

Public redacted version of Annex II

Other Activities Relating to Victims

Annex II

Other Activities Relating to Victims

1. In the following paragraphs the Registry sets out planned activities with regard to the other relevant activities relating to potential victims of the *Said* case (“Case”). These include in most relevant part the organization of the victim application process in the Central African Republic (“Victim Application Process” and “CAR”), accompanied by a specific information dissemination component. Key considerations (including lessons learnt) pertaining to the above activities are outlined in the following. This annex also briefly addresses specific challenges currently anticipated for the process.

A. Lessons Learnt from the *Yekatom and Ngaïssona* case

I. Face to face meetings with victims

2. As outlined in the Registry’s Joint Report on Outreach and Other Victim Related Activities, filed in the *Yekatom and Ngaïssona* case, the Registry conducted initially a series of [REDACTED] meetings with victims [REDACTED].¹
3. Such interactions are essential for the Registry. They provide an opportunity to create a relationship of trust with victims, to understand first-hand the issues they face and to consult them [REDACTED] on matters pertaining to their potential participation in ICC proceedings. This includes notably their general expectations, questions regarding their legal representation, or any security concerns they might

¹ See Registry, *The Prosecutor v. Yekatom and Ngaïssona*, “Annex to Registry’s Joint Report on Outreach and Other Victim Related Activities”, 31 May 2019, ICC-01/14-01/18-216-Conf-Exp-Anx, para. 36. A public redacted version was filed on 18 February 2021. During the meetings, many victims were given the opportunity for the first time to engage [REDACTED] about justice for the harm they suffered. Despite signs of improvements of social cohesion between communities in certain of these localities, victims reported that their security situation remained precarious; many felt isolated, without access to protection or remedies of justice. Due to the similarities between the *Said* and *Yekatom and Ngaïssona* cases in terms of impact on victim communities, relevant findings are likely to transcend across said victim communities.

have. Victims are given the opportunity to express themselves to Court staff [REDACTED], and not only to intermediaries.

4. While the volatile security situation in CAR and the impact of the current global coronavirus crisis has affected the capacity of the Registry to maintain [REDACTED] meetings, the Registry has strived to maintain [REDACTED] meetings with victims taking account of these circumstances.
5. Despite its best efforts, the Registry was only able to meet victims located in [REDACTED]² [REDACTED].³ [REDACTED]. The feasibility to maintain such activities is subject to logistical constraints⁴ as well as to the evolution of the coronavirus outbreak.⁵ The latter has created an ever more prohibitive environment in the past weeks and days, with numbers of positive cases in steep incline. At the same time, disruptions of connectivity of other communication tools across the country are rendering any alternative means of communication increasingly challenging.

II. [REDACTED]

6. [REDACTED]

III. Reliance on intermediaries

7. In the *Yekatom and Ngaïssona* case, [REDACTED] interactions of victims with Registry staff have not always been sufficient -or feasible at all- for various reasons, [REDACTED].
8. In accordance with the “Decision establishing the principles applicable to victims’ applications for participation” *Yekatom and Ngaïssona* case (“5 March 2019”),⁶ the

² [REDACTED]

³ [REDACTED].

⁴ [REDACTED]

⁵ See Annex I, para.35.

⁶ 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”), para.27.

Registry relied on the assistance of a pool of intermediaries [REDACTED].⁷ [REDACTED].

9. [REDACTED].

10. [REDACTED],⁸ [REDACTED].

IV. Coordination with legal representatives and other actors

11. Various actors have interacted with victims during the victims application process.

They include, aside Registry staff, relevant teams of legal representatives of victims ('LRVs'), intermediaries and civil society organisations ('CSOs'). In some instances, these actors have carried out activities independently [REDACTED]. The Registry found that these interactions are often interlinked and that the dissemination of information requires coordination and concertation if possible amongst the above actors ,to avoid confusion.

12. Pre-Trial Chamber II provided helpful guidance in *the Yekatom and Ngaïssona* case which prove instructive also in the present Case: whenever the LRVs informed the Registry of their intent to collect application forms themselves, it asked that their relevant potential intermediaries, in order to comply with the 5 March 2019 Decision.⁹ The Registry also invited LRVs to rely on the assistance of the Registry's existing core network of intermediaries for that purpose.

13. The Registry further provided the various actors with detailed key messages regarding the procedural developments in the *Yekatom and Ngaïssona* case, including the scope of the decision confirming the charges, the participatory rights of victims as well as the role of legal representatives of victims as per Pre-Trial Chamber II's relevant rulings. In that regard, the Registry is grateful to the Common Legal Representatives in that case ('CLRs') for their cooperation in this

⁷ [REDACTED]

⁸ [REDACTED].

⁹ 5 March 2019 Decision, paras. 27, 28.

matter and the consistent valuable input they have provided to improve these key messages.

14. In light of the current operational challenges in CAR, the Registry recommends to carry out, whenever feasible, joint or coordinated activities with (potential) intermediaries and victims' (legal) representatives [REDACTED]. This would facilitate the dissemination of information, would increase the efficient use of the limited resources available to conduct activities and help clarify to victims the different roles of the Registry, potential future LRVs of victims in the Case and intermediaries.

B. Anticipated Activities

I. Identification of potential applicants in the current Case

15. Given the limited scope of the crimes described in the warrant of arrest for Mr Said Abdel Kani,¹⁰ the Registry forecasts that the number of potential applicants for participation and/or reparations will be lower than in the *Yekatom and Ngaïssona* case. [REDACTED].
16. [REDACTED].

II. Reliance on intermediaries

17. [REDACTED].
18. The Registry will organize training sessions with these partners on the topics identified in the 5 March 2019 Decision,¹¹ and include a series of practical exercises.

¹⁰ Pre-Trial Chamber II, "Public Redacted Version of 'Warrant of Arrest for Mahamat Said Abdel Kani', 7 January 2019, ICC-01/14-01/21-2-US-Exp", 17 February 2021, ICC-01/14-01/21-2-Red2. The Registry notes that the crimes described are located in specific places in Bangui and have been allegedly committed between 12 April and 27 November 2013.

¹¹ See 5 March 2019 Decision, para. 28, "[i]n this regard, Chamber instructs VPRS to hold training sessions for the intermediaries as soon as possible if it decides to rely on such persons. Such sessions shall include: (i) the nature and goal of the intermediaries' task; (ii) the relevant ethical principles (impartiality and confidentiality); (iii) the need to protect victims' security; (iv) the material, temporal and geographic parameters of the present case as described in the warrants of arrest; (v) the rights of victims before the Court; and (vi) techniques for efficient communication of all relevant information."

Throughout the training exercises, the Registry will assess the capacity of these individuals to assist in the victim application process. [REDACTED].

19. [REDACTED].

20. [REDACTED].

III. Interactions with potential applicants

21. Concomitant to the identification of location/approximate size of victim groups, the Registry will conduct informative sessions with potential victims [REDACTED]. The Registry considers that it is important to not only target information activities at victims who may be linked to the Case, but also at wider affected communities (*see* Annex I and relevant activities scheduled by the Public Information and Outreach Section).¹²

22. [REDACTED].

23. [REDACTED].

¹² In accordance with paragraph 11 of the 5 March 2019 Decision, such activities will be undertaken with the advice of the Victims and Witnesses Section (“VWS”) with regards to potential security issues that could result from victims related activities.