

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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Date: 30 April 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
NGAISSONA**

Public

With 93 Confidential *EX PARTE* Annexes only available to the Registry

**Second Registry Transmission of Group B 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:

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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. Between 19 October 2020 and 31 March 2021, the Registry transmitted 40 applications categorised in Group C,¹⁷ 472 applications categorised in Group A¹⁸ and 250 applications in Group B¹⁹ together with reports thereon.²⁰
13. Between 23 November 2020 and 1 April 2021, the Chamber issued five decisions on the merits of those applications.²¹

III. Classification

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

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

¹⁷ See Registry, "First Registry Transmission of Group C Applications for Victims' Participation in Trial Proceedings", 19 October 2020, ICC-01/14-01/18-687; and "Second Registry Transmission of Group C Applications for Victims' Participation in Trial Proceedings", 31 March 2021, ICC-01/14-01/18-940.

¹⁸ 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; "Registry's Fourth Transmission of Group A Applications for Victims' Participation in Trial Proceedings", 1 March 2021, ICC-01/14-01/18-896 and "Fifth Registry Transmission of Group A Applications for Victims' Participation in Trial Proceedings", dated 26 March 2021 and notified on 29 March 2021, ICC-01/14-01/18-935.

¹⁹ Registry, "First Registry Transmission of Group B Applications for Victims' Participation in Trial Proceedings", 29 March 2021, ICC-01/14-01/18-936.

²⁰ See Registry, "First Registry Assessment Report on Applications for Victims' Participation in Trial Proceedings", 19 October 2020, ICC-01/14-01/18-688; "Second Registry Assessment Report on Applications for Victims' Participation in Trial Proceedings", 30 November 2020, ICC-01/14-01/18-747; "Third Registry 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; "Fourth Registry 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; "Fifth Registry Assessment Report on Applications for Victims' Participation in Trial Proceedings", 1 March 2021, ICC-01/14-01/18-895; "Sixth Registry Assessment Report on Applications for Victims' Participation in Trial Proceedings", dated 26 March 2021 and notified on 29 March 2021, ICC-01/14-01/18-934; and "Seventh Registry Assessment Report on Applications for Victims' Participation in Trial Proceedings", 31 March 2021, ICC-01/14-01/18-939.

²¹ Trial Chamber V, "Decision on Victims' Participation in Trial Proceedings", 23 November 2020, ICC-01/14-01/18-738; "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; "Fourth Decision on Victims' Participation in Trial Proceedings (Group A)", 29 January 2021, ICC-01/14-01/18-858; and "Fifth Decision on Victims' Participation in Trial Proceedings (Group A)", 1 April 2021, ICC-01/14-01/18-943.

IV. Applicable Law

15. 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

16. The Registry hereby transmits 93 complete applications assessed as falling under Group B to the Chamber in unredacted form, in accordance with paragraph 41(ii) of the Decision.

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Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 30 April 2021

At The Hague, The Netherlands