

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 March 2021

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

With 78 Confidential *EX PARTE* Annexes only available to the Registry

**Fifth Registry Transmission of Group A Applications for Victims' Participation in
Trial Proceedings**

Source: Registry

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for Alfred Yekatom

Mylène Dimitri

Thomas Hannis

Counsel for Patrice-Edouard Ngaïssona

Geert-Jan Alexander Knoops

Mr Richard Omissé-Namkeamaï

Legal Representatives of the Victims

Abdou Dangabo Moussa

Elisabeth Rabesandratana

Yaré Fall

Marie-Edith Douzima-Lawson

Paolina Massidda

Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of the Public Counsel for
Victims**

**The Office of the Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Philipp Ambach

I. Introduction

1. On 19 March 2020, Trial Chamber V ("Chamber") issued its "Order Scheduling First Status Conference" ("Scheduling Order") in which it endorsed the victim application procedure previously adopted by Pre-Trial Chamber II ("PTC").¹ During the pre-trial stage, the latter had instructed the Registry in its "Decision establishing the principles applicable to victims' applications for participation" of 5 March 2019 ("Decision")² to *inter alia* "classif[y] the applicants into three categories: (a) applicants who clearly qualify as victims ("Group A"); (b) applicants who clearly do not qualify as victims ("Group B"); and (c) applicants for whom the Registry could not make a clear determination for any reason ("Group C")."³
2. Additionally, the PTC ordered the Registry to transmit "to the Chamber on a rolling basis and in unredacted form all complete applications and any supporting documentation in its possession",⁴ and to disclose "to the Prosecution and the Defence all Group C applications, redacted as needed."⁵

II. Procedural History

3. On 5 March 2019, the PTC issued the Decision, setting out *inter alia* the admission procedure for victims' participation in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* ("Case").⁶
4. On 21 June 2019, the PTC authorised 15 victims to participate at the confirmation hearing in the Case.⁷

¹ Trial Chamber V, "Order Scheduling First Status Conference", 19 March 2020, ICC-01/14-01/18-459, para. 8 (iv).

² Pre-Trial Chamber II, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 5 March 2019, ICC-01/14-01/18-141.

³ *Ibid.*, para. 41(i).

⁴ *Ibid.*, para. 41(ii).

⁵ *Ibid.*, para. 41(iv).

⁶ See *supra*, footnote 2.

⁷ Pre Trial Chamber II, "Decision regarding the Registry's First Assessment Report on Applications for Victim Participation, the Registry's First Transmission of Group C Applications, the appointment of

5. On 13 September 2019, the PTC authorised an additional 1,070 victims to participate in the proceedings.⁸
6. On 11 December 2019, the PTC issued a decision partially confirming the charges against the accused (“Decision on the Confirmation of Charges”).⁹
7. On 19 March 2020, the Chamber issued its Scheduling Order, in which it *inter alia*: i) endorsed the victim application procedure set out in the Decision;¹⁰ and ii) requested the Registry to provide an update and forecast on (additional) applications by victims to participate in the proceedings.¹¹
8. On 22 May 2020, the Registry provided its Update on Victim Participation.¹²
9. On 16 July 2020, the Chamber set the start of the trial on 9 February 2021 and the “end of the Prosecution’s presentation of evidence as the deadline for the transmission of victim applications by the Registry”.¹³ The start of the trial was later postponed to 16 February 2021.¹⁴
10. On 17 July 2020, the Registry, by way of an email, sought the Chamber’s guidance on issues encountered during its assessment of victim applications.¹⁵
11. On 30 July 2020, the Chamber directed the Registry to seek its guidance on the record for a number of the issues raised.¹⁶

counsel for Victims of Other Crimes, and the victims’ procedural position”, 21 June 2019, ICC-01/14-01/18-227-Conf. A public redacted version was filed on the same day (ICC-01/14-01/18-227-Red).

⁸ Pre Trial Chamber II, “Decision regarding the Registry’s Outstanding Transmissions of Applications for Victim Participation”, 13 September 2019, ICC-01/14-01/18-338.

⁹ Pre Trial Chamber II, “Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona”, 11 December 2019, ICC-01/14-01/18-403-Conf. A public redacted version was filed on 20 December 2019. A corrected public redacted version was filed on 14 May 2020 (ICC-01/14-01/18-403-Red-Corr).

¹⁰ Scheduling Order, para. 8 (iv).

¹¹ *Ibid.*, para. 3 (I).

¹² Registry, “Update on Victim Applications for Participation”, 8 April 2020, ICC-01/14-01/18-470-Conf-Exp-AnxIII. A confidential redacted version was filed on the same day (ICC-01/14-01/18-470-Conf-AnxIII-Red. A public redacted version was filed on 22 May 2020 (ICC-01/14-01/18-470-AnxIII-Red2).

¹³ Trial Chamber V, “Decision Setting the Commencement Date of the Trial”, 16 July 2020, ICC-01/14-01/18-589.

¹⁴ Trial Chamber V, “Order Rescheduling the Commencement Date of the Trial”, 8 February 2021, CC-01/14-01/18-875.

¹⁵ Email from Registry to Trial Chamber V on 17 July 2020 at 13:41.

12. On 19 October 2020, the Victims Participation and Reparations Section (“VPRS”) transmitted 15 applications categorised in Group C¹⁷ and submitted a report thereon.¹⁸
13. On 23 November 2020, the Chamber issued a decision on the merits of those applications.¹⁹
14. Between 30 November 2020 and 1 March 2021, the VPRS transmitted 394 applications categorised in Group A²⁰ together with reports thereon.²¹
15. Between 11 December 2020 and 29 January 2021, the Chamber issued three decisions on the merits of those applications.²²

III. Classification

16. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry, in accordance with the Decision.²³

¹⁶ Email from Trial Chamber V to Registry on 30 July 2020 at 17:29.

¹⁷ Registry, “Registry’s First Transmission of Group C Applications for Victims’ Participation in Trial Proceedings”, 19 October 2020, ICC-01/14-01/18-687.

¹⁸ Registry, “Registry’s First Assessment Report on Applications for Victims’ Participation in Trial Proceedings”, 19 October 2020, ICC-01/14-01/18-688.

¹⁹ Trial Chamber V, “Decision on Victims’ Participation in Trial Proceedings”, 23 November 2020, ICC-01/14-01/18-738.

²⁰ See Registry, “Registry’s First Transmission of Group A Applications for Victims’ Participation in Trial Proceedings”, 30 November 2020, ICC-01/14-01/18-746; “Registry’s Second Transmission of Group A Applications for Victims’ Participation in Trial Proceedings”, dated 16 December 2020 and notified on 17 December 2020, ICC-01/14-01/18-778; “Registry’s Third Transmission of Group A Applications for Victims’ Participation in Trial Proceedings”, dated 21 January 2021 and notified on 22 January 2021, ICC-01/14-01/18-847; and “Registry’s Fourth Transmission of Group A Applications for Victims’ Participation in Trial Proceedings”, 1 March 2021, ICC-01/14-01/18-896.

²¹ See Registry, “Registry’s Second Assessment Report on Applications for Victims’ Participation in Trial Proceedings”, 30 November 2020, ICC-01/14-01/18-747; “Registry’s Third Assessment Report on Applications for Victims’ Participation in Trial Proceedings”, dated 16 December 2020 and notified on 17 December 2020, ICC-01/14-01/18-777; “Registry’s Fourth Assessment Report on Applications for Victims’ Participation in Trial Proceedings”, dated 21 January 2021 and notified on 22 January 2021, ICC-01/14-01/18-846; and “Registry’s Fifth Assessment Report on Applications for Victims’ Participation in Trial Proceedings”, 1 March 2021, ICC-01/14-01/18-895.

²² Trial Chamber V, “Second Decision on Victims’ Participation in Trial Proceedings (Group A)”, 11 December 2020, ICC-01/14-01/18-765; “Third Decision on Victims’ Participation in Trial Proceedings (Group A)”, 29 December 2020, ICC-01/14-01/18-798; and “Fourth Decision on Victims’ Participation in Trial Proceedings (Group A)”, 29 January 2021, ICC-01/14-01/18-858.

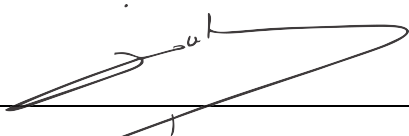
²³ Decision, para. 41(ii).

IV. Applicable Law

17. The present transmission is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

V. Transmission

18. The Registry hereby transmits 78 complete applications assessed as falling under Group A to the Chamber in unredacted form, in accordance with paragraph 41(ii) of the Decision.

A handwritten signature in dark ink, appearing to read 'Dubuisson', is written over a horizontal line.

Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 26 March 2021

At The Hague, The Netherlands