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No. ICC-01/14-01/18

Date: 26 July 2022

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**

**Sixteenth 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 Ngaissona*, 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 ‘Sixteenth Decision on Victims’ Participation in Trial Proceedings (Group A)’.

1. The Chamber recalls the procedural history set out in its previous decisions concerning 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 The Chamber further recalls that Group A applications correspond to ‘applicants who clearly qualify as victims’.³
2. On 23 May 2022, the Chamber received 69 Group A victims’ applications (the ‘Group A Applications’).⁴ Additionally, on the same day, the Registry filed an assessment report,⁵ containing a brief description of the criteria applied in its assessment of the Group A Applications, and several related observations.
3. The Registry notes, *inter alia*, that, pursuant to the Chamber’s previous decisions, it categorised under Group A applicants who (i) mention 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 Bangui on 5 December 2013. Further, the Registry notes that it categorises within Group A ‘applicants who mention crimes committed by Anti-Balaka groups along the PK9-Mbaiki axis and clearly related to the Anti-Balaka’s advance through and

¹ See, in particular, Decision on Victims’ Participation in Trial Proceedings, 23 November 2020, ICC-01/14-01/18-738 (the ‘First Decision on Victim Participation’), paras 1-5.

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

³ 5 March 2019 Decision, ICC-01/14-01/18-141, para. 41(i).

⁴ Eighteenth Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings, ICC-01/14-01/18-1424 (with 69 confidential *ex parte* annexes, only available to the Registry).

⁵ Twentieth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, ICC-01/14-01/18-1422 (with one confidential annex, ICC-01/14-01/18-1422-Conf-Anx) (the ‘Twentieth Registry Report’).

takeover of villages along the PK9-Mbaiki axis, notably within a short distance of the villages of Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa and Mbaiki'.⁶

4. The Registry further notes that some of the Group A Applications seemingly 'contain minor discrepancies, pertaining to *inter alia*: the applicant's date of birth; an inversion of the applicant's first and last name; the applicant's signature date or the spelling of the applicant's name; or other minor inconsistencies in the information provided which appear to be the result of inadvertent errors'. The Registry submits that in assessing the Group A Applications, it took note of the instruction by Pre-Trial Chamber II that 'a certain degree of flexibility must be shown' and considers that these discrepancies 'do not call into question the overall credibility of the information provided by the applicant'.⁷
5. The Registry also notes that certain applications 'appear to provide an erroneous date of the alleged events or do not explicitly state specific dates', while at the same time referring to 'publicly known events' or providing 'any other sufficiently detailed contextual descriptions that date the events'.⁸ In these cases, the Registry submits that it applied the Chamber's instruction to assess applications 'holistically by assessing their internal coherence and the overall context of the alleged acts'.⁹
6. The Chamber recalls the applicable law set out in its 'Decision on Victims' Participation in Trial Proceedings'.¹⁰
7. The Group A 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.¹¹

⁶ Twentieth Registry Report, ICC-01/14-01/18-1422, para. 20.

⁷ Twentieth Registry Report, ICC-01/14-01/18-1422, para. 17.

⁸ Twentieth Registry Report, ICC-01/14-01/18-1422, para. 21.

⁹ Twentieth Registry Report, ICC-01/14-01/18-1422, para. 21 *referring to* an 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 Twentieth Registry Report, ICC-01/14-01/18-1422, para. 16.

8. The Chamber has not identified any clear, material error in the Registry's assessment and therefore authorises the participation as victims of the 69 applicants whose applications were transmitted under Group A.


FOR THESE REASONS, THE CHAMBER HEREBY

ADMITS the 69 applicants whose applications were transmitted under Group A, listed in the annex to the present decision, as participating victims for the purpose of the trial proceedings.

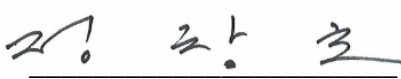
Done in both English and French, the English version being authoritative.



Judge Péter Kovács



Judge Bertram Schmitt
Presiding Judge



Judge Chang-ho Chung

Dated 26 July 2022

At The Hague, The Netherlands