

**Cour
Pénale
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**International
Criminal
Court**

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No.: **ICC-01/14-01/21**
Date: **16 April 2024**

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 public redacted Annex I**

Public redacted version of the “Common Legal Representative’s request for reconsideration of Trial Chamber VI’s decision denying Victim a/70286/22 authorisation to participate in the proceedings”

Source: Office of Public Counsel for Victims

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

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I. INTRODUCTION

1. Counsel representing the collective interests of future applicants as well as of applicants in the proceedings and participating victims (the “Common Legal Representative”)¹ hereby respectfully requests Trial Chamber VI (the “Chamber”) to reconsider its decision denying Victim a/70286/22 authorisation to participate in the present proceedings (the “Decision”).²

2. The Common Legal Representative submits that the Chamber committed an error by applying a standard of proof far beyond the required *prima facie* standard, misappreciated the investigation reports on which it relied, and did not give appropriate weight to the official certificates provided by Victim a/70286/22 in support of his application. This had an impact on the Decision making it manifestly unsound, and its consequences manifestly unsatisfactory, not only for Victim a/70286/22 specifically, but also for victims seeking to participate in proceedings before this Court more broadly. Consequently, the Common Legal Representative posits that the Decision should be reconsidered, thus granting Victim a/70286/22 authorisation to participate in the present proceedings.

3. If, by extraordinary, the Chamber would not consider it appropriate to reconsider its Decision on the basis of said errors alone, the Common Legal Representative submits that reconsideration is still justified in light of additional information provided by Victim a/70286/22 (Annexes I and II).

II. PROCEDURAL BACKGROUND

4. On 9 December 2021, Pre-Trial Chamber II (the “Pre-Trial Chamber”) confirmed the charges against Mahamat Said Abdel Kani relating to crimes allegedly committed at the *Office Central de Répression du Banditisme* (the “OCRB”) between 12 April and 30 August 2013 (the “Confirmation Decision”).³

¹ See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG](#) and [No. ICC-01/14-01/21-T-007-Red-ENG](#), p. 47, lines 12-24; the “Decision on matters relating to the participation of victims during the trial” (Trial Chamber VI), [No. ICC-01/14-01/21-278](#), 13 April 2022, para. 29; the “Decision authorising 20 victims to participate in the proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-331](#), 27 May 2022 (the “First Decision on Participation”); and the “Second Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-640-Conf](#) and [No. ICC-01/14-01/21-640-Red](#), 8 November 2023 (the “Second Decision on Participation”).

² See the “Third Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-695-Conf](#) and [No. ICC-01/14-01/21-695-Red](#), 14 February 2024 (the “Third Decision on Participation”), para. 20.

³ See the “Decision on the confirmation of charges against Mahamat Said Abdel Kani” (Pre-Trial Chamber II), [No. ICC-01/14-01/21-218-Conf](#) and [No. ICC-01/14-01/21-218-Red](#), 9 December 2021.

5. On 20 April 2022, the Chamber issued the “Decision on Prosecution Notification regarding the Charges (ICC-01/14-01/21-262-Red)” (the “Notification Decision”), ruling that “*the scope of the charged crimes in this case is limited to the specific criminal acts listed by the Pre-Trial Chamber in paragraph 29 of the Confirmation Decision*”.⁴

6. On 27 May 2022, pursuant to its “Decision on matters relating to the participation of victims during the trial”,⁵ and following the submission of the “First Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”,⁶ the Chamber authorised 20 victims to participate in the proceedings.⁷

7. On 13 July 2022, the Registry submitted its “Second Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”⁸ on 19 complete applications to participate in the present case, assessing 14 of them to fall in Group A and five in Group C.⁹

8. On 6 September 2022, following protracted litigation in this respect,¹⁰ the Chamber issued the “Decision on the scope of the charges”, reiterating its position adopted in the Notification Decision that the scope of the charged crimes in the present case is limited to the specific incidents listed by the Pre-Trial Chamber in paragraph 29 of the operative part of the Confirmation Decision.¹¹

9. On 12 September 2022, the Registry submitted its “Third Registry Assessment Report on Victim Applications for Participation in Trial Proceedings” on three applications assessed as falling in Group A.¹²

⁴ See the “Decision on Prosecution Notification regarding the Charges (ICC-01/14-01/21-262-Red)” (Trial Chamber VI), [No. ICC-01/14-01/21-282](#), 20 April 2022, (the “Notification Decision”) para. 17.

⁵ See the “Decision on matters relating to the participation of victims during the trial” (Trial Chamber VI), [No. ICC-01/14-01/21-278](#), 13 April 2022.

⁶ See the “First Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-297](#), 6 May 2022.

⁷ See the First Decision on Participation, *supra* note 1.

⁸ See the “Second Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-405-Conf](#) and [No. ICC-01/14-01/21-405-Red](#), 13 July 2022.

⁹ *Ibid.*

¹⁰ See, *inter alia*, the “Prosecution’s Notification Related to Incident (r) of Paragraph 33 of the Document Containing the Charges”, [No. ICC-01/14-01/21-262-Conf](#) and [No. ICC-01/14-01/21-262-Red](#), 18 March 2022; the Notification Decision, *supra* note 4; the “Prosecution’s application to amend the charges”, [No. ICC-01/14-01/21-294-Conf](#) and [No. ICC-01/14-01/21-294-Red](#), 5 May 2022; and the “Decision on the ‘Prosecution’s application to amend the charges’” (Pre-Trial Chamber II), [No. ICC-01/14-01/21-396](#), 8 July 2022.

¹¹ See the “Decision on the scope of the charges” (Trial Chamber VI), [No. ICC-01/14-01/21-472](#), 6 September 2022.

¹² See the “Third Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, with Confidential Annex, [No. ICC-01/14-01/21-478](#), 13 September 2022 (dated 12 September 2022).

10. On 27 September 2022, the Chamber issued an order instructing the Registry “*to reassess all applications that it had previously classified as Group A, including those authorised to participate in the First Decision*”.¹³

11. On 11 October 2022, the Registry submitted the “Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings” (the “Updated Registry Report”),¹⁴ in which it indicated that, of the 37 applications assessed as falling in Group A so far, 25 remain in Group A, four shall now be classified as falling in Group C, and eight require additional information in order to determine under which category they fall (the “Incomplete Applications”).

12. On 24 October 2022, the Common Legal Representative¹⁵ and the Defence¹⁶ submitted observations on the Updated Registry Report.

13. On 8 November 2023, the Chamber issued the “Second Decision Authorising Victims to Participate in the Proceedings”,¹⁷ authorising 30 victims and denying four victims to participate in the proceedings, and ordering the Registry to provide an update on the status of the Incomplete Applications by 20 November 2023 at the latest.

14. On 20 November 2023, the Registry submitted a report (the “Registry Report”) reassessing five applications,¹⁸ and transmitted the latter to the Chamber and the parties.¹⁹

¹³ See the “Order for the Reassessment of Victims Applications” (Trial Chamber VI), [No. ICC-01/14-01/21-490](#), 27 September 2022, para. 8.

¹⁴ See the “Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-498](#), 11 October 2022.

¹⁵ See the “Common Legal Representative of Victims’ response to the ‘Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-498)”, [No. ICC-01/14-01/21-512](#), 24 October 2022.

¹⁶ See the “*Observations de la Défense sur le* ‘Updated Registry Assessment Report on Previously Transmitted Victim Applications for participation in Trial Proceedings’ (ICC-01/14-01/21-498).”, [No. ICC-01/14-01/21-511-Conf](#) and [No. ICC-01/14-01/21-511-Red](#), 24 October 2022.

¹⁷ See the Second Decision on Participation, *supra* note 1.

¹⁸ See the “Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-650](#), 20 November 2023 (the “Registry Report”).

¹⁹ See the “Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-651](#), 20 November 2023.

15. On 1 December 2023, the Common Legal Representative,²⁰ the Prosecution,²¹ and the Defence²² submitted observations on the Registry Report.

16. On 14 February 2024, the Chamber issued its “Third Decision Authorising Victims to Participate in the Proceedings” (the “Third Decision on Participation”),²³ in which it denied applicant a/70286/22 authorisation to participate in the present proceedings.²⁴

III. CLASSIFICATION

17. Pursuant to regulation 23bis(1) of the Regulations of the Court, the present filing and Annexes I and II are classified as confidential *ex parte*, only available to the Common Legal Representative, as they contain identifying, victim-related information and photographs. Confidential redacted and public redacted versions of the filing, together with a public redacted version of Annex I, are filed simultaneously.

IV. SUBMISSIONS

A. Applicable law

18. In the practice of the Court, requests for reconsideration have been granted in exceptional circumstances, in particular where the party or participant seeking reconsideration had demonstrated both that the relevant decision was “*manifestly unsound*” and that its consequences were “*manifestly unsatisfactory*”, because, for instance “*a decision was made in ignorance of relevant information*”.²⁵ In particular, Trial Chamber I recognised that, in these circumstances, “*in many common law national legal systems, [...] it is well established that a court can depart from earlier decisions that would usually be binding*”.²⁶

19. Other Chambers have subsequently developed that “[r]econsideration is exceptional, and should only be done if a clear error of reasoning has been demonstrated or if it is necessary

²⁰ See the “Victims’ observations on the ‘Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-650)”, [No. ICC-01/14-01/21-657-Conf](#) and [No. ICC-01/14-01/21-657-Red](#), 1 December 2023.

²¹ See the “Prosecution’s Observations on the ‘Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-651)”, [No. ICC-01/14-01/21-658-Conf](#) and [No. ICC-01/14-01/21-658-Red](#), 1 December 2023.

²² See the “*Réponse de la Défense au ‘Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-650) et au ‘Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-651).*”, [No. ICC-01/14-01/21-655-Conf](#) and [No. ICC-01/14-01/21-655-Red](#), 1 December 2023.

²³ See the Third Decision on Participation, *supra* note 2.

²⁴ *Idem*, para. 20.

²⁵ See the “Decision on the defence request to reconsider the ‘Order on numbering of evidence’ of 12 May 2010” (Trial Chamber I), [No. ICC-01/04-01/06-2705](#), 30 March 2011, para. 18.

²⁶ *Ibid.*

to do so to prevent an injustice. New facts and arguments arising since the decision was rendered may be relevant to this assessment”.²⁷ More recently, Trial Chamber V granted a request for reconsideration “[i]n light of the [party’s] submissions, in the particular circumstances at hand, including the new facts presented, and on an exceptional basis”.²⁸

B. Request for reconsideration of the Decision

20. In the Third Decision on Participation, Victim a/70286/22 was denied authorisation to participate in the present proceedings, because the Chamber considered that “[t]here are currently too many questions about the veracity of the information contained in the application and no indication that a/70286/22’s brother was ever held in the underground cell”.²⁹ In particular, the Chamber made reference to two investigation reports by the [REDACTED], from 2019, which were interpreted as suggesting that a/70286/22’s brother was alive at that time, thus seemingly contradicting the information contained in the application.³⁰

1. As a main, the Decision should be reconsidered as it is manifestly unsound and its consequences are manifestly unsatisfactory

21. The Common Legal Representative submits that the Decision warrants reconsideration as it is manifestly unsound, and as its consequences are manifestly unsatisfactory, not only for Victim a/70286/22 specifically, but also for victims seeking to participate in proceedings before this Court more broadly.

22. In particular, the Common Legal Representative recalls that the Chamber’s victim eligibility assessment ought to be limited to evaluating whether applicants have demonstrated that the conditions established in rule 85 of the Rules of Procedure and Evidence are met *prima facie*.

23. Concretely, “[the] analysis of the applications [does] not consist in assessing the credibility of the applicants’ statements or engaging in a process of corroboration stricto

²⁷ See e.g. the “Decision on Defence Request for Reconsideration of or Leave to Appeal ‘Decision on ‘Defence Request for Disclosure and Judicial Assistance’” (Trial Chamber VII), [No. ICC-01/05-01/13-1282](#), 22 September 2015, para. 8. See also the “Decision on the Sang Defence’s Request for Reconsideration of Page and Time Limits” (Trial Chamber V(a)), [No. ICC-01/09-01/11-1813](#), 10 February 2015, para. 19; the “Decision on Request for Reconsideration of the Order to disclose Requests for Assistance” (Trial Chamber IX, Single Judge), [No. ICC-02/04-01/15-468](#), 15 June 2016, para. 4; and the “Decision on the Defence request for reconsideration and clarification” (Trial Chamber VI), [No. ICC-01/04-02/06-483](#), 27 February 2015, para. 13.

²⁸ See the “Decision on the Yekatom Defence Request for Reconsideration of the Initial Directions on Opening Statements” (Trial Chamber V), [No. ICC-01/14-01/18-822](#), 15 January 2021, para. 7.

²⁹ See the Third Decision on Participation, *supra* note 2, para. 20.

³⁰ *Idem*, para. 19.

sensu”, and chambers “[should] *therefore assess each statement by applicant victims first and foremost on the merits of its intrinsic coherence, as well as on the basis of information otherwise available to the Chamber*”.³¹

24. Instead of assessing Victim a/70286/22’s statement on the merits of its intrinsic coherence, taken together with supporting documentation provided by the applicant, the Chamber delved into the case record in search of any and all documents that might pertain to a/70286/22’s brother.³² Such an approach clearly amounts to a process of corroboration *stricto sensu*, requiring the applicant to dispel all potential doubt surrounding his application,³³ thus going far beyond the required standard of proof. Said approach puts an undue burden of proof on Victim a/70286/22, and, as a potential precedent, on all future applicants seeking to participate in proceedings before this Court. In light of the erroneous application of the *prima facie* standard, and its manifestly unsatisfactory consequences, the Common Legal Representative submits that the Chamber should reconsider its Decision on this basis alone.

25. In any event, the Common Legal Representative contends that the Chamber misappreciated the investigation reports by the [REDACTED]. First, the [REDACTED] is not an organisation specialised in searching for missing persons, but rather [REDACTED].³⁴ Second, the [REDACTED]’s investigation reports provide no certainty whatsoever as to Victim a/70286/22’s brother’s whereabouts, and do not, in any way, confirm that he was still alive at the time, contrary to the Chamber’s conclusion.³⁵ Indeed, the follow-up report from 2019 explicitly states that it was difficult to find the contact details of Victim a/70286/22’s brother, and that the *chef de quartier* of the neighbourhood in which he was supposedly residing had never heard of him,³⁶ which could easily be explained by the fact that he passed away in 2013, as stated by Victim a/70286/22 in his application.

³¹ See the “Corrigendum to Decision on the Applications for Participation in the Proceedings of Applicants a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07” (Pre-Trial Chamber I), [No. ICC-02/05-111-Corr](#), 14 December 2007, para. 5. See also, the “Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings” (Pre-Trial Chamber I), [No. ICC-02/11-01/11-138](#), 4 June 2012, para. 21; and the “Redacted version of the Corrigendum of Decision on the applications by 15 victims to participate in the proceedings” (Trial Chamber I), [No. ICC-01/04-01/06-2659-Corr-Red](#), 8 February 2011, para. 28.

³² See the Third Decision on Participation, *supra* note 2, para. 19.

³³ *Idem*, para. 20: “[...], the Chamber cannot give the applicant the *benefit of the doubt* [...]”.

³⁴ [REDACTED]

³⁵ See the Third Decision on Participation, *supra* note 2, para. 19.

³⁶ See the “Rapport définitif d’enquêtes sur les violations des droits humains à Bangui”, [CAR-OTP-2116-0384](#) at p. 0387 (6. 1).

26. In addition, the fact that the Prosecution was seeking to obtain the contact details and whereabouts of Victim a/70286/22's brother in 2019 does not mean that he was still alive,³⁷ but only suggests that the Prosecution considered him to be a victim. In this regard, she notes the Prosecution's submission that Victim a/70286/22 should be re-classified as clearly qualifying as a victim in the present case,³⁸ which demonstrates that the Prosecution acknowledges that Victim a/70286/22's brother has passed away. In any case, the Common Legal Representative sees no indication of the contrary, and notes particularly that the Prosecution reviewed its records for the purpose of its analysis,³⁹ which also goes beyond the required *prima facie* standard. Incidentally, the Chamber could have consulted the Prosecution on the matter before issuing its Decision. In fact, the only reasonable conclusions to be drawn from the investigation reports are that the Prosecution was looking for Victim a/70286/22's brother because he was a victim, and that it was impossible to find him, despite all efforts, which, again, can easily be explained by the fact that he passed away in July 2013.

27. Importantly, the Common Legal Representative also highlights the documentation provided by Victim a/70286/22 in support of his application. In particular, the applicant submitted an official death certificate, which serves as conclusive evidence that Victim a/70286/22's brother passed away in July 2013.⁴⁰ Indeed, the certificate in question bears all relevant indicia of reliability, *i.e.* it was drawn up by a [REDACTED] in Bangui who dated, signed and stamped the document in accordance with the official administrative procedure.⁴¹ Victim a/70286/22 also submitted a medical certificate from the [REDACTED], bearing the same indicia of reliability, attesting to the fact that his brother was a victim of torture.⁴²

28. In sum, both certificates have high probative value and fully substantiate Victim a/70286/22's statement, thus demonstrating the intrinsic coherence of the account in his application. She notes, however, that the Chamber makes no mention of either certificate in its analysis, but instead relies solely on inconclusive findings from investigation reports with low, if any, probative value,⁴³ as demonstrated *supra*.⁴⁴ As such, it is unclear whether the Chamber

³⁷ See the Third Decision on Participation, *supra* note 2, para. 19.

³⁸ See the "Prosecution's Observations on the 'Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings' (ICC-01/14-01/21-651)", *supra* note 21, paras. 4, 16, and 22.

³⁹ *Idem*, para. 22.

⁴⁰ See Annex 1 to the "Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings", [No. ICC-01/14-01/21-651-Conf-Exp-Anx1](#) and [No. ICC-01/14-01/21-651-Conf-Anx1-Red](#), 20 November 2023.

⁴¹ See, in this sense, the transcript of the hearing held on 29 February 2024, [No. ICC-01/14-01/21-T-056-CONF-ENG CT](#), p. 47, line 17 – p. 51, line 13.

⁴² See Annex 1 to the "Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings", *supra* note 40.

⁴³ See the Third Decision on Participation, *supra* note 2, para. 19.

⁴⁴ See *supra* paras. 25-26.

questions the overall authenticity of the certificates submitted by Victim a/70286/22, and, if so, for what reason. It is equally unclear why the Chamber considers the investigation reports to be of such probative value that they would affect the veracity of Victim a/70286/22's application. Therefore, it can be concluded that the lack of weight given by the Chamber to the certificates impacted the Decision in such a way that reconsideration is warranted.

2. In the alternative, the Decision should be reconsidered in light of additional information provided

29. If, by extraordinary, the Chamber would not consider it appropriate to reconsider its Decision on the basis of the arguments developed *supra*,⁴⁵ the Common Legal Representative submits that reconsideration is justified in light of additional information provided by Victim a/70286/22.

30. In light of the fact that the Decision is “*without prejudice to further information being provided by the applicant*”,⁴⁶ and of the Court's jurisprudence as outlined *supra*,⁴⁷ the Common Legal Representative sought, once more, further additional information from Victim a/70286/22.

31. In particular, in light of the Chamber's conclusion that Victim a/70286/22's brother might have been alive in 2019,⁴⁸ the Common Legal Representative found herself forced to seek out any evidence, in addition to the death certificate already provided,⁴⁹ that would further substantiate the claim that his brother passed away in July 2013. In doing so, while she tried to act in accordance with the ‘do no harm’ principle to avoid further victimisation,⁵⁰ Victim a/70286/22 was deeply affected by being confronted anew with painful memories regarding his brother's death and allegations that he would have deliberately lied about it.

32. Nonetheless, the Common Legal Representative hereby provides an *attestation sur l'honneur* from the *chef de quartier* (Annex I), proving that Victim a/70286/22's brother lived in the *chef de quartier*'s neighbourhood from his birth until his death on [REDACTED] July 2013, and that the funeral ceremony took place at the family home in the same neighbourhood.

⁴⁵ See *supra* paras. 21-28.

⁴⁶ See the Third Decision on Participation, *supra* note 2, para. 21.

⁴⁷ See *supra* para. 19.

⁴⁸ See the Third Decision on Participation, *supra* note 2, para. 19.

⁴⁹ See *supra* paras. 27-28.

⁵⁰ See the “Reparations Order” (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021, para. 51. See also the “Reparations Order” (Trial Chamber IX), [No. ICC-02/04-01/15-2074](#), 28 February 2024, para. 63(ii).

As with the death certificate provided in Victim a/70286/22's application,⁵¹ the *attestation sur l'honneur* bears all relevant indicia of reliability, *i.e.* it was drawn up by an authoritative figure who dated, signed and stamped the document, and fully corroborates Victim a/70286/22's statement that his brother died on [REDACTED] July 2013.

33. In addition, photographs of the funeral ceremony of Victim a/70286/22's brother, taken at the family home (Annex II), are provided. The first set of photographs shows Victim a/70286/22's close relatives beside his brother's open coffin, while the second set of photographs also shows neighbours who gathered for the funeral.

34. In light of this additional information, which substantiates Victim a/70286/22's statement, the Common Legal Representative submits that the Decision should be reconsidered and Victim a/70286/22 authorised to participate as a victim in the present proceedings.

35. Finally, regarding the Chamber's finding that there is "*no indication that a/70286/22's brother was ever held in the underground cell*",⁵² the Common Legal Representative recalls that this cannot be excluded either, as noted by the Registry,⁵³ and that it is impossible for Victim a/70286/22 to provide more detailed information regarding his brother's detention at the OCRB, since he died as a result of the cruel treatments suffered while held in detention.⁵⁴ In any case, Victim a/70286/22, being an indirect victim, cannot be required to recount the circumstances of his brother's victimisation to the same degree of detail as the direct victim, as per the Court's practice.⁵⁵ If anything, the high degree of detail provided by Victim a/70286/22, by way of his application and all supporting documentation, militates in favour of him being authorised to participate in these proceedings.

⁵¹ See Annex 1 to the "Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings", *supra* note 40. See also *supra* para. 27.

⁵² See the Third Decision on Participation, *supra* note 2, para. 20.

⁵³ See the Registry Report, *supra* note 18, para. 20.

⁵⁴ See the "Victims' observations on the 'Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings' (ICC-01/14-01/21-650)", *supra* note 20, para. 22, referring to the "Common Legal Representative of Victims' response to the 'Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings' (ICC-01/14-01/21-498)", [No. ICC-01/14-01/21-512](#), 24 October 2022, para. 39, and fn. 55.

⁵⁵ See the "Victims' observations on the 'Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings' (ICC-01/14-01/21-650)", *supra* note 20, para. 23, referring to the "Corrected Version of the 'Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable'" (Trial Chamber II), [No. ICC-01/04-01/06-3379-Conf-Corr-tENG](#), 21 December 2017, and [No. ICC-01/04-01/06-3379-Red-Corr-tENG](#), 5 July 2018, para. 161; and the "Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659" (Trial Chamber II), [No. ICC-01/04-02/06-2858-Conf](#) and [No. ICC-01/04-02/06-2858-Red](#), 14 July 2023, para. 106.

FOR THESE REASONS, the Common Legal Representative respectfully requests the Chamber to reconsider its Decision and to grant Victim a/70286/22 the authorisation to participate as a victim in the present proceedings.

A handwritten signature in black ink, appearing to read 'Sarah Pellet', followed by a period.

Sarah Pellet

Dated this 16th day of April 2024

At The Hague, The Netherlands