

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21
Date: 27 September 2021

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Public

**With 17 Confidential *EX PARTE* Annexes only available to the Registry and
OPCV Counsel**

**Registry's Second Transmission of Group A and First Transmission of Group B
Victim Applications for Participation in Pre-Trial Proceedings**

Source: The Registrar

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr James Stewart
Mr Eric MacDonald

Counsel for the Defence

Ms Jennifer Naouri
Mr Dov Jacobs

Legal Representatives of the Victims

Legal Representatives of the Applicants

Ms Claudine Bagaza-Dini
Mr Celestin Nzala
Ms Isabelle Kessel

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Sarah Pellet

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. On 16 April 2021, Pre-Trial Chamber II ("Chamber") issued its "Decision Establishing the Principles Applicable to Victims' Applications for Participation" ("Decision")¹ in which it *inter alia* adopted, *mutatis mutandis*, the victim application procedure implemented in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* ("Victim Application Procedure").² In compliance with this procedure, the Victims Participation and Reparations section of the Registry ("VPRS") shall, *inter alia*, classify 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 Registry must "transmit to the Chamber on a rolling basis and in unredacted form all complete applications and any supporting documentation in its possession",⁴ and "disclose to the Prosecution and the Defence all Group C applications, redacted as needed."⁵

II. Procedural History

3. On 7 January 2019, the Chamber issued the warrant of arrest against Mahamat Said Abdel Kani ("Arrest Warrant").⁶

¹ Pre-Trial Chamber II, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 16 April 2021, ICC-01/14-01/21-56.

² *Ibid.*, para. 35, referring to Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 5 March 2019, ICC-01/14-01/18-141 ("5 March 2019 Decision").

³ 5 March 2019 Decision, para. 41(i).

⁴ *Ibid.*, para. 41(ii).

⁵ *Ibid.*, para. 41(iv).

⁶ Pre-Trial Chamber II, "Warrant of Arrest for Mahamat Said Abdel Kani, 7 January 2019, ICC-01/14-01/21-2-US-Exp". A public redacted version was filed on 17 February 2021 (ICC-01/14-01/21-2-Red2).

4. On 26 February 2021, the Registry submitted observations and recommendations on aspects related to the admission process for victims seeking to participate in the proceedings in the Case.⁷
5. On 16 April 2021, the Single Judge issued the Decision, adopting the Victim Application Procedure.⁸
6. On 30 June 2021, the Chamber decided to postpone the commencement of the confirmation of charges hearing in the Case until 12 October 2021.⁹
7. On 9 July 2021, the Single Judge issued a decision on legal representation of victims and related matters, *inter alia*: i) ordering the Registry to transmit the full victim application forms, including the page(s) which contain(s) information on the person/organisation assisting the applicant to fill in the form, to the Chamber as part of the Victim Application Procedure; and ii) assigning the Office of Public Counsel for Victims (“OPCV”) to represent the collective interests of applicants on a temporary and provisional basis.¹⁰
8. On 16 August 2021, the Prosecution notified its Document Containing the Charges (“DCC”).¹¹
9. On 27 August 2021, the Registry transmitted 13 applications categorised in Group A¹² alongside a report thereon.¹³
10. On 30 August 2021, the Prosecution filed its Pre-Confirmation Brief (“PCB”).¹⁴

⁷ Registry, “Registry Submissions on Aspects Related to the Participation of Victims in the Proceedings”, 26 February 2021, ICC-01/14-01/21-25.

⁸ See *supra*, footnote 1.

⁹ Pre-Trial Chamber II, “Second order on disclosure and postponement of the confirmation hearing”, 30 June 2021, ICC-01/14-01/21-112

¹⁰ Pre-Trial Chamber II, “Decision on legal representation of victims and related matters”, 9 July 2021, ICC-01/14-01/21-119, paras 30, 35 and p. 12.

¹¹ Prosecution, “Document Containing the Charges”, 16 August 2021, ICC-01/14-01/21-144-Conf. A public redacted version was filed on 17 September 2021 (ICC-01/14-01/21-144-Red).

¹² Registry, “First Registry Transmission of Group A Applications for Victim Participation in Participation in Pre-Trial Proceedings”, 27 August 2021, ICC-01/14-01/21-151.

¹³ Registry, “First Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, 27 August 2021, ICC-01/14-01/21-152.

¹⁴ Prosecution, “Pre-Confirmation Brief”, 30 August 2021, ICC-01/14-01/21-155-Conf. A public redacted version was filed on 21 September 2021 (ICC-01/14-01/21-155-Red).

11. On 9 September 2021, the Single Judge granted OPCV Counsel Ms Sarah Pellet (“OPCV Counsel”) access to all victim applications that would fall within her mandate of representation.¹⁵
12. On 13 September 2021, the Registry transmitted 15 applications categorised in Group C (“First transmission of Group C Applications”)¹⁶ alongside a report thereon (“Second Assessment Report”).¹⁷

III. Classification

13. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry and OPCV Counsel in accordance with the Chamber’s instruction.¹⁸

IV. Applicable Law

14. 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 RoC, and regulations 107 to 109 of the Regulations of the Registry.

¹⁵ Email from Pre-Trial Chamber II to Registry, 9 September 2021, at 15:27.

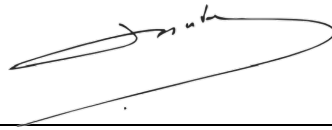
¹⁶ Registry, “First Registry Transmission of Group C Applications for Victims’ Participation in Pre-Trial Proceedings”, 13 September 2021, ICC-01/14-01/21-167-Conf. A public redacted version was filed on 20 September 2021 (ICC-01/14-01/21-167-Red).

¹⁷ Registry, “Second Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, 13 September 2021, ICC-01/14-01/21-168-Conf. A public redacted version was filed on 20 September 2021 (ICC-01/14-01/21-168-Red).

¹⁸ See *supra*, para. 11 and 5 March 2019 Decision, para.41, (ii).

V. Submissions

15. The Registry hereby transmits to the Chamber a further 11 complete applications assessed as falling under Group A and 5 applications assessed as falling under Group B, in accordance with the Victim Application Procedure.¹⁹



Marc Dubuisson, Director, Division of Judicial Services,
on behalf of
Peter Lewis, Registrar

Dated this 27 September 2021

At The Hague, the Netherlands

¹⁹ See 5 March 2019 Decision, para.41(ii). The Registry notes that the total number of applications filed under Group A is now 25, the total number of applications filed as Group B is 5 and the total number of applications filed under Group C remains 15.