The evidence on the record shows that between 8,000 and 10,000 people were affected by the attack.³²

²⁷ See the Trial Judgment, *supra* note 1, paras. 2719-2732.

²⁸ *Ibid.*, para. 2713.

²⁹ See the HRW Report, [CAR-OTP-2001-2308](#), at 2319 “[In March 2014] in Bangui, according to the UN, only 900 of 140,000 Muslims remain in the capital, and those left behind fear for their lives”. See also, the Commission of Inquiry Report, [CAR-OTP-2001-7017](#), at 7110: “Thus, by 7 March 2014, the Muslim population of Bangui had been reduced from over 100 000 to less than 1.000. For the country as a whole, it was estimated that more than 99 per cent of the Muslim population had been driven out of the country”.

³⁰ See UN Report, [CAR-OTP-2001-0329](#), at 0329, para. 2.

³¹ See the Trial Judgment, *supra* note 1, para. 2970.

³² See UN Report, [CAR-OTP-2001-0329](#), at 0337: “Muslim civilians have also been displaced and around 8.500 of them have taken refuge in the sub-prefecture and the Liberty school premises in Bossangoa”. See also, HRW CAR Report, [CAR-OTP-2001-2308](#), at 2332: “In Bossangoa, for example, satellite imagery shows the rapid displacement of thousands of local residents in early December 2013, as well as the systematic destruction of over 1,400 mostly residential buildings. Human Rights Watch observed and gathered accounts from witnesses to corroborate the exodus of virtually the entire Muslim community of Bossangoa, between 7,000 and 10,000 people”; and at 2340: “The anti-balaka attacked Bossangoa itself on December 5, leading to the further displacement of the estimated 10,000 Muslims gathered in the Boro Muslim district of Bossangoa”.

iii. Victims of the crimes committed along the PK9-Mbaïki axis

22. Regarding the attack along the PK9-Mbaïki axis, the Trial Chamber found that at least 1,000 Muslims had to flee from locations along the axis and in the Lobaye prefecture to Mbaïki, and at least 2,000 Muslim inhabitants of Mbaïki fled, leading to at least 3,000 Muslim civilians displaced.³³ The evidence on the record is not entirely consistent and ranges from 8,000 to 16,000 individuals affected. A report indicates that at least 4,000 Muslims who were living in Mbaïki were subsequently transferred to Bangui by Chadian forces with 4,000 remaining behind.³⁴ Additional figures suggest that approximately 15,000 to 16,000 people had arrived in Mbaïki from neighbouring villages.³⁵ Therefore, the CLRV estimate that at least 10,000 people were affected by the attack.

iv. Victims of torture, cruel treatment and other inhumane acts

23. The CLRV refer to the finding of the Trial Chamber in relation to the events at the Yamwara school and the victimization of the six individuals affected.

v. Victims of destruction of adversary's property

24. The satellite images available in the record of the case show that the attack on Bossangoa caused the destruction of more than 1,400 buildings.³⁶ This figure is consistent with the data available concerning the Muslim population of Bossangoa at the time of the attack.

³³ See the Trial Judgment, *supra* note 1, para. 3448.

³⁴ See HRW CAR Report, [CAR-OTP-2001-2308](#), at 2344: "On February 6, Chadian forces transferred to Bangui the entire Muslim community of Mbaïki in 20 large military trucks, carrying at least 4,000 Muslim residents of the town"; and at 2316: "Now, its [from Mbaïki] 4,000 Muslims are gone, their mosques destroyed. Those who remain, such as the 4,000 or so Muslims in Boda, live in constant fear".

³⁵ See the testimony of **P-1666** [REDACTED].

³⁶ See HRW CAR Report, [CAR-OTP-2001-2308](#), at 2332.

vi. Victims of the crimes of attack against building dedicated to religion

25. Mr Yekatom and Mr Ngaïssona were also convicted for the attack to the Nour Alyaguin Mosque (Boeing Mosque).³⁷ Accordingly, in addition to the estimated number of Muslims in Boeing and Cattin who were deprived of their fundamental right to practice their religion as a result of the destruction of the building,³⁸ the mosque itself qualifies as direct victim in accordance with rule 85(b) of the Rules of Procedure and Evidence (the “Rules”).

2) Number of indirect victims of the crimes

i. Victims of murder

26. The CLRV recall the findings in relation to the murder of Saint-Cyr (Yamwara incident) and of the Deputy Mayor Djido Saleh (in Mbaïki).³⁹

27. Concerning the number of victims murdered during the attacks in Bangui and in Bossangoa, the death toll from the Anti-Balaka attack in Bangui on 5 December 2013 is estimated to be around 1,000 people.⁴⁰ Furthermore, according to reports relied upon

³⁷ See the Trial Judgment, *supra* note 1, paras. 2618-2648.

³⁸ *Ibid.*, paras. 2649-2651 and 4002.

³⁹ *Ibid.*, paras. 101, 124-125 and pp. 1609-1610 and 1613.

⁴⁰ See HRW Report “Unravelling”, [CAR-OTP-2001-7145](#), at 7156: “We wake up on December 5 in Bossangoa to troubling news. The anti-balaka militia has launched a massive offensive in the capital, Bangui, and heavy clashes are taking place all over the capital, which will ultimately claim more than 1,000 lives in just a few days”. See also, HRW CAR Report, [CAR-OTP-2001-2043](#), at 2046: “With between 400 to 500 dead in similarly brutal clashes and massacres in early December in Bangui, little doubt remains that the Central African Republic is engulfed in ever widening sectarian bloodshed”; UN Report, [CAR-OTP-2001-0329](#), at 0329, para. 2: “The most recent series of events was triggered by an attack by anti-Balaka and other armed groups against Muslims in Bangui on 5 December, which left more than 600 people dead and 214.000 internally displaced”; and, UN High Commissioner Report, [CAR-OTP-2001-0391](#), at 0394, para. 12 : “Le 5 décembre 2013, vers 4 heures du matin, des anti-Balaka ont attaqué Bangui. [...] À Bangui, au 6 décembre 2013, le bilan était de 300 morts, plusieurs centaines de blessés, et 52 000 personnes déplacées” and adding in footnote 4 “Ce chiffre de la Croix-Rouge nationale ne prend pas en compte les corps enterrés par les familles des défunts, ni ceux des régions, ce qui explique pourquoi le chiffre d’un millier de tués avancé par certains, notamment Amnesty International, paraît vraisemblable (Amnesty International, «République centrafricaines, Crimes de guerre et crimes contre l’humanité à Bangui”. Communiqué de presse du 19 décembre 2013)”.

by the Trial Chamber, the attack on Bossangoa “*claimed more than 1,000 lives in just a few days*”.⁴¹ Therefore, the CLRV estimate that at least 2,000 people were murdered in the attacks.⁴²

28. Family members of the deceased have to be identified in accordance with the cultural notion of “family” in CAR as recalled *supra*.⁴³ While the exact number of individuals potentially affected cannot be estimated, considering the fact that families are large in CAR, an assessment of at least 5 affected individuals per murdered victim seems reasonable. In any case, the CLRV advocate for a case-by-case assessment.

ii. Victims of torture, cruel treatment, other inhumane act and imprisonment

29. Family members of victims of the above mentioned crimes also qualify as indirect victims having suffered the psychological and material consequences of what happened to their loved ones. Apart for the family members of the victims of the events in Yamwara and the murder of Mayor Djido Saleh, the number of individuals potentially affected cannot be estimated and the CLRV advocate for a case-by-case assessment.

iii. Victims of forcible transfer, deportation and displacement

30. Some victims remained in their locations while family members were obliged to flee, forcibly transferred and deported. These individuals also qualify as indirect victims having suffered the psychological and material consequences of the displacement of their loved ones. The CLRV cannot estimate the number of individuals potentially affected and advocate for a case-by-case assessment.

⁴¹ See HRW CAR Report, [CAR-OTP-2001-2308](#), at 2332.

⁴² The CLRV contest the figures in the *Amicus Curiae* Observations which are clearly incorrect on the basis of the Trial Chamber’s findings. See *Amicus Curiae* Observation, *supra* note 8, para. 27.

⁴³ See *supra* para. 14.

B. Factual and legal issues relevant to the identification of eligible victims

31. Preliminarily, the CLRV underline that the victims participating in the proceedings to date are located in the CAR and in Chad. However, the events led to the widespread dispersal of affected communities, with victims having fled to neighbouring countries including Cameroon, the DRC, Congo, and beyond. Chambers have consistently held that effective, targeted outreach is indispensable to ensuring that all potentially eligible victims are informed of their rights and afforded a meaningful opportunity to participate in the reparations proceedings.⁴⁴ Indeed, reparations must be accessible to all victims regardless of their location, requiring outreach strategies adapted to dispersed populations. Accordingly, a concerted and well-resourced effort will be required to publicise the reparations proceedings across all relevant regions and to ensure that victims residing outside the CAR are able to come forward and exercise their rights in an effective and non-discriminatory manner.

32. In relation to the issue of the identification of eligible victims, the Appeals Chamber indicated that the reparations order “*must identify the victims eligible to benefit from the awards for reparations or set out the criteria of eligibility based on the link between the harm suffered by the victims and the crimes for which the person was convicted*”.⁴⁵

33. In this regard, victims already authorised to participate at trial are eligible for reparations without being required to complete a new application form since they fall within the scope of the Judgment (with the only exception of the victims of rape for which an appeal is pending, unless they suffered also from other crimes). Indeed, as a

⁴⁴ See the “Order for Reparations Pursuant to Article 75 of the Statute”, [No. ICC-01/12-01/15-3728-tENG](#) (Trial Chamber II), 24 March 2017, para. 345 (the “Katanga Reparations Order”). See also, the *Ongwen* Reparations Order, *supra* note 11, para. 809; and the *Ntaganda* Reparations Order, *supra* note 9, paras. 47 and 103.

⁴⁵ See the “Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2” (Appeals Chamber), [No. ICC-01/04-01/06-3129 A A2 A3](#), 3 March 2015, para. 1 (the “*Lubanga* 2015 Appeals Judgement on Reparations”). See also, the “Amended Order for Reparations” (Appeals Chamber), [No. ICC-01/04-01/06-3129-AnxA A A2 A3](#), 3 March 2015 (the “*Lubanga* Amended Order for Reparations”), para. 32.

matter of principle, their willingness to receive reparations should be presumed, even if not expressly indicated in their application forms, unless there are specific indications to believe that they might not be interested. In any case, the CLRV inform the Chamber that they were able to consult with the victims they represent and they all expressed their willingness to participate in the reparations proceedings.

34. Victims who submitted applications for reparations should be similarly presumed to have consented to their details being provided to the TFV. In this regard, again, the victims represented by the CLRV have been informed about the mandate and possible role of the TFV - if and when reparations awards will be issued - and have consented to their details being disclose. Concerning potential beneficiaries, the CLRV stand ready to assist victims in understanding the mandate of the TFV and accordingly provide their informed consent to their personal information being transmitted. Due consideration must be given to the “*Do no harm*” principle when considering contacting and questioning the victims at this stage of the proceedings. It seems, therefore, appropriate to exercise particular care in this respect and ask the victims to recall their experiences again only when strictly necessary (*i.e.* for the necessary inclusive consultations surrounding the issuance of the reparations order, and for the design and implementation of reparations awards). Seeking their consent to receive reparations and to transmit their applications to the TFV appears not only redundant but also unnecessary.

35. The eligibility for reparations must be determined in light of the territorial, temporal and material scope of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted.⁴⁶ In this regard, the principles and legal definitions concerning the eligibility of beneficiaries for reparations as settled by the Court’s practice in relation to the establishment of identity, proof of harm and causal link, are applicable to the

⁴⁶ See the Trial Judgment, *supra* note 1, pp. 1608-1615.

present case.⁴⁷

36. Concerning identity documents, in the CAR, the availability of said documents varies significantly. Moreover, a number of victims converted to Islam adopting new names. Therefore, these specificities will need to be taken into account during the eligibility process. The adoption of the flexible approach already implemented in previous cases, according to which identity can be proved by a number of documents (formal IDs, birth and marriage certificates, statement by humanitarian agencies, attestation from community leaders, etc.), seems also warranted in the present case.⁴⁸ This should also apply to the family members of deceased victims who may resume the action of the latter.

37. Concerning the availability of documents,⁴⁹ a similar flexible approach⁵⁰ is necessary considering the particular circumstances of this case, in which a considerable number of victims were forcibly displaced leaving everything behind, including official documents.⁵¹

38. Concerning the eligibility process, although a trial chamber has discretion in organising the reparations proceedings in the manner that best contributes to the fairness and expeditiousness of the process, this discretion is not unfettered. As confirmed by the Appeals Chamber, the “formal” or “application based” procedure⁵²

⁴⁷ See the *Ntaganda* Reparations Order, *supra* note 9, paras. 131, 132, 136 and 137. See also, the *Lubanga* Amended Reparations Order, *supra* note 45, paras. 22, 59, 65 and 80; the *Ongwen* Reparations Order, *supra* note 11, paras. 418, 419, 423; the *Katanga* Reparations Order, *supra* note 44, paras. 49-51; the “Reparations Order”, [No. ICC-01/12-01/15-236](#), (Trial Chamber VIII), 17 August 2017, para. 44 (the “*Al Mahdi* Reparations Order”); and the “Judgment on the appeals against Trial Chamber II’s ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’”, [No. ICC-01/04-01/06-3466-Red A7 A8](#) (Appeals Chamber), 18 July 2019, paras. 183 and 202 (the “*Lubanga* Appeal Judgment on Reparations Size”).

⁴⁸ See the *Lubanga* Amended Reparations Order, *supra* note 45, para. 57. See also, the *Ongwen* Reparations Order, *supra* note 11, paras. 137.

⁴⁹ See *infra* para. 75.

⁵⁰ See the *Ongwen* Reparations Order, *supra* note 11, paras. 453-454.

⁵¹ See the Trial Judgment, *supra* note 1, paras. 4531, 4762, 4764 and 4613.

⁵² See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 45, para. 142.

is appropriate when the number of victims is very small⁵³ and “*it is apparent that a large majority (or all) of these victims has filed [applications for reparations]*”.⁵⁴ By contrast, “*when there are more than a very small number of victims, this is neither necessary nor desirable*”⁵⁵ and the trial chamber “*is not required to rule on the merits of the individual requests for reparations*”.⁵⁶

39. Therefore, the CLRV have no objection to the adoption of the system in place in the *Ongwen* and *Ntaganda* cases according to which said process shall be divided into two stages: (i) the identification of potential beneficiaries; and (ii) the eligibility assessment.⁵⁷ However, recent developments in said cases show that a robust identification and verification system must be put in place from the very start of the process to avoid significant delays in the identification of potential beneficiaries. In this regard, it is paramount that the eligibility process is executed within a reasonable timeframe. Therefore, the CLRV request the Chamber to set a deadline for the Registry to identify potential beneficiaries,⁵⁸ and instruct it to submit a plan for the identification of new beneficiaries including realistic deadlines⁵⁹ six months after the issuance of the reparations order - which appears to be a reasonable period of time for the Registry to organise the work in the field.

⁵³ *Ibid.*

⁵⁴ See the *Lubanga* Appeal Judgment on Reparations Size, *supra* note 47, para. 86.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, para. 87, quoting the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 45, para. 152.

⁵⁷ See the *Ongwen* Reparations Order, *supra* note 11, paras. 808-810.

⁵⁸ A similar approach was adopted in the *Ntaganda* and in the *Ongwen* cases.

⁵⁹ In the *Ongwen* case, Trial Chamber II ordered the Registry – in the context of a request for the extension of the deadline to identify new beneficiaries - to provide “*realistic monthly numerical projections on the identification of new beneficiaries for reparations, the assessment of victims eligibility and priority categorization and the communication of assessment results with applicants and the TFV*”. See the “Order for the Registry to submit further information on the VPRS’ request for extension of time” (Trial Chamber II), [No. ICC-02/04-01/15-2114](#), 19 December 2025, para. 13. See also, the “Additional Registry Submissions on the Time Extension Request”, [No. ICC-02/04-01/15-2116](#), 2 February 2026.

C. Prioritisation

40. An important number of the 1,673 participating victims currently live in extremely poor health conditions (mental or physical), or/and lack of resources and incomes, especially in cases where they are the sole providers for their family. This category includes individuals facing physical conditions, ailments or ill-health necessitating an urgent medical assistance without which their lives may be lost; as well as elderly and individuals without income, who are nonetheless in charge of numerous family members. Moreover, some victims are still minors or young adults.

41. In light of the passage of time, of the fact that the victims lost everything during the course of the events, and that their standard of living have still not been restored to the *status quo ante*, the CLRV posit that all participating victims are in an urgent need and that reparations measures should be implemented for all of them as soon as possible. However, consistent with the *Ntaganda* and *Ongwen* principles on prioritisation,⁶⁰ whilst all victims are to be treated fairly and equally, victims who are in a particularly vulnerable situation or require urgent assistance may need to be prioritized.

42. Should the Chamber order that reparations are implemented following a priority system, victims facing sickness, children, elderly, widows and widowers and vulnerable orphans should be prioritised; as well as those who have been totally dispossessed and are unable to regain any form of material stability. In this regard, the CLRV are in a position to provide the Registry and the TFV with a list of the most vulnerable victims.

⁶⁰ See the *Ntaganda* Reparations Order, *supra* note 9, para. 92. See also, the *Ongwen* Reparations Order, *supra* note 11, paras. 655-662.

D. Types and extent of the harm suffered by the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted

43. Article 75(1) of the Rome Statute (the “Statute”) and rule 97(1) of the Rules refer to the notions of “*damage, loss and injury*”. Pursuant to the jurisprudence of the Appeals Chamber, “harm” denotes “*hurt, injury and damage*”.⁶¹ The harm must have been personal and may be material, physical and/or psychological.⁶² These categories of prejudices contain a multitude of other harms, from the damage to life plan, interruption of education, loss of income, destruction of one’s place to live, etc. (material), to various chronic illnesses, ailments, injuries (physical) and different level of traumas, fear, losses, social harm and transgenerational traumas (psychological).⁶³

44. For the present reparations proceedings, the CLRV consider useful to also invoke the concept of moral harm defined as non-material harm encompassing, *inter alia*, loss of dignity, emotional suffering, and disruption of the normal course of life. This concept seems particularly appropriate since in the present case the entire Muslim community suffered prejudice as a result of the crimes. Mosques were systematically attacked, burned, destroyed, and looted during Anti-Balaka attacks in Muslim-inhabited areas and localities. The attack destroyed not only the buildings but also the community’s collective faith and religious and cultural identity.

45. The relevant harm must be *the result of* the crimes for which Mr Yekatom and Mr Ngaïssona were convicted. A causal link between said crimes and the harms needs to be established, noting, however, that reparations proceedings require a less exacting standard of proof than trial proceedings.⁶⁴ Following the jurisprudence of the Appeals Chamber, the causation standard (*but/for* and “*proximate*” cause) ought to be

⁶¹ See the *Lubanga* Amended Order for Reparations, *supra* note 45, para. 10.

⁶² *Ibid.*

⁶³ See the *Ntaganda* Reparations Order, *supra* note 9, paras. 68-75. See also, the *Ongwen* Reparations Order *supra* note 11, paras. 167-168.

⁶⁴ See the *Ntaganda* Reparations Order, *supra* note 9, para. 77.

determined in light of the specificities of a case.⁶⁵

46. Additionally, a person may qualify simultaneously as a direct and as an indirect victim, on the basis of different crimes for which the defendant was convicted, and therefore may seek reparations for the different harms suffered.⁶⁶ For indirect victims, the most relevant requirement is “*the existence of a harm, rather than how close or distant the family member is from the direct victim*”;⁶⁷ and “*individuals who suffered personal harm as a result of the commission of a crime against a person with whom they did not have a close personal relationship, but which nevertheless was of significant importance in their lives, may be entitled to reparations*”.⁶⁸

47. Considering the extensive manner in which they were affected by the events, particular attention should be given to children and young adults who personally experienced the crimes. In this regard, reparations measures should be designed and implemented adopting a child-right approach, in accordance with the main principles of the Convention on the Rights of the Child, including the “*best interests of the child*” principle.⁶⁹ Therefore, reparations measures should promote physical and psychological recovery and social reintegration of child/young adult victims.

48. As already underlined in the Closing Brief,⁷⁰ victims suffered multiple types of harms since the crimes had a multi-faceted impact upon them. In recalling *in toto* their previous submissions on the extent of the victimisation, the CLRV summarise *infra* the types of harms suffered by the victims per type of crime.

⁶⁵ *Ibid.*, para. 76.

⁶⁶ *Ibid.*, para. 39.

⁶⁷ *Ibid.*, para. 125.

⁶⁸ *Ibid.*, para. 127.

⁶⁹ See the *Ongwen* Reparations Order, *supra* note 11, paras. 79-86.

⁷⁰ See the “Closing Brief on behalf of Victims of Other Crimes”, [No. ICC-01/14-01/18-2734-Conf](#), 18 November 2021, paras. 196-304. A public redacted version [No. ICC-01/14-01/18-2734-Red](#) was filed on 22 November 2024 (the “Victims’ Closing Brief”).

1) Harms arising from attack against the civilian population and persecution⁷¹

49. Direct and indirect victims suffered the following types of harms :

- Physical harm (only for direct victims), including chronic and long-lasting health ailments, impairments and handicaps. Victims sustained severe injuries, including machete and gunshot wounds, which have led to lifelong disabilities.⁷²
- Psychological harm. Victims report the loss of their loved ones, severe psychological disorders, and a pervasive sense of injustice and powerlessness; feelings of anxiety, alienation from their culture and known surroundings, and continuous sorrow due to recurring painful memories; sleep disturbances.⁷³
- Loss of family members and separation from families (as a result of the displacement).⁷⁴
- Material loss and economic harm. Victims report the loss of their houses, household items, businesses, and cattle.⁷⁵
- Loss of life chances/living standard due to the loss of income-generating opportunities.⁷⁶
- Loss of educational opportunities.⁷⁷

⁷¹ See the Trial Judgment, *supra* note 1, para. 4502 (and footnote 10362), 4506, 4548-4550, 4602-4603 and 4643-4644, 4714, 4730-4732, 4740-4742 and 4785-4786.

⁷² See the Victims' Closing Brief, *supra* note 70, paras. 204-211 and footnotes contained therein.

⁷³ *Ibid.*, paras. 212-222 and footnotes contained therein.

⁷⁴ *Ibid.*, paras. 234-287 and footnotes contained therein.

⁷⁵ *Ibid.*, paras. 223-233 and footnotes contained therein.

⁷⁶ *Ibid.*, paras. 228, 230-231 and footnotes contained therein.

⁷⁷ *Ibid.*, para. 291 and footnotes contained therein.

2) Harms arising from the crime of murder⁷⁸

50. Indirect victims of the crime of murder suffered the following types of harms:⁷⁹

- Psychological harm.⁸⁰ Victims report severe psychological disorders, and a pervasive sense of injustice and powerlessness. Victims also suffer from severe consequences related to the cruel circumstances of the murder of their loved ones. This is particularly true for the family members who witnessed the killing or had to recognise the remains of their loved ones and were hence confronted to the brutality used against them.
- Moral harm deriving from the emotional suffering and the impossibility to have the emotional support of the murdered victim.⁸¹
- Loss of parental care for children (and dependants).
- Impossibility to properly and traditionally/culturally grieve and bury their loved ones.⁸² A number of victims have been deprived of the opportunity to

⁷⁸ See the Trial Judgment, *supra* note 1, paras. 4507-4513, 4596-4598, 4633-4637, 4717, 4746-4750, 4802 and 4818.

⁷⁹ The Trial Chamber has recognised that murders were committed with extreme violence. For example, it took note of Djido Saleh's murder being described as a "*horrible act*" (see the Trial Judgment, *supra* note 1, paras. 4635, 4637). Similar findings were made by the Trial Chamber with regards to the cruel manner in which Saint Cyr was murdered as his "*had to endure multiple barbaric physical assaults on his body*", his "*legs were broken, his toes, fingers and an ear cut off and he was tied up in the 'arbatachar' manner*" (see the Trial Judgment, *supra* note 1, para. 4569).

⁸⁰ By way of example, the Trial Chamber took note of the impact and harms caused by the murder of Hassan Mahamat on his family, including psychological and emotional effects (see the Trial Judgment, paras. 4511-4513); as well as on the family of Saint Cyr (paras. 4597-4598), and on Saleh's family (para. 4636). In general, see the Victims' Closing Brief, *supra* note 70, paras. 212-222.

⁸¹ See the Trial Judgment, *supra* note 1, para. 4750 and footnote contained therein. By way of example, during her testimony, [REDACTED] stated that [REDACTED] was on the verge of death because she was suffering, traumatised as she lost two children in one week (see the Trial Judgment, *supra* note 1, para. 4597). Similarly, P-2049 stated that "[REDACTED] is still crying, and he is not even able to [REDACTED] (...) I think about my [REDACTED] and I cry. That was a massive loss for me, the death of my [REDACTED]" (see Victims' Closing Brief, *supra* note 70, para. 215).

⁸² Some of the participating victims have been unable to grieve the loss of their loved ones who were killed during the attacks, and the absence of information to this day regarding the exact circumstances of their deaths or the location of their burial sites continues to haunt them. See P-0967, referring to the circumstances of the disappearance of [REDACTED]. She expressed the pain that haunts her and her family with these words: "[T]oday I am before the International Criminal Court, and once again : I say to you: If the commander of the Anti-Balaka, the person in charge of the Anti-Balaka who killed [REDACTED], I want to know, if he was buried, I beg him to tell me where the grave is so that I can talk about this to [REDACTED]. But if his flesh was sold at the market, he should tell me so that I can find some peace" (see the Trial Judgment, *supra* note 1, para. 4598).

mourn and to carry out funeral practices in accordance with Muslim burial rituals.⁸³

- Material harm in the form of loss of life chances/living standard due to the fact that family members relied on the murdered victim for financial support.⁸⁴

3) Harms arising from forcible transfer, deportation and displacement⁸⁵

51. Direct and indirect victims of the crime of forcible transfer and deportation suffered the following types of harms:

- Physical harm (for direct victims). Victims were deprived of basic needs. They endured physical affliction caused by hunger, lack of water, sleep deprivation, exposure to adverse weather conditions, the absence of basic sanitation which exposed victims to multiple ailments.⁸⁶ Some victims were pregnant at the time of the events and the displacement by foot caused injuries and wounds.
- Psychological harm. Victims endure profound sadness and distress resulting from the separation of families and the abrupt displacement from their familiar environment, anxiety arising from the lack of any prospects for the future, particularly as their sense of belonging and identity have been undermined.⁸⁷

⁸³ See the Trial Judgment, *supra* note 1, para. 4749. This type of harm has repercussions on the community as a whole. See also, the *Ongwen* Reparations Order, *supra* note 11, p. 414.h and 414.i, recognising community harm which arises when a community is unable to engage and perform traditional rituals and customs culturally important to them.

⁸⁴ See the Trial Judgment, *supra* note 1, paras. 4511-4513, 4564, 4597-4598, 4636. See, for instance, P-2682 – who lost her husband – and testified that : “[a]fter the death of my husband, I know that once he’s dead, everything is over. I cannot stop thinking about him, reminiscing about our life, his generosity, especially towards my family, because I came from a poor family and we were lucky to have him as part of our family. [...] When I lack something, I think about what he would do if he had been present, and so this drives me into a situation where I become practically sick.” (P-2682 at T-017 [ENG] (Conf), p. 42, lines 10-16).

⁸⁵ See the Trial Judgment, *supra* note 1, paras. 4520-4531, 4611-4626, 4720, and 4760-4767.

⁸⁶ *Ibid.*, paras. 4523, 4614 and 4620-4621.

⁸⁷ *Ibid.*, paras. 4523, 4526, 4617, 4621, 4623. See also, the testimony of V44-P-0001 at T-267, p.12, lines 3 to 7 (Conf). When questioned about her feeling while leaving Bossangoa, she testified: “Je porte en moi une... une très, très, très grande blessure qui n’est pas encore cicatrisée. (...) C’est seul Dieu qui peut me donner

- Material harm. Victims left behind all their properties and belongings. They abandoned all their possessions and houses and arrived at their new place of refuge empty-handed, having nothing on them.⁸⁸ Most victims have not been able to recover their house, businesses or other belongings. None of the victims was able to regain the social condition they enjoyed at the time of the events.⁸⁹
- Loss of education opportunities.
- Loss of economic opportunities.
- Damage to the life plan or project of life. This implies loss or severe diminution of prospects for personal development, in a manner that is irreparable or reparable only with great difficulty.⁹⁰ The victims indeed lost their social, professional and economic stability, as well as their material security, in addition to the loss of their communities.⁹¹ They also lost their income-generating activities and their employment, and the children of the

la paix pour que cette blessure puisse (...) se cicatriser un jour." Similarly, see the testimony of **P-2419** at [T-176](#) [ENG], p. 26, line 24 to p. 27, line 4. He lost track of his family, including his wife and children for six months: "[t]he separation for me? I thought my wife and my children were already dead. I fled, and I had no information about my family. I would like to tell the judges that, when I was at the Central Mosque, sometimes I couldn't even eat because all I could think about was my family".

⁸⁸ See the Trial Judgment, *supra* note 1, paras. 4526, 4531, 4618-4620 and 4623.

⁸⁹ *Ibid.*, paras. 4526-4530, 4619, 4625, 4766-4767. The Muslim population constituted a dynamic trading community and was composed primarily of merchants. It also included mineral collectors, including those dealing in diamonds and gold. See the Trial Judgment, *supra* note 1, paras. 2021, and 2075. See also, the testimony of **P-1666** at [T-231](#) [ENG], p. 24, lines 1-5. He described the conditions under which members of the Muslim population from the surrounding communes of Mbaïki left their homes: "[t]he conditions were difficult. People had to rush. People just took what was absolutely necessary. But when it comes to goods or farm animals, no. People who had money could, but people who did not couldn't, and they just took what was absolutely necessary and they had to leave behind their other possessions. There was no other way". He continued: "You must remember, we invested a lot. We built a lot up and all of a sudden we had to abandon everything and leave. It was really with great sadness because we were forced to abandon everything which we had shared as we grew up, so there was a lot of sadness. It was difficult. It was very hard to bear. See also, the testimony of **P-2354** [REDACTED]. He estimated at "45 million CFA francs" the economic harm suffered at the time [REDACTED]. He owned "four houses in a compound" that each contained "a television set, a dresser, a bed", a [REDACTED]. See also the testimony of **P-2389** at [T-238](#) [ENG], p. 18, lines 13-20. He said that he had "lost a considerable amount" because he owned, at the time of his departure from Mbaïki "a shop", as well as in his "[REDACTED] [...]" [REDACTED] [...]" [REDACTED], [...]" [REDACTED], [...]" [REDACTED]", and "two houses".

⁹⁰ See the *Ntaganda* Reparations Order, *supra* note 9, para. 72.

⁹¹ See the Trial Judgment, *supra* note 1, paras. 4526-4530, 4619, 4623, 4625, 4766-4767,

victims were forced to abandon their schooling.⁹²

- Exclusion from the social life of their community, to which they had been closely attached for years.
- Impossibility to return in the CAR.

52. The Trial Chamber explicitly found that people who were forcibly displaced endured the loss of “*material and non-material [...] safety for prolonged periods*”.⁹³ It also emphasised that victims endured multiple forced displacements, which contributed to aggravating the precariousness of their situation.⁹⁴ They lived in constant fear for their survival and the survival of their loved ones. Victims were subjected to threats and attacks.⁹⁵ Their living conditions were dire and difficult, with a lack of food, medicine, basic sanitary, making the environment practically uninhabitable, in addition to being overcrowded and unsafe.⁹⁶ This situation was particularly devastating for children. Forced displacement is, indeed, one of the most harmful experiences a child can endure. Its effects are multidimensional, affecting physical safety, psychological well-being, development, education, and long-term life prospects.

53. In this regard, children who were displaced, were born and still reside in refugee camps in Chad are particularly affected since, to date, no schools operate in the camps. As a result, children are educated by few adults who, however, do not have the necessary resources to provide education. Adolescents are increasingly left to fend for themselves, with no prospects for their future. Many are wandering in the bush, and several cases of children attempting to flee the camp toward Libya – exposing them to a dangerous travel - have been reported by military authorities. As put by one of the participating victims : “*They wander in the bush: what will become of these children? I am sad, anxious. We are in distress here, rains, floods, we consider ourselves to be finished...*

⁹² See, as an example, the Trial Judgment, *supra* note 1, para. 3006.

⁹³ See the Trial Judgment, *supra* note 1, para. 4523.

⁹⁴ *Ibid.*, paras. 4520 (Bangui), 4615 (PK9-Mbaïki axis), and 4763 (Bossangoa).

⁹⁵ *Ibid.*, paras. 4523, 4304 and 4762.

⁹⁶ *Ibid.*, paras. 4524, 4613-4614, 4623, 4762.

but the children ... I'm too scared. I have 6 minor children".

54. With regard to the victims who sought refuge in Chad, they experience significant mental consequences linked to displacement and separation from their community and their country. They were forced to flee their place of origin to another country whose social codes and culture they do not master, and whose language they understand even less. Throughout the years, the victims' mental health has alarmingly deteriorated in the camps in Chad.⁹⁷ A significant number of victims suffers from depression linked to their violent displacement, the extreme precariousness in the camps which lack basic necessities, and the uncertainty about their future. *"Time is suspended for us, we have ceased to exist, we feel dehumanized by these living conditions"*, victims repeatedly say during the visits to various sites in Chad. Some cases of suicide have also been reported, particularly among men who, due to the unbearable living conditions in the camps, chose to end their lives.⁹⁸ During the most recent mission in the country, the CLRV observed a further deterioration in the victims' physical conditions. They are progressively less lucid, exhibit incoherent speech, and are experiencing loss of hearing and vision, along with swelling of the lower limbs.

55. Furthermore, victims are systematically exposed to violence and other dangers which cause ongoing psychological and physical harms. Cases of rape are regularly reported, as well as forced prostitution affecting women and minor girls, due to the extreme precariousness and lack of protection in the camps.

56. Victims in Chad have no access to basic healthcare, which further exacerbates their vulnerability. Since 2020, the dispensaries have lacked medicines, and the victims do not have financial means to access treatments in hospitals or clinics. Elderly people and children are the most exposed. The makeshift huts and tarpaulins in which they

⁹⁷ See the Human Rights in Trauma Mental Health Program (HRTMH Program), [CAR-OTP-2127-6805](#), pp. 27-31, according to which forced population displacements constitute a traumatic experience that notably harms the mental health of displaced persons, and negatively impacts all aspects of their lives.

⁹⁸ See the "Tenth Periodic Report on the Victims Admitted to Participate in the Proceedings", [No. ICC-01/14-01/18-2443](#), 11 April 2024, p. 13.

live are, for the most part, in an advanced state of disrepair and lack proper roofing. During the rainy season, water penetrates the shelters, the sites become flooded, and their belongings are swept away by floodwaters. During the dry season, temperatures can easily reach 50 degrees Celsius, causing fires. Victims also live alongside reptiles and snakes, which frequently bite them.

57. Several diseases and epidemics have been reported (such as cholera, measles, diarrhoea, fever, and typhoid, among others), caused by the lack of access to clean water and the absence or poor condition of latrines, leading to a large number of deaths among the victims.⁹⁹ Again, children are the most affected.

58. The economic situation of the victims is extremely worrying. In the Gaoui camp, for example, which hosts more than 5,000 refugees, and where [REDACTED] participating victims live, formerly active humanitarian organisations have progressively diminished their presence since 2016. There is neither a health centre nor a hospital, and food is no longer distributed; only a few local NGOs intervene sporadically to assist victims especially during Ramadan.

59. During its recent mission, the CLRV observed that many victims, particularly children and infants, were suffering from malnutrition. A significant number relies on the benevolence and generosity of nearby villagers for sustenance. However, the assistance they receive, mainly in the form of fruit, remains limited, as the villagers themselves live in precarious conditions. Furthermore, women often undertake to assist farmers in surrounding villages in exchange for a small portion of the harvest. At times, women residing in Maingama, Belom, Mossoumba, Sido and Gaoui are compelled to search for fruit in the bushes in order to sell them to inhabitants of nearby villages, although this practice is prohibited by law.

⁹⁹ On the Gaoui site alone, the CLRV has recorded 380 deaths from 2014 to the present.

4) Harms arising from torture, cruel treatment and other inhumane acts¹⁰⁰

60. Direct and indirect victims of the crime of torture, cruel treatment and other inhumane acts suffered the following types of harms:

- Physical harm (for direct victims). Victims were brutally beaten and mistreated. They had to walk overnight to another location close to the M'Poko airport and were kept in captivity.¹⁰¹ The women also suffered physical harm, as they were forced to undress and submitted to invasive checks inside their underwear while being gunpoint by armed men.¹⁰²
- Psychological harm including emotional distress and long-term psychological trauma.¹⁰³ Victims continue to have headaches, intrusive thoughts, flashbacks, nightmares and difficulties to sleep.¹⁰⁴

5) Harms arising from imprisonment¹⁰⁵

61. Direct and indirect victims of the crime of imprisonment suffered the following types of harm:

- Physical harm (only for direct victims) caused by the cramped and dire conditions under which victims were living during their imprisonment. The *École de la Liberté* was densely populated with no sufficient latrines or sanitation.¹⁰⁶ The victims did not have access to food, basic hygiene facilities; and slept on top of one another in tarpaulin shelters.¹⁰⁷ As a result of these dreadful conditions, the victims experienced significant physical suffering, including illness and exhaustion.

¹⁰⁰ See the Trial Judgment, *supra* note 1, paras. 4559-4564, 4579-4584, 4589-4592, 4797 and 4799.

¹⁰¹ *Ibid.*, paras. 101-104 and 4178.

¹⁰² *Ibid.*, paras. 101-102, 104 and 4178.

¹⁰³ *Ibid.*, paras 97-98.

¹⁰⁴ *Ibid.* See also, the testimony of **P-1704** [REDACTED]; and the application form of a/40079/23 (P-1705) at p. 1 where he reported feeling sadness, anxiety and fear.

¹⁰⁵ See the Trial Judgment, *supra* note 1, paras. 4559-4564, 4568-4571, 4775-4781 and 4795.

¹⁰⁶ *Ibid.*, paras. 3001, 3002 and 4780 and footnotes contained therein. See also, e.g. Photograph, [CAR-OTP-2085-4492](#); and Photograph, [CAR-OTP-2085-4562](#).

¹⁰⁷ See the Trial Judgment, *supra* note 1, paras. 3005 and 3010 and footnotes contained therein.

- Psychological harm, including anxiety, loss of dignity, distress, and lasting trauma, caused by the fact that victims were unable to leave the school from December 2013 to February 2014, and for some victims until April 2014.¹⁰⁸
- Loss of education. Children suffered from the prolonged lack of access to schooling,¹⁰⁹ which caused significant harm to their development, and psychological well-being.
- Loss of life chances/living standard due to the loss of income-generating opportunities. Adults were deprived of economic, social, and professional opportunities, resulting in long-term social and financial harm.
- Impossibility to properly and traditionally/culturally grieve and bury their loved ones. A number of victims has been deprived of the opportunity to mourn and to carry out funeral practices in accordance with Muslim burial rituals due to the inaccessibility of the Muslim cemetery. As a consequence, bodies were buried in the compound of the school.¹¹⁰

6) Harms arising from the attack against a building dedicated to religion¹¹¹

62. Mosques were systematically attacked, burned, destroyed, and looted during Anti-Balaka attacks in Muslim-inhabited areas and localities. In particular, the destruction of the Boeing Mosque caused harm to the entire Muslim community in both Boeing and Cattin as it served as the main mosque for both communities. The Mosque was a place of worship for regular disciples and a place of bonding and social interaction for the community.¹¹² Therefore, the destruction of the Mosque fragilized and disrupted the social tissue as underlined by imam Salehou Ndiaye during his

¹⁰⁸ *Ibid.*, paras. 2984, 2988-2990, 3000, 3018, and 4777-4779. Victims were kept in captivity in a state of fear, violently interrogated and threatened to death; forced to hear the torture of St Cyr Lapo. In the words of **P-1716**: [REDACTED]. See also, the testimony of **P-1704** [REDACTED].

¹⁰⁹ See the Trial Judgment, *supra* note 1, paras. 3005-3006 and 4779.

¹¹⁰ *Ibid.*, para. 4749 and footnotes contained therein.

¹¹¹ *Ibid.*, paras. 4539-4541 and 4724.

¹¹² *Ibid.*, para. 2619.

testimony at trial. Indeed, during a period of six or seven years, the Muslim community was constrained to find alternative places to practice its religion.¹¹³ The impact on the individuals and on the community has been summarised by Salehou Ndiaye as follows : *“Whatever the problem there is, these are places where people should go to take refuge when there are problems. [...] It’s very [...] sad to see the house of God destroyed”*.¹¹⁴

63. Direct and indirect victims suffered the following types of harms:

- Psychological harm as the attack contributed to creating an unsafe environment for Muslim civilians,¹¹⁵ whose place of worship was attacked as a mean to express an anti-Muslim sentiment.
- Moral harm. Destroying mosques, to which Muslim civilians had an emotional attachment, erased part of their cultural heritage and tradition and the victims felt emotionally devastated, upset and humiliated.¹¹⁶

64. The crime also caused harm to the community as a whole in the form of loss of religious fabric.¹¹⁷

7) Harms arising from the destruction of the adversary’s property¹¹⁸

65. The destruction of Muslim houses and property was an integral component of the Anti-Balaka’s policy.¹¹⁹

66. Direct victims suffered the following types of harms:

- Psychological harm. Deprived of their homes, victims were unable to enjoy the basic human entitlement to privacy, the right to feel shielded, secure and

¹¹³ *Ibid.*, para. 4541.

¹¹⁴ *Ibid.*, para. 2649.

¹¹⁵ *Ibid.*, para. 3974.

¹¹⁶ *Ibid.*, para. 4541.

¹¹⁷ See *infra* para. 72.

¹¹⁸ See the Trial Judgment, *supra* note 1, para. 4755.

¹¹⁹ *Ibid.*, para. 4737.

safe.¹²⁰ Victims found themselves homeless or in unpredictable living arrangements without having the option to return to a private place as residences were burnt.¹²¹

- Material harm. Entire families were deprived of such significant assets hence causing economic instability.
- Loss of income and revenues.
- Impossibility to return.¹²²

8) Transgenerational harm¹²³

67. The constellation of harms described by the victims has also repercussions over generations. In fact, any effect of trauma on trusted adults can result in magnified psychological effects on the children they care for. As described by Professor Reicherter, “[p]arents who are depressed and suffering from PTSD have greater difficulty in comforting their children, are more likely to ask children to take on an adult role, are less likely to bond well with their children, and are more likely to abuse and neglect their children”.¹²⁴ This impacts on their offspring and on how the effects of the crimes materialise on the community as a whole, including on the next generations.

68. In context of mass-victimisation, it is more likely than not that transgenerational harm occurs for the children of direct victims. In fact, this reality has been progressively acknowledged by several courts confronted with similar situations. Notably, the Inter-American Court of Human Rights recognised that situations of mass violence lead to multi-faceted harm, including transgenerational harm.¹²⁵

¹²⁰ *Ibid.*, para. 4754.

¹²¹ *Ibid.*, paras. 4755 and 2924.

¹²² *Ibid.*, para. 4767.

¹²³ See the expert report of **P-0925**: “Mental Health Outcomes of Trauma in Central African Republic: Child Soldiering, Forcible Displacement, Rape and Sexual Violence”, [CAR-OTP-2127-6805](#) (“P-0925’s Expert Report”). See also, the Victims’ Closing Brief, *supra* note 70, paras. 288-291.

¹²⁴ See P-0925’s Expert Report, *supra* note 123, at 6831.

¹²⁵ See the Victims’ Closing Brief, *supra* note 70, para. 289, citing IACtHR, *Gómez Palomino v. Peru*, [Judgment \(Merits, reparations and costs\)](#), 22 November 2005, para. 146: “[t]he Court takes into account that serious violations of human rights as that at issue in the instant case, leave lingering after-effects on the

Additionally, research has shown that even unconscious trauma experienced by the parents can be passed on to the children.¹²⁶

69. Traumatized parents, who live in constant and unresolved fear, unconsciously affects their child's emotional behaviour, attachment and well-being, increasing the risk that offspring will suffer Post-Traumatic Stress Disorder ("PTSD"), mood disorders and anxiety issues themselves.¹²⁷ There is a cascading impact from each direct victim onto their children who then became indirect victims of the events.

70. The practice of the Court has recognized transgenerational harm and defined it as the phenomenon in which traumatized parents set in motion an intergenerational cycle of dysfunction, handing down trauma to their children, who themselves did not directly experience the atrocities their parents endured, affecting their children's emotional behaviour, attachment, and well-being as a result.¹²⁸

71. In the present instance, the case record is full of evidence demonstrating the mass-victimisation. Victims were systematically attacked, lived in constant fear; and they were obliged to flee leaving behind their livelihood and possessions, thinking of

victims and next of kin directly harmed, *which also affect the new generations*. Thus, the predicament of the current generations, directly affected by the violation of their human rights, affects future generations in different ways" (emphasis added). See also, IACtHR, *Tibi v. Ecuador*, [Judgment \(Preliminary objections, merits, reparations and costs\)](#), 7 September 2004, paras. 161 and 205, and the Separate Concurring Opinion of Judge Sergio García-Ramírez, paras. 91-93; IACtHR, *Río Negro Massacres v. Guatemala*, [Judgment \(Preliminary objection, merits, reparations and costs\)](#), 4 September 2012, para. 162. In relation to sexual violence, see IACtHR, *Rosendo Cantú et al. v. Mexico*, [Judgment \(Preliminary objections, merits, reparations and costs\)](#), 31 August 2010, paras. 138-139 and 257, in which the Inter-American Court of Human Rights acknowledged the inter-generational consequences on a few months old child of the rape suffered by her mother.

¹²⁶ See the Victims' Closing Brief, *supra* note 70, para. 289, citing KELLERMANN (N.), "[Epigenetic transmission of Holocaust Trauma: Can nightmares be inherited?](#)", *Israel Journal of Psychiatry and Related Sciences*, Vol. 50(1), 2013, pp. 33-39.

¹²⁷ See the Victims' Closing Brief, *supra* note 70, para. 290, citing YEHUDA (R.), and BIERER (L.M.), "Transgenerational Transmission of Cortisol and PTSD Risk", *Progress in Brain Research*, vol. 167, 2007, pp. 121-135. See also, "[Mother-Infant Attachment and the Intergenerational Transmission of Posttraumatic Stress Disorder](#)", *Development and Psychopathology*, Vol. 26(1), 2014, pp. 41-65; and HUMAN RIGHTS WATCH, [I Just Sit and Wait to Die: Reparations for Survivors of Kenya's 2007-2008 Post-Election Sexual Violence](#), February 2016, p. 61.

¹²⁸ *Ibid.*

their home, missing their loved ones, and worrying about their fate and the fate of their children who could not continue their education and missed chances for the future. General family functioning was disrupted, together with stability and security.¹²⁹

9) Community harms

72. The Muslim community as a whole has suffered various types of harms notably moral and economic. The Trial Chamber recognised that Muslims were denied their fundamental right to practice their own religion in community with other members of their group.¹³⁰ Some victims shared that they were obliged to adopt demeanours that went contrary to their beliefs in order to avoid being perceived as Muslims,¹³¹ causing a general sense of trauma, shame and frustration.

E. Factual presumptions

73. As already recognised by the Court's practice, the use of factual presumptions is particularly valuable in cases of mass-victimisation; when so much time has elapsed since the events; and when the events themselves have had as one of their consequences the destruction of most of the documentation that could be used in the context of reparations proceedings.¹³²

74. In this regard, Trial Chamber VI in the *Ntaganda* case indicated that "*where applicants lack direct proof, the Chamber considers that factual presumptions shall be relied upon in order to consider certain fact to be established to the requisite standard of proof*".¹³³

¹²⁹ See the Victims' Closing Brief, *supra* note 70, para. 291, citing P-0925's Expert Report, *supra* note 123, at 6832.

¹³⁰ See the Trial Judgment, *supra* note 1, paras. 4658 and 4835.

¹³¹ *Ibid.*, paras. 2745-2746: "*she [D30-5014] and her children had to raise their veils and wear shorts to disguise themselves so that they would not be easily recognised as Muslims for their own safety, to save their lives. She explained that the fact that she could not wear her usual Muslim clothing [...] made her feel uneasy and uncomfortable because as Muslim she has to cover herself up*".

¹³² See the *Ntaganda* Reparations Order, *supra* note 9, paras. 141-143.

¹³³ *Ibid.*

75. This reasoning is equally applicable in the present case, considering the difficulties to obtain or produce evidence, as mentioned *supra*,¹³⁴ and the severe harms suffered by the victims as a result of the types of crimes committed. One of the consequences of the attacks was the loss of important documents, such as diplomas, identity cards, and land or property ownership titles. In addition, victims may often have difficulties obtaining or producing copies of official documents, to which the passage of time since the crimes were committed adds substantial complications.¹³⁵ The lack of documentation is further pervasive for children born in refugee camps as they are stateless and are rarely given birth certificates.

76. Accordingly, victims should be permitted to present official or unofficial documents to establish their identity, narrative and harms. Unofficial documents could include a statement signed by two credible witnesses or persons acting in official capacity, such as local or religious leaders or chiefs of refugee camps.¹³⁶

77. In light of the Court's practice, and of the findings in the Judgement, the CLRV posit that the Chamber should adopt the following presumptions :

- presumption of physical, psychological and moral harm for victims of the attacks. In relation to the presumption of physical harm, the latter is not restricted to the infliction of a physical or bodily injury; rather, it encompasses suffering caused by dire conditions of living;¹³⁷
- presumption of physical, psychological and moral harm for victims of torture, cruel treatment, other inhumane acts and imprisonment;

¹³⁴ See *supra* paras. 36-37.

¹³⁵ During the recent mission to Chad, it emerged from discussions with the National Commission for the Reception and Reinsertion of Refugees and Repatriated Persons (la "*Commission nationale pour l'accueil et la réinsertion des réfugiés et rapatriés*") that certain victims were asked to pay for the deliverance of an additional document which would confer them the right to work despite the fact that the asylum law in the country provides them with the right to work upon recognition of their status (see [Loi n 027/PR/2020](#), article 28).

¹³⁶ See the *Ntaganda* Reparations Order, *supra* note 9, para. 137.

¹³⁷ See the *Ongwen* Reparations Order, *supra* note 11, para. 168. See also *supra* paras. 51, 55, 56, 57 and 61.

- presumption of psychological, moral and material harm for indirect victims of murder;¹³⁸
- presumption of psychological, moral and material harm for victims of destruction of the adversary's property;
- presumption of physical, psychological, moral, material and transgenerational harm for victims of forcible transfer, deportation and displacement;
- presumption of psychological, and moral harm (as well as material for direct victim) for victims of attack against a building dedicated to religion;
- presumption of moral and transgenerational harm for the Muslim community as a whole.

78. All the presumptions proposed *supra* correspond to the particular circumstances of the present case, taking into account both the environment in which victims were at the time of the commission of crimes and in which they are at present, and the balance of probabilities standard, in light of the specific findings pertaining to the crimes for which Mr Yekatom and Mr Ngaïssona were convicted and the factual and expert information available before the Chamber with regard to the corresponding harms.

F. Types and modalities of reparations to address the harm suffered by victims

79. The CLRV recall the reparations principles related to the types and modalities of reparations as established in the practice of the Court.¹³⁹ In particular, reparations “*must – to the extent achievable – relieve the suffering caused by the serious crimes committed [and] afford justice to the victims by alleviating the consequences of the wrongful acts*”,¹⁴⁰

¹³⁸ Relatives and dependants of murdered victims experience moral harm as they were deprived of a family member, and thereby the moral, physical and financial support that the murdered victim provided. A presumption of psychological harm for indirect victims who are close family victims of direct victims of murder has already been recognised (see the *Ntaganda* Reparations Order, *supra* note 9, para. 147).

¹³⁹ See the *Ongwen* Reparations Order, *supra* note 11, paras. 57(iii), 78, 569-575 and 612-638.

¹⁴⁰ See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 45, para. 71.

while avoiding replicating discriminatory practices or structures that predated the commission of the crimes and preventing “*creating tensions, jealousy, or animosity among affected communities and between cohabiting groups*”.¹⁴¹

80. Reparations can be individual, pursuant to rule 98(1) and (2), or collective in accordance with rule 98(3) of the Rules. These categories are not mutually exclusive and they may be awarded concurrently.¹⁴² The modalities of reparations include restitution, compensation and rehabilitation.¹⁴³ They may also have a symbolic, preventive or transformative value.¹⁴⁴

81. It is crucial to consult with victims and, to the extent achievable, award the types and modalities of reparations they request and refrain from issuing awards they do not favour. In this regard, in the *Katanga* case, Trial Chamber II noted “*that on consultation, the victims specifically rejected certain modalities, such as commemorative events, broadcasts of the trial, the erection of monuments or the tracing of missing persons*”, and, therefore, it correctly refrained from ordering those measures.¹⁴⁵ Instead, it awarded “*collective reparations designed to benefit each victim, in the form of support for housing, support for an income-generating activity, support for education and psychological support*”.¹⁴⁶

82. The CLRV posit that the Chamber should adopt the same methodology in the assessment of the types and modalities of reparations to be issued in the present case.

83. During the recent extensive consultations, victims emphasised the importance of meaningful and timely reparations for them and their communities.

¹⁴¹ See the *Ntaganda* Reparations Order, *supra* note 9, para. 44. See also, the *Ongwen* Reparations Order, *supra* note 11, para. 157.

¹⁴² See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 45, para. 33.

¹⁴³ *Ibid.*, paras. 35-43.

¹⁴⁴ *Ibid.*, paras. 34 and 67.

¹⁴⁵ See the *Katanga* Reparations Order, *supra* note 47, para. 301.

¹⁴⁶ *Ibid.*, para. 302 and p. 118.

84. In particular, victims residing in the CAR requested financial support to start an income-generating activity to improve their livelihood (the majority of the victims wish to start a commerce; women also favour sewing atelier); support for the education of their children and professional/vocational training opportunities for young adults; psychological support to reduce their trauma and medical support, considering that a number of victims were unable to receive treatment in the aftermath of the events. Victims who lost their properties indicated they wish to receive compensation for the loss of their houses or shops. Victims were also in favour of a symbolic cash-payment as in the *Ongwen* case coupled with other measures addressing their psychological, medical and material needs as indicated *supra*. When consulted about the cash amount they would consider appropriate, victims indicated that such an amount should take into account the following factors: (i) the current cost of living (particularly in the capital Bangui); (ii) the level of inflation in the country; (iii) the fact that they lost everything and that after 12 years from the events, they are still unable to regain the social position they had at the time. Estimation of an appropriate and reasonable amount from victims ranged between 1.600 and 2.000 Euros per victim.

85. Victims also expressed rejection for commemorative or symbolic award indicating that the already scarce resources should all be used for the benefit of the individuals affected by the crimes.

86. Consultations further highlighted that the events have created distrust and social, religious and ethnic fragmentation. Yet, community-based reparations were not spontaneously suggested. In fact, victims rather expressed disinterest in this kind of measures.

87. Concerning victims residing in Chad, reparations measures will need to be tailored to their situation of extreme vulnerability. Victims living in refugee camps are in urgent need of adequate housing, as they are currently sheltering under tarpaulins. As indicated, these conditions expose them to flooding and harsh weather, while they

also lack access to electricity and running water. Victims have also expressed a strong need for financial support to initiate income-generating activities and improve their livelihoods. They are seeking to restart activities such as small-scale trading, livestock breeding, and agriculture. Moreover, victims are in urgent need of psychological support to reduce their trauma, and medical support considering that a number of them were unable to receive treatment in the aftermath of the events and have developed further sicknesses as a result of the harsh living conditions in the camps. Support for children's education is also a priority, including access to schooling and professional/vocational training opportunities for young adults. Discussions between the CLRV and local actors show that victims have gradually lost a degree of autonomy, mainly due to almost ten years of inactivity in the camps. There is a need to help them rebuilding their resilience, strengthen their adaptive capacities and self-reliance. In this context, the possibility of progressively transforming the camps into villages could be explored. This project is supported by Chadian authorities and the UNHCR. This would also require working closely with local communities to encourage acceptance and coexistence with Central African populations. Finally, a small number of victims have expressed a desire to receive assistance to facilitate their voluntary return to the CAR. Victims residing in Chad equally welcome a symbolic cash payment ranging from 1.600 to 2.000 Euros per victim.

88. Victims considered that a **holistic** approach should be taken, and that reparations ought to be implemented **as close as possible** to them. They overwhelmingly expressed a preference for individual reparations, although they would also accept collective reparations with an individual component. They seek financial aid, to be used for different purposes, including returning to their towns or (re)building their houses; accessing long-due medical and psychological support; properly burying their loved ones; completing the education of their children for whom they could not provide as a result of the crimes; accessing vocational training and starting an income-generating activity.

89. These types of assistance could adequately be encompassed **in the form of collective reparations with individual components**, *i.e.* through the provision of services victims could access in accordance with their individual situation and needs. In particular, victims who still suffer from physical and psychological effects from the crime should be provided with specific tailored support. Additionally, victims expressed their wish to receive a reasonable lump sum to start or enhance income-generating activities, based on their individual situation and taking into account the rising cost of living. Some victims added that said activities could also be carried out in small groups.

90. The CLRV insist on the necessity to order measures supporting **education**. Indeed, all victims shared that one of the most profound ripple effects of the events was the interruption of schooling and their inability to support the education of their children as a result of the fact that they lost their belonging and source of revenues. In this regard, the majority of children do not have identity documents. Such documents are essential for them to enjoy their right to education, healthcare, social services and generally protection from exploitation. Therefore, **support to request and obtain identity documents** for children is also essential as a transformative form of reparations.

91. Furthermore, the CLRV request a **symbolic cash-payment** per each victim to be determined by the Chamber taking into account the observations in paras. 84 and 82 *supra*, to be paid, if awarded, as a priority as in the *Ongwen* case.

92. Considering the number of victims who reported the disappearance of their family members during the displacement and the impossibility to date to locate them,¹⁴⁷ the CLRV request the Chamber to provide for, in the reparations order, the **tracing of missing family members**. Said measure could be implemented by the TFV

¹⁴⁷ See, for instance, the testimony of **V44-0001** [REDACTED]. She testified that in the refugee camps in Chad, "[REDACTED]".

in partnership with the International Committee of the Red Cross (“ICRC”) and/or the International Commission on Missing Persons (“ICMP”).

93. For the victims still residing in refugee camps, **facilitating the return** of those who so wish to their original places of residence should be considered as a reparations measure. Some victims who are refugees in Chad have indeed expressed their wish to return in the CAR. Said measure would require a cooperation between the TFV, the Chadian and the CAR’s authorities, and the UNHCR.

94. In light of the expressed disinterest for symbolic and collective community-based reparations measures expressed by the almost totality of the victims, the CLRV do not request said type of measures. Nonetheless, should the Chamber deem appropriate to order such measures, they ask that said award is implemented only after victims have received individuals benefits. They also underline that measures of this nature should avoid exacerbating tensions between Christians and Muslims noting that both communities were affected by the crimes committed in the CAR between 2013 and 2014.

G. Estimates on the costs to repair the harms suffered by victims

95. The cost of living in the CAR is relatively low by global standards, though it remains high in relation to the country’s average income levels. The estimation of the costs to repair the harms suffered by victims appears extremely difficult since the information available for the implementation of the different measures identified under F. varies significantly depending on the type of measures (for instance, in relation to psychological and medical services, cost differs depending on the public or private nature of the medical centre or clinic. The same applies to the estimation of cost for education).

96. In the circumstances, the CLRV will rely on the information provided by the Registry and, particularly, by the TFV which has experience in implementing

assistance programmes in the country.

97. However, the Chamber should ensure that the estimation of costs fully reflect the scale of victimization, the multiplicity of harms, and the economic realities of the CAR and Chad.

98. Any reparations order must be grounded in the concrete realities of the CAR, where medical and social infrastructure remains profoundly fragile due to decades of conflict, chronic underinvestment, and the near-total collapse of essential public services. Health facilities outside Bangui are often non-functional or severely understaffed, with widespread shortages of medicines, equipment, and trained personnel, while social support systems are largely absent, leaving victims dependent on humanitarian actors for even the most basic forms of assistance.

99. In this context, reparations must be designed to provide meaningful redress that compensates for the harms suffered and simultaneously addresses the structural barriers that prevent victims from accessing medical care, psychosocial support, and other services necessary for their recovery and reintegration.

100. For victims in Chad, reparations must take into account the acute vulnerabilities created by the displacement, including the precarious living conditions in refugee camps, the absence of stable livelihoods, and the limited access to medical care, education, and psychosocial support, all of which significantly compound the harms originally suffered in the CAR.

H. Information as to whether the victims have already received any form of reparations for the harm suffered as a result of the crimes

101. The CLRV recall that, as a matter of principle, nothing in the legal text of the Court prevents victims from seeking reparations for the harms they suffered also through venues other than the Court, as the relevant jurisprudence confirms.

102. Article 75(6) of the Statute clarifies that “[n]othing in this article shall be interpreted as prejudicing the rights of victims under national or international law”. In this regard, as established by the consolidated jurisprudence of the Court, States have “*separate obligations, under domestic law or international treaties, to provide reparations to their citizens*”.¹⁴⁸ Reparations pursuant to orders from the Court do not exonerate States from their obligation to award reparations to victims under other treaties or national law, and do not interfere with this responsibility.¹⁴⁹ States have indeed the primary obligation of addressing the harms suffered and award compensation to their citizens because of crimes committed on their territory.¹⁵⁰

103. In turn, “*decisions by other bodies, whether national or international, do not affect the rights of victims to receive reparations pursuant to article 75 of the Statute*”.¹⁵¹ Even “*assistance programs run by separate actors*” have not been considered in the past as “*a replacement*” for the Court’s reparations programme.¹⁵² Awards or benefits received by victims from other bodies cannot exclude them from benefitting from reparations awarded by the Court. Instead, said awards may be considered to guarantee that reparations are “*not applied unfairly or in a discriminatory manner*”, especially when prioritizing victims in terms of vulnerability,¹⁵³ and assessing the type of remedies to be granted.¹⁵⁴

¹⁴⁸ See the *Al Mahdi* Reparations Order, *supra* note 47, para. 36.

¹⁴⁹ *Ibid.* See also, the *Lubanga* Amended Order for Reparations, *supra* note 45, para. 50; and the “Ordonnance de réparation en vertu de l’article 75 du Statut Accompagnée d’une annexe publique (annexe I) et d’une annexe confidentielle ex parte réservée au Représentant légal commun des victimes, au Bureau du conseil public pour les victimes” (Trial Chamber II), No. [ICC-01/04-01/07-3728](#), 24 March 2017, para. 323.

¹⁵⁰ See the *Ntaganda* Reparations Order, *supra* note 9, para. 225.

¹⁵¹ See the “Decision Establishing the Principles and Procedures to be Applied to Reparations” (Trial Chamber I), No. [ICC-01/04-01/06-2904](#), 7 August 2012, para. 201 (the “*Lubanga* First Decision on Reparations”; and the *Lubanga* Amended Order for Reparations, *supra* note 45, para. 9.

¹⁵² See the “Public Redacted Version of First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations” (Trial Chamber II), No. [ICC-01/04-02/06-2860-Red](#), 30 August 2023, para. 191 (the “*Ntaganda* First Decision on TFV DIP”).

¹⁵³ See the *Lubanga* First Decision on Reparations, *supra* note 151, paras. 200-201; and the *Lubanga* Amended Order for Reparations, *supra* note 45, para. 9.

¹⁵⁴ See the *Ntaganda* First Decision on TFV DIP, *supra* note 152, para. 191.

104. In any event, none of the CLRV clients has received any form of reparations for the harms suffered as a result of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted.

105. In this regard, there is no overlap between the victims who have received reparations resulting from the *Issa Sallet et al.* reparations order before the CAR Special Criminal Court (the “SCC”).¹⁵⁵ Moreover, it is unlikely that any compensation for victims participating in this case may arise from other cases pending before the SCC.¹⁵⁶

106. Similarly, although the *Accord Politique pour la Paix et la Reconciliation en République Centrafricaine* stipulates that the Government of CAR and belligerent groups (including the Anti-Balaka) shall establish a Trust Fund to facilitate victims’ access to rehabilitation and reparations,¹⁵⁷ there is no evidence that any reparative measures have been granted pursuant to said agreement.

I. Considerations to be taken into account in relation to the accused’ liabilities for reparations

107. The CLRV recall that “*the obligation to repair harm arises from the individual criminal responsibility for the crimes which caused the harm and, accordingly, the person found to be criminally responsible for those crimes is the person to be held liable for reparations*”.¹⁵⁸

¹⁵⁵ See the « Arrêt n°13 relatif à l’appel interjeté contre le jugement n°001-2023 du 16 juin 2023 de la Première Section d’Assises » (Cour Pénale Spéciale, Chambre d’Appel, *Le Procureur Spécial c. M. Issa SALLET ADOUM alias BOZIZÉ, M. Ousman YAOUBA, M. Mahamat TAHIR*), [No. CPS/CA/PSA/13-2023](#), 23 October 2023. The case concerned reparations awarded in respect of crimes committed by the “3R” armed group, for crimes committed in Ouham-Pendé on 21 May 2019.

¹⁵⁶ See the « Jugement n°38-2024 sur l’action publique » Cour Pénale Spéciale, Chambre d’Assises, *Le Procureur Spécial c. Kalite Azor et consorts*), No. [CPS/CA/PSA/23-001](#), 13 December 2024. The case was limited to crimes against humanity and war crimes committed by members of the FPRC armed group on 29 April 2020 in Ndélé. See also, « Décision n°25-2024 portant supplément d’information concernant l’Accusé Amat Younouss alias Mahamat Encadreur », (Cour Pénale Spéciale, Chambre d’Assises, *Le Parquet Spécial c. Oumar Serge Abdoulaye et consorts*), [No. CPS/CHASS/ISA/24-001](#), 19 August 2024. The case concerned alleged crimes that were committed seven suspects on 6 March 2020 in several villages located in Ndélé.

¹⁵⁷ See the [Accord politique pour la paix et la réconciliation en République centrafricaine](#), 6 February 2019, UN DOC S/2019/145, article 12, p. 10.

¹⁵⁸ See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 45, para. 99. See also, the *Ongwen* Reparations Order, *supra* note 11, para. 93.

108. Mr Yekatom and Mr Ngaïssona are both liable for the multiple harms caused to the victims of the crimes for which they were convicted. Consistent with the Court's jurisprudence, their liability must be proportionate to the harms caused and their participation in the commission of the crimes.¹⁵⁹ In the present case, the harms caused are widespread and, therefore, the reparations order should reflect the extent of the victimisation and the extreme gravity of the crimes perpetrated by the convicted persons.

109. The jurisprudence of the Court has addressed the factors that may be taken into consideration in the determination of the financial liability of the convicted person. In this regard, the fact that a convicted person might be indigent has no impact on the determination of their financial liability. Taking this factor into account would constitute, according to the jurisprudence of the Appeals Chamber, an error;¹⁶⁰ equally irrelevant to this determination are the monetary resources the TFV may make available to complement the reparation awards in due time. As noted in the jurisprudence of the Court, it is for the TFV to decide whether and how much of its resources will be made available,¹⁶¹ and, in any event, the amounts anticipated may be increased at a later point, *inter alia*, through successful fundraising efforts.¹⁶²

110. With respect to the factors that shall be taken into account, the jurisprudence of the Appeals Chamber has insisted that the calculation must include the cost to repair the harms (*i.e.* the costs of the identified remedy/ of the appropriate modalities for repairing the harms). Both the cost to repair and the harms suffered by the different categories of victims (direct, indirect, individuals, organisations and communities)

¹⁵⁹ See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 45, para. 118.

¹⁶⁰ *Ibid.*, paras. 102-105.

¹⁶¹ *Ibid.*, paras. 106 *et seq.*

¹⁶² See the "Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled "Order for Reparations pursuant to Article 75 of the Statute" (Appeals Chamber), [No. ICC--01/04-01/07-3778-Red A3 A4 A5](#), 8 March 2018, para. 72. See also, the *Al Mahdi* Reparations Order, *supra* note 47, para. 112.

form the basis to determine the liability of the convicted persons.¹⁶³

111. Concerning the indigence of the convicted persons, the record of the case contains some information about the freezing of assets of Mr Yekatom.¹⁶⁴ The CLRV could not find any information about Mr Ngaïssona's assets. In this regard, they request the Chamber to instruct the Registrar to review Mr Yekatom's and Mr Ngaïssona's financial situation in order to determine whether the convicted persons are indigent for the purposes of reparations.¹⁶⁵

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-Mbaïki axis.

112. The CLRV refer to the observations *supra* under point A.

K. Additional information relevant to reparations

113. The CLRV emphasise the necessity to guarantee the anonymity of the victims towards the national authorities. This is paramount to ensuring their participation in the reparations process as all victims consulted expressed fear and lack of trust in an effective implementation of reparations measures, should the government be involved.

114. Finally, the CLRV submit that the TFV should, as soon as possible, launch targeted fundraising campaigns for donations specifically addressing the scope and needs arising from this case.

¹⁶³ See the *Lubanga* Appeal Judgment on Reparations Size, *supra* note 47, para. 108.

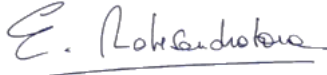
¹⁶⁴ See the "Decision on Reclassification of Documents" (Trial Chamber V), [No. ICC-01/14-01/18-856-Conf](#), 28 January 2021, paras. 18-28 and references contained therein. A public redacted version [No. ICC-01/14-01/18-856-Red](#) was filed on the same day.

¹⁶⁵ See the "Order on the financial situation of Bosco Ntaganda" (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2644](#), 11 February 2012, p. 4. See also, the "Order on Germain Katanga's financial situation" (Trial Chamber II), [No. ICC-01/04-01/07-3704-tENG](#), 16 August 2016, p. 5; and the "Order concerning Thomas Lubanga Dyilo's financial situation" (Trial Chamber II), [No. ICC-01/04-01/06-3182-tENG](#), 18 November 2015, p. 4.

Respectfully submitted.



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Common Legal Representatives Victims of Other Crimes

Dated this 13th day of May 2026

At The Hague (The Netherlands), Bangui (Central African Republic), Dakar (Senegal),
and Pons (France).