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**No. ICC-01/14-01/18
Date: 29 December 2020**

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 public annex**

**Third Decision on Victims' Participation in Trial Proceedings
(Group A)**

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

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TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Article 68(3) of the Rome Statute, Rules 85 and 89 of the Rules of Procedure and Evidence (the ‘Rules’) and Regulation 86 of the Regulations of the Court, issues this ‘Third Decision on Victims’ Participation in Trial Proceedings (Group A)’.

1. The Chamber recalls the procedural history set out in its ‘Second Decision on Victims’ Participation in Trial Proceedings (Group A)’ (the ‘Second Decision on Victim Participation’).¹ In particular, the Chamber recalls the criteria for an applicant to qualify as a victim and the procedure established for the admission of Group A applications, namely that ‘barring a clear, material error in the Registry’s assessment’, it would ratify the Registry’s assessment of the applications.²
2. On 11 December 2020, the Chamber issued its Second Decision on Victim Participation³ concerning 100 Group A victims’ applications.⁴
3. On 17 December 2020, the Registry transmitted to the Chamber 119 Group A victims’ applications (the ‘Applications’)⁵ and filed an accompanying assessment report,⁶ containing a brief description of the criteria applied in its assessment of the Applications and several related observations. The Registry notes, *inter alia*, that, pursuant to the Chamber’s ‘Decision on Victims’ Participation in Trial Proceedings’,⁷ it categorised under Group A applicants who (i) describe crimes committed by Anti-Balaka groups in areas neighbouring the borders of Cattin or Boeing, and (ii) clearly relate those crimes to the alleged Anti-Balaka attack in

¹ Second Decision on Victim Participation, ICC-01/14-01/18-765 (with one public annex).

² Decision Establishing the Principles Applicable to Victims’ Applications for Participation, ICC-01/14-01/18-141 (the ‘5 March 2019 Decision’), paras 29-41.

³ Second Decision on Victim Participation, ICC-01/14-01/18-765.

⁴ Registry’s First Transmission of Group A Applications for Victims’ Participation in Trial Proceedings, ICC-01/14-01/18-746 (with 100 confidential *ex parte* annexes, only available to the Registry).

⁵ Registry’s Second Transmission of Group A Applications for Victims’ Participation in Trial Proceedings, ICC-01/14-01/18-778 (with 119 confidential *ex parte* annexes, only available to the Registry).

⁶ Third Registry Assessment Report on Victims Applications for Participation in Trial Proceedings, ICC-01/14-01/18-777 (with one confidential annex) (the ‘Third Registry Report’).

⁷ Decision on Victims’ Participation in Trial Proceedings, 23 November 2020, ICC-01/14-01/18-738 (the ‘First Decision on Victim Participation’), paras 27-33.

Bangui on 5 December 2013.⁸ The Registry further notes that some of the Applications seemingly provide an erroneous date for the alleged events or do not explicitly state a specific date, and that in assessing these applications, it followed the Chamber's instruction to evaluate applications 'holistically by assessing their internal coherence and the overall context of the alleged acts'.⁹

4. The Chamber recalls the applicable law set out in its previous decision on victims' participation¹⁰ and the consistent jurisprudence of the Court on Rule 85 of the Rules, as set out by Pre-Trial Chamber II.¹¹
5. The Applications were individually assessed by the Registry, which determined that the applicants meet, on a *prima facie* basis, the requirements of Rule 85(a) of the Rules for the granting of victim status.¹²
6. The Chamber has not identified any clear, material error in the Registry's assessment and therefore authorises the participation as victims of the 119 applicants whose applications were transmitted under Group A.

⁸ Third Registry Report, ICC-01/14-01/18-777, para. 24.

⁹ Third Registry Report, ICC-01/14-01/18-777, para. 25 *referring to* email from the Chamber to the Registry, 30 July 2020, at 17:29.

¹⁰ First Decision on Victim Participation, ICC-01/14-01/18-738, paras 11-12.

¹¹ 5 March 2019 Decision, ICC-01/14-01/18-141, paras 21, 31-36.

¹² See Third Registry Report, ICC-01/14-01/18-777, para. 20.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES to admit the 119 applicants listed in the annex to the present decision as participating victims for the purpose of the trial proceedings.

Done in both English and French, the English version being authoritative.



Judge Péter Kovács



Judge Bertram Schmitt

Presiding Judge



Judge Chang-ho Chung

Dated 29 December 2020

At The Hague, The Netherlands