

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21

Date: 6 May 2022

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

**With 23 Annexes, confidential *ex parte* , only available to the Registry and Me
Sarah Pellet
and confidential redacted versions**

**First Registry Transmission of Group A and Group C Victim Applications for
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

Karim A. A. Khan

Mame Mandiaye Niang

Eric MacDonald

Counsel for Said Kani

Jennifer Naouri

Dov Jacobs

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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

Sarah Pellet

**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**

Philipp Ambach

Other

I. Introduction

1. On 13 April 2022, Trial Chamber VI ("Chamber") issued its "Decision on matters relating to the participation of victims during the trial" ("Decision")¹ in which it *inter alia* adopted an amended version of the victim admission system endorsed by Pre-Trial Chamber II ("PTC" and "Victim Application Procedure")² in light of the expected low number of applications in the present case.³
2. In compliance with the Victim Application Procedure, the Victims Participation and Reparations Section of the Registry ("VPRS") shall classify victim 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") ("A-B-C approach").
3. In addition, the VPRS must transmit Group A and Group C applications to the parties together with the corresponding reports pursuant to Regulation 86(5) of the Regulations of the Court.⁴

I. Procedural History

4. On 16 April 2021, the PTC issued its "Decision Establishing the Principles Applicable to Victims' Applications for Participation", adopting the A-B-C approach implemented in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* ("16 April 2021 Decision").⁵

¹ Trial Chamber VI, "Decision on matters relating to the participation of victims during the trial", 13 April 2022, ICC-01/14-01/21-278, para. 16-18 ("Decision").

² On 16 April 2021 Pre-Trial Chamber II issued its "Decision Establishing the Principles Applicable to Victims' Applications for Participation" (ICC-01/14-01/21-56) in which it endorsed, *mutatis mutandis*, the victim application procedure adopted in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* (5 March 2019, ICC-01/14-01/18-141) ("5 March 2019 Decision").

³ Decision, para. 16.

⁴ Decision, para. 16, in variation to the general standard approach foreseen by the 5th edition (2022) of the Chambers Practice Manual, para. 96 *lit.* (v), owing to the expected low number of applications in the present case.

⁵ See *supra*, footnote 1.

5. On 6 October 2021, the PTC authorised 27 victims to participate in the Case and appointed OPCV Counsel to act as common legal representatives for the authorised victims.⁶
6. On 9 December 2021, the PTC confirmed part of the charges against Mr Said, relating to crimes allegedly committed at the *Office Central de Répression du Banditisme* ("OCRB").⁷
7. On 21 January 2022, the Registry provided its 'Update on Victim Participation' ("Update").⁸
8. On 21 February 2022, the Chamber set the start date of trial on 26 September 2022.⁹
9. On 13 April 2022, the Chamber issued the Decision, slightly amending the pre-trial A-B-C approach in light of the expected low number of applications in the Case;¹⁰ it also set the "end of the Prosecution's presentation of evidence as the deadline for the transmission of victim applications by the Registry".¹¹

II. Classification

The original version of the annexes to the present filing are classified confidential *ex parte* only available to the Registry and Me Sarah Pellet; their redacted versions are classified confidential, in accordance with the Victim Application Procedure.

⁶ Pre-Trial Chamber II, "Decision on victim applications for participation in the proceedings and on legal representation of victims", 6 October 2021, ICC-01/14-01/21-199.

⁷ Pre-Trial Chamber II, "Public redacted version of Decision on the confirmation of charges against Mahamat Said Abdel Kani, 9 December 2021, ICC-01/14-01/21-218-Red ("Confirmation Decision").

⁸ Registry, "Public Redacted version of Annex II to the Registry Submissions in view of the 28 January 2022 Status Conference", 21 January 2022, ICC-01/14-01/21-229-AnxII-Red.

⁹ Trial Chamber VI, "Decision Setting the Commencement Date of the Trial and Related Deadlines", 21 February 2022, ICC-01/14-01/18-243.

¹⁰ Decision, para. 16, in reference to the Appeals Chamber's 'Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled "Decision establishing the principles applicable to victims' applications for participation"', ICC-01/14-01/21 OA2, 14 September 2021 and the latest edition (5th edition, 2022) of the Chambers Practice Manual which sets the ABC application process as the general default, para. 96 (albeit limiting the transmission of forms to the parties to "C" forms, *id.*, para. 96 (vi)).

¹¹ Decision, paras 10-28.

III. Applicable Law

10. 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.

IV. Transmission

11. The Registry hereby transmits 20 applications assessed by the Registry as falling under Group A and three Applications under Group C, to the Parties and the Chamber in redacted and unredacted form, respectively.

p.p.



Marc Dubuisson

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

Dated this 6 May 2022

At The Hague, The Netherlands