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**International
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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 Confidential *EX PARTE* Annex available only to the Registry and the
Common Legal Representatives of Victims**

**Public redacted version of “Fourth Periodic Report on the Victims Admitted to
Participate in the Proceedings”, 11 April 2022, ICC-01/14-01/18-1356-Conf-Exp**

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 11 December 2020, Trial Chamber V ("Chamber") issued its "Second Decision on Victims' Participation in Trial Proceedings (Group A)" ("Decision") in which it directed the Registry to report every four months on: (i) the number of participating victims; (ii) the number of victims represented by each team of Common Legal Representatives of Victims ("CLRVs");¹ (iii) the recent activities of the CLRVs in their respective victims' communities; and (iv) any views and/or concerns expressed by the participating victims to the CLRVs, including regarding the victims' ability to follow the proceedings from their respective communities.²
2. In accordance with the Decision, the Registry's Victims Participation and Reparations Section ("VPRS") has liaised with the CLRVs to collect the above mentioned information.³ The latter provided the VPRS with detailed information relating to their activities with participating victims during the reporting period (from 14 December 2021 to 10 April 2022) as well as information on victims' views and concerns.⁴
3. The Registry hereby transmits its fourth periodic report with the requested information. It further appends information pertaining to the safety and security of victims during the reporting period ("Annex"),⁵ to provide the Chamber with a comprehensive overview of the challenges participating victims and intermediaries may be facing on the ground in the present case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* ("Case").

¹ The two CLRVs teams are: i) the common legal representative of the victims of the crime of enlistment of children under the age of 15 years and their use to participate actively in hostilities ("CLRV1") and ii) the common legal representatives of the victims of the other crimes listed in the decision confirming partially the charges in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard. Ngaïssona* ("CLRV2").

² Trial Chamber V, "Second Decision on Victims' Participation in Trial Proceedings (Group A)", 11 December 2020, ICC-01/14-01/18-765, para. 9.

³ Email from VPRS to both CLRVs teams, 23 March 2022 at 13:44.

⁴ Email from CLRV1 to VPRS, 1 April 2022 at 16:05; email from CLRV2 to VPRS, 1 April 2022 at 09:22.

⁵ This information is provided by the Registry's Country Analysis Unit and Victims and Witnesses Section.

II. Procedural History

4. On 5 March 2019, Pre-Trial Chamber II set out the admission procedure for victims' participation in the Case ("PTC" and "5 March 2019 Decision").⁶
5. On 21 June 2019, the PTC authorised 15 victims to participate at the confirmation hearing in the Case,⁷ and on 13 September 2019 an additional 1,070 victims.⁸
6. On 11 December 2019, the PTC issued a decision partially confirming the charges against the accused ("Confirmation Decision").⁹
7. On 19 March 2020, the Chamber issued its "Order Scheduling First Status Conference" ("Scheduling Order"), in which it *inter alia*: i) endorsed the victim application procedure set out in the 5 March 2019 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 in the Case ("Update").¹²
9. On 16 July 2020, the Chamber set the "end of the Prosecution's presentation of evidence as the deadline for the transmission of victim applications by the Registry" ("16 July 2020 Decision").¹³

⁶ Pre-Trial Chamber II, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 5 March 2019, ICC-01/14-01/18-141.

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

10. On 11 November 2020, the Chamber issued the Decision.

11. On 12 April 2021, 11 August 2021 and 13 December 2021 respectively, the Registry submitted its first¹⁴, second¹⁵ and third¹⁶ periodic reports on victims admitted to participate in the proceedings.

III. Applicable Law

12. This submission is made pursuant to articles 68(1) and (3) of the Rome Statute, rule 16 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court (“RoC”) and in compliance with the Decision.

IV. Classification

13. In accordance with regulation 23bis(1) of the RoC, the present report and its annex are submitted as confidential *ex parte*, available only to the Registry and both CLRVs, since they contain sensitive information that relates to the safety and physical well-being of victims, and to the work of Counsel in the field. A public redacted version of the report is filed simultaneously.

V. Submissions

A. Number of Participating Victims

14. To date, the Registry has received a total of 2702 applications for participation in the proceedings in relation to the Case.

15. Out of these, the Registry transmitted to date 2056 applications - including 1265 Group A applications, as well as 751 Group B and 40 Group C

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

¹⁴ Registry, “First Periodic Report on the Victims Admitted to Participate in the Proceedings”, 12 April 2021, ICC-01/14-01/18-952.

¹⁵ Registry, “Second Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 August 2021, ICC-01/14-01/18-1085.

¹⁶ Registry, “Third Periodic Report on the Victims Admitted to Participate in the Proceedings”, 13 December 2021, ICC-01/14-01/18-1209.

applications - to the Chamber, which has so far granted victim status to 1126 applicants at the trial stage.¹⁷

16. The Registry recalls that 1,085 victims were accepted to participate ahead of the confirmation of charges hearing at the pre-trial stage.¹⁸ In accordance with the Confirmation Decision, the VPRS has been reviewing these victim applications against the revised scope of the Case. The Registry has assessed until now:

- approximately 735 of these applications as potentially adversely affected by the revised scope of the Case;¹⁹ out of these, 651 applications were transmitted to the Chamber as Group B applications - upon confirmation from the respective CLRVs that no additional clarification/information could be obtained from the victims;
- 299 of these applications as Group A applications which were subsequently admitted for participation at trial stage;

¹⁷ See 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; "Fifth Decision on Victims' Participation in Trial Proceedings (Group A)", 1 April 2021, ICC-01/14-01/18-943; "Sixth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 4 May 2021, ICC-01/14-01/18-980; "Seventh Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 1 June 2021, ICC-01/14-01/18-1009; "Eighth Decision on Victims' Participation in Trial Proceedings (Group A)", 16 June 2021, ICC-01/14-01/18-1028, "Ninth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 27 July 2021, ICC-01/14-01/18-1075, "Tenth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 24 August 2021, ICC-01/14-01/18-1092; "Eleventh Decision on Victims' Participation in Trial Proceedings (Group C)", 8 September 2021, ICC-01/14-01/18-1104; "Twelfth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 29 October 2021, ICC-01/14-01/18-1153; "Thirteenth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 19 November 2021, ICC-01/14-01/18-1180 and "Fourteenth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 9 February 2022, ICC-01/14-01/18-1274.

¹⁸ See *supra*, para. 5.

¹⁹ As explained in its Update, the VPRS provided on 27 February 2020 the CLRVs with a preliminary list of approximately 570 individuals. It latter informed the CLRVs that further 130 might fall outside the scope of the Case following the 23 November 2020 Decision (Emails from VPRS to Mr Dangabo, Ms Rabesandratana, Mr Fall and Ms Douzima, 4 February 2021 at 12:07 and to Ms Massidda, 4 February 2021 at 12:07).

- approximately 60 of these applications as incomplete.²⁰

17. The Registry is carrying on its preliminary assessment and will continue to transmit periodically to the Chamber applications for participation in compliance with the deadline set by the Chamber in its 16 July 2020 Decision.²¹

B. Number of victims represented by each team of CLRVs

18. For the purpose of the current update, the Registry only presents hereafter the number of victims accepted thus far by the Chamber that are represented by the CLRVs, following the Registry's review of applications against the revised scope of the charges. However, it notes that the CLRVs represent a residual amount of additional victims whose status at the trial stage is still being assessed (and subject to future reporting).²²

- ***Former Child Soldiers***

19. A total of 161 victims of the crime of enlistment of children under the age of 15 years and their use to participate actively in hostilities ("Former Child Soldiers") have been admitted so far as participating victims at the trial stage.²³

20. The table below provides details on the gender of these victims as well as their approximate age at the time of the alleged crimes.

²⁰ While some of these applications were assessed as complete at pre-trial stage, they became incomplete in light of the revised scope of the Case (e.g. they require more details in relation to the dates or to the geographical locations of the alleged crimes).

²¹ See *supra*, footnote 12.

²² The Registry's review of applications formerly accepted at pre-trial stage is still ongoing. As such, the Registry considers that the mandate of the CLRVs in relation to victims accepted at pre-trial continues until their status has been determined by the Chamber and the CLRVs have informed the applicants accordingly.

²³ This includes 83 of the 88 Former Child Soldiers previously admitted to participate at pre-trial stage.

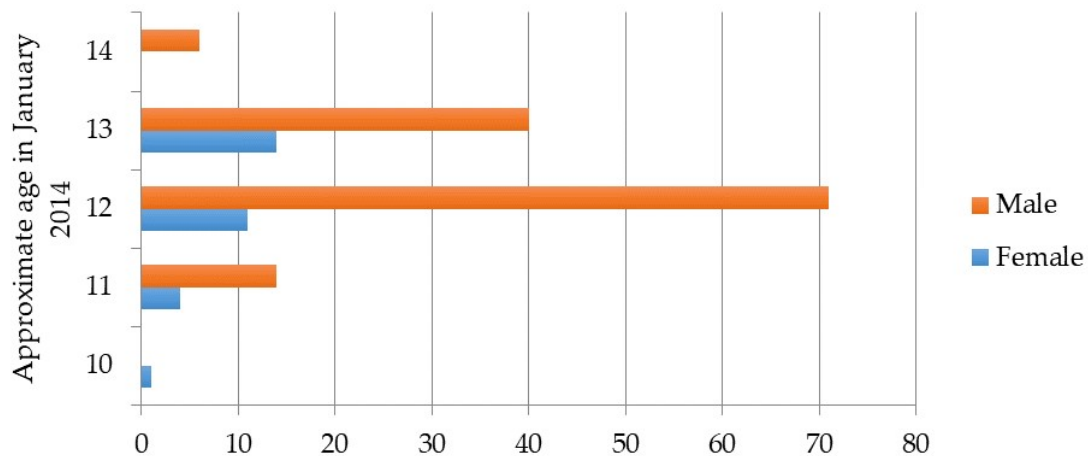


Figure 1

- *Victims of the Other Crimes*

21. 965 victims of the other crimes listed in the Confirmation Decision (the “Victims of Other Crimes”) have been admitted as participants at trial stage.²⁴

22. Of these 965 victims:

- 532 victims allege that they suffered from crimes charged in the context of the Anti-Balaka attack in Bangui on 5 December 2013 (“5 December 2013 Attack”);
- 196 victims report that they suffered from crimes charged in the context of the Anti-Balaka attack on Bossangoa on 5 December 2013 and in the days/weeks following this attack (“Bossangoa events”);
- 237 victims report that they suffered from crimes charged in the context of the Anti-Balaka’s advance through and takeover of villages along the PK9-Mbaïki axis (“PK9-Mbaïki events”).²⁵

²⁴ 997 Victims of the Other Crimes listed in the Prosecutor’s Document Containing the Charges (ICC-01-14/01-18-282-Conf-AnxB1) were admitted to participate at the pre-trial stage.

²⁵ The Registry notes that few victims report that they suffer from crimes charged in the context of more than one event.

23. The following chart provides an overview of the Victims of the Other Crimes including their gender, age category and the events during which they suffered harm.

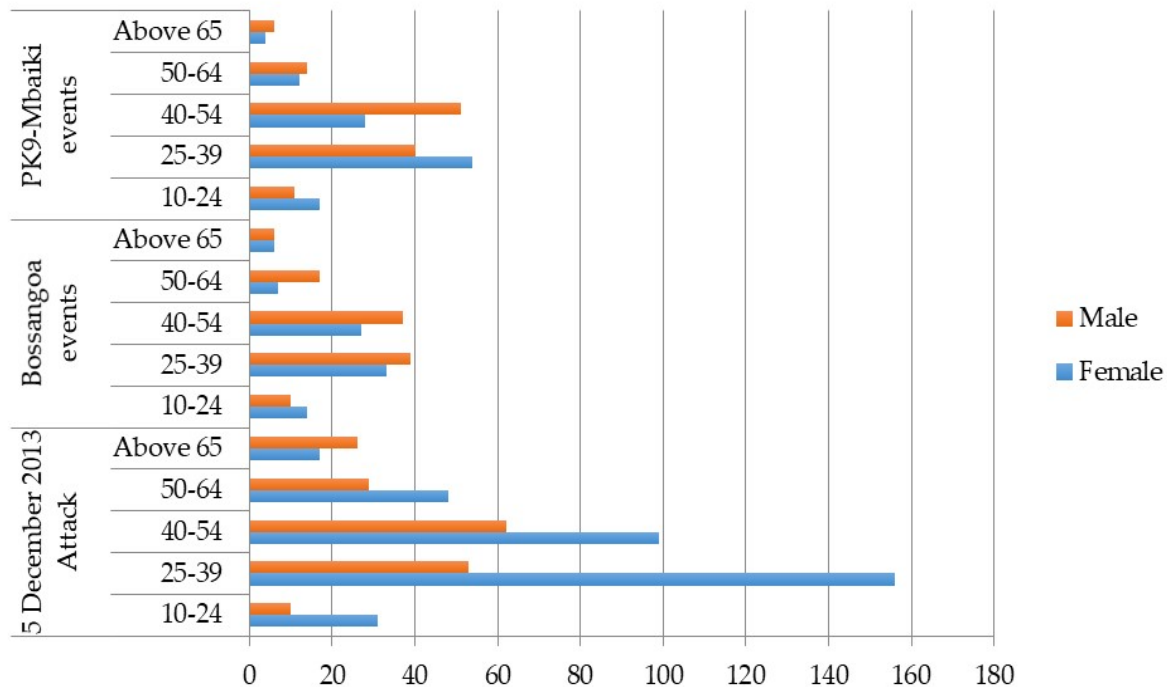


Figure 2

C. CLRVs' Activities and Victims' Views

24. In accordance with paragraph 9 of the Decision, the CLRV1 and the CLRV2 team have provided the Registry with :

- information relating to their recent teams' activities amongst the victims' communities, and
- the views and/or concerns expressed by the participating victims to the CLRVs, including the victims' ability to follow the proceedings from their respective communities.

25. The Registry further notes that the CLRV2 team reports on having completed additional application forms for victims who wish to participate in the

proceedings. While not part of the regular reporting, the CLRV2 team wished to mention this activity since it relates to victims who approached Counsel or known to Counsel.²⁶

26. The following tables present the information reported to the Registry by the two CLRVs.

- **Former Child Soldiers**

Information provided by CLRV1
On the form and content of interactions with victims
The CLRV1 reported that considering the security situation in the region along with the travel restrictions due to the COVID-19 pandemic, interactions with the victims were mainly held by telephone, in groups gathered in the respective communities and individually. He further explained that an average of 20 victims attended each group meetings, which were held on a weekly basis and lasted on average one and a half hours (sometimes longer because of very unstable telephone network), the victims were first informed of the developments in the proceedings, and then had the opportunity to ask questions, express their views and concerns, as well as their expectations in terms of the justice and assistance they need. The CLRV1 also indicated that other interactions were held on a daily individual basis in relation to a specific topic which could be related to health, security or socio-economic reintegration issues.
On the security situation in the respective communities
The CLRV1 stated that, during the reporting period, the security situation in the in the localities where most former child soldiers live slightly improved. He further explained that many former Anti Balaka and current <i>Coalition des Patriotes pour le Changement</i> ("CPC") rebels elements were due to leave the region, or to retreat, thanks to an enhanced presence of the national security forces operating through regular patrols. The CLR1 reports that the general climate in the respective communities also improved in terms of attitude with respect to former child soldiers. As a result, no single incident of stigmatisation was reported by the victims during the reporting period and several former child soldiers were allowed to start or resume their rural or craft activities.

²⁶ Email from VPRS to CLRV2 on 6 April 2022 at 15:25 and Email from Ms Massidda to VPRS on 6 April 2022, February 2021 at 16:10. It is noted that the interaction with victim applicants and active collection of new application forms falls within the mandate of the Registry and is not a task of the Common Legal Representatives of Victims. This said, they may receive applications due to their representation role in on-going cases. Forms are then forwarded to the Registry for assessment and processing.

On the views and concerns of victims

The CLRV1 reported that many former child soldiers continued reporting physical and psychological health issues, as well as difficulties with finding ways to engage in income-generating activities. He further explained that while a number of the victims could benefit from some assistance as part of the TFV's assistance programmes in the CAR, this assistance was mainly aimed at providing basic medical care, and the vast majority of the victims could not yet benefit from any support. The CLRV1 flagged that the vast majority of the victims could not yet benefit from any support. In this regard, he further added that the former child soldiers expressed their wish that the TFV considers extending its assistance programmes in the respective communities in terms of capacities and types of assistance provided.
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On the victims' ability to follow the trial
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According to the CLRV1, developments in the proceedings continued to be largely reported mainly in Bangui in particular via visual announcements placed on boards. The CLRV1 highlighted that in provinces, including in the localities where the former child soldiers live, the victims' ability to follow the trial was rather limited. However, he added that recently a number of local radio stations have mobilised to broadcasting the trial sequences on a periodic basis at a specifically set time. The CLRV1 reported that said programs were the main means to follow the trial for the vast majority of the former child soldier.
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- *Victims of the Other Crimes*

Information provided by the CLRV2 team

On the form and content of interactions with victims

<i>Victims based in CAR</i>

The CLRV2 team reported that missions to CAR were not possible because of the pandemic. However, Counsel indicated that they were able to maintain regular contact with their clients throughout the period covered by this report.
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The CLRV2 team noted that, in Bangui, interactions with victims were mainly held <i>via</i> individual or small group meetings with Counsel/Assistant to Counsel based in CAR and that it was also possible to hold meetings via WebEx/ WhatsApp between victims and Counsel based outside CAR. The CLRV2 team explained that special precautions were taken because of the COVID-19 pandemic (including limiting the number of victims if met in group/ wearing face masks / washing of hands/ social distancing). Counsel further reported that While the security situation in the region remains volatile, it was possible to meet with the victims outside Bangui, in particular in the M'Baiki area.

The CLRV2 also indicated that the number of victims reached per week varied depending on the possibility for them to come at the venue, their professional obligations, restrictions due to the pandemic and the security situation. Counsel submitted that they deployed specific efforts in contacting victims recently admitted to participate by the Chamber. They consider that the main challenge remains to reach all victims formerly unrepresented because the contact details provided at the time of the completion of the forms are not anymore in use or the person is not anymore living in the same area. The CLRV2 team also explained that in this regard, Counsel continue to liaise with the Registry (VPRS) to find a solution.

The CLRV2 team explained that during the meetings, victims were first informed about their status and the developments of the proceedings, and then had the opportunity to ask questions, and express their views and concerns. They were also asked about their health needs and/or socio-economic situation.

The CLRV2 team highlighted that specific individual meetings were also organised with victims whose forms were considered incomplete or for whom the Chamber had asked supplementary information and that, in this regards, Counsel provided supplementary information for a number of victims to the Registry (VPRS). This task is ongoing.

Finally, CLRV2 team reported that the re-assessment of applications of a number of victims who appeared to not qualify anymore for the case following the decision confirming the charges is still ongoing in cooperation with the Registry (VPRS). The CLRV2 team also indicated that in cooperation with the Field Office in CAR, Counsel identified and completed additional application forms for victims who wish to participate in the proceedings. The CLRV2 team further reported that a list of vulnerable victims was provided to the Trust Fund for Victims (TFV) in the framework of its assistance mandate.

Victims based in Chad

The CLRV2 team reported that Counsel could not travel to Chad for several months due to the ongoing COVID-19 restriction measures and that a mission was originally planned for the last trimester of 2021 but had to be postponed at the beginning of 2022. The CLRV2 also indicated that the individuals supporting the activity of Counsel in Chad managed to plan a mission to visit [REDACTED] which could not take place because it had not been authorised by the Registry, but that, with the support of colleagues in the field, Counsel were able to organise several meetings and to meet with victims via video-conference. The CLRV2 team further explained that said meetings were aimed at informing the victims and collecting additional information to complete

some application forms.

The CLRV2 stated that Counsel were finally able to undertake a mission to Chad in mid-March 2022 and that during the mission, they hold several individual and collective meetings with the victims. They reported that during said meetings, Counsel showed videos in order to inform victims about the functioning of the Court, the proceedings and the developments at trial; that Counsel also met – as a priority - with several victims whose applications to participate in the proceedings needed clarifications and/or additional information; that in order to coordinate upcoming activities, meetings were held with team members in the field; that during the mission, Counsel also visited the Camp of Gaoui where they saw the misery and the dreadful living conditions the victims are facing; and that finally, Counsel had also meetings with Chadian authorities (namely, the Secretary General of the Ministry of Justice representing the Minister of Justice).

On the views and concerns of victims

According to the CLRV2 team, victims are generally satisfied of the pace of the trial and understanding of the difficulties linked to the progress of the proceedings because of the pandemic. However, Counsel noted that as the trial progresses, a number of victims are becoming impatient - a few victims feeling less engaged with the process - and expressed some concerns in relation to the fact that to date only a small number of witnesses appeared before the Chamber. The CLRV2 team stressed that the security situation in the country remains a great concern for the victims who continue to indicate that the anti-Balaka are still active and armed.

Counsel further highlighted that many victims find themselves in very vulnerable situations, and continue to report physical and psychological health problems, difficulties in finding a job and the impossibility to send their children to school. The CLRV2 team moreover highlighted that other victims indicated that they still live separated from members of their family who sought refuge in other countries, mainly in DRC, Chad and Cameroon. The CLRV2 team reported that the vast majority asked about the TFV assistance programme.

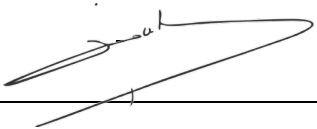
In this context and in collaboration with the TFV, the CLRV2 team explained that they have begun to identify the most vulnerable victims who could qualify for ongoing assistance programmes implemented by the TFV.

On the victims' ability to follow the trial

The CLRV2 team specified that victims represented at trial live in Bangui and in other areas of CAR, as well as in refugee camps in Chad. Counsel also reported that the current situation in CAR where network and phone connections are not stable do not allow to access information easily. The CLRV2 team further explained that, due to the security reasons, many victims are displaced and some are located in areas which are not accessible which makes the task to maintain regular contact with them more difficult.

The CLV2 team also reiterated that the possibility to be informed and follow the trial varies depending on the location where victims reside, being higher in Bangui town and surroundings and low in rural areas. In this regard, during the meetings, many victims indicated that the Court should organise information campaigns in the various localities where they live, with the possibility of following parts of the trial live. According to the CLRV2 team, this will allow victims to be aware of what really happens at the Court, since often rumours are spread about the release of the accused, worrying victims and their communities. In this regard, Counsel noted that victims expressed the wish for the Court to remobilise the media for a better follow-up of the trial in all the areas where victims reside. According to the CLRV2 team, this is even more true in Chad where the Court's field presence is nearly non-existent. They welcomed the recent efforts by the Field Office to travel to different locations in CAR for outreach activities.

Counsel reported that in Chad, contrary to the trial opening, victims could not gather to follow the trial on a giant screen because of the pandemic. However, general information regarding the progress of the trial has been provided to the victims during individual interviews and, collectively, through the field assistant.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 11 April 2022

At The Hague, The Netherlands