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No.: **ICC-01/14-01/18**

Date: **29 August 2019**

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

**Public redacted version of “Prosecution’s Observations on the Registry’s ‘Fifth
Assessment Report on Applications for Victims’ Participation in Pre-Trial
Proceedings’, ICC-01/14-01/18-281”, 29 August 2019**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) hereby provides its observations regarding the Registry’s Fifth Assessment Report on Applications for Victims’ Participation in Pre-Trial Proceedings (“Fifth Assessment Report”).¹

2. Of the eight victim applications listed by the Victims Participation and Reparations Section (“VPRS”) under Group C, seven should be allowed because the victimisation falls within the scope of the Prosecution’s case.² The remaining application should be allowed provisionally, pending further information relevant to the temporal scope.³

II. CONFIDENTIALITY

3. These observations are filed as *Confidential*, as they refer to the content of Registry filings of the same designation.⁴ A public redacted version is filed concurrently.

III. SUBMISSIONS

4. In its Fifth Assessment Report, VPRS seeks guidance from the Chamber on i) whether six victim applications conform to the territorial scope of the case (“Issue 1”); and ii) whether a further two victim applications conform to the temporal scope of the case (“Issue 2”).

¹ ICC-01/14-01/18-281.

² Victim applications a/65150/19, a/65152/19, a/65153/19, a/65167/19, a/65173/19, a/65433/19 and a/65241/19.

³ Victim application a/65987/19.

⁴ Annexes to ICC-01/14-01/18-280 and ICC-01/14-01/18-281.

Issue 1

5. As to Issue 1, all six victim applications fall within the temporal and geographic scope of the Prosecution's case.

6. Five of the applications⁵ describe victimisation that took place in or around villages along the PK9-MBAIKI axis specifically named in the Prosecution's Document Containing the Charges ("DCC"): Bimon, Pissa, Bossongo, Ndangala and Sekia.⁶

7. The remaining application describes victimisation [REDACTED].⁷ While this village is not explicitly named in the DCC, it also falls within the PK9 – MBAIKI axis. Further, that application identifies the relevant perpetrator group as "*des Antibalaka de Yekatom*" and the period (April 2014), which is within the temporal scope of the case (*i.e.*, September 2013 through December 2014).⁸

Issue 2

8. As to Issue 2, one victim application (a/65241/19) falls within the scope of the Prosecution's case, and the other (a/65987/19) requires more information before a full assessment can be made.

9. Victim application a/65241/19 relates to a child enlisted into YEKATOM's Group on [REDACTED]. This enlistment falls within the temporal scope of the Prosecution's case, as the DCC frames the charge of enlisting and using children as having occurred through "*at least August 2014.*"⁹

⁵ Victim applications a/65150/19, a/65152/19, a/65153/19, a/65167/19 and a/65433/19.

⁶ See ICC-01/14-01/18-282-Conf-AnxB1, para. 337.

⁷ Victim application a/65173/19.

⁸ See DCC, para.4 ("Relevant Period").

⁹ See DCC, p.229, Count 29 (Emphasis added).

10. Victim application a/65987/19 describes an instance of a child's participation in hostilities within YEKATOM's Anti-Balaka group in [REDACTED]. While this instance of participation falls outside the temporal scope of the Prosecution's case, it is unclear whether the child's enlistment falls within the Relevant Period. VPRS would need to provide more information for a full assessment to be made. Thus, the Chamber should not exclude the application at this stage.

IV. CONCLUSION

11. For the above reasons, the Chamber should allow all eight Group C victim applications, with application a/65987/19 being allowed on a provisional basis subject to further information.



Fatou Bensouda, Prosecutor

Dated this 29th day of August 2019
At The Hague, The Netherlands