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TRIAL CHAMBER V

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

Response on behalf of Victims to the parties and participants submissions on Reparations

Source: Common Legal Representatives of Victims of Other Crimes

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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 and setting a deadline for the parties to respond.⁵
3. On 5 March 2026, the Chamber, granting a request by the Common Legal Representatives of Victims (the “CLRV”),⁶ extended the deadline for the parties, the Registry and the TFV to submit observations on reparations until 13 April 2026.⁷
4. Between 26 March 2026 and 15 April 2026, the CLRV,⁸ the Defence for

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 “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 *Ibid.* para. 7.

⁶ 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.

⁷ 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.

⁸ See the “Submissions on Reparations on behalf of Victims”, [No. ICC-01/18-2899-Conf-Corr](#) and [ICC-01/18-2899-Red](#), 13 April 2026, corrected on 12 May 2026 (the “CLRV Observations”). A French version of the submission is available as Annex A, filed on 13 June 2026. See [No. ICC-01/14-01/18-2899-Conf-AnxA](#) and [No. ICC-01/18-2899-AnxA-Red](#).

Mr Yekatom,⁹ the Defence for Mr Ngaïssona,¹⁰ the TFV,¹¹ the Registry,¹² the Prosecution,¹³ the *Arc en Ciel* Foundation¹⁴ and the Human Rights Centre - Queen's University Belfast¹⁵ submitted their observations on reparations.

5. On 29 April 2026, the Chamber partly granted the Yekatom Defence's request for extension of time¹⁶ to submit its response to the reparations submissions until 12 June 2026, extending the same deadline to the other parties.¹⁷

6. On 4 May 2026, the Chamber scheduled a hearing on reparations for 1 October 2026.¹⁸

II. SUBMISSIONS

7. The CLRV address *infra* several issues raised in the submissions of the other parties and participants with which they disagree. In their view, these submissions either rest on an incorrect understanding of the applicable legal framework, or conflict with the views expressed by the victims during the recent

⁹ See the "Yekatom Defence Observations on Reparations", [No. ICC-01/14-01/18-2904-Conf](#), 13 April 2026 (the "Yekatom Defence Observations").

¹⁰ See the "Defence submissions pursuant to the 'Order for Submissions on Reparations'", [No. ICC-01/14-01/18-2903](#), 13 April 2026 (the "Ngaïssona Defence Submissions").

¹¹ See the "Observations relevant to Reparations", [No. ICC-01/14-01/18-2907-Conf](#) with public Annexes A and B, 15 April 2026 (the "TFV Observations").

¹² See the Registry Victim Mapping Report and Observations on Reparations, [No. ICC-01/14-01/18-2905-Conf](#), with confidential annexes [I](#) and [II](#) and confidential *ex parte* [Annex III](#) (the "Registry Observations on Reparations" and the "Registry Mapping Report"), 13 April 2026. A public redacted version [No. ICC-01/14-01/18-2905-Red](#) was filed on 18 May 2026.

¹³ See the "Prosecution's Observations on Reparations", [No. ICC-01/14-01/18-2900](#), 13 April 2026.

¹⁴ See the "Submissions of ARC-EN-CIEL on Reparations Issues (Amicus Curiae)", [No. ICC-01/14-01/18-2906](#), 13 April 2026.

¹⁵ See the "Submission on Reparations", [No. ICC-01/14-01/18-2895](#), 27 March 2026 (the "HRC Amicus Curiae Observations").

¹⁶ See the "Yekatom Defence Urgent Request for Extension of Time to Respond to the Submissions on Reparations", [No. ICC-01/14-01/18-2911-Conf](#), 22 April 2026. A public redacted version [No. ICC-01/14-01/18-2911-Red](#) was filed on 5 May 2026.

¹⁷ See the "Decision on the Yekatom Defence's urgent request for extension of time to respond to the submissions on reparations" (Trial Chamber V), [No. ICC-01/14-01/18-2914](#), 29 April 2026, para. 10.

¹⁸ See the "Order scheduling a hearing on reparations" (Trial Chamber V), [No. ICC-01/14-01/18-2915](#), 4 May 2026.

consultations on reparations. For clarity and ease of reference, these observations are organised according to the questions identified by the Chamber in its Order.

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

1. Registry Mapping Report

8. With respect to the Registry's estimate of eligible victims, the CLRV submit that the proposed final figure of 26,700 individuals should be approached with caution. In their assessment, this figure is overly conservative and must be considered alongside other information available to the Chamber. While acknowledging the Court's jurisprudence indicating that a conservative approach may be appropriate in situations of uncertainty,¹⁹ such an approach must remain reasonable and consistent with the factual circumstances of the case.

9. In this regard, the Registry's findings concerning the number of victims of the attack on Bangui and on the PK9-Mbaïki axis²⁰ appear inconsistent with evidence on the case record. The short timeframe available for the preparation of the report, coupled with the Registry's limited access to the case record, may have influenced the methodology employed —particularly its reliance on information gathered through focus-group consultations—which, in turn, affected the final estimates. It is therefore unsurprising that the relatively small size of Bossangoa (as compared to Bangui and to the PK9-Mbaïki axis) enabled focus-group participants to recall information with greater accuracy. By contrast, given the scale of the population in Bangui and along the PK9-Mbaïki axis, it is unreasonable to expect individuals, or group of individuals, to recall the number of victims with precision more than a decade after the events.

¹⁹ See 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'" (Appeals Chamber), [No. ICC-01/04-01/06-3466-Red A7 A8](#), 18 July 2019, paras. 90 and 223 (the "*Lubanga* Appeal Judgment on Reparations Size").

²⁰ The CLRVs take no issue with the estimates concerning Bossangoa, even though they err on the side of caution.

10. Indeed, the Registry itself acknowledges that, given the constraints it faced, it adopted a conservative approach, to be “*assessed in conjunction with any additional information that may be brought to the Chamber’s attention by the parties (CLRV and Defence), or the TFV*”.²¹ In this light, while the Registry’s figures constitute a useful data point, they should not be treated as definitive. Their overly conservative nature warrants appropriate adjustment by the Chamber in order to ensure an estimate that is both reasonable and reflective of the full evidentiary record.

11. Furthermore, and for understandable reasons of efficiency, the Registry limited its assessment to determining the number of the Muslim victims. This methodological choice inevitably resulted in a downward adjustment of the overall figures, as it excluded non-Muslim victims of the crime, as well as other individuals who were perceived as belonging to the Seleka.²²

12. In this context, records contemporaneous to the facts appear to constitute a more reliable source of information than data gathered through focus-group discussions. As already emphasised in the CLRV submissions,²³ the evidence on the case record points to significantly higher numbers of Muslims residing in Bangui at the time of the attack. Notably, some contemporaneous reports indicate unequivocally that at least 140,000 Muslims lived in Bangui prior to the events, whereas only approximately 900 remained by March 2014.²⁴ With respect to the PK9-Mbaïki axis,²⁵ the evidence on the case record is not entirely consistent and reflects a range of

²¹ See the Registry Observations on Reparations, *supra* note 12, para 43.

²² *Ibid.* para. 99. See the Judgment, *supra* note 1, paras. 2694 and 2962. See also, para. 2723 concerning the testimony of Thierry Kpademona, a Gbaya of Christian faith whose family had to flee.

²³ See the CLRV Observations, *supra* note 8, para. 18.

²⁴ 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”.

²⁵ See the CLRV Observations, *supra* note 8, para. 22.

approximately 8,000 to 16,000 individuals affected.²⁶

13. The contemporaneous records referenced above should be afforded appropriate weight when determining the number of direct and indirect victims. They must be balanced against – and taken into account when assessing – the weight to be attributed to the figures in the Registry’s Mapping Report.

2. Attack against the civilian population and forcible transfer, deportation and displacement (Counts 1, 4-5 and 24-25)

14. In relation to the attack on Bangui, the Yekatom Defence’s position according to which individuals ought to demonstrate that (i) they were attacked exclusively in Boeing and Cattin,²⁷ and (ii) that they belonged to the Muslim community -,²⁸ to be recognised as victims of the crimes of attack against the civilian population, forcible transfer, deportation and displacement -, is legally incorrect and inconsistent with the findings in the Judgement. The same conclusion applies to the attack on the PK9-Mbaïki axis.²⁹

15. Concerning the geographical scope of the case, as also underlined by the Registry,³⁰ the neighbourhoods directly adjacent to Boeing and Cattin fall within the parameters of the case.³¹ This conclusion is consistent, on the one hand, with the contours of the convictions - M Yekatom and M Ngaissona were convicted for crimes committed in Bangui, *including* in Cattin and Boeing -,³² and, on the other hand, with the geographical reality that the attackers could not have reached Cattin and Boeing

²⁶ 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”.

²⁷ See the Yekatom Defence Observations, *supra* note 9, paras. 28-31, 33 (Count 1) and 39-43 (Counts 4 and 5).

²⁸ *Ibid.*, paras. 32-33 (Count 1), and 44 (Counts 4-5).

²⁹ *Ibid.*, paras. 53-58.

³⁰ See the Registry Observations on Reparations, *supra* note 12, paras. 55-58.

³¹ *Ibid.*

³² See the Judgement, *supra* note 1, para. 23.

without passing through these adjacent neighbourhoods.³³

16. Additionally, and as the Defence itself acknowledges,³⁴ the Trial Chamber authorised the participation of certain victims who resided in neighbourhoods adjacent to Boeing and Cattin.³⁵ Contrary to the Yekatom Defence's assertions, the fact that a higher standard of proof applies at the reparation stage has no bearing on this issue. Even under the less stringent *prima facie* evidentiary standard applicable to determine the participation of victims in the proceedings, a chamber must still ensure that each application falls within the scope of the charges. What changes is solely the type, quality and quantity of evidence required to satisfy the applicable standard - not the requirement that the alleged harm remain within the parameters of the charges as confirmed.

17. Moreover, requiring victims to demonstrate that they are Muslims is incompatible with the findings of the Judgement and with the '*do no harm*' principle.³⁶ The charges encompass crimes committed not only against the Muslim civilian population, but also against "*those perceived as collectively responsible for, complicit with or supportive of the Seleka*".³⁷ While individuals perceived as supportive of the Seleka often included Muslims, this category also encompassed other persons who were similarly viewed as associated with the Seleka.

18. Indeed, in relation to the events at Yamwara, the Trial Chamber concluded that the fact that the victims were not Muslims, did not preclude a finding that the crimes were committed. As it held: "*the Chamber considers that even though some of these seven persons were not Muslims themselves, however, by virtue of being apprehended together and*

³³ See [Annex B](#) to the Judgement, *supra* note 1, page 2.

³⁴ See the Yekatom Defence Observations, *supra* note 9, para. 28.

³⁵ See the "Decision on Victims' Participation in Trial Proceedings" (Trial Chamber V), [No. ICC-01/14-01/18-738](#), 23 November 2020, para. 29. See also, the "Eleventh Decision on Victims' Participation in Trial Proceedings (Group C)" (Trial Chamber V), [No. ICC-01/14-01/18-1104](#), 8 September 2021, para. 17.

³⁶ See the "Reparations Order" (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021, paras. 50 and 51 (the "*Ntaganda* Reparations Order").

³⁷ See the Judgement, *supra* note 1, *inter alia*, paras. 23 and 3934.

*suspected of being linked to the Seleka, Mr Yekatom's group considered them all to be Muslims".*³⁸

19. This finding reflects the mixed social reality of the CAR at the time of the crimes, where interreligious marriages were common and communities lived side by side. Accordingly, requiring individuals to prove that they were Muslims in order to qualify for reparations would exclude a significant number of victims who were targeted because of their *perceived* association with Muslims or with the Seleka – often solely by virtue of living within the same communities.

20. Finally, the CLRV reiterate the Chamber's obligation to give effect to the "*do no harm*" principle which requires that reparation measures do not create or exacerbate tensions amongst communities.³⁹ Restricting reparations to Muslim victims, falls short of this obligation, as it would inevitably heighten religious tensions by excluding non-Muslim victims who equally suffered harm as the result of the crimes of attack against the civilian population, forcible transfer, deportation and displacement.

3. Murder committed in the course of the attack in Bangui and Bossangoa (Counts 2-3 and 31-32)

21. The Yekatom Defence's position that murders committed during the attacks in Bangui are narrowly circumscribed is likewise incorrect and results in a significantly distorted estimate.⁴⁰ The HRC *Amicus Curiae* Observations appear to commit the same error.⁴¹ While this mischaracterisation may not directly affect the estimated total number of direct victims – since these individuals were admittedly already accounted for under the crime of persecution – it nonetheless has consequential ripple effects on the calculation of indirect victims.

³⁸ *Ibid.*, para. 4230.

³⁹ See the "*Ntaganda* Reparations Order", *supra* note 36, paras. 50-51.

⁴⁰ See the *Yekatom* Defence Observations, *supra* note 9, paras. 34-38 (Counts 2-3) and 59-61 (Counts 31-32).

⁴¹ See the *Amicus Curiae* Observations, *supra* note 15, para. 27.

22. As a matter of law, at the reparation stage, the Chamber must determine the identity of the victims on the basis of the balance of probabilities. In doing so, it must remain within the confines of the conviction decision; it cannot make findings concerning crimes that were not charged or facts that were not adjudicated. However, this limitation does not prevent the Chamber from making factual determinations that were not expressly addressed in the Judgement, provided that such findings remain consistent with the scope of the conviction.

23. Concerning the facts, the Trial Chamber found that, during the attack on Bangui, “Mr Yekatom instructed his elements to target Seleka positions” and that this “encompassed attacking the Muslim traders at the market in Boeing”.⁴² While it is possible that few isolated traders may have been members of the Seleka, it remains more likely than not that they were civilians. The Trial Chamber further determined that “during the attack on Cattin, Mr Yekatom’s group killed at least one Muslim man”.⁴³ These findings are consistent with documentary evidence – contemporaneous to the events – available on the case record⁴⁴ which, taken together, indicates that at least 1,000 individuals were killed during the attack on Bangui.⁴⁵

⁴² See the Judgement, *supra* note 1, para. 75.

⁴³ *Ibid.* para. 79.

⁴⁴ 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)”.

⁴⁵ See the CLRV Observations, *supra* note 8, para. 27.

24. The Ngaïssona Defence made no submission regarding the number of victims of murder in Bossangoa. The CLRV nonetheless underline that the same approach should apply. In this regard, the Trial Chamber found that “[d]uring the attack, the Anti-Balaka targeted residential areas, including the Boro neighbourhood, [...] thereby targeting Muslim civilians and drawing no distinction between them and the Seleka”.⁴⁶ The Anti-Balaka “killed at least [...] 18 persons”.⁴⁷ These findings are consistent with the evidence on the case record – also contemporaneous to the event – ⁴⁸ which indicates that at least 1,000 individuals were killed during the attack on Bossangoa.⁴⁹

4. Persecution (Counts 8 and 28)

25. The Yekatom Defence’s position that individuals who were not found to be victims under Counts 1-6 cannot be recognised as victim of persecution⁵⁰ is legally incorrect.

26. As most recently affirmed in the *Al Hassan* Reparations Order, any individuals who suffered the same acts as the victims of Counts 1-6 during the same set of events, are considered “*similarly situated*”⁵¹ to those victims and may, therefore, be recognised as victims of persecution. This is particularly relevant for victims of the crime of murder (Count 2-3) who are not explicitly named in the Judgement but nonetheless qualify as victims of persecution.

⁴⁶ See the Judgement, *supra* note 1, para. 82.

⁴⁷ *Ibid.* para. 84.

⁴⁸ See HRW CAR Report, [CAR-OTP-2001-2308](#), at 233.

⁴⁹ See the CLRV Observations, *supra* note 8, para. 27.

⁵⁰ See the Yekatom Defence Observations, *supra* note 9, paras. 50-51.

⁵¹ See the Reparations Order (Trial Chamber X), [No. ICC-01/14-01/18-2782](#), 28 April 2026, para. 71 (the “*Al Hassan* Reparations Order”), para. 194, ruling that considering that the “*harm* suffered by victims of crimes other than persecution is generally *comparable* to that suffered by *some* victims of persecution, the Chamber considers that these similarly situated victims must be treated equally”, paras. 195, 202, 204, 212 and 228.

5. Directing an attack against a building dedicated to religion (Count 6)

27. The TFV's position that the Muslim community as a whole can only qualify as an indirect victim under rule 85(b) of the Rules of Procedure and Evidence (the "Rules")⁵² appears to conflate two separate issues: (i) whether an entity is a natural or legal person, which determines whether rule 85(a) or 85(b) applies; and (ii) whether the harm suffered by a natural person is direct or indirect, a distinction relevant only under rule 85(a) for determining whether an individual qualifies as direct or indirect victim.

28. Rule 85(a) defines direct victims who are natural person while rule 85(b) defines direct victims that are legal persons. The question to be resolved in determining whether a person falls under rule 85(a) or (b) is, therefore, whether the applicant is a natural or legal person. Pursuant to the Court's case-law, only **direct** and **material** harm is recognised under rule 85(b), which is consistent with the fact that said provision concerns harm suffered by legal persons. There are no indirect victims of crimes committed against legal persons.⁵³

29. The situation is different under rule 85(a), under which various types of harm – material, physical, psychological, moral or otherwise – may be recognised. Under this provision, harm may be direct or indirect, thereby allowing individuals to qualify as indirect victims.

30. Recognising harm suffered by individuals as a result of their belonging to certain communities was the very purpose of adopting the notion of community harm. Community harm is primarily a form of direct harm, defined as "*suffered by person as*

⁵² See the TFV Observations, *supra* note 11, paras. 24-28.

⁵³ See, *inter alia*, the "Reparations Order", [No. ICC-01/12-01/15-236](#), (Trial Chamber VIII), 17 August 2017, para. 44 (the "*Al Mahdi* Reparations Order"), para. 41; and the *Ntaganda* Reparations Order, *supra* note 36, para. 32.

members of a group, family and or community".⁵⁴ This is precisely the situation of individuals affiliated to the Boeing mosque : their collective is a direct victim of community harm. This harm must be recognised – and repaired – , in addition to other forms of harms suffered individually.

31. Separately, the Mosque itself is a legal person and should be recognised as a direct victim under rule 85(b) of the Rules. The material harm should likewise be acknowledged and repaired.

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

32. The CLRV consider it necessary to recall the Court's consistent case-law governing the identification and verification of victims' eligibility. Indeed, the Yekatom Defence's position regarding the verification of the victims' application information, as well as its assertions concerning access to such information,⁵⁵ appears to stem from a misunderstanding of this robust and well-established jurisprudence.

1. Documents establishing the identity

33. With respect to the establishment of identity, the CLRV agree that it is paramount that such identity be properly verified, in order to avoid creating tensions within the community. Adherence to the Court's consistent case-law ensures that only individuals who can adequately identify themselves will be able to benefit from reparations. In this regard, the Ngaïssona Defence's request that *"the list of documents required to establish proof of identity be reviewed in light of the current political and administrative situation"*⁵⁶ appears unnecessary. In practice, and as occurred in every other case before this Court, such review is conducted on an ongoing basis as the

⁵⁴ See the "Reparations Order" (Trial Chamber IX), [No. ICC-02/04-01/15-2074](#), 28 February 2024, (the "Ongwen Reparations Order"), para. 168 and footnote contained therein.

⁵⁵ See the Yekatom Defence Observations, *supra* note 9, paras. 6-17.

⁵⁶ See the Ngaïssona Defence Observations, *supra* note 10, para. 21.

identification and eligibility verification process unfolds. In any event, the issue is peripheral, as the question of alternative documents arises only when applicants lack proof of identity.⁵⁷

34. In this respect, the Registry and the TFV share this concern, particularly given that the latter is responsible for delivering services and/or benefits directly to individuals and, therefore, has a clear interest in ensuring that only eligible victims receive reparations.

35. Furthermore, with reference to credibility issues identified in relation to former child soldier victims, the CLRV note the Yekatom Defence's extensive submissions concerning the importance of properly establishing the identity of beneficiaries.⁵⁸

36. They recall that victims' representations during trial were distinct and that victims represented by the CLRV are entirely separate from the group of former child soldiers represented by another Counsel. It is, therefore, neither helpful nor fair to generalise credibility issues encountered with clients represented by another lawyer to those represented by the CLRV. In this respect, they underline that a number of their clients were dual status individuals who were questioned by the Defence, and ultimately relied upon as credible by the Trial Chamber.⁵⁹

37. Finally, contrary to the Defence's assertions, the process of completing application form is individualised and no group filling-out sessions take place. The identity of victims is verified not only at the time of completing the form, but also at each subsequent interaction. In practice throughout the proceedings, when meeting

⁵⁷ 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, paras. 71 and 103 (the "*Katanga* Reparations Order").

⁵⁸ See the *Yekatom* Defence Observations, *supra* note 9, paras. 64-81.

⁵⁹ See the Judgment, *supra* note 1. For example, for the following CLRV2 dual-status individuals, the Chamber relied on them in multiple paragraphs and/or footnotes throughout the Judgment: **P-1666**: paras. 2736 - 2737, 3380, 3470; and pp. 1174-1175; for **P-2353**: see e.g., paras. 3432-3434; for **P 2049**: see e.g., paras. 482-488; for **P-2657**: para. 2766 ("*the Chamber relies primarily on the evidence of the following witnesses which, subject to discrete aspects discussed below, it finds particularly reliable: [...] P-2657 [...] Muslim civilians who were living in Bossangoa during the events*"). See also, footnotes 2896, 2897, 2907, 3617.

with their clients, the CLRV verified the identity of the individuals attending meetings, by requiring them to produce an identity document bearing a photograph.

2. Legal requirements concerning the procedure for the determination of the eligibility

38. Since the first reparations proceedings, chambers have adopted different systems for determining the eligibility of beneficiaries which may be categorised as follows: (i) the “pre-reparations order model”, used in the *Katanga* case; (ii) the “post-reparations order model”, used in the *Al Mahdi* and *Al Hassan* cases; and (iii) the “hybrid sample-based model”, used in the *Lubanga*, *Ntaganda* and *Ongwen* cases. Each of these approaches carries distinct consequences for the rights of the convicted person, the rights of the victims and the determination of both the number of beneficiaries and the amount of liability.

39. Under the pre-reparations model, chambers required applicants to submit their application before the reparations order was issued. The application received were deemed to constitute the near-total universe of victims and served as the basis for determining, on the one hand, the number of beneficiaries, and, on the other hand, the amount of liability. In the *Katanga* case, for example, the chamber determined the amount of liability by aggregating the total harm reported by the applicants.⁶⁰

40. Under this model, the Defence was permitted to make observations on each application, given that these applications formed the primary basis for determining the convicted person’s liability.

41. The Appeals Chamber has made clear that the pre-reparations model is appropriate only where the number of victims is very small,⁶¹ and “it is apparent that a large majority (or all) of these victims has filed [applications for reparations]”.⁶² By contrast,

⁶⁰ See *Katanga* Reparations Order, *supra* note 57, para. 246.

⁶¹ *Ibid.*

⁶² See the *Lubanga* Appeal Judgment on Reparations Size, *supra* note 19, para. 86.

“when there are more than a very small number of victims, this is neither necessary nor desirable”⁶³ and the trial chamber “is not required to rule on the merits of the individual requests for reparations”.⁶⁴

42. In the present case, and consistent with the Appeals Chamber’s case-law, the Chamber has correctly elected to organise the reparations proceedings in a manner that does not require it to receive and adjudicate all applications prior to delivering the reparations order. This has been known since the issuance of the Order on 8 October 2025, which the Defence did not seek to contest or appeal.

43. At the stage of the Order, it was already evident that the Chamber did not expect to receive applications from all potential beneficiaries, that it would not rule on such applications, and that applications would not form the basis for determining the amount of liability. It was therefore equally clear that the Defence would not be afforded an opportunity to make observations on each individual victim applicant.

44. Under the hybrid sample-based approach, chambers have received applications prior to the issuance of the reparations order and the Defence has been authorised to comment on redacted versions thereof.⁶⁵ However, these applications are not deemed to represent the totality of the victim universe, nor do they constitute the primary data point for determining the amount of liability. Rather, the applications are considered – together with a wide range of other material – to inform the chamber’s ruling on eligibility, to guide the entity responsible for the eligibility process in applying the criteria set by the chamber, and to provide information on victims’ preferences

⁶³ *Ibid.*

⁶⁴ *Ibid.*, para. 87, quoting 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. 152.

⁶⁵ See, *inter alia*, the *Ntaganda* Reparations Order, *supra* note 36, paras. 16 and 21 (summarising the process of the creation of the sample and the opportunity given to the Defence to comment). See also, in the *Ongwen* case, the “Decision on the Registry Additional Information on Victims” (Trial Chamber IX), [No. ICC-02/04-01/15-2024](#), 16 December 2022, para. 27 (e) and (f).

regarding the types and modalities of reparations. They may also contribute, to a lesser extent, to the assessment of liability. The amount of liability, however, is determined by evaluating the cost of repair, which is itself assessed on the basis of various factors, beginning with the estimated number of potential beneficiaries and including information concerning the costs of relevant services.⁶⁶

45. As with the pre-reparations order approach, it has been clear since the Order on 8 October 2025 that the Chamber did not request the collection of a sample of applications on which the Defence could have made observations.

46. In any event, under this hybrid model, the Defence no longer has standing to make observations once the reparations order has been issued,⁶⁷ as chambers have consistently held that the convicted person's *"interests at this stage of the proceedings are limited. In effect, the Chamber has already set [their] monetary liability and the results of the eligibility process will have no impact on [their] rights."*⁶⁸

47. Lastly, under the post-reparations order model, chambers provide the parties and the entity responsible for the eligibility process with the criteria to be applied to ensure that only beneficiaries falling within the scope of the conviction receive reparations. Under this model, the amount of liability is not calculated on the basis of applications but rather on other information relevant to determining the cost to repair. Consequently, the convicted person's interest at this stage is limited, and access to the identities of potential beneficiaries unwarranted.⁶⁹

⁶⁶ See the *Ntaganda* Reparations Order, *supra* note 53, paras. 246-247. See also, the *Ongwen* Reparations Order, *supra* note 54, para. 769.

⁶⁷ See the "First Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations, ICC-01/04-02/06-2860-Conf", [No. ICC-01/04-02/06-2860-Red A](#), para. 186. See also, the *Ongwen* Reparations Order, *supra* note 54, para.812 (a).

⁶⁸ *Ibid.*

⁶⁹ See in this respect the "Judgment on the appeal of the victims against the "Reparations Order" (Appeals Chamber), [No. ICC-01/12-01/15-259-Red2 A](#), 8 March 2018, paras. 87-96, in particular para. 93.

48. In conclusion, the Yekatom Defence's submissions on this issue are entirely inapposite, as they rely on procedural circumstances that are not present in the current case – for example, requesting the application of disclosure regime similar to that applied to the samples collected in the *Ongwen* or *Ntaganda* cases, despite the fact that no sample has been (or will be) collected in the present proceedings. Granting the Defence access to any identifying information after the issuance of the reparations order would not only contravene the Court's consistent case-law, but would also serve no legal or practical purpose. On the contrary, it would undermine victims' ability to exercise their right to reparations by deterring them from coming forward.

C. Factual presumptions

49. In recalling their submission in its entirety,⁷⁰ the CLRV generally agree with the presumptions proposed by the Registry and the TFV.

50. The Yekatom Defence's argues that no presumption of psychological harm should apply to individuals who suffered material harm but did not personally experience the attacks.⁷¹ The CLRV submit that adopting such a position would deprive these victims of recognition of the psychological impact resulting from their losses. Individuals who happened to be away from the crime location – for instance, because they were in another town collecting merchandise for their business; or outside for family reasons – yet lost part or all their belongings during the attacks, nonetheless endured significant psychological harm stemming from that loss. In the *Ntaganda* case, which the Defence itself cites, the trial chamber expressly adopted a presumption of psychological harm for victims who lost their home or material assets in a manner that substantially affected their daily life irrespective of whether they personally experienced the attacks.⁷² The CLRV sees no reason to depart from this established case-law in the present proceedings. Further, and as discussed *supra*, it is

⁷⁰ See the CLRV Observations *supra* note 8, paras. 73-78.

⁷¹ See the Yekatom Defence Observations, *supra* note 9, para. 94.

⁷² See the *Ntaganda* Reparations Order, *supra* note 36, para. 148.

not necessary that these individuals demonstrate that they were Muslims. The mere fact that they were perceived as such is enough to lead to their victimisation.

51. The CLRV maintain their position that a presumption of physical harm should be established for displaced victims.⁷³ This is consistent with the Court's case-law, according to which a presumption of harm may be recognised where the harm is a reasonably foreseeable consequence of the crimes and arises from the evidentiary record.⁷⁴ This approach is likewise consonant with the Court's consistent definition of physical harm as encompassing "*hurt, pain or suffering otherwise not caused by a bodily injury*".⁷⁵ Further, physical harm need not persist until the issuance of the reparations order to be recognised. The mere fact that pain was experienced – whether as a result of physical violence or other circumstances such as prolonged detention or displacement – is sufficient.

52. While the persistence of the harm may be relevant to determining the appropriate form and scope of reparations, it is distinct from the question of whether a victim experienced that harm. This distinction is paramount, particularly given that a chamber's detailed acknowledgment of the harm suffered may in and of itself constitute a satisfaction measure.⁷⁶ Conversely, explicitly rejecting harms actually suffered by victims as a result of the crimes committed is harmful and undermines their right to recognition. In the present case, all displaced victims moved under extremely harsh conditions that caused them, at the very least at the time of displacement, hurt, pain and physical suffering. Said harm should be acknowledged and presumed.

⁷³ See *a contrario* the TFV Observations, *supra* note 11, paras. 53-54.

⁷⁴ See the *Ongwen* Reparations Order, *supra* note 54, para. 497.

⁷⁵ See the "*Al Hassan* Reparations Order", *supra* note 51, para. 71.

⁷⁶ *Ibid.*, para. 74.

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

53. The CLRV express some concerns regarding specific proposals advanced by the TFV.

54. First, they strongly disagree with the proposed “*household based approach*”⁷⁷ which is not only inconsistent with victims’ right to reparations, but also practically unsound and unfair. The TFV’s assertion that harms are “*experienced by individuals through the family units and households, rather than in isolation*”⁷⁸ – even if accepted – has no bearing on the individual right of each victim to reparations. While it may be correct that victims suffered an additional layer of harm⁷⁹ arising from their belonging to their household/family, this merely requires that such harm be acknowledged,⁸⁰ defined and addressed in consultation with the victims to determine how it may be remedied concretely. It cannot, however, serve as a basis to reduce the individual right of each victim to reparation.⁸¹

55. Additionally, the TFV’s proposal raises the question of how a *household*, as opposed to an individual, would demonstrate victimhood – an approach that may in fact create greater factual and operational constraints than requiring each individual to make this demonstration themselves.

56. The TFV’s proposal is further at odds with the factual reality that household structures have evolved significantly over time. What constituted a household at the time of the crime has often changed in the years since, for example, children may have grown up and established their own household. Requiring “*households*” to determine

⁷⁷ See the TFV Observations, *supra* note 11, paras. 125 and 138-139.

⁷⁸ *Ibid*, para. 36.

⁷⁹ *Ibid*, para. 64.

⁸⁰ In this regard the CLRVs recall that the very definition of community harm already encompass the notion that harm can be suffered as a result of belonging to a household (see para. 31 above).

⁸¹ See in that sense, the TFV Observations, *supra* note 11, para. 38.

internally which members should benefit from socio-economic rehabilitative measures would generate numerous difficulties, beginning with the fundamental question on how a household or family unit is to be defined.

57. Moreover, in light of the current socio-economic reality in the CAR and in refugees camps in Chad, socio-economic measures – and in particular cash-payment – are among the most sought after forms of reparations,⁸² and the most likely to have some transformative effect. Requiring each family or household to determine internally who should benefit would directly contravene the *do no harm principle*, as it would oblige families to decide who they consider part of their unit and who should receive economic support. This would inevitably generate tensions and conflicts. Given the social realities of the CAR and in refugees camps in Chad, this approach would also inevitably lead to the exclusion (or at least to the limitation) of women from benefiting from reparations, as men within households are likely to dominate decision-making with the result that it will be unlikely that women be designated as beneficiaries.

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

58. To determine the appropriate amount of liability, chambers have generally taken into account four factors: (i) the type and extent of the harm; (ii) the estimated number of potential beneficiaries; (iii) the types and modalities of reparations ordered; and (iv) the costs required to repair the harm in light of the reparations awarded.⁸³

59. While the third factor, namely, the types and modalities of reparations ordered, is not yet known, the CLRV consider that, having reviewed the submissions of the parties and participants, as well as the existing case-law, there is sufficient information to propose that M Yekatom and M Ngaïssona be held jointly and severally liable for an amount of € 15,000,000.

⁸² See the TFV Observations, *supra* note 11, para. 138.

⁸³ See, *inter alia*, the Al Hassan Reparations Order, *supra* note 51, para. 222.

60. To reach this figure, the CLRV rely on an intermediate data point – situated between the Registry’s observations and their own submissions – regarding the estimated number of victims. The proposed amount is consistent, on the one hand, with an estimated victim population at approximately 40, 000 to 50, 000 (first factor) and, on the other hand, with the multi-layered types of harms acknowledged by all parties and participants (second factor).

61. This proposed amount of € 15,000,000 is also consistent with the Court’s most recent case-law. For example, despite being convicted of a significantly fewer counts – resulting in fewer types of harms being recognised, and harms of a more limited extent – Mr Al Hassan was found liable for € 7,250,000.⁸⁴ Moreover, the reparations ordered in said case were primarily collective community-based – which are generally considered less costly.

62. Accordingly, should the Chamber follow the CLRV’s submissions regarding the appropriate modalities of reparations, namely, collective with an individualised component, the overall liability amount should be adjusted correspondingly. In the *Al Hassan* case, the trial chamber reached the figure of € 7,250,000 largely on the basis of data derived from the implementation of reparations in the *Al Mahdi* case, that is, cost estimates for certain programmes as they existed in 2021. In the present case, the Chamber should take into account, when calculating the appropriate amount of liability, the significant inflation currently affecting the CAR and Chad,⁸⁵ as well as the fact that implementation is unlikely to begin before 2028,.

63. Concerning the Ngaïssona Defence’s request that, when determining the *quantum* of the award, the Chamber consider whether its implementation can be guaranteed or at least rendered probable,⁸⁶ the CLRV oppose this position. While the

⁸⁴ *Ibid.*, disposition.

⁸⁵ See the CLRV Observations, *supra* note 8, paras. 87, 98 and 100.

⁸⁶ See the Ngaïssona Defence Observations, *supra* note 10, para. 33.

convicted persons' current purported indigence, combined with the challenge of raising funds, may have some bearing on the speed at which reparations can be implemented, it cannot be invoked to diminish or negate the victims' right to reparations. The feasibility of immediate implementation is not a lawful criterion capable of limiting the Chamber's determination of the appropriate amount of liability.

64. The notion of taking into account the "*probability*" of implementation originates from the Appeals Chamber of the Special Criminal Court of the Central African Republic (the "CPS")⁸⁷ and it was subsequently quoted in the *Ongwen* case.⁸⁸ However, the legal framework applicable before the CPS differs substantially from that of the ICC, and there is no basis to import this concept into the Court's reparations regime. Quite the contrary, at the CPS, the indigence of the accused is a factor to be expressly considered⁸⁹ – unlike at the Court –⁹⁰ which inevitably affects the determination of liability. This fundamental difference underscores why the CPS approach cannot be transposed to the present proceedings. In this regard, the *quantum* of the award ordered in the *Ongwen* case makes this point plain: the chamber set the liability at €52,429,000, demonstrating that the "*probability*" of implementation is assessed on the basis of factors other than the financial situation of the convicted person or the TFV.

65. In this respect the CLRV contest the Ngaïssona's Defence assertion that "*an award that is unlikely to be implemented does not serve the interests of the victims,*" and "*may cause further harm*".⁹¹ First, the Defence has no standing to make submissions on the interests of the victims. Second, even an award which implementation may be

⁸⁷ 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, paras 98-100 (the "*Sallet* Reparations Appeal").

⁸⁸ See the *Ongwen* Reparations Order, *supra* note 54, para. 579.

⁸⁹ See the *Sallet* Reparations Appeal, No. 13-2023, para. 100.

⁹⁰ 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", *supra* note 64, para. 118.

⁹¹ See the *Ngaïssona* Defence Observations, *supra* note 10, para. 43.

uncertain is perceived by victims as preferable to the absence of any award, particularly given that the indigence status of the convicted person may change at any time, as may the availability of funds from the TFV.

F. Considerations to be taken into account in relation to the convicted persons' liability for reparations

66. On the considerations to be taken into account to determine the liability of each convicted person, the CLRV agree with the TFV's first proposed approach,⁹² and consider that, save for the crimes committed in Bossangoa – Mr Yekatom and Mr Ngaïssona should be held liable *in solidum* – notwithstanding the different modes of liability underlying their respective convictions.

67. Contrary to the observations of the Ngaïssona Defence,⁹³ there is no legal impediment to applying liability *in solidum* to individuals convicted as accessories. Moreover, while the chamber in the *Katanga* case indicated that it took into account the mode of liability underlying the conviction, the CLRV make two observations. First, as in the *Al Mahdi* case - also invoked by the Defence- the other co-perpetrators were either unknown, or, in any event, not convicted before the Court. Second, since then, chambers have accorded significantly less weight to the mode of liability when determining the amount of liability, focussing instead on other factors, notably the extent of the harms and the number of victims.

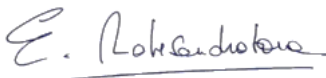
⁹² See the TFV Observations, *supra* note 11, para. 208.

⁹³ See the Ngaïssona Defence Observations, *supra* note 10, paras. 51-69 (in particular para. 59).

Respectfully submitted,



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Dated this 12th day of June 2026

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