

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 May 2020

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* ALFRED YEKATOM AND
PATRICE-ÉDOUARD NGAÏSSONA**

Public Document

**Common Legal Representatives' Joint Response
to the "Prosecution's Request for Leave to Appeal the 'Decision on the
'Prosecution's Request to Amend Charges pursuant to Article 61(9) and for
Correction of the Decision on the Confirmation of Charges, and Notice of
Intention to Add Additional Charges'"**

Source: Common Legal Representatives of Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the****Court to:*****The Office of the Prosecutor**

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I. INTRODUCTION

1. The Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of the Victims of Other Crimes (jointly the “Common Legal Representatives”) hereby file their joint response to the “Request for Leave to Appeal the “Decision on the ‘Prosecution’s Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges’” (the “Prosecution Request” or the “Request”).¹

2. The Common Legal Representatives support the Request. The three issues identified by the Prosecution significantly affect the fair and expeditious conduct of the proceedings and the immediate resolution by the Appeals Chamber is necessary at this early stage of the proceedings. Indeed, it is in the interest of all parties and participants that the matters are properly settled before the commencement of the trial.

3. In particular, the Common Legal Representatives agree with the Prosecution that the rejection of its Request to amend the charge has an impact on the possibility for the concerned Victims to receive justice. More generally, as already advocated by the Common Legal Representatives,² it is in the interest of the participating Victims that the full extent of their victimisation is understood and recognised.

¹ See the “Request for Leave to Appeal the “Decision on the ‘Prosecution’s Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges’”, [No. ICC-01/14-01/18-524](#), 20 May 2020 (the “Prosecution Request” or the “Request”).

² See the “Common Legal Representatives’ Joint Response to the ‘Prosecution’s Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges’”, [No. ICC-01/14-01/18-475](#), 14 April 2020, para. 2.

II. PROCEDURAL BACKGROUND

4. On 11 December 2019, Pre-Trial Chamber II (the “Chamber”) issued the “Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona”, partly confirming the charges against the suspects and committing them for trial (the “Decision Confirming the Charges”).³

5. On 2 March 2020, the Prosecution filed a Request for Reconsideration of, or alternatively Leave to Appeal, the Decision Confirming the Charges,⁴ which was rejected by the Chamber on 11 March 2020.⁵

6. On 16 March 2020, the Presidency constituted Trial Chamber V and referred the present case to it.⁶

7. On 31 March 2020, the Prosecution filed its “[...] Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges” (the “Prosecution’s Request to Amend Charges”).⁷

³ See the “Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona” (Pre-Trial Chamber II), [No. ICC-01/14-01/18-403-Conf](#), 11 December 2019 (the “Decision Confirming the Charges”). A public redacted version of the Decision was issued on 20 December 2020 as [No. ICC-01/14-01/18-403-Red](#).

⁴ See the “Prosecution’s Request for Reconsideration of, or alternatively Leave to Appeal, the ‘Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona’”, [No. ICC-01/14-01/18-437](#), 2 March 2020.

⁵ See the “Decision on the Prosecutor’s request for reconsideration or, in the alternative, leave to appeal the ‘Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona’” (Pre-Trial Chamber II), [No. ICC-01/14-01/18-447](#), 11 March 2020, p. 14.

⁶ See the “Decision constituting Trial Chamber V and referring to it the case of The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona” (Presidency), [No. ICC-01/14-01/18-451](#), 16 March 2020.

⁷ See the “Prosecution’s Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges”, [No. ICC-01/14-01/18-468-Conf](#), 31 March 2020 (the “Prosecution’s Request to Amend Charges”). A public redacted version was issued on 31 March 2020 as [No. ICC-01/14-01/18-468-Red](#). On 16 April 2020, a corrected confidential version was issued as [No. ICC-01/14-01/18-480-Conf](#). On 17 April 2020 a public redacted version of the corrected version was issued as [No. ICC-01/14-01/18-480-Red](#).

8. On 14 April 2020, the Common Legal Representatives filed their joint response to the Prosecution’s Request to Amend Charges.⁸ The Defence for Mr Yekatom filed its response the same day.⁹

9. On 14 May 2020, the Chamber issued the “Decision on the ‘Prosecution’s Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges’”, rejecting said request (the “Decision not to Amend Charges” or the “Impugned Decision”).¹⁰

10. On 20 May 2020, the Prosecution filed its Request.¹¹

III. SUBMISSIONS

11. Article 82(1)(d) of the Rome Statute (the “Statute”) provides for the possibility for the parties to seek leave to appeal “*a decision that involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Pre-Trial or Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings*”.

12. The jurisprudence of the Court has clarified the various requirements of article 82(1)(d) of the Statute.¹² In this regard, the Appeals Chamber ruled that “[e]vidently,

⁸ See the “Common Legal Representatives’ Joint Response to the ‘Prosecution’s Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges’”, [No. ICC-01/14-01/18-475](#), 14 April 2020.

⁹ See the “Defence Response to the Prosecution’s Request to Amend Charges pursuant to Article 61(9) (ICC-01/14-01/18-468-Conf)”, [No. ICC-01/14-01/18-477-Conf](#), 14 April 2020. A public redacted version was filed on 16 April 2020 as [No. ICC-01/14-01/18-477-Red](#).

¹⁰ See the “Decision on the ‘Prosecution’s Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges’” (Pre-Trial Chamber II), [No. ICC-01/14-01/18-517](#), 14 May 2020 (the “Impugned Decision”).

¹¹ See the Prosecution’s Request, *supra* note 1.

¹² See the “Decision on Prosecutor’s Application for leave to appeal in part Pre-Trial Chamber II’s Decision on the Prosecutor’s Applications for Warrants of Arrest under article 58” (Pre-Trial Chamber II), [No. ICC-02/04-01/05-20](#), 19 August 2005, para. 21. See also the “Judgment on

article 82(1)(d) of the Statute has two components. The first concerns the prerequisites for the definition of an appealable issue and the second the criteria by reference to which the Pre-Trial Chamber may state such an issue for consideration by the Appeals Chamber”.¹³ The Appeals Chamber further stated that “[o]nly an ‘issue’ may form the subject-matter of an appealable decision”,¹⁴ and defined the term “issue” as “an identifiable subject or topic requiring a decision for its resolution, not merely a question over which there is disagreement or conflicting opinion”.¹⁵ The Appeals Chamber also considered that “[n]ot every issue may constitute the subject of an appeal. It must be one apt to ‘significantly affect’, i.e. in a material way, either a) ‘the fair and expeditious conduct of the proceedings’ or b) ‘the outcome of the trial’”.¹⁶

13. According to the established jurisprudence, in analysing whether an appealable issue would “significantly affect” the fair and expeditious conduct of the proceedings under article 82(1)(d) of the Statute, the notion of “fairness” must be understood as referring to situations “when a party is provided with the genuine opportunity to present its case - under conditions that do not place it at a substantial disadvantage vis-à-vis its opponent - and to be appraised of and comment on the observations and evidence submitted to the Court that might influence its decision”.¹⁷ In turn, “expeditiousness” must be read as “closely linked to the concept of proceedings ‘within a reasonable time’, namely the speedy conduct of proceedings, without prejudice to the rights of the parties concerned”.¹⁸

the Prosecutor's Application for Extraordinary Review of Pre-Trial Chamber I's 31 March 2006 Decision Denying Leave to Appeal” (Appeals Chamber), [No. ICC-01/04-168 OA3](#), 13 July 2006, paras. 8 and 14.

¹³ See the “Judgment on the Prosecutor's Application for Extraordinary Review of Pre-Trial Chamber I's 31 March 2006 Decision Denying Leave to Appeal”, *supra* note 12, para. 8.

¹⁴ *Idem*, para. 9.

¹⁵ *Ibid.*

¹⁶ *Idem*, para. 10.

¹⁷ See *e.g.*, the “Decision on the Prosecutor's application for leave to appeal Pre-Trial Chamber III's decision on disclosure” (Pre-Trial Chamber III, Single Judge), [No. ICC-01/05-01/08-75](#), 25 August 2008, para. 14.

¹⁸ *Idem*, para. 18.

14. Finally, the Appeals Chamber indicated that in order to determine whether an issue would significantly affect the “outcome of the trial” under article 82(1)(d) of the Statute, “[t]he Pre-Trial or Trial Chamber must ponder the possible implications of a given issue being wrongly decided on the outcome of the case. The exercise involves a forecast of the consequences of such an occurrence”.¹⁹

15. Consequently, it must first be determined whether the purported “issue” identified in the Request is an “appealable issue” within the meaning of article 82(1)(d) of the Statute, as interpreted by the jurisprudence of the Court. Indeed, “while an application for leave to appeal should not contain in detail the arguments which the party intends to raise before the Appeals Chamber, it must still identify clearly the appealable issue, including by way of indicating a specific factual and/or legal error. Only in this case can the Chamber assess whether the issue, provided it was wrongly decided, may have implications on the fairness and expeditiousness of the proceedings or outcome of the trial”.²⁰

16. The Common Legal Representatives submit that the three issues identified by the Prosecution in its Request fulfil the requirements for leave to appeal to be granted. They arise from the Impugned Decision; they do not merely constitute conflicting opinion; they materially affect the fairness and expeditiousness of the proceedings or the outcome of the trial; and the immediate resolution by the Appeals Chamber is necessary to materially advance the proceedings. They are not simply hypothetical concerns or abstract legal questions, but have serious implications for the trial proceedings. Indeed, the decision to allow or reject an amendment of charge(s) significantly affects *per se* the “outcome of the trial”. In this regard, the Decision not to amend charges would significantly affect the outcome of the trial as the second instance of rape - which the Prosecution wishes to add under Counts 40 and 41 of the Decision Confirming the Charges - could then not form the

¹⁹ See the “Judgement on the Prosecutor's Application for Extraordinary Review of Pre-Trial Chamber I's 31 March 2006 Decision Denying Leave to Appeal”, *supra* note 12, para. 13.

²⁰ See the “Decision on three applications for leave to appeal” (Pre-Trial Chamber I), [No. ICC-02/11-01/11-307](#), 21 October 2015, para. 70.

factual basis upon which the judgment pursuant to article 74 of the Statute will be rendered. It is therefore essential that the issues arising from the Impugned Decision be expeditiously and authoritatively resolved by the Appeals Chamber prior to the start of the trial.

a. First Issue: Definition of an “additional charge” for the purpose of article 61(9) of the Statute

17. The Common Legal Representatives concur with the Prosecution that the Chamber erred in law in considering its request as an application to add an additional or new charge, rather than a request to amend an existing one.²¹

18. In this regard, as correctly pointed out by the Prosecution, the Impugned Decision significantly diverges from the constant jurisprudence of the Court on this matter. Indeed, in the *Kenyatta*,²² *Ruto and Sang*²³ and *Al Hassan*²⁴ cases, similar applications were entertained as requests to amend existing charges not requiring a new confirmation hearing. As in the present instance, in the above mentioned cases, the Prosecution had sought to expand the factual scope of the charges and to include new criminal acts.

19. In the present case, the Chamber held that *“adding a second person as a victim to the crime of rape allegedly committed under factual circumstances entirely other than the ones relevant to the confirmed charge as regards specific time, place, alleged perpetrators [...] cannot qualify as a mere ‘amendment’ of the same charge of rape as initially confirmed: it*

²¹ See the Prosecution’s Request, *supra* note 1, paras. 13-26.

²² See the “Corrigendum to ‘Decision on the ‘Prosecution’s Request to Amend the Final Updated Document Containing the Charges Pursuant to Article 61(9) of the Statute’” (Pre-Trial Chamber II), [No. ICC-01/09-02/11-700-Corr](#), 21 March 2013.

²³ See the “Decision on the ‘Prosecution’s Request to Amend the Updated Document Containing the Charges Pursuant to Article 61(9) of the Statute’” (Pre-Trial Chamber II), [No. ICC-01/09-01/11-859](#), 16 August 2013.

²⁴ See the “Version publique expurgée de la Décision sur la procédure applicable suite au dépôt par le Procureur de sa requête pour corrections et modifications de la Décision de confirmation des charges” (Pre-Trial Chamber I), [No. ICC-01/12-01/18-608-Red](#), 21 February 2020.

must be regarded rather as a new, additional charge, as such requiring a confirmation hearing".²⁵

20. To the contrary, Pre-Trial Chamber I in the *Al Hassan* case stated that: “[d]’après la jurisprudence de la Cour [...] l’ajout de nouveaux faits criminels à l’appui de charges déjà confirmées s’apparente bien à une « modification » des charges, et non à un « ajout de charges supplémentaires » ou une « substitution aux charges [déjà confirmées] de charges plus graves”.²⁶

21. A similar conclusion was reached in the *Katanga and Ngudjolo* case, where Trial Chamber II held that, after confirmation, the Prosecution is allowed to continue gathering evidence on new facts and circumstances which could fall within the terms of the legal characterisation of facts already accepted by the Pre-Trial Chamber in its confirmation decision. In particular:

*“[i]n the view of the present Chamber, any amendment of the charges, as contemplated by article 61(9) of the Statute, may inter alia be effected through the addition of new facts and circumstances, within the framework of the legal characterisations already accepted. The Chamber considers that the determination of the truth, which is its aim, just as it is that of the Prosecutor, and which, in the view of the Appeals Chamber, justifies the continuation of the investigations beyond the confirmation of the charges hearing, may be pursued at the trial only within the framework of the facts and circumstances described in the charges already confirmed”.*²⁷

22. The Common Legal Representatives therefore submit that the Chamber committed an error of law by considering that a request to add new facts and circumstances within the terms of the legal characterisations already accepted in the Decision Confirming the Charges constituted a request for additional charge rather than an amendment of an existing one. The Chamber’s approach completely departs

²⁵ See the Impugned Decision, *supra* note 10, para. 20.

²⁶ See the “Version publique expurgée de la Décision sur la procédure applicable suite au dépôt par le Procureur de sa requête pour corrections et modifications de la Décision de confirmation des charges”, *supra* note 24, para. 51.

²⁷ See the “Decision on the Filing of a Summary of the Charges by the Prosecutor” (Trial Chamber II), [No. ICC-01/04-01/07-1547-tENG](#), 21 October 2009, para. 27(3).

from the Court's constant jurisprudence on this issue and, based on this difference in approach alone, it is clear that harmonisation by the Appeals Chamber is warranted for consistency and legal certainty. In this regard, the Common Legal Representatives agree with the Prosecution that "[c]onsidering the need for judicial certainty in international criminal proceedings and most notably in matters involving the definition of the charges, the Prosecution's investigative powers and the Court's duty to establish the truth, the Appeals Chamber should intervene and resolve this question".²⁸

b. Second Issue: Significance of article 61(9) of the Statute as the procedural remedy recognised in article 61(8) of the Statute, where charges have partly been confirmed by the Pre-Trial Chamber

23. The Common Legal Representatives concur with the Prosecution that the Chamber erred in law in determining that the procedure under article 61(9) of the Statute cannot be triggered to reintroduce factual allegations previously declined by the Pre-Trial Chamber because of insufficiency of evidence.²⁹

24. The Chamber held that "*the right to request amendments and additional charges, whilst sanctioned by article 61(9) of the Statute, cannot be construed in such a way as to allow the Prosecutor to 'remedy' evidentiary lacunae which might affect part of an otherwise confirmed case: besides the uncertainty and precariousness which this would add to the contours of each confirmed case, this would be tantamount to making the rejection of one or more charges virtually meaningless*".³⁰

25. In the Chamber's opinion, allowing the Prosecution to reintroduce non-confirmed charges for which evidence was lacking would be tantamount to depriving the Pre-Trial Chamber of its fundamental function of control to set the

²⁸ See the Prosecution's Request, *supra* note 1, para. 22.

²⁹ *Idem*, paras. 27-37.

³⁰ See the Impugned Decision, *supra* note 10, para. 31.

factual boundaries of the trial, “especially if coupled with the less demanding procedure applicable when ‘only’ an amendment is at stake”.³¹

26. The Common Legal Representatives agree with the Prosecution that the Chamber has misdirected itself on this matter.

27. *First*, the Common Legal Representatives recall that the Pre-Trial Chamber retains jurisdiction over the amendment of the charges until the commencement of the trial (*i.e.* until the opening statements at trial). Consequently, a Trial Chamber cannot alter the charges as confirmed by the Pre-Trial Chamber.³² When entertaining a request for an amendment of charges, the Pre-Trial Chamber is effectively exercising its filtering function, by assessing the amended charges and determining whether they satisfy the required standard of proof. Only when the evidentiary standard has been met, can the amendment be granted and the amended charge entertained at trial. The Pre-Trial Chamber thus retains its gatekeeping function within the procedure of amendment of charges and “only those cases proceed to trial for which the Prosecutor has presented sufficiently compelling evidence going beyond mere theory or suspicion”.³³

28. *Second*, by stating that a less demanding procedure is applicable when only an amendment is at stake, the Chamber seems to believe that there exists a lower evidentiary threshold for seeking to amend charges. The Common Legal Representatives argue that this is an error of law: nothing in the Court’s legal texts or jurisprudence suggests that there is a different standard of proof when an amendment of charge is concerned.

³¹ *Idem*, para. 23.

³² See the “Decision on the status before the Trial Chamber of the evidence heard by the Pre-Trial Chamber and the decisions of the Pre-Trial Chamber in trial proceedings, and the manner in which evidence shall be submitted” (Trial Chamber I), [No. ICC-01/04-01/06-1084](#), 13 December 2007, para. 40.

³³ See the “Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute” (Pre-Trial Chamber I), [No. ICC-02/11-01/11-432](#), 3 June 2013, para. 18.

29. In this regard, Pre-Trial Chamber I in the *Al Hassan* case clarified that “*en ce qui concerne le droit applicable à l’examen de nouveaux cas et les questions relatives à la norme d’administration de la preuve, il n’y a pas de différence entre la procédure menée en vertu de l’alinéa 7 de l’article 61 et celle en vertu de l’alinéa 9 de l’article 61 du Statut, dans la mesure où il s’agit dans les deux cas de déterminer s’il existe des motifs substantiels de croire que M. Al Hassan est responsable des crimes allégués par le Procureur*”.³⁴

30. The Common Legal Representatives therefore submit that the Chamber erred in law by stating that the Prosecution could not reintroduce a factual allegation which had not been confirmed due to a lack of evidence. In this regard, they concur with the Prosecution’s interpretation of article 61(8) and (9) of the Statute.³⁵

31. Admittedly, this issue goes beyond the question of the reintroduction of a factual allegation which had not been confirmed and touches upon the interpretation of article 61(8) and (9) of the Statute, and the discretionary power of the Pre-Trial Chamber. It therefore necessitates authoritative guidance from the Appeals Chamber.

c. Third Issue: Exercise of the Pre-Trial Chamber’s discretion under article 61(9) of the Statute

32. The Common Legal Representatives concur with the Prosecution that the Chamber erred in exercising its discretion under article 61(9) of the Statute.³⁶ After considering the Prosecution’s application to amend a charge in light of the precautionary approach to article 61(9) of the Statute it had identified, the Chamber stated that “*none of the circumstances listed by the Prosecutor in support qualifies as a*

³⁴ See the “Version publique expurgée du Rectificatif de la Décision portant modification des charges confirmées le 30 septembre 2019 à l’encontre d’Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, 23 avril 2020, ICC-01/12-01/18-767-Conf (Pre-Trial Chamber I), [No. ICC-01/12-01/18-767-Corr-Red](#), 8 May 2020, para. 13.

³⁵ See the Prosecution’s Request, *supra* note 1, para. 33.

³⁶ *Idem*, paras. 38-43.

'proper justification', which would warrant allowing triggering the procedure leading– via new, albeit limited, confirmation proceedings– to an extension of the facts and circumstances of the case against Ngāissona through the addition of one charge of rape to the case".³⁷

33. The Common Legal Representatives contend that the Chamber indeed failed to take all relevant factors into account before rejecting the Prosecution's application. Notably, although the Chamber recognised that *"a decision of whether to grant permission to amend the charges confirmed should be taken upon an assessment of all relevant circumstances surrounding the case at [the relevant] stage of the proceedings', including, most crucially, the fairness and expeditiousness of the proceedings and the rights of the accused and the victims"*,³⁸ it did not in fact assess all relevant circumstances.

34. Indeed, the Chamber extensively considered the rights of the Accused, while not making a single mention of the rights and interests of the Victims, despite the fact that the rights and interests of the Victims shall be taken into consideration at any stage of the proceedings before the Court. However, for some Victims, the decision on the amendment of charges means "all or nothing". As recognised by the Prosecution, *"the victim of the rape in question will in all probability have no other way to obtain justice at this Court"*,³⁹ if the amendment is not granted.

35. The interests of the Victims are therefore directly and significantly affected by the Decision not to amend the charges. Consequently, the Common Legal Representatives aver that by not taking into account, or otherwise not taking sufficient account of, the interests of the Victims, the Chamber failed to properly and reasonably exercise its discretion under article 61(9) of the Statute in light of the material circumstances.

³⁷ See the Impugned Decision, *supra* note 10, para. 31.

³⁸ *Idem*, para. 22 (emphasis added).

³⁹ See the Prosecution's Request, *supra* note 1, para. 49.

36. In this regard, the Common Legal Representatives are seriously concerned by the fact that the error committed by the Chamber will impede the prosecution of gender-based crimes. As of today, only one case of rape has been retained in the Decision Confirming the Charges, despite the fact that said crimes, namely rape, sexual violence and sexual slavery, were widely committed during the period covered by the charges as indicated by a number of Victims in their applications to participate in the proceedings.⁴⁰ The true extent of the phenomenon is unfortunately still not fully uncovered since Victims may not want to tell what happened to them – even to their lawyers – because of fear of being stigmatised considering that gender-based crimes are still taboo in the Muslim community in CAR.

⁴⁰ In particular: a/65013/19 "*Ils m'ont sortie de la chambre, mis dans la Cour de la maison et ils ont commencé à me violer. Ils m'ont giflée, tabassée, déchiré les vêtements*"; a/65035/19 "*Un balaka a dit laissez-la il faut qu'on la viole d'abord. J'ai continué à me défendre, ils m'ont donné un coup de poignard au bras droit. Je suis tombée. Ils m'ont pris par derrière en déchirant mes vêtements. Je me suis évanouie*"; a/65014/19 "*J'ai été victime de viols collectifs*"; a/65090/19 "*[...] puis ils m'ont violé à 3 personnes*"; a/66231/19 "*2 balakas jeunes sont venu et m'ont emmené dans la brousse... pendant 5 jours ils m'ont violée*".

IV. CONCLUSION

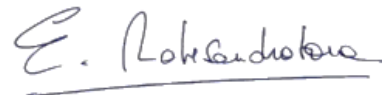
For the reasons set out above, the Common Legal Representatives respectfully request the Chamber to grant the Prosecution's Request and certify the three issues for appeal.



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Dated this 26th day of May 2020

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(Senegal)