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TRIAL CHAMBER V

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

SITUATION IN CENTRAL AFRICAN REPUBLIC II

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

Public

**Public Redacted Version of the “Yekatom Defence Observations on Reparations”,
ICC-01/14-01/18-2904-Conf, 13 April 2026**

Source: Defence for Mr. Alfred Rombhot Yekatom

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INTRODUCTION

1. The Defence of Mr Alfred Rhombot Yekatom (“Defence”) submits the present observations strictly within a procedural framework, while an appeal against the Judgment remains pending. The Trial Chamber delivered its Judgment in the case *The Prosecutor v. Yekatom and Ngaïssona* on 24 July 2025, both on conviction and sentence. On 26 September 2025, Mr. Yekatom filed a notice of appeal against his conviction.¹ On 25 November 2025, the Defence for Mr. Yekatom (“the Defence”) filed its brief in support of the Appeal.² On 8 October 2025, the TC issued an “Order for submissions on reparations” (“Order”).³
2. Addressing issues of reparations in relation to a judgment that is currently being challenged on appeal presents an inherent difficulty. The Defence is fully mindful of the relevant jurisprudence on this matter. However, it also observes that the intellectual posture required to engage in such submissions is not easily reconciled with the preparation and conduct of appellate proceedings. Accordingly, the present submissions are advanced *arguendo*, on the assumption that the conviction may be upheld on appeal, and are made strictly without prejudice to any grounds of appeal raised on behalf of Mr. Yekatom. Nothing contained in these observations should be construed as constituting a concession regarding the Trial Chamber’s factual findings or legal characterisation.
3. Pursuant to the Trial Chamber’s Order, the Defence sets out its initial observations on reparations, while underscoring that these will necessarily require further supplementation following the submissions of the other Parties, Participants and entities authorized to present their views. Additional submissions may also be required following the issuance of the forthcoming Judgment of the Appeals Chamber.

¹ ICC-01/14-01/18-2816.

² ICC-01/14-01/18-2848-Conf.

³ ICC-01/14-01/18-2821.

SUBMISSIONS

I. General observations

4. Prior to addressing the Trial Chamber's specific questions as set out in the Order, the Defence makes the following general observations to frame its position regarding the reparations process and any eventual award.
5. At the outset, the Defence underscores that the exercise by Mr. Yekatom of his right to make submissions on the victims' applications should not be construed as a denial of the suffering endured by victims, a position he has consistently maintained throughout his trial.⁴ The Defence further submits that no adverse inference should be drawn from its position. It expressly maintains its challenge to the Trial Chamber's factual findings and determinations on modes of liability.

a) The reparations framework demands thorough verification of Victims' Application Information

6. The Defence leaves to the Chamber's appreciation the matter of detailed or theoretical typologies of reparations. Nevertheless, it considers it necessary to address the modalities of individual or collective reparations in the context of Mr. Yekatom's financial liability. As a convicted person whose financial liability may be engaged for the purposes of repairing the harm suffered by victims recognised as such, Mr. Yekatom must be afforded the opportunity to verify the accuracy of the information contained within—and the identity of—the victims' applications and to make observations thereon. In particular, the Defence is entitled to submit any relevant considerations relating to the criteria set out in Rule 85, including the existence of a nexus between the harm alleged by the victims and the facts for which Mr. Yekatom has been convicted.

⁴ T-311-FRA, p. 11, lns 17-25.

7. In this regard, the present submissions emphasize the requirement that any reparations order be grounded in a verifiable and individualized link between the harm alleged by applicants and the responsibility attributed to Mr. Yekatom, irrespective of whether the Trial Chamber elects to award collective or individual reparations.
8. The Defence acknowledges the jurisprudence of the Court in cases involving a large number of applicants which allows for administrative screening, collective modalities, and limited presumptions. However, the Defence submits that as per Court practice, the threshold eligibility must be proven with sufficient individualized rigor. In addition, category-based approaches cannot substitute for proof of eligibility and causal nexus particularly where the personal financial liability of a convicted person is engaged. Accordingly, as it will be developed below, any finding of harm capable of giving rise to a financial order against the convicted person must be supported by reliable, consistent, and individualized evidence demonstrating that the alleged harm is directly linked to the conduct for which Mr. Yekatom was found responsible.
9. Consequently, the Defence recalls that “the guiding principle for trial chambers must be to ensure that the convicted person, as party to the litigation, has a meaningful opportunity to challenge the information on the basis of which a chamber will make an award against him or her.”⁵ While “the right to receive information [...] may be limited in certain circumstances,”⁶ such restrictions should remain proportional.⁷ The Appeals Chamber in *Lubanga* held that a Trial Chamber should take into account the relevance and purpose for which information will be relied upon, including “whether, in reality, its non-disclosure affects the convicted person’s rights.”⁸ Measures under Article 68(1)

⁵ ICC-01/04-01/06-3466-Red, para. 256; see also, ICC-01/04-02/06-2908-Red, para. 224. ICC-02/04-01/15-2108, para. 46.

⁶ ICC-01/04-01/06-3466-Red, para. 254.

⁷ ICC-01/04-01/06-3466-Red, para. 253, *quoting* ICC-01/12-01/15-259-Red2, para. 90.

⁸ ICC-01/04-01/06-3466-Red, para. 256.

“shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.”⁹

b) Mr. Yekatom’s circumstances are materially distinguishable from the *Al Mahdi* case

10. A rigorous vetting of eligible victims is essential to ensure that Mr. Yekatom is not held financially liable towards persons who did not suffer harm from the crimes of conviction. In this regard, the Appeals Chamber’s reasoning in *Al Mahdi* must be understood within its specific procedural and factual confines. In that case, the issue of access to victims’ identifying information arose at the screening stage of the reparations process. The Appeals Chamber observed that granting wholesale disclosure of all identifying information at that preliminary juncture would have been disproportionate, particularly because the denial of eligibility at the screening stage would not have altered Mr. Al Mahdi’s fixed monetary liability.¹⁰ The judgment was rendered without appeal, and the scope of criminal responsibility was narrowly circumscribed and factually specific. Mr. Al Mahdi’s liability had already been determined and capped, following a guilty plea to a single charge concerning attacks against protected cultural objects. In that procedural posture, the convicted person’s interests were necessarily limited.¹¹
11. The present case is materially distinguishable. Mr. Yekatom was convicted, following trial, of multiple crimes directed primarily against persons.¹² Unlike in *Al Mahdi*, his reparations liability has not been fixed yet, and the forthcoming Appeals Chamber judgment may have a direct and consequential impact on both the scope and quantum of liability. Where liability remains unsettled or may be affected, the convicted person’s interests cannot be regarded as limited and require consideration by the Trial Chamber. In a case where eligibility

⁹ ICC-01/04-02/06-2908-Red, para. 222, quoting ICC-01/04-01/06-3466-Red, para. 249.

¹⁰ ICC-01/12-01/15-259-Red2, para. 93, (footnote 254 included).

¹¹ ICC-01/12-01/15-259-Red2, para. 93.

¹² ICC-01/14-01/18-2784-Red, para. 4846; contra ICC-01/12-01/15-236, paras. 93-99.

determinations may directly influence the extent of financial exposure, Mr. Yekatom must be afforded a meaningful opportunity to make submissions on the eligibility of applicants to whom he may ultimately be ordered to pay reparations.

12. In light of the above, the Defence submits that the Chamber must ensure direct victim applicants fall within the temporal and geographical scope of the crimes of convictions and belonged to the targeted group – that is the Muslim civilian population at the time of the commission of crimes¹³. In this regard, information on religion, dates, and locations is essential to assess credibility, understand the context of harm, and evaluate alternative causal factors. Verification is particularly necessary, as victims application forms refer to ethnicity but not religion, which does not establish the required Muslim affiliation. For example, access to religious documents included in the application forms may allow identification of ineligible applications.¹⁴
13. As such, the Defence submits that information relating to religion and areas of displacement should be unredacted.¹⁵ Such information is directly relevant to assessing the credibility of the applications, understanding the context of the alleged harm, and evaluating possible alternative causal factors in determining whether the crime of conviction constitutes the proximate cause of that harm.¹⁶ It also goes to the core of eligibility for reparations, as the mere mention of a name or place of birth does not permit the determination of a person's religion, nor does it establish with certainty that the individual undertook displacement during the relevant period. While the Defence acknowledges that such verification may occur at a later stage, it considers it necessary that its present

¹³ See Part II. Submissions on Chamber's identified topics.

¹⁴ For instance, in application [REDACTED], the Applicant submitted a baptism certificate as evidence of her identity. However, no element within the substance of her application indicates that she had converted to Islam (see [REDACTED]). These observations are made without prejudice to the concept of indirect victims.

¹⁵ The Defence notes that the Group C application forms contain references solely to ethnicity and that no information in the core of the application is relevant to the individual's religion.

¹⁶ ICC-01/04-01/07-3804-Red-t-ENG, para 17.

submissions already reflect the methodology required for the proper conduct of the remainder of the proceedings.

14. Access to victims' identities particularly where it appears necessary to verify specific information will enable the Defence to make meaningful submissions,¹⁷ while ensuring reparations are awarded solely to those harmed by the crimes of which Mr. Yekatom was convicted. In accordance with the *Ntaganda* and *Ongwen* redactions procedure, a victim may consent to the disclosure of their identity to the Defence, in which case their dossier is to be transmitted to the Defence with redactions limited to their contact information and current residence.¹⁸ The Trial Chamber has previously ruled that these procedures 'will confer the appropriate protection for the victims while enabling the Defence to meaningfully challenge the victims eligibility'.¹⁹ The Defence will engage directly with VPRS and the LRV to discuss the implementation of redactions in accordance with these protocols and, should no agreement be reached²⁰, will seek the assistance of the Trial Chamber.
15. Whether an application was completed by the applicant personally or by a third party is a factor that may directly affect the probative value or weight to be accorded to the information provided. In this regard, it is requested that the names of all intermediaries that were involved in the child soldiers' application forms and are also involved with the alleged victims of the other crimes application forms, and or participation, shall be disclosed without redactions, in order to permit specific scrutiny.²¹
16. In light of the foregoing, the Defence submits that the reparations phase in the present case must proceed with particular caution and scrutiny, taking into account the need for a rigorous assessment of both harm and attribution

¹⁷ See ICC-01/14-01/21-171, paras 2-3.

¹⁸ ICC-01/04-02/06-2786, paras. 35-36. ICC-02/04-01/15-2027, paras. 11-12 .

¹⁹ ICC-01/04-02/06-2794, para. 30, *referring to* ICC-01/04-02/06-2786, para. 36.

²⁰ ICC-01/04-02/06-2794, para. 30.

²¹ See below section b). See also CAR-OTP-00001381.

depending on the information provided by the applicants. Any assessment of harm must therefore avoid automatic attribution²² and instead reflect the complexity of the underlying factual circumstances as clarified in the judgment.

17. A careful, evidence-based approach remains essential to ensure that any reparation framework adopted by the Chamber is consistent with the rights of the Defence.

II. Submissions on the Chamber's identified topics

18. Rule 85(a) of the Rules of Procedure and Evidence ("RPE") defines victims as "natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court". As a direct consequence of this provision, the harm suffered by such victims must be personal, whether direct or indirect, and must be linked to the crimes for which the person has been convicted according to the judgment. Rule 94 further sets out the modalities of requests for reparations, in particular the requirement to provide information relevant to the determination of the alleged harm and its nexus with the facts for which the convicted person has been found responsible.

19. The present observations are made pursuant to this legal framework.²³

a. Estimated total number of direct and indirect victims of the crimes for which Mr. Yekatom and Mr. Ngaïssona were convicted, who may be potentially eligible for reparations

20. In accordance with the Court's jurisprudence, a direct victim includes persons whose harm is the result of the commission of a crime for which the defendant has been convicted. As such, a causal link must be established between the crimes of conviction and the harm suffered by the victims: the injury, loss, or

²² See below section d).

²³ As recalled in the ICC jurisprudence, see: ICC-01/04-02/06-2782, paras. 359-364; referring to ICC-01/04-01/06-3466-Red, para. 90. See also, ICC-01/04-02/06-2908-Red, para. 218. ICC-02/04-01/15-2108, para. 46.

damage suffered by the victims must result from the crimes for which the person was convicted.²⁴

21. Indirect victims are those who suffer harm as a consequence of the harm suffered by direct victims.²⁵ They must demonstrate that the harm they sustained is linked to a crime committed against the direct victim, and that such a crime is one for which Mr. Yekatom was convicted.²⁶
22. The Court's jurisprudence has identified four categories of indirect victims:²⁷
 - the family members of direct victims,
 - anyone who attempted to prevent the commission of one or more of the crimes under consideration,
 - individuals who suffered harm when helping or intervening on behalf of direct victims, and
 - other persons who suffered personal harm as a result of these offences.
23. With regard to the fourth category namely, "other persons who suffered personal harm as a result of these offences", the applicant will need to demonstrate that the direct victim "was of significant importance" to them. The Appeals Chamber clarified that "in determining whether a direct victim was of significant importance to an applicant requesting to be recognised as an indirect victim, the Trial Chamber and the TFV shall be guided by the "criterion of special bonds of affection or dependence connecting the applicant with the direct victim" which "captures the essence of inter-personal relations, the destruction of which is conducive to an injury on the part of indirect victims ".²⁸ Accordingly, indirect victim status should not be granted to an entire group of people without assessing for each of the applicants i) whether the direct victim was of significant importance to the applicant, and ii) whether they suffered harm as a result of the crime committed against the direct victim.²⁹

²⁴ ICC-01/04-02/06-2659, para. 34 ; ICC-01/04-01/06-1813, para. 47.

²⁵ ICC-01/04-01/06-1813, para. 44.

²⁶ ICC-01/04-02-06/2782, para. 392 ; ICC-01/04-02/06-2659, para. 35.

²⁷ ICC-01/04-01/06-3129-AnxA, para. 6.

²⁸ ICC-01/04-02/06-2782, para. 628.

²⁹ ICC-01/04-02/06-2782, paras 633-634 (in which individuals from the congregation of an Abbé who was killed were found to not qualify automatically as indirect victim).

24. Any individual applying to be recognized as a victim in the present case, whether direct or indirect, must therefore satisfy certain criteria: i) the applicant's identity must be established; ii) the applicant must have suffered or sustained harm; iii) the crime from which the harm arose must be one for which the defendant was convicted; and iv) there must be a direct causal nexus between the crime and the harm.³⁰
25. Overall, the Defence emphasizes that for each application for reparations, a link between the harm suffered and a crime for which Mr. Yekatom was convicted must be thoroughly assessed. Any break in the causation chain between the harm and a crime for which Mr. Yekatom was convicted should result in the rejection of the reparations request.³¹
26. While the Defence is not in a position to provide concrete numbers of direct and indirect victims at this stage, it nevertheless sets out below guidelines that should be followed during the assessment of victims' application forms. Moreover, while the Defence's submissions primarily address the eligibility of direct victims for each count, it has, where feasible, also addressed the eligibility of indirect victims. In all other respects, the Defence maintains that strict adherence to the applicable criteria for indirect victims is required.
27. The Defence further emphasizes that in the assessment of the number of victims, in particular where estimates are relied upon by the Chamber, any uncertainties are to be resolved in favour of the convicted person.³²

i. Count 1 : Attack against the civilian population

28. The Defence recalls the geographical scope of the case, as previously defined, pursuant to which the charges arising from the 5 December Operation are "confined to crimes occurring or, as concerns displacement, forcible transfer

³⁰ ICC-01/04-02/06-2659, para. 31. See also : ICC-02/04-01/15-2074, para. 435 ; ICC-01/04-01/07-3728, para. 36.

³¹ ICC-01/04-02-06/2782, para. 15: "Harm cannot be attributed to a convicted person if a break in the chain of causation is established in a particular case".

³² ICC-02/04-01/15-2074, para. 701.

and deportation, starting in the areas of Boeing and Cattin”.³³ The application of this parameter led the Chamber to exclude – as victim participants – applicants residing in other Bangui neighbourhoods such as Combattant, Boy-Rabe or Gobongo.³⁴

29. The Chamber’s Judgment confirmed this geographical limitation in relation to Count 1, finding that “Mr Yekatom and his elements directed an intentional attack against the civilian population, as such, in Boeing and Cattin. Mr Yekatom’s participation and execution of the attack was such that, by its nature, it could only have been undertaken intentionally”.³⁵ The Chamber further held that the object of the attack was “to target the Muslim civilian population of Boeing and Cattin”,³⁶ and that Mr. Yekatom was charged with Count 1 “on the basis of the conduct pertaining to Counts 2 to 6 and 8”³⁷ – all of which relate exclusively to events in either Boeing or Cattin.
30. Neither Mr. Yekatom, nor his purported group, were found to have attacked any location on 5 December other than the Boeing market, the Boeing mosque and Cattin. This is further reflected by the structure of the Judgment which contains dedicated sub-sections addressing only those two neighbourhoods.³⁸
31. The temporal scope of the case was likewise established as needing to be in the context of the attack on Bangui which occurred on 5 December 2013. On this basis, the Chamber rejected the participation of applicants residing in “Boeing Yamwara” who referred to events occurring on 26 December 2013,³⁹ as well as an applicant from Kokoro (Boeing) but who alleged harm occurring on 8 February 2014.⁴⁰

³³ ICC-01/14-01/18-738, para. 28.

³⁴ ICC-01/14-01/18-738, paras. 30-31.

³⁵ Judgment, para. 3960.

³⁶ Judgment, para. 3959.

³⁷ Judgment, para. 3949.

³⁸ Judgment, section IV.B.3 “Attack on Boeing” and section IV.B.4 “Attack on Cattin” respectively.

³⁹ ICC-01/14-01/18-1672-Conf, paras. 18-19.

⁴⁰ ICC-01/14-01/18-738, para. 57.

32. Finally, as indicated above, the Chamber expressly identified in its Judgment that for the crime of “Attack against the civilian population”, the object of the attack was the Muslim civilian population of Boeing and Cattin.⁴¹ Consequently, the Chamber should determine that only applicants who can demonstrate that they were part of the Muslim civilian population of Boeing and Cattin may be recognised as direct victims for Count 1.
33. In conclusion, with regard to Count 1, the Chamber should clearly set that in order to be recognized as direct victims the applicants must i) demonstrate that the alleged harm occurred in either Boeing or Cattin neighbourhoods; ii) establish that the harm was inflicted in the context of the 5 December attack; and iii) demonstrate that the applicant was part of the Muslim civilian population of Boeing and Cattin.

ii. Counts 2 & 3 : Murder as WC and CAH

34. The murders underlying Counts 2 & 3 are clearly circumscribed in the Chamber’s Judgment.
35. Mr. Yekatom was found guilty of killing three individuals at the Boeing Market: Hassan Mahamat and two other unnamed Muslim traders.⁴² The Defence submits that, for the purpose of reparations, the Chamber should admit only indirect victims who are relatives of Hassan Mahamat, or individuals who can demonstrate that he was of particular “significant importance” to them.⁴³
36. As the Chamber made no determination regarding the identity of the other two Muslim traders killed in the Boeing market, the present record does not permit an assessment of whether any applicants are linked to those individuals. In these circumstances, the criteria for establishing eligibility as indirect victims cannot be satisfied. Moreover, the Chamber specifically indicated that it

⁴¹ Judgment, para. 3959.

⁴² Judgment, para. 3962.

⁴³ See above para. 23.

“cannot conclude that Hassan’s younger brother was killed during the Bangui Attack”.⁴⁴ Any victim application form based on this individual should therefore be rejected, as falling outside of the scope of the crimes of conviction for purposes of Counts 2 and 3. With respect to Cattin, Mr. Yekatom was convicted of the killing of one unnamed Muslim man. References in the Judgment of “at least one Muslim man”,⁴⁵ which may suggest a plurality of victims, should not be relied upon for the admission of victims on this basis. Indeed, the conviction of Mr. Yekatom is explicit in that it relates to only one individual,⁴⁶ and the factual findings are exclusively dedicated to a single unnamed Muslim man killed in front of Salehou Ndiaye’s house between 08:00 and 09:00 on the morning of 5 December 2013.⁴⁷ Moreover, the Chamber dismissed Prosecution’s allegation of a potential other killing as “it is unable to conclude that this alleged killing took place or that it refers to the same event as described by Salehou Ndiaye”.⁴⁸

37. As the identity of the person killed in Cattin remains unknown, the present record does not permit an assessment of whether any victim applications relate to the murder for which Mr. Yekatom was convicted. In these circumstances, the criteria for recognition cannot be considered satisfied.
38. In conclusion, with respect to Counts 2 & 3, the Defence submits that only relatives of Mr Hassan Mahamat, or individuals who can demonstrate that he was of particular significant importance to them, should be admitted as victims.

⁴⁴ Judgment, para. 2576.

⁴⁵ See as an example Judgment, para. 3962 : “During the attack on Cattin, elements of Mr Yekatom’s group killed at least one Muslim man, who was not armed, nor engaged in combat, at the time of his death”.

⁴⁶ Judgment, para. 3965 : “On this basis, in respect of the first element of murder as a crime against humanity pursuant to Article 7(1)(a) of the Statute, and of murder as a war crime pursuant to Article 8(2)(c)(i) of the Statute, namely that the perpetrator killed one or more persons, the Chamber finds that this requirement is met in respect of Mr Yekatom’s elements, who were participating in the Bangui Attack, killing Hassan Mahamat, two unnamed Muslim traders at the Boeing Market, and one unnamed Muslim man in Cattin on 5 December 2013.”

⁴⁷ Judgment, para. 2655 as regard the location and para. 2673 as regard the time of the killing.

⁴⁸ Judgment, para. 2676.

iii. Counts 4 & 5: Forcible transfer and deportation as a CAH, displacement as a WC

39. Similarly to Count 1, the geographical scope of Counts 4 & 5 is “confined to crimes occurring or, as concerns displacement, forcible transfer and deportation, starting in the areas of Boeing and Cattin”.⁴⁹
40. The Judgment confirmed this scope with the Chamber finding that “the requirement of forcible transfer is met in respect of the movement of a majority of Muslim persons fleeing Boeing and Cattin from 5 December 2013 onwards to PK5 and other parts of the CAR, in the context of the attack by Mr. Yekatom’s purported elements on 5 December 2013 on Boeing and Cattin. The Chamber finds that the requirement of deportation is met in respect of the movement of these Muslim persons, who further fled from PK5 to neighbouring countries”.⁵⁰
41. On the basis of these parameters, the Chamber previously rejected the participation as victims of applicants who fled from areas other than Boeing or Cattin.⁵¹ It also rejected applicants who, although residing in those neighbourhoods, failed to link their displacement to the Bangui attack.⁵²
42. During the Trial Phase, the Chamber admitted applications for victim participation from individuals residing in neighbourhoods bordering Boeing and Cattin.⁵³ This was based on the applicable standard at that stage, namely that the applicants had to demonstrate on a “*prima facie* basis, a link between the alleged harm suffered and the parameters of the charges”.⁵⁴ As previously recognized, the approach to victim participation depends on the stage of the proceedings,⁵⁵ ranging from a flexible approach in the Pre-Trial phase of the

⁴⁹ ICC-01/14-01/18-738, para. 28.

⁵⁰ Judgment, para. 3978.

⁵¹ ICC-01/14-01/18-738, para. 30.

⁵² ICC-01/14-01/18-1672-Conf, paras. 18-19.

⁵³ See ICC-01/14-01/18-738, para. 29; see also ICC-01/14-01/18-1104, para. 17.

⁵⁴ Ibid.

⁵⁵ ICC-01/14-01/18-738, para. 18.

proceedings⁵⁶ to a requirement of a “prima facie demonstration of harm” during the Trial proceedings.⁵⁷ By contrast, the reparations phase will ultimately lead to an order directed against Mr. Yekatom. It is therefore necessary to ensure that any assessment of eligibility remains closely tied to the scope of the convictions, so that Mr. Yekatom’s personal liability is engaged only in respect of victims of crimes for which he was convicted. This is essential to fully protect his rights.⁵⁸

43. As a consequence, the geographical scope of the conviction must be strictly adhered to; only individuals who fled from Boeing and Cattin, in the context of the 5 December operation, as a direct result of Mr. Yekatom’s conduct should be considered as direct victims.
44. In addition, the Judgment clearly established that Mr. Yekatom’s conviction for the forcible transfer and displacement relates exclusively to individuals of the Muslim civilian population.⁵⁹ And accordingly, the direct victims linked to Counts 4 & 5 should be limited to individuals who belonged to this protected group at the time of the events.
45. At this stage, the Defence is not in a position to make more precise submissions regarding indirect victims, but emphasizes that it must be able to verify the alleged circumstances in order to establish a link between the alleged suffering of indirect victims and the crimes of conviction.

⁵⁶ ICC-01/14-01/18-227-Red, para. 24.

⁵⁷ ICC-01/14-01/18-738, para. 21.

⁵⁸ Rule 97(3) of the Rules of Procedure and Evidence, Assessment of Reparations : “In all cases, the Court shall respect the rights of victims and the convicted person”.

⁵⁹ Judgment, para. 3973 : “From 5 December 2013 onwards, Muslims of Boeing and Cattin, including Salehou Ndiaye and P-2682, fled to PK5 in Bangui, while some others fled to other parts of the CAR, in the context of the attack by Mr Yekatom’s group on Boeing and Cattin.”; Judgment, para. 3975 : “The Chamber considers that Mr Yekatom’s launching of the attack on Boeing and Cattin and how his elements carried out the attack, leading to the attack on the Boeing Mosque and the killing of Muslim civilians in Boeing and Cattin, created an environment where it was physically, materially, and psychologically unsafe for Muslim persons there, forcing them to leave and flee Boeing and Cattin” ; Judgment, para. 3976 : “In the view of the Chamber, the Muslim persons fleeing Boeing and Cattin had no genuine choice in leaving to PK5, other parts of the CAR, or to the neighbouring countries” ; Judgment, para. 3978 : “[...] the Chamber finds that the requirement of forcible transfer is met in respect of the movement of a majority of Muslim persons fleeing Boeing and Cattin from 5 December 2013 onwards [...]” ; Judgment, para. 3986 : “The Chamber considers that by attacking Boeing and Cattin under these premises, Mr Yekatom’s elements were ordered to perform an act as a result of which the displacement of the Muslim civilian population from those areas would necessarily occur”.

iv. Count 6 : Directing an attack against a building dedicated to religion

46. Mr. Yekatom was convicted of an attack against a single building: the Boeing Mosque.⁶⁰
47. With respect to the number of victims, the Defence draws the Chamber's attention to the modest size of the Boeing Mosque and the limited number of worshippers who attended it.
48. [REDACTED],⁶¹ provided a document indicating that at the time of the events the Boeing Mosque was used by 35 worshippers.⁶² [REDACTED] indicated that the Boeing Mosque was operated by the Central African Islamic Community,⁶³ which gives additional credibility to the number provided.
49. The figure of 35 worshippers registered at the Boeing Mosque should therefore be taken into account by the Chamber when assessing the number of victims claiming harm as a result of its attack.

v. Count 8: Persecution as CAH (5 December 2013 Operation)

50. Mr. Yekatom was charged with and convicted of the crime of persecution, in relation to the 5 December 2013 Operation, "by virtue of the conduct pertaining to Counts 1 to 6".⁶⁴
51. As a consequence, the Defence submits that only individuals recognized as victims of the crimes underlying Counts 1 to 6 may also be recognized as victims of the crime of persecution. Count 8, taken on its own, would not ordinarily warrant the recognition of any other victim beyond those already recognized for the underlying crimes.

⁶⁰ Judgment, para. 3991.

⁶¹ [REDACTED].

⁶² [REDACTED].

⁶³ [REDACTED].

⁶⁴ Judgment, para. 3998.

vi. Counts 11 to 17 : Crimes committed within the context of the events at Yamwara on or around 24 December 2013

52. Counts 11 to 17 all relate to a single, circumscribed incident. The identity of all seven individuals in this incident is known.⁶⁵ The number of victims, direct and indirect, should therefore be limited to the six victims still alive following the incident as well as their direct relatives, or individuals who can demonstrate that the seven abductees or Saint-Cyr Lapo were of particular significant importance to them.

vii. Counts 24 & 25 : Forcible transfer and deportation as a CAH, displacement as a WC

53. Mr. Yekatom was convicted of the charges underlying Counts 24 & 25 “for the dislocation of the majority of the Muslim population from their towns and villages between on or about 10 January 2014 and on or about 6 February 2014, in the context of the Anti-Balaka’s advance through and takeover of villages along the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa, Mbaïki)”.⁶⁶

54. The temporal scope of those charges is clearly defined. On this basis, the Chamber rejected applicants claiming harm for displacement occurring before 10 January 2014 or after 6 February 2014.⁶⁷ This timeframe must therefore be adhered to when assessing the application forms of potential victims.

55. As with Counts 4 & 5, the Judgment clearly established that Mr. Yekatom’s conviction on Counts 24 & 25 relates to the forcible transfer and displacement of Muslim civilians.⁶⁸ Accordingly, the direct victims in relation to Counts 24 &

⁶⁵ Judgment, para. 4134.

⁶⁶ Judgment, para. 4300.

⁶⁷ See ICC-01/14-01/18-1104, para. 42 which rejected applications referring to attacks on the PK9-Mbaïki axis on 16 and 17 December 2013. See ICC-01/14-01/18-1104, para. 46 which rejected an application referring to an attack dated 28 February 2014.

⁶⁸ Judgment, para. 4303 : “The Chamber found that a significant proportion of the Muslim civilian population fled their towns and villages along the PK9-Mbaïki axis due to and in fear of the advance of Mr Yekatom’s group along the axis” ; Judgment, para. 4311 : “[...] the Chamber considers that Mr Yekatom leaving Yamwara with his

25 should be limited to individuals who, at the time of the events, belonged to the protected group and who fled as a direct consequence of Mr. Yekatom's conduct.

56. The geographical scope of Counts 24 & 25 is comparatively less clearly delimited. In the charges, the use of the word "including" prior to the list of towns and villages seems to indicate that the list is not exhaustive. When assessing applications from individuals referring to localities not expressly listed in the charges, the Chamber examined whether the locality in question was situated in close proximity to the stretch of road constituting the PK9-Mbaïki Axis. On this basis, the Chamber found that localities situated approximately 4.5km or 6 km away from the road fell within the axis,⁶⁹ whereas localities situated at distances of 10km or 40km did not.⁷⁰
57. The Defence submits that this proximity-based approach to determining whether a locality forms part of the PK9-Mbaïki Axis should be consistently applied when assessing victims eligible for reparations pursuant to Counts 24 & 25. The use of the word "along" in the Judgment's factual findings⁷¹ further supports the requirement of a close geographical connection between a locality and the stretch of road for it to be considered part of the axis.
58. The Judgment also listed several localities that it expressly found not to be part of the PK9-Mbaïki Axis : Ndolobo, Bagandou, Scad, Bangui-Bouchia, Bouchia,

elements and advancing towards Mbaïki starting on 10 January 2014 was sufficient, in itself, to create the coercive circumstances due to which the Muslims along the axis dislocated " ; Judgment, para. 4313 : "the Chamber considers that the dislocation of these Muslims from Mbaïki occurred because of Mr Yekatom's actions [...] " ; Judgment, para. 4326 : "The Chamber is also satisfied that there is a direct link between the actions of Mr Yekatom's group and the displacement of the Muslim civilian population from along the PK9-Mbaïki axis." ; Judgment, para. 4328 : "The Chamber considers that by advancing under these premises from Bangui on the road towards Mbaïki, taking over a number of villages in the Lobaye prefecture, located in the south-west part of the country, including Sekia, Ndangala, Bimon, Kapou, Bossongo and Pissa, Mr Yekatom's elements were ordered to perform an act as a result of which the displacement of the Muslim civilian population from these locations would necessarily occur."

⁶⁹ ICC-01/14-01/18-1104, paras. 37-38.

⁷⁰ ICC-01/14-01/18-1104, para. 41 : "[...] the Chamber notes that Boukoko is not located on the PK9-Mbaïki axis but rather approximately ten kilometres northwest of Mbaïki".

⁷¹ Judgment, p. 1173 : "A significant proportion of the Muslim civilian population fled their towns and villages along the PK9-Mbaïki axis due to and in fear of the **advance of Mr. Yekatom's group along the axis.**"

Mbata, Batalimo, Bouaka, Boukoko and Boboua.⁷² Consequently, any victim application referring to displacement solely from those locations with no reference to further dislocation from Mbaïki should be rejected for the reparations proceedings.

viii. Counts 26 & 27 : Murder as CAH & WC

59. A single murder constitutes the underlying crime for Counts 26 & 27: the murder of Mr Djido Saleh on 28 February 2014 by a group of people which included members of Mr. Yekatom's purported group.⁷³
60. The fact that Mr. Saleh was a public figure in Mbaïki does not in itself entitle any inhabitant of the town to claim status as an indirect victim. To be recognized as such, applicants must demonstrate that he was of significant importance to them.⁷⁴ In the *Ntaganda* case, the Appeals Chamber provided guidance on the interpretation of "significant importance" noting that "renowned world figures or leaders could be of significant importance to particular persons, but it does not necessarily follow that the latter would be eligible to receive reparations".⁷⁵ The Appeals Chambers clarified that, in assessing whether the direct victim was of significant importance to the indirect victim, one "shall be guided by the 'criterion of special bonds of affection or dependence connecting the applicant with the direct victim', which 'captures the essence of inter-personal relations, the destruction of which is conducive to an injury on the part of indirect victims'".⁷⁶ By way of illustration, individual members of the congregation of an *Abbé* who was killed were not considered to automatically qualify as indirect victims solely on the basis of their association with him in their place of worship.⁷⁷

⁷² Judgment, para. 3417, fn. 8375.

⁷³ Judgment, paras 4331, 4333.

⁷⁴ See above para. 23.

⁷⁵ ICC-01/04-02/06-2782, para. 626.

⁷⁶ ICC-01/04-02/06-2782, para. 628.

⁷⁷ ICC-01/04-02/06-2782, paras 633-634.

61. Accordingly, the Defence submits that recognition as victims in relation to Counts 26 and 27 should ordinarily be confined to relatives of Mr. Djido Saleh, or individuals who can demonstrate that he was of particular significance to them.

ix. Count 28 : Persecution as CAH (PK9-Mbaïki axis)

62. Mr. Yekatom was charged with and convicted of the crime of persecution, on the PK9-Mbaïki Axis, “by virtue of the conduct pertaining to Counts 24-27”.⁷⁸

63. As argued above, only individuals recognized as victims of the crimes underlying Counts 24 to 27 may also be recognized as victims of the crime of persecution. Count 28, taken on its own, would not ordinarily warrant the recognition of any other victim beyond those already recognized for the underlying crimes.

b. Any factual or legal issues relevant to the identification of eligible victims

64. The Defence stresses that the Chamber must carefully verify the identity of individuals who submitted application forms given the fraudulent use of those forms by alleged former child soldiers. These forms contained false information and involved certain intermediaries in contacting alleged former child soldiers and collecting fraudulent applications.⁷⁹ The victims’ lack of review or amendment of their own application forms,⁸⁰ combined with a Legal Representative who was involved with former child soldiers application, raises the possibility that similar inaccuracies affect other applications.⁸¹ Whether an application was completed by the applicant personally or by a third party (and

⁷⁸ Judgment, para. 4336.

⁷⁹ ICC-01/14-01/18-2240-Conf, p. 3, paras. 10-11; p. 9, para. 25. ICC-01/14-01/18-2737-Conf-Corr, p. 22, para. 59 (footnote included); p. 26, para. 68; p. 209, para. 558; p. 209, para. 558, fn. 1951.

⁸⁰ ICC-01/14-01/18-2737-Conf-Corr, p. 22, para. 59, fn. 162. CAR-V45-P-0001: T-246-CONF-FRA CT, 22: 4-22; 22:25-23:6; 33:28-34:16; 71:4-10: “ M. LE JUGE PRÉSIDENT SCHMITT : [...] Je pense qu'il serait judicieux, au moment de la collecte des formulaires des victimes, d'être extrêmement circonspect et prudent lorsque l'on prend les données et de relire ce qui a été écrit”.

⁸¹ CAR-V45-P-0002: T-247-CONF-FRA CT, 52:19-60:4.

intermediary) is a factor that may directly affect the probative weight to be accorded to the information provided.

65. In this context, further scrutiny is required at this stage of the proceeding in light of potential issues affecting the reliability of such forms.⁸²
66. The present case was marred by fabrication of evidence, including falsification of identities.⁸³ The Chamber found in the Judgment that the Defence's challenges on the reliability and authenticity of several documents – relevant for purposes of identification of a Prosecution witness – were well founded.⁸⁴ It further found that the documents provided by CLRV1 in support of the identity of one of their clients and witnesses were “inauthentic and unreliable”;⁸⁵ that the challenges to that individual's identity were well-founded and that he was not who he claimed to be.⁸⁶ A similar conclusion was reached in relation to a second client and witness of CLRV1,⁸⁷ in respect of whom irregularities were identified in birth-related documents.⁸⁸
67. In sum, all of CLRV1's clients who testified during the trial, and were thus subject to investigations, were found to not be who they purported to be.
68. Identification documents submitted by the Prosecution were also found to be false,⁸⁹ which appears to have led to their withdrawal of reliance on P-2475,⁹⁰ which was not unprecedented.⁹¹ Similarly, identification documents submitted

⁸² See above para. 15.

⁸³ The Defence made extensive submissions on those issues in its “Request for the Exclusion of Fabricated Evidence”, ICC-01/14-01/18-2240-Conf.

⁸⁴ Judgment, paras 509, 512.

⁸⁵ Judgment, para. 564.

⁸⁶ Judgment, paras 545, 565.

⁸⁷ Judgment, para. 579.

⁸⁸ Judgment, para. 582.

⁸⁹ Judgment, paras 509, 512.

⁹⁰ Judgment, para. 508.

⁹¹ The Prosecution withdrew witnesses P-2582 and P-2620 who remained participants victims and clients of CLRV1.

by CLRV1 were also found to be false, including documents presenting irregularities that had been obtained through CLRV1's own Counsel.⁹²

69. A rigorous vetting of the eligible victims is therefore required to ensure that Mr. Yekatom is not held liable to pay compensation to individuals who defrauded the Court.
70. Several witnesses in the present case described how assistance programs were susceptible to abuse in the CAR.⁹³ In this regard, a report from UNICEF explained how "fraud and falsification of birth certificates" is a persistent issue.⁹⁴ The Defence's scrutiny during the trial enabled the detection of such fraud in relation to Count 29. However this problem is systemic in nature and unfortunately not confined solely to individuals falsely claiming to be child soldiers.
71. In addition to the false claims, the issue of the accuracy of the information contained in the application forms also arises. As mentioned above, one CLRV2 lawyer assisted in the completion of victims application form of V45-0002, who is one of the two CLRV1 witnesses.⁹⁵ According to V45-0002, information collected in the application form was not read back to him⁹⁶ - prompting the Presiding Judge to mention that those forms should be read back to the applicants.⁹⁷ While V45-0002's testimony should be taken with caution, it nonetheless appears that there was no verification of his identity during the process⁹⁸ - nor afterwards such as by filing an amended application form - notwithstanding that the Chamber ultimately found that his real identity was in question.⁹⁹

⁹² ICC-01/14-01/18-2240-Conf, para. 26 ; ICC-01/14-01/18-2737-Conf-Corr, para. 68 ; Judgment, paras 546-547, 550, 552-556.

⁹³ P-0808: T-072-FRA ET, pp. 62-69 ; P-0801: T-037-CONF-ENG, pp. 25-26, lns 5-2 ; P-0952: T-252-FRA ET WT, [14 :12 :12] ; P-0876 : CAR-OTP-2046-0427-R01 at 0452.

⁹⁴ CAR-OTP-2008-1165 at 1166.

⁹⁵ CAR-V45-00000007, at page 3 ; V45-0002: T-247-CONF-FRA CT, pp.53-54, lns 25-3.

⁹⁶ V45-0002 : T-247-CONF-FRA CT, pp. 54-55, lns 27-2.

⁹⁷ V45-0002 : T-247-CONF-FRA CT, p. 56, lns 12-22.

⁹⁸ V45-0002 : T-247-CONF-FRA CT, pp. 57-58, lns 25-4.

⁹⁹ Judgment, para. 579.

72. In addition, Witness P-2084 admitted to the fabrication of a birth certificate to assist an NGO.¹⁰⁰ A Defence Witness, D29-6024, indicated how he signed, in his capacity as *chef de quartier*, identity certifications prepared by other individuals despite not having the means to verify the accuracy of the information.¹⁰¹ The certifications signed by this individual were subsequently used as identification documents in victim application forms,¹⁰² demonstrating that some victim applications in the present case were tainted by false identity documents.
73. The testimony of those witnesses shed light on the manner in which application forms were completed and collected. The process appears to have been collective in nature without proper verifications and without any clear separation between the activities of CLRV1 and CLRV2.¹⁰³ These apparent deficiencies were even acknowledged by CLRV2, who underlined that inconsistencies between a witness statement and a victim's application form can be "understandable in light of the circumstances in which the application forms were completed".¹⁰⁴
74. The consequence of the lack of diligence with which these victims' application forms were completed is evident: when scrutinized during the trial – following the Defence's thorough investigations – two out of two individuals who completed those forms were found to have misrepresented their identities.¹⁰⁵
75. Against this background and context, the Defence underscores the concrete risk that the reparations proceedings may also be affected by unreliable information or even be tainted by fraudulent activities. This risk is exacerbated by the absence of sanctions taken against individuals, associated to the work of the Court who contributed to those frauds.

¹⁰⁰ P-2084 : T-235-CONF-FRA CT, p. 92, lns 1-16 ; p. 100, lns 3-17.

¹⁰¹ D29-6024: CAR-D29-0009-0209, paras. 21-22, 25.

¹⁰² See the Defence litigation on this matter : ICC-01/14-01/18-1959-Conf. The Defence notes that those type of certification i.e. 'Déclaration relative à l'identité' filled and signed by a Chef de quartier/village is also used by the CLRV2; see e.g. 940-Conf-Anx8-Red.

¹⁰³ V45-0002: T-247-CONF-FRA CT, p. 58, lns 5-23 ; pp. 59-60, lns 28-4.

¹⁰⁴ ICC-01/14-01/18-2734-Red, para. 64.

¹⁰⁵ See above, para. 66. See also T-308-CONF-ENG, p. 94, ln. 22 to p. 95, ln. 6 ("seven out of seven witnesses").

76. One such person is [REDACTED] (P-2580).¹⁰⁶ He acted as an intermediary for the Prosecution,¹⁰⁷ VPRS¹⁰⁸ and OPCV.¹⁰⁹ The Defence detailed in its “Request for the Exclusion of Fabricated Evidence” how this individual engaged in a pattern of misconduct throughout the proceedings.¹¹⁰ The Chamber found that the challenges to the reliability and authenticity of documents collected by P-2580 were well founded.¹¹¹
77. On the Prosecution’s side, in November 2023, rather than initiating Article 70 investigation, the Prosecution [REDACTED].¹¹² [REDACTED].¹¹³ To this date, there is no indication that [REDACTED] was conducted on P-2580.
78. On the Registry’s side, the Defence wrote to the Registrar on 25 September 2024, in light of P-2580’s status as an intermediary of VPRS and OPCV, seeking clarification on the measures taken following the apparent violation of the Code of Conduct for Intermediaries and breach of the administrative instruction ICC/AI/2022/001.¹¹⁴ In response, the Registrar [REDACTED].¹¹⁵ The Defence subsequently wrote again to the Registrar on 12 March 2026 to clarify whether the Registry had taken any steps to prevent the reparations phase from being

¹⁰⁶ The Defence refers back to its lengthy and detailed submissions as regard to other intermediaries involved in the fabrication of evidence. See ICC-01/14-01/18-2240-Conf.

¹⁰⁷ CAR-OTP-2128-1203, at 1204.

¹⁰⁸ CAR-OTP-00001381.

¹⁰⁹ CAR-OTP-2135-4188-R02, para. 4.

¹¹⁰ ICC-01/14-01/18-2240-Conf.

¹¹¹ Judgment, para. 509.

¹¹² [REDACTED].

¹¹³ [REDACTED].

¹¹⁴ Letter to the Registrar ARY-2024-0311 sent on 25 September 2024.

¹¹⁵ Email from the Registrar to the Defence dated 15 October 2024 (available upon request).

impacted by similar misconduct by intermediaries.¹¹⁶ On 24 March 2026, the Registrar declined to answer any of the concerns, [REDACTED].¹¹⁷

79. It is regrettable that, despite several years of proceedings, no adequate measures appear to have been put in place to safeguard their integrity. This is particularly concerning in light of the fraud committed during the case, which had a clear impact not only on the rights of Mr. Yekatom but also on the work of the Court. In this context, those frauds further exacerbate the risks posed to the proper conduct and integrity of the reparations process.
80. The Defence emphasizes that these concerns are not speculative. During its first reparations-related mission in the CAR, while seeking information on the current situation of Muslim communities in the Lobaye, the Defence was unexpectedly informed that P-2580 [REDACTED]. [REDACTED]. As such, P-2580 – an individual found to have fabricated evidence and interfered with Defence witnesses, appears once again in a position to influence proceedings, this time in the context of the reparation phases.
81. The flexible approach adopted by the Registry with respect to identity documents at the early stage of the proceedings,¹¹⁸ and accepted by Pre-Trial Chamber II,¹¹⁹ demonstrated the shortcomings of that approach. At the

¹¹⁶ Letter to the Registrar ARY-2026-0328 dated 12 March 2026 requesting the following information: i) whether any internal investigation were conducted; ii) whether any re-examination of participating victim's forms or VPRS processes was considered in light of the conduct of the intermediaries; iii) whether any gaps in supervision, oversight, or application of the intermediary guidelines, including in relation to the supervisory role exercised by the Legal Representative of former child soldiers when these intermediaries were used ; iv) whether it assessed whether adequate operational separation existed between the legal representatives of victims of other crimes (CLRV2) and the legal representatives of former child soldiers (CLRV1) during field assistance with victim applications ; v) whether it reported these concerns to the relevant Chamber(s) or to any internal oversight, compliance, or disciplinary mechanisms of the Court ; vi) when the intermediaries' contracts ceased and, if applicable, what instructions or conditions were communicated upon termination; vii) whether the individuals remain involved, formally or informally, within affected communities during the reparations phase, whether any current participating victims remain in contact with them, and whether contact logs or comparable records exist ; vii) whether VPRS has been provided with any "lessons learned" guidance, revised protocols, or other measures to prevent recurrence of similar issues, particularly as intermediaries continue to be engaged for reparations mapping and submissions ; viii) whether any vetting or verification measures have been undertaken regarding information collected through these intermediaries, including cross-checking through other intermediaries or other independent means.

¹¹⁷ Email from the Registrar to the Defence dated 24 March 2026 (available upon request).

¹¹⁸ ICC-01/14-01/18-133-AnxI.

¹¹⁹ ICC-01/14-01/18-141, para. 25.

reparations stage, it is paramount to establish a verification process that entails a meticulous assessment of the identity of individuals claiming victim status. One possible solution would be that where an individual does not possess a valid official identification document,¹²⁰ their identity could be certified by a competent local authority (e.g. a *chef de quartier* or *chef de village*) from the individual's place of birth or residence. Such certification could be accompanied by official documentation attesting to the certifying authority's exact function in the locality and the legal source of their mandate. The Defence is willing to discuss such solutions in the ongoing discussions with the TFV and the Participants.

c. Any victims or groups of victims who may require prioritisation of eligible victims

82. At this stage, the Defence defers to the Chamber assessment as to whether any prioritisation is necessary.

d. Specification of the types and extent of the harm suffered by the victims of the crimes for which Mr. Yekatom and Mr Ngaïssona were convicted

83. The Defence recalls that the Chamber must clearly define the harm resulting from the crimes for which Mr. Yekatom was convicted, in order to ensure that reparations are not awarded for harm falling outside the scope of those crimes.¹²¹
84. Irrespective of the type of harm, it is required that the crimes for which Mr. Yekatom was convicted were the proximate cause of the harm for which reparations are sought.¹²² The burden is on the applicant to establish the causal link between the crime and the harm suffered.¹²³

¹²⁰ The Defence notes that today, in 2026, a much large number of the CAR population possesses a valid identification card; as opposed to 2019 when the Pre-Trial Chamber issued its Decision Establishing the Principles Applicable to Victims' Applications for Participation.

¹²¹ ICC-01/04-01/06-3129, para. 184 ; ICC-01/04-02/06-2659, paras 129-130 ; ICC-02/04-01/15-2074, para. 166.

¹²² ICC-01/04-01/06-3129-AnxA, para. 59.

¹²³ ICC-02/04-01/15-2074, para. 421; ICC-01/04-02/06-2659, para. 135.

85. The jurisprudence of this Court has established that: “[...] the proximate cause standard is a limitation placed by some courts on a person’s liability for the consequences of his or her actions. This means that the liability of the person who committed an act is limited to the causes that are closely connected to the result of that act and that are significant enough to justify a finding of liability”.¹²⁴ In assessing the harms alleged by victims, the Chamber must determine whether Mr. Yekatom, at the time of the commission of the crimes for which he was convicted, could reasonably have foreseen their occurrence.¹²⁵ Such an assessment is necessary to preserve Mr. Yekatom’s rights during the reparations phase, as it places “just and fair limits on the consequences of the crimes that can be attributed to the convicted person”.¹²⁶
86. Chambers of this Court have found that applying the proximate cause standard is “of particular importance when harm appears to have more than one cause”.¹²⁷
87. Accordingly, particular scrutiny is required in relation to charges where victims may have suffered harm arising from more than one cause. This is notably the case with respect to displacement-related harm. The Defence recalls the Chamber’s own findings acknowledging that multiple and overlapping factors contributed to population displacement in the relevant areas.¹²⁸ Such recognition necessarily limits the extent to which displacement can be attributed to Mr. Yekatom individually and must be carefully revisited during the reparations phase.

¹²⁴ ICC-01/04-01/07-3804-Red-tENG, para. 16.

¹²⁵ ICC-01/04-01/07-3804-Red-tENG, para. 17 : “[...] the chain of causation between an act and its result is broken when an event which the person who committed the initial act could not have reasonably foreseen occurs after the commission of the initial act and affects its result. In other words, if the person who committed the initial act could not have reasonably foreseen the event in question, the initial act cannot be considered to be the proximate cause of the harms suffered by the victim and, consequently, the person who committed the initial act cannot be held liable for the harm in question.”

¹²⁶ ICC-01/04-01/07-3804-Red-tENG, para. 17.

¹²⁷ ICC-01/04-01/07-3804-Red-tENG, para. 17.

¹²⁸ Judgment, paras 3443, 3976, 3988, 4315, 4326-4327.

88. As an example, the Chamber convicted Mr. Yekatom of the displacement and deportation of Muslim civilians from Mbaïki, a group which included individuals who were not originally located on the PK9–Mbaïki axis and had been previously dislocated to Mbaïki.¹²⁹ Mr. Yekatom cannot be held responsible for the initial displacement of those persons who were not originally on the PK9–Mbaïki axis. His conviction relates solely to their subsequent displacement from the town of Mbaïki where they had sought refuge. Consequently, harm resulting from the initial displacement is not attributable to Mr. Yekatom. His liability is limited to the harm arising from the displacement from Mbaïki.

e. Whether recourse to factual presumptions should be considered

89. As regards the presumption of victimhood, the Defence recalls previous jurisprudence of the Court which has limited recourse to factual presumptions on the basis that “in order to award potential beneficiaries victim status they need to be subject to some scrutiny for the purpose of ensuring they meet the standards for eligibility in reparations proceedings. To lower this threshold would go against this Court’s existing reparations framework and could result in undue prejudice to the convicted person.”¹³⁰

90. The Court further found that presumptions should not go beyond the scope of the conviction judgment.¹³¹ For example, the presumption in the *Ongwen* case that all abducted women are SGBC victims was rejected as “the Conviction Judgment did not explicitly find that all abducted women and girls were victims of SGBC”.¹³² The presumption of victimhood of all individuals included in lists of internally displaced persons (IDPs) was also rejected as “the automatic awarding of victim status to the individuals on certain lists could result in undue prejudice to the convicted person by requiring him to make reparations

¹²⁹ Judgment, paras 4317–4319.

¹³⁰ ICC-02/04-01/15-2074, para. 139.

¹³¹ ICC-02/04-01/15-2074, para. 161.

¹³² Ibid.

to individuals who have not established, on a balance of probabilities, to be victims of the crimes for which he was convicted”.¹³³ The same principle should apply in the present case with respect to the crimes of displacement and forcible transfer in the context of the Bangui attack.

91. The Chamber found that “a majority of Muslim persons” fled Boeing and Cattin¹³⁴ – which logically implies that not all Muslim residents were displaced or forcibly transferred. Similarly, with regard to the PK9-Mbaïki Axis, Mr. Yekatom was charged “for the dislocation of the majority of the Muslim population from their towns and villages”¹³⁵, with the Chamber finding that “a significant proportion of the Muslim civilian population along the axis fled to Mbaïki”,¹³⁶ which also means that not every member of said population fled.
92. In light of the above, the Defence submits that for Counts 4-5 and 24-25, no blanket presumption of victimhood should apply to all Muslims who resided in Boeing, Cattin or along the PK9-Mbaïki Axis during the relevant period. Similarly, no presumption should apply that outruns the findings in the conviction judgment; any presumption must be narrow, rebuttable, and applied only after core eligibility facts are verified. To be eligible for reparations, applicants should therefore be required to provide, at a minimum, evidence of their displacement, including during the relevant timeframe.
93. As for other crimes, the Defence refers to its submissions in section a) on the fact that when the identity of the victims was established in the Judgment, there is no need to apply a presumption of victimhood.

¹³³ ICC-02/04-01/15-2074, para. 158.

¹³⁴ Judgment, para. 3978 : “Accordingly, the Chamber finds that the requirement of forcible transfer is met in respect of the movement of a majority of Muslim persons fleeing Boeing and Cattin from 5 December 2013 onwards to PK5 and other parts of the CAR, in the context of the attack by Mr. Yekatom’s elements on 5 December 2013 on Boeing and Cattin. The Chamber finds that the requirement of deportation is met in respect of the movement of these Muslim persons, who further fled from PK5 to neighbouring countries.”

¹³⁵ Judgment, para. 4300.

¹³⁶ Judgment, para. 3443.

94. Regarding the presumption of harm, the Defence recalls the jurisprudence of this Court according to which Chambers should exercise caution when considering the adoption of a presumption of psychological harm for victims who have suffered material harm but not personally experienced the attack.¹³⁷

f. Types and modalities of reparations

95. The Defence defers to the Chamber's discretion with respect to the types and modalities of reparations it deems preferable in the present case at this stage. It is however submitted that irrespective of the types and modalities determined by the Chamber, a thorough verification of beneficiaries must be conducted to ensure that all of them qualify as direct or indirect victims of crimes for which Mr. Yekatom was convicted.
96. Should the Chamber decide to award collective reparations, Mr. Yekatom's liability can extend only to beneficiaries who have been formally recognized as victims in the present case. In all circumstances, the Chamber and the Defence should be able to verify that beneficiaries meet the criteria required to be recognized as victims.
97. Moreover, the Defence understands from its preliminary discussions with the Trust Fund for Victims that its current activities, as part of its assistance program in the CAR, follow an approach aimed at providing support to the community in general. Those activities are not confined to the parameters of the present case. As an example, the activity report of Q3-Q4 2022 indicates that 1279 beneficiaries received assistance under a programme dedicated to victims of sexual violence in the Lobaye,¹³⁸ as well as victims of rape in Bangui.¹³⁹ An

¹³⁷ ICC-01/04-02/06-2659, para. 142.

¹³⁸ Trust Fund for Victims – Central African Republic – [Updated Information Q3-Q4 2022](#), page 2 : “*Assistance for physical and psychological rehabilitation, and socio economic support to conflict related sexual violence in the province of Lobaye*, CAR. Pissa, Mbata, Kappou, Nzinga, Batalimo, Mbaiki, Mongoumba in the province of Lobaye”.

¹³⁹ Ibid, page 4 : “997 victims of armed conflict (228 male, 769 female) have benefited from the services including 744 survivors (626 female, 118 male) direct and indirect victims of rape and sexual violence”. The last document provided by the TFV also focuses on sexual violence : Trust Fund for Victims at the International Criminal Court:

update sent by the TFV to the Defence on its actions in CAR is titled “Redressing the impact of sexual violence constituting crimes against humanity and war crimes in Central African Republic”, with an overview of its action indicating that it is “primarily dedicated to victims of conflict-related sexual violence”.¹⁴⁰ Such activities fall outside of the case against Mr. Yekatom who was never charged with crimes of such nature.

98. The Defence does not in any way seek to dictate the activities that the TFV should or should not conduct in CAR. Rather, it emphasizes that in issuing a reparations order, the Chamber must adopt an approach that respects the rights of the accused.
99. In the present circumstances, the Chamber should clearly establish that Mr. Yekatom cannot be held liable, nor be required to reimburse the TFV, for any activities for which the beneficiaries are not victims of crimes for which he was convicted.

g. Estimates as to the costs to repair the harms suffered by the victims in light of the appropriate modalities for repairing them

100. The Defence defers to the Chamber’s discretion with respect to the total amount of money necessary for the reparations depending on the type of reparations to be ordered.
101. The Defence however submits that the Chamber should exercise this discretion with due regard to reasonableness when deciding on the amount to be allocated. In particular, when attributing compensation it is necessary to ensure that the amount is feasible in light of the availability of funds.¹⁴¹ Such an

Redressing the impact of sexual violence constituting crimes against humanity and war crimes in Central African Republic, November 2025.

¹⁴⁰ Document sent by the TFV to the Defence on 2 April 2026.

¹⁴¹ ICC-01/04-01/06-3129-AnxA, para. 37.

approach is paramount to ensure that victims receive prompt and effective reparations.¹⁴²

102. As will be further developed, Mr. Yekatom is indigent and has no personal financial capacity to pay himself the reparations. As a consequence, the implementation of any reparations order would necessarily fall to the TFV. However, a realistic assessment of the financial situation of the TFV shows that it does not currently receive sufficient contributions to fully finance the reparations of previous cases.
103. To date, only the *Katanga* case has concluded its reparation phase – Trial Chamber II issued its reparations order amounting to one million euros on 24 March 2017,¹⁴³ and declared the completion of the reparations proceedings on 30 January 2025.¹⁴⁴
104. Other cases have seen a steady increase in the amounts of reparations ordered. Trial Chamber VIII fixed on 17 August 2017 the reparations in the *Al Mahdi* case to 2.7 million euros.¹⁴⁵ In the *Lubanga* case Trial Chamber II set the amount for reparations at 10 million euros on 15 December 2017.¹⁴⁶ Subsequently, on 14 July 2023, Trial Chamber II fixed the amount of reparations in the *Ntaganda* case at more than 31.3 million dollars.¹⁴⁷ Finally, Trial Chamber IX set on 28 February 2024 the reparations order against Mr. Ongwen at more than 52.4 million euros.¹⁴⁸ Those reparations processes remain ongoing,¹⁴⁹ in two cases nearly a decade after the issuance of the original orders.

¹⁴² ICC-01/04-01/06-3129-AnxA, para. 44.

¹⁴³ ICC-01/04-01/07-3728, para. 264.

¹⁴⁴ ICC-01/04-01/17-3935.

¹⁴⁵ ICC-01/12-01/15-236, para. 134.

¹⁴⁶ ICC-01/04-01/06-3379-Red-Corr, para. 281.

¹⁴⁷ ICC-01/04-02/06-2858-Red, para. 358.

¹⁴⁸ ICC-02/04-01/15-2074, paras 795-796.

¹⁴⁹ See the latest [Financial statements of the Trust Fund for Victims for the year ended 31 December 2024](#), ICC-ASP/24/13, p. 31, Annex 1 for financial contributions to the Lubanga and Al Mahdi reparations during fiscal year 2024.

105. The financial statements of the TFV for the fiscal year 2024 (the latest available) indicate that roughly 1.8 million euros in 2023 were spent by the TFV on reparations awards, and approximately 3.2 million euros in 2024.¹⁵⁰
106. The Defence submits that it is preferable for the victims to be attributed a reasonable and realistic amount that will be disbursed within a foreseeable timeframe, rather than a higher amount that may take years – or even decades – before reaching the intended beneficiaries.
- h. Information as to whether the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted have received any form of compensation or reparations for the harm suffered as a result of these crimes**
107. The Defence is not in a position to make specific submissions on this point. It nevertheless notes that the TFV engaged in activities in the CAR. The latest public update (for Q3-Q4 2022) indicates that the TFV has been “supporting non-judicial reparations programmes since 1 August 2020”, including in the context of the CAR II situation against Mr. Yekatom.¹⁵¹ The TFV indicated that to this date, “a total of 8484 individuals survivors (2078 male and 6406 female) received direct services throughout the TFV assistance programme in Central African Republic”.¹⁵² Following discussions with the TFV, the Defence was provided with a report on sexual violence in the Central African Republic dated November 2025; mentioning that “over 14.860 victims” were provided assistance.¹⁵³ However, it is still awaiting updated information regarding other activities carried out after the last reporting period covering Q3–Q4 2022.
108. The Defence trusts that the TFV will assess whether any of the eligible victims of the case are the individuals whom it already assisted in CAR in order to

¹⁵⁰ See the latest [Financial statements of the Trust Fund for Victims for the year ended 31 December 2024](#), ICC-ASP/24/13, p. 24.

¹⁵¹ Trust Fund for Victims – Central African Republic – [Updated Information Q3-Q4 2022](#), page 1.

¹⁵² Ibid, page 6.

¹⁵³ Document sent by the TFV to the Defence on 2 April 2026.

ensure coherence and avoid duplication in the context of the decision of the Chamber to come. Concretely, the Chamber should request the TFV to set a tracking and verification system during the implementation of reparations in order to prevent individuals from receiving multiple benefits - whether under the assistance programme or pursuant to the reparations order - for the same harm suffered. The Defence remains willing to discuss an appropriate framework for such verification within the ongoing consultation process with the TFV.

i. Any considerations the Chamber should take into account when assessing liability for reparations of each of the convicted persons with respect to the crimes for which both Mr Yekatom and Mr Ngaïssona were convicted

109. With regards to Mr. Yekatom's liability, the Defence recalls that he remains indigent. Since his imprisonment, his financial situation has further deteriorated.
110. In light of this financial situation, Mr. Yekatom is unable to personally pay any reparations ordered by the Court. The TFV would be required to advance the funds in order to give effect to any future reparations order.¹⁵⁴
111. The Defence further underlines the novelty of the case, which concerns two accused jointly convicted of certain crimes. The Chamber will therefore have to assess the respective and/or joint liability of both Mr. Yekatom and Mr Ngaïssona in relation to the crimes for which they were convicted.
112. In the *Ongwen* case, Trial Chamber IX found that :

Regarding the shared liability of Mr Ongwen and his co-perpetrators relating to the crimes for which he was convicted, the Chamber notes that they are all jointly liable *in solidum* to repair the full extent of the harm caused to the victims. However, the Chamber underlines that this does not diminish Mr Ongwen's liability to repair *in full* the harm caused to all victims of the crimes for which he was convicted. To the contrary, Mr Ongwen and his coperpetrators are jointly and severally liable to repair in full the harm suffered by the overlapping victims and all remain liable to

¹⁵⁴ ICC-01/04-01/06-3129-AnxA, para. 62.

reimburse the funds that the TFV may eventually use to complement the reparation awards for their shared victims.¹⁵⁵

113. Should the Chamber adopt a similar approach, both Mr. Yekatom & Mr. Ngaïssona would be liable *in solidum* for the reparations arising from the crimes for which they were both convicted.¹⁵⁶
114. As this is the first case of the Court in which two accused have been convicted of the same crimes under different modes of liability, the Defence submits that it may be in the interests of justice for the Chamber to call expert evidence regarding the final repartition of financial liability between Messrs. Yekatom and Ngaïssona.

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

115. The Defence does not make submissions on this issue at this stage. Investigations, including a first mission in CAR, are ongoing. A second mission is planned after the other Parties and Participants submissions to allow the Defence to make further submissions in response to them and provide the Chamber with additional comprehensive and verified information.

CONFIDENTIALITY

116. The present Observations are filed on a confidential basis due to references to confidential information. A Public Redacted Version will be filed forthwith.

RELIEF SOUGHT

117. The Defence respectfully requests Trial Chamber V to take into account the above Observations when ruling on its Order on Reparations.

¹⁵⁵ ICC-02/04-01/15-2074, para. 667.

¹⁵⁶ That is Counts 1-6, Count 8, Counts 11-17, Counts 24-28.

RESPECTFULLY SUBMITTED ON THIS 17th DAY OF JUNE 2026



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

Dated 17 June 2026

At The Hague, the Netherlands