

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18

Date: 11 April 2024

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

Tenth Periodic Report on the Victims Admitted to Participate in the 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
Kweku Vanderpuye

Counsel for Alfred Yekatom

Mylène Dimitri
Thomas Hannis
Anta Guissé
Sarah Bafadhel

Legal Representatives of the Victims

Abdou Dangabo Moussa
Elisabeth Rabesandratana
Yaré Fall
Marie-Edith Douzima-Lawson
Paolina Massidda
Dmytro Suprun

Counsel for Patrice-Edouard Ngaïssona

Geert-Jan Alexander Knoops
Richard Omissé-Namkeamaï
Marie-Hélène Proulx

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**Office of the Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Oswaldo Zavala Giler

Country Analysis Unit

Hiroto Fujiwara

Victims and Witnesses Section

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

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, as well as information on victims' views and concerns.⁴
3. The Registry hereby transmits its tenth periodic report on the requested information. It further appends, as an annex to the present report, information provided by the Registry's Country Analysis Unit and the Victims and Witnesses Section, pertaining to the safety and security of the victims during the reporting period ("Annex"). This is to provide the Chamber with a comprehensive overview of the challenges that participating victims in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiissona* ("Case") and intermediaries may be facing on the ground.

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. Ngaiissona* ("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, 15 March 2024 at 11:14.

⁴ Email from Me Dangabo, Me Douzima, Me Fall, Me Massidda and Me Rabesandratana to VPRS, 04 April 2024 at 12:31; and email from Me Suprun to VPRS, 08 April 2024 at 16:23.

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", respectively).⁵
5. On 21 June 2019, the PTC authorised 15 victims to participate at the confirmation hearing in the Case,⁶ and on 13 September 2019 an additional 1,070 victims.⁷
6. On 11 December 2019, the PTC issued a decision partially confirming the charges against the accused ("Confirmation of Charges Decision").⁸
7. On 19 March 2020, the Chamber issued its "Order Scheduling First Status Conference", in which it *inter alia*: i) endorsed the victim application procedure set out in the 5 March 2019 Decision;⁹ and ii) requested the Registry to provide an update and forecast on (additional) applications by victims to participate in the proceedings.¹⁰
8. On 22 May 2020, the Registry provided its update on victim participation in the Case.¹¹

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

⁶ 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).

⁷ 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.

⁸ Pre Trial Chamber II, "Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaissona", 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).

⁹ Trial Chamber V, "Order Scheduling First Status Conference", 19 March 2020, ICC-01/14-01/18-459, para. 8 (iv).

¹⁰ *Ibid.*, para. 3 (I).

¹¹ 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).

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”.¹²
10. On 11 November 2020, the Chamber issued the Decision.
11. On 17 October 2023, the Chamber issued its “Twenty-First Decision on Victims’ Participation in Trial Proceedings (Groups A and B) and Decision on Requests for Extension of Time to Transmit Applications” (“17 October 2023 Decision”) in which it granted the Registry an extension of time until 29 February 2024 for the transmission of 337 incomplete applications in the possession of the Registry.¹³
12. Since 12 April 2021, the Registry has submitted nine periodic reports on victims admitted to participate in the proceedings.¹⁴

III. Applicable Law

13. This submission is made pursuant to article 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

14. In accordance with regulation 23*bis*(1) of the RoC, the annex to this filing is submitted as confidential *ex parte*, available only to the Registry and both CLRVs, because it contains sensitive information that relates to the safety and physical well-being of victims.

¹² Trial Chamber V, “Decision Setting the Commencement Date of the Trial”, 16 July 2020, ICC-01/14-01/18-589.

¹³ Trial Chamber V, “Twenty-First Decision on Victim’s Participation in Trial Proceedings (Groups A and B) and Decision on Requests for Extension of Time to Transmit Applications”, 17 October 2023, ICC-01/14-01/18-2148, para. 12 and p. 10.

¹⁴ See last report: Registry, “Ninth Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 December 2023, ICC-01/14-01/18-2253.

V. Submissions

A. Number of Participating Victims

15. To date, the Registry has received a total of 3,211 applications for participation in the proceedings in relation to the Case.
16. Out of these, the Registry has transmitted, in compliance with the deadline set by the Chamber in its 17 October 2023 Decision,¹⁵ a total of 2,965 applications. These include 1,944 Group A applications, 978 Group B applications, and 43 Group C applications. The Chamber has granted victim status to 1,965 applicants at the trial stage.¹⁶

¹⁵ See *supra*, footnote 13.

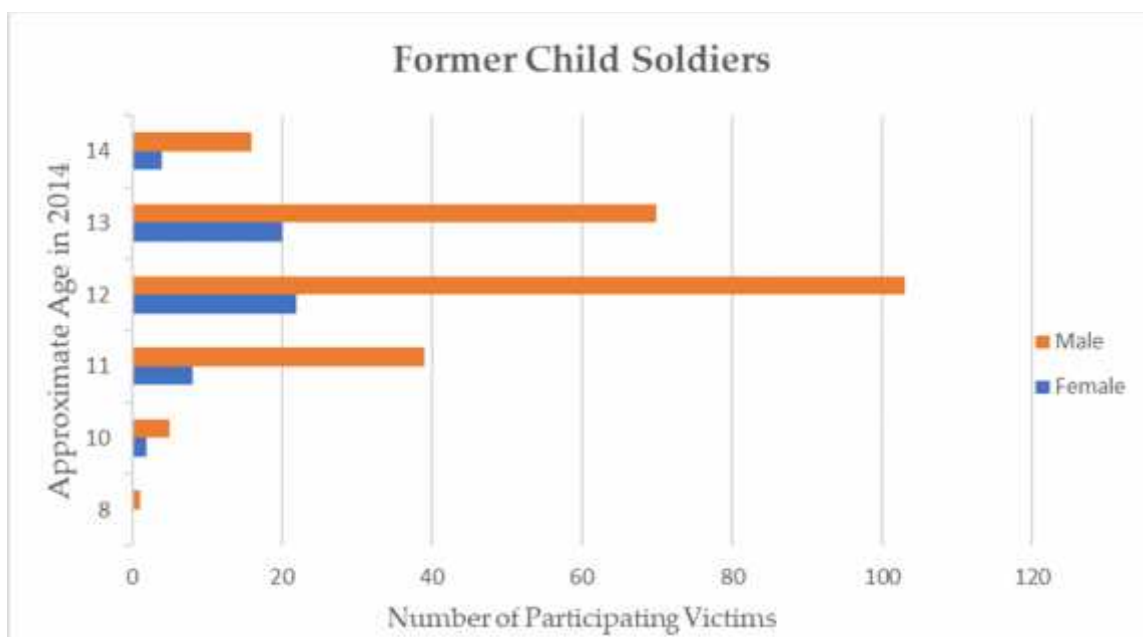
¹⁶ See Trial Chamber V, "Decision on Victims' Participation in Trial Proceedings", 23 November 2020, ICC-01/14-01/18-738; "Second Decision on Victims' Participation in Trial Proceedings (Group A)", 11 December 2020, ICC-01/14-01/18-765; "Third Decision on Victims' Participation in Trial Proceedings (Group 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; "Fourteenth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 9 February 2022, ICC-01/14-01/18-1274; "Fifteenth Decision on Victims' Participation in Trial Proceedings (Group A)", 5 May 2022, ICC-01/14-01/18-1391; "Sixteenth Decision on Victims' Participation in Trial Proceedings (Group A)", 26 July 2022, ICC-01/14-01/18-1526, "Seventeenth Decision on Victims' Participation in Trial Proceedings (Groups A, B and C)", 21 November 2022, ICC-01/14-01/18-1672; "Eighteenth Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 20 December 2022, ICC-01/14-01/18-1708; "Nineteenth Decision on Victims' Participation in Trial Proceedings (Groups B and C)", 13 March 2023, ICC-01/14-01/18-1795; "Twentieth Decision on Victims' Participation in Trial Proceedings (Group A)", 24 August 2023, ICC-01/14-01/18-2050; "Twenty-First Decision on Victim's Participation in Trial Proceedings (Groups A and B) and Decision on Requests for Extension of Time to Transmit Applications", 17 October 2023, ICC-01/14-01/18-2148, and "Twenty-second Decision on Victims' Participation in Trial Proceedings (Groups A and B)", 2 April 2024, ICC-01/14-01/18-2429.

B. Number of victims represented by each team of CLRVs

) *Former Child Soldiers*

17. A total of 292 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.¹⁷ This includes two indirect victims.

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



) *Victims of the Other Crimes*

19. A total of 1,673 victims of the other crimes listed in the Confirmation of Charges Decision (“Victims of Other Crimes”) have been admitted as participants at trial stage.¹⁸

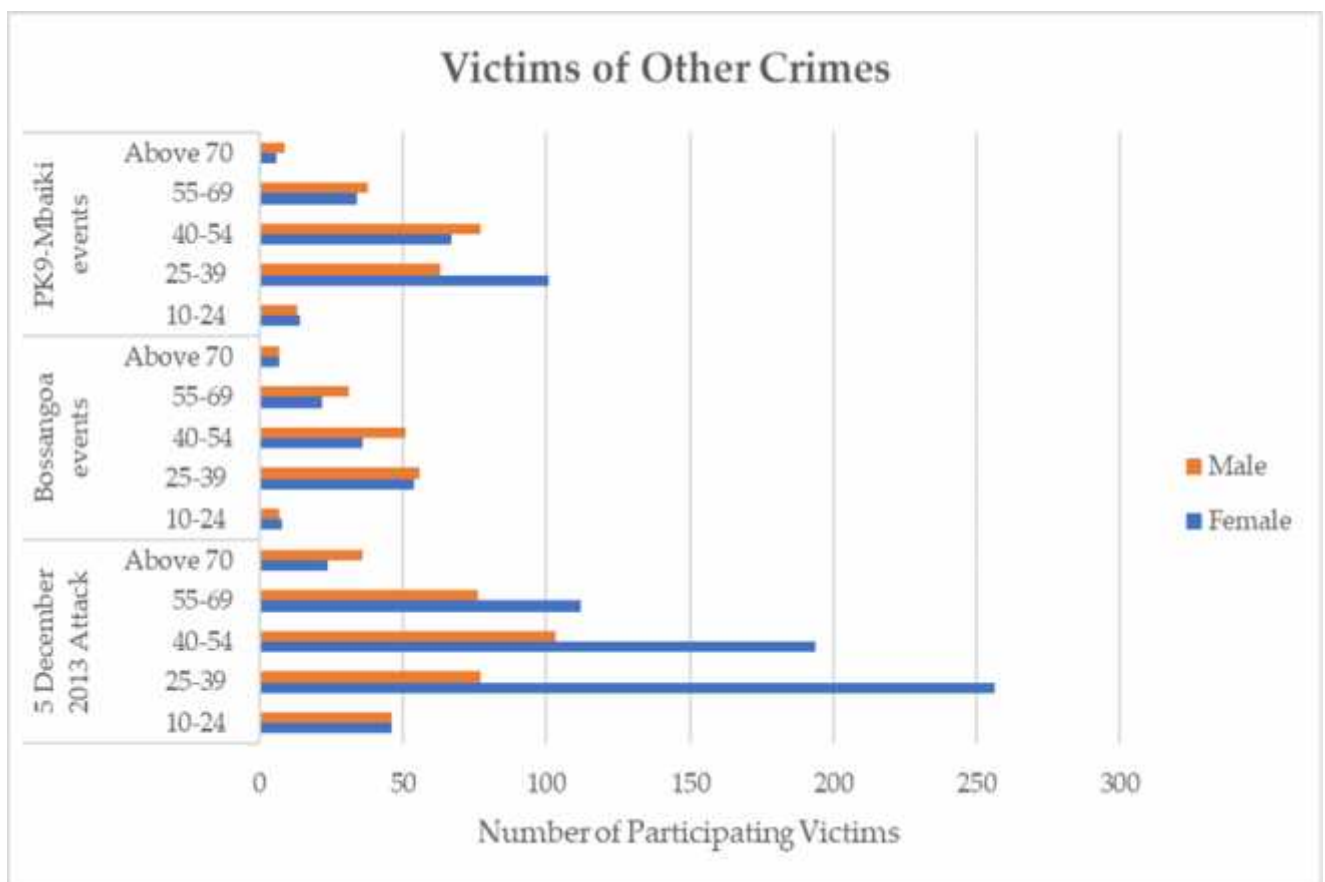
20. Of these victims:

¹⁷ This includes 86 of the 88 Former Child Soldiers previously admitted to participate at the pre-trial stage.

¹⁸ 262 of them were previously admitted to participate at the pre-trial stage.

- 972 victims claim that they suffered from crimes charged in the context of the Anti-Balaka attack in Bangui on 5 December 2013 (“5 December 2013 Attack”);
- 279 victims report that they suffered from the 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”);
- 422 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”).¹⁹

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



¹⁹ Several victims report that they suffered from crimes charged in the context of more than one event.

C. CLRVs' activities and victims' views

22. In accordance with paragraph 9 of the Decision, the CLRV1²⁰ and the CLRV2²¹ 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.

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

) *Former Child Soldiers*

Information provided by CLRV1 ²²
On the form and content of interactions with victims
<p>During the reporting period, the CLRV1 carried out one mission in the field. During these activities, the victims were met both in group and individually. In addition, the CLRV1 continued holding regular remote meetings with the victims on a bi-weekly basis, in group gathered in the respective communities. An average of 30 victims attended each group session.</p> <p>The CLRV1 indicated that during the group meetings, which lasted on average one and a half hours, 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. 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.</p> <p>The CLRV1 observed that the victims remained consistently interested to participate in information sessions, despite being busy in rural activities constituting the only source of their subsistence, in particular in the absence of the possibility for the majority of the victims to follow the development of the trial from any other sources.</p>

²⁰ See *supra*, footnote 1.

²¹ *Id.*

²² Email from Me Suprun to VPRS, 08 April 2024 at 16:23.

On the security situation in the respective communities

The CLRV1 stated that during the reporting period, the security situation in the localities where most former child soldiers live was relatively calm.

The CLRV1 further noted that a number of the victims continued reporting of being regularly stigmatized by their respective communities because of their experience as child soldiers and despite the time elapsed after the events.

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.

The CLRV1 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, they complained about the limited nature of this assistance which mainly consisted of the provision of basic medical care only. In particular, the victims suffering from diverse health pathologies or gynecological issues complained of only been provided with basic medications and of feeling now abandoned with no further and more substantive care. The vast majority of the victims could not yet benefit from any medical care or any other type of support.

On the victims' ability to follow the trial

The CLRV1 highlighted that in the localities where the former child soldiers live, namely the Ombella-M'Poko and Lobaye prefectures, the victims' ability to follow the trial was limited. Only a number of victims reported of being able to follow the trial sequences broadcasted for instance by some regional radio stations, in particular the *Radio Ndeke Luka*.

The CLRV1 indicated that in the absence of access to any other sources, during the reporting period, for the vast majority of the participating former child soldiers, interactions with the CLRV1 were the only source of information on the development in the proceedings.

) *Victims of the Other Crimes*

Information provided by the CLRV2 Team ²³
On the form and content of interactions with victims
<i>Victims based in CAR</i>
<p>The CLRV2 Team reported that that they maintained regular contact with their clients in Bangui and outside Bangui by organizing individual or small group meetings with Counsel/Assistants of Counsel based in CAR.</p> <p>The CLRV2 Team carried out a mission to Bangui and the surrounding area from 22 to 31 January 2024, during which counsel had the opportunity to meet around one hundred victims, briefed them on developments in the proceedings and gathered additional information to consolidate the incomplete files of some victims. The CLRV2 Team highlighted that the Field Counsel within the OPCV team was also able to travel to Mbaïki to meet with victims, update them about the proceedings and collect information needed for the completion of application forms.</p> <p>The CLRV2 Team noted that meetings via telephone and <i>WhatsApp</i> were also held between victims, CAR-based Counsel, focal points and intermediaries. It was also possible to hold meetings via <i>WebEx/ WhatsApp</i> between victims and Counsel based outside CAR.</p> <p>The CLRV2 Team indicated that, as usual, the number of victims contacted per week varied according to their ability to travel, their professional obligations and the security situation. Counsel have made special efforts to contact victims recently admitted to participate by the Chamber. The CLRV2 Team noted that the main challenge remains to reach all victims who were previously unrepresented because the contact details provided at the time the forms were filled in are no longer in use, or the person no longer lives in the same area. For example, the CLRV2 Team was informed by some victims that they had difficulty accessing their homes in Bossangoa. In this respect, Counsel continue to consult with the Registry (VPRS). Counsel have organized identification, awareness-raising and form-filling sessions for potential victims wishing to take part in the proceedings.²⁴</p> <p>The CLRV2 Team explained that during the meetings, victims were first informed of their status and the progress of the proceedings, then given the opportunity to ask questions and express their views and concerns. They were</p>

²³ Email from Me Dangabo, Me Douzima, Me Fall, Me Massidda and Me Rabesandratana to Registry, 04 April 2024 at 12:31.

²⁴ The Registry notes that the interaction with victim applicants and active collection of new application/reparations forms falls within the mandate of the Registry and is not a task of the CLRVs. However, the CLRVs may receive application forms due to their representation role in the on-going Case. These forms are then transmitted to the VPRS for their assessment and processing.

also asked about their health needs and/or socio-economic situation.

The CLRV2 Team highlighted that specific individual meetings were also organized with victims whose forms were considered incomplete or for whom the Chamber had requested additional information. In this respect, Counsel provided the Registry (VPRS) with additional information for a number of victims.

Victims based in Chad

During the reporting period, the CLRV2 Team carried out a mission in Chad from 5 to 15 January 2024. During this mission, Counsel travelled to the Gaoui camp and the surrounding area, where they met with victims to inform them about the procedural developments and listen to their views. Counsel highlighted that they could immerse themselves in the realities of victims and, in particular, the unbearable living conditions in which victims from the CAR are living in Chadian refugee camps.

Finally, the CLRV2 team report that during this mission, Counsel gathered and collected information as well as additional documents to complete certain victims' files, which were still incomplete. Counsel forwarded the victims' files to VPRS for transmission to the Chamber in accordance with the latter's order.

On the views and concerns of victims

According to the CLRV2 Team, victims are generally satisfied with the pace of the trial and understand the difficulties involved. However, as the trial progresses, a number of victims become impatient and some feel less involved in the process. Moreover, victims have expressed concerns about the impact of the withdrawal of charges in the case against Maxime Mokom on the Case. Counsel indicated that in Chad, for example, many victims refused to meet with them as they were discouraged and lost hope following the announcement of the prosecutor's decision to drop the charges against Maxime Mokom.

The CLRV2 Team stressed that the security situation in the country remains a major concern for the victims, in particular with the creation of the *Coalition des Patriotes pour le Changement* (Coalition of Patriots for Change) - an armed coalition between the Anti-Balaka and the Seleka operating in certain towns within CAR. The CLRV2 Team emphasised that this situation resulted in the regular internal displacement of victims. Counsel reported that victims are also increasingly concerned about the role of the Wagner forces that are also committing atrocities against the population, particularly in certain towns in the interior of the country. According to the CLRV2 Team, this situation caused victims to flee their localities and to seek refuge in neighbouring countries, mainly Cameroon, the Democratic Republic of Congo ("DRC") and Chad. This makes it increasingly difficult for Counsel to locate them. Moreover, Counsel

added that, all in all, the security situation is becoming increasingly confused.

The CLRV2 Team further reiterated their previous observations according to which many victims find themselves in a very vulnerable situation. Some victims continue to report physical and psychological health problems, difficulties in finding daily subsistence means, healthcare, employment, and the inability to send their children to school, whilst others reported that they are still living apart from members of their family who sought refuge in other countries - mainly the DRC, Chad and Cameroon. Moreover, Counsel added that some victims reported that they face difficulties in accessing their homes in certain towns and villages in the CAR.

Counsel stressed that the situation of victims who have taken refuge in Chad is beyond catastrophic: victims have not received humanitarian aid since 2015. According to the CLRV2 team, victims experience an unprecedented humanitarian crisis, which both the host country and by international organisations decry. They are an unemployed section of the population who appear abandoned by the Chadian authorities and humanitarian organisations alike, and for whom basic social services are virtually non-existent. The CLRV2 team reported that cases of fire and flooding in the refugee camps are very common. This results, among other outcomes, in the loss of victims' identity documents and the outbreak of cholera and other diseases such as typhoid fever.

The CLRV2 team explained that they have witnessed first-hand their clients' situation and are in regular communication with them. The physical and psychological deterioration of some victims - who have become blind, can no longer move around because of illness, or have developed mental disorders - has deeply affected Counsel.

The CLRV2 team indicated that gathering additional information from some victims has also become very difficult, if not impossible, due to the dire situation, persistent trauma and for some psychological disorders. Counsel were also alerted of cases of suicide – particularly men who, because of the extremely difficult living conditions, hang themselves at night. According to Counsel, these deaths are numerous in the refugee camps, where there are no hospitals or clinics.

Finally, the CLRV2 Team reported that the victims called on the Trust Fund for Victims (TFV) to intervene through its assistance mandate. According to Counsel, victims expressed the hope that this mandate would be implemented this year, and that it would give priority to vulnerable groups of victims, particularly in the areas of physical and mental health, and education. In this respect, Counsel stated that they will continue to liaise with the TFV.

On the victims' ability to follow the trial

The CLRV2 Team reiterated that the possibility to be informed and follow the trial varies depending on the locations where victims reside, with those in Bangui town and surroundings having more opportunities than those living in rural areas. Counsel further explained that the current situation in CAR, where network and phone connections are not stable nor available, does not allow to communicate easily. As a result, some victims have reported facing difficulties in following the trial.

The CLRV2 Team reported that during the meetings, the victims welcomed the Court's efforts to organize information campaigns in the various localities where they live and asked for the possibility to follow live certain parts of the trial. Counsel added that, according to the victims, this will enable them to be aware of what is really happening at the Court, since often rumours are spread about the release of the accused, which is a source of worry and anxiety for victims and their communities. In this respect, the CLRV2 Team indicated that the victims expressed their wish that the Court would mobilize again the media to ensure better follow-up of the trial in all the areas where the victims reside. Counsel stressed that this is all the more true in Chad, where the Court's presence on the ground is virtually non-existent.

Finally, Counsel welcomed the PIOS initiative to invite at the seat of the Court a number of 'justice ambassadors' – individuals known in the communities for their engagement for human rights and justice – to meet with the different participants in the trial and to follow some hearings in order to gain a better understanding of the process. This will allow them to better communicate messages about the trial in their respective communities, contributing to the ability of victims to know and understand what happens in the courtroom.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 11 April 2024

At The Hague, The Netherlands