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

Fifth 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:

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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 fifth 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"), in order to provide the Chamber with a comprehensive overview of the challenges 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, 14 July 2022 at 18:33.

⁴ Email from CLRV1 to VPRS, 4 August 2022 at 10:56; email from CLRV2 to VPRS, 4 August 2022 at 08:10.

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").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 Decision").⁸
7. On 19 March 2020, the Chamber issued its "Order Scheduling First Status Conference" ("Scheduling Order"), 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 ("Update").¹¹
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" ("16 July 2020 Decision").¹²

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).

10. On 11 November 2020, the Chamber issued the Decision.
11. On 12 April, 11 August and 13 December 2021 and on 11 April 2022, the Registry submitted its first¹³, second¹⁴, third¹⁵ and fourth¹⁶ periodic reports, respectively, on victims admitted to participate in the proceedings.

III. Applicable Law

12. This submission is made pursuant to articles 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

13. In accordance with regulation 23bis(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.

V. Submissions

A. Number of Participating Victims

14. To date, the Registry has received a total of 2896 applications for participation in the proceedings in relation to the Case.
15. Out of these, the Registry transmitted to date 2286 applications - including 1476 Group A applications, as well as 767 Group B and 43 Group C

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

¹³ Registry, “First Periodic Report on the Victims Admitted to Participate in the Proceedings”, 12 April 2021, ICC-01/14-01/18-952.

¹⁴ Registry, “Second Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 August 2021, ICC-01/14-01/18-1085.

¹⁵ Registry, “Third Periodic Report on the Victims Admitted to Participate in the Proceedings”, 13 December 2021, ICC-01/14-01/18-1209.

¹⁶ Registry, “Fourth Periodic Report on the Victims Admitted to Participate in the Proceedings”, 11 April 2022, ICC-01/14-01/18-1356-Conf-Exp. A public redacted version was filed on the same day (ICC-01/14-01/18-1356-Red).

applications - to the Chamber, which has so far granted victim status to 1436 applicants at the trial stage.¹⁷

16. The Registry recalls that 1,085 victims were accepted to participate ahead of the confirmation of charges hearing at the pre-trial stage.¹⁸ In accordance with the Confirmation Decision, the VPRS has been reviewing these victim applications against the revised scope of the Case. The Registry has assessed until now:

- approximately 700 of these applications as potentially adversely affected by the revised scope of the Case;¹⁹ out of these, 664 applications were transmitted to the Chamber as Group B applications - upon confirmation from the respective CLRVs that no additional clarification/information could be obtained from the victims;
- 320 of these applications as Group A applications which were subsequently admitted for participation at trial stage;

¹⁷ 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 and "Sixteenth Decision on Victims' Participation in Trial Proceedings (Group A)", 26 July 2022, ICC-01/14-01/18-1526.

¹⁸ See *supra*, para. 5.

¹⁹ As explained in its Update, the VPRS provided on 27 February 2020 the CLRVs with a preliminary list of approximately 570 individuals. It latter informed the CLRVs that further 130 might fall outside the scope of the Case following the 23 November 2020 Decision (Emails from VPRS to Mr Dangabo, Ms Rabesandratana, Mr Fall and Ms Douzima, 4 February 2021 at 12:07 and to Ms Massidda, 4 February 2021 at 12:07).

- approximately 60 of these applications as incomplete.²⁰

17. The Registry is carrying on its preliminary assessment and will continue to transmit periodically to the Chamber applications for participation in compliance with the deadline set by the Chamber in its 16 July 2020 Decision.²¹

B. Number of victims represented by each team of CLRVs

18. For the purpose of the current update, the Registry only presents hereafter the number of victims accepted thus far by the Chamber that are represented by the CLRVs, following the Registry's review of applications against the revised scope of the charges. However, it notes that the CLRVs represent a residual amount of additional victims whose status at the trial stage is still being assessed (and subject to future reporting).²²

- ***Former Child Soldiers***

19. A total of 269 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.²³

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

²⁰ While some of these applications were assessed as complete at pre-trial stage, they became incomplete in light of the revised scope of the Case (e.g. they require more details in relation to the dates or to the geographical locations of the alleged crimes).

²¹ See *supra*, footnote 12.

²² The Registry's review of applications formerly accepted at pre-trial stage is still ongoing. As such, the Registry considers that the mandate of the CLRVs in relation to victims accepted at pre-trial continues until their status has been determined by the Chamber and the CLRVs have informed the applicants accordingly.

²³ This includes 85 of the 88 Former Child Soldiers previously admitted to participate at pre-trial stage.

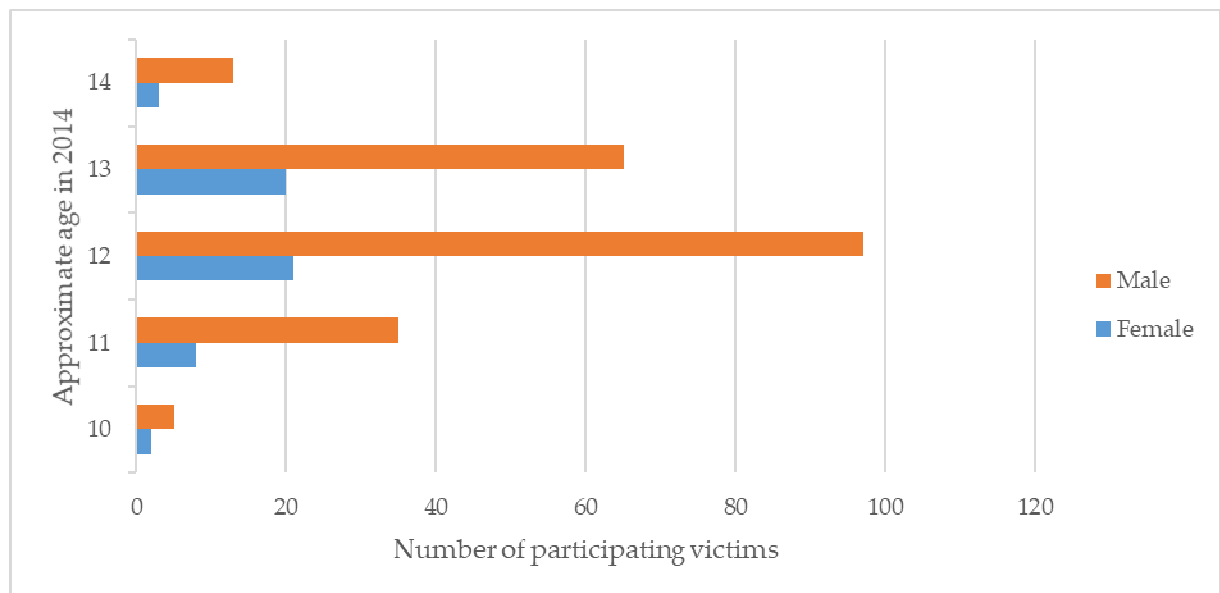


Figure 1

- *Victims of the Other Crimes*

21. 1167 victims of the other crimes listed in the Confirmation Decision (the “Victims of Other Crimes”) have been admitted as participants at trial stage.²⁴

22. Of these 1167 victims:

- 641 victims allege that they suffered from crimes charged in the context of the Anti-Balaka attack in Bangui on 5 December 2013 (“5 December 2013 Attack”);
- 232 victims report that they suffered from 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”);
- 294 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”).²⁵

²⁴ 236 of them were previously admitted to participate at pre-trial stage.

²⁵ The Registry notes that few victims report that they suffer from crimes charged in the context of more than one event.

23. 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.

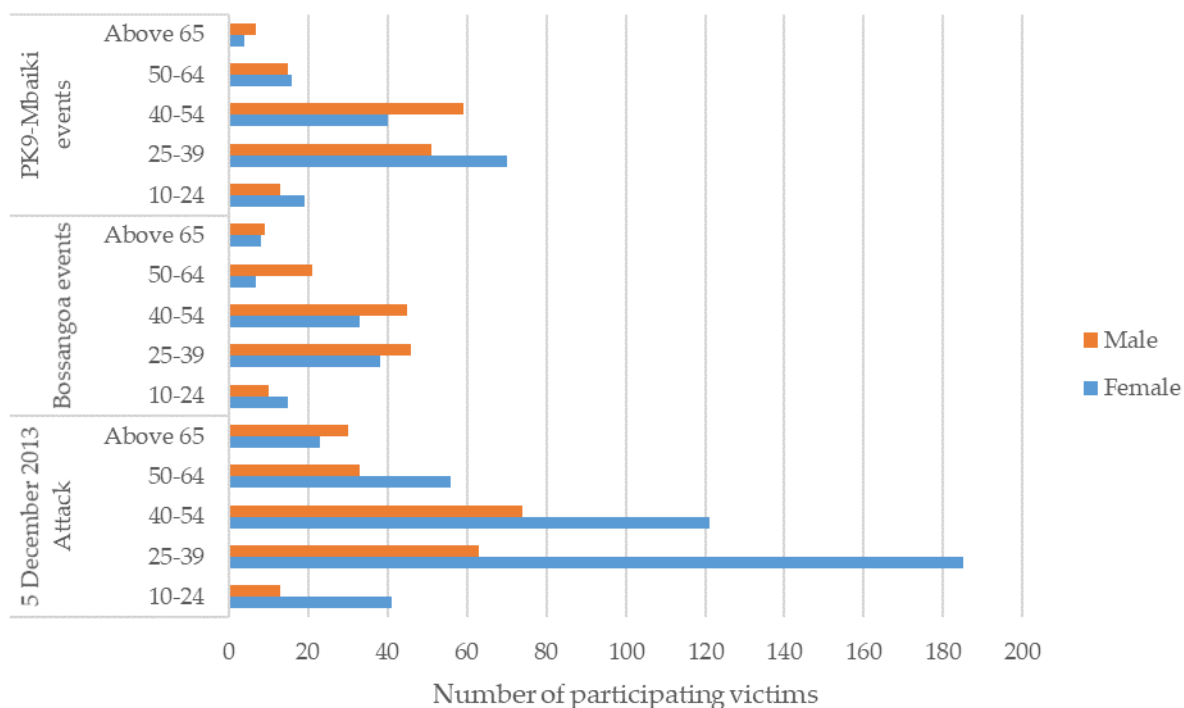


Figure 2

C. CLRVs' Activities and Victims' Views

24. In accordance with paragraph 9 of the Decision, the CLRV1 and the CLRV2 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.

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

- **Former Child Soldiers**

Information provided by CLRV1
On the form and content of interactions with victims
<p>The CLRV1 reported that he progressively resumed in-person meetings with the victims - in particular, 129 victims were met in person in July 2021. In addition, the CLRV1 stated that he continued holding regular remote group meetings with the victims on a bi-weekly basis. An average of 20 victims attended each group meeting. The victims were first informed of the developments in the proceedings. They then had the opportunity to ask questions, express their views, concerns and expectations in terms of the justice process and the assistance they need.</p> <p>The CLRV1 indicated that other individual interactions were held on a daily basis in relation to specific topics which could be related to health, security or socio-economic reintegration issues.</p> <p>Lastly, the CLRV1 observed an increased interest from victims to participate in information sessions, despite being busy with rural activities which constitute the only source of their subsistence. He further noted that this interest occurred particularly in the absence of any other available sources for the majority of the victims to follow the development of the trial.</p>
On new potential victims yet unable to submit an application to participate
<p>The CLRV1 reported that he was approached by quite a large number of former child soldiers, who, as potential new victims, expressed concerns of still being unable to apply to participate in the present proceedings. According to the CLRV1, the latter also expressed their wish to participate in the case of <i>The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka</i>. He added that he stands ready to transmit to the Registry information about the locations of the victims concerned.</p>
On the security situation in the respective communities
<p>The CLRV1 stated that, during the reporting period, the security situation in the localities where most former child soldiers live remained relatively stable. He further explained that many former Anti-Balaka and current <i>Coalition des Patriotes pour le Changement</i> ("CPC") rebel elements were due to leave the region, or to retreat, thanks to an enhanced presence of the national security forces operating through regular patrols. The CLRV1 also stated that the general climate in the respective communities also improved in terms of</p>

attitude with respect to former child soldiers. As a result, no incidents of stigmatisation were reported by the victims during the reporting period and several former child soldiers were reportedly allowed to start or resume their rural or craft activities. However, the CLRV1 explained that a number of victims have indicated being approached by former Anti-Balaka elements who attempted to dissuade them from further engaging with the Court - insisting that both of the accused would be released and return to the country shortly.

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. He further explained that while a number of the victims could benefit from some assistance as part of the TFFV's assistance programmes in the CAR, this assistance was mainly aimed at providing basic medical care. According to him, the victims suffering particularly from diverse health pathologies or gynaecological issues complained of only being provided with basic medications and feeling abandoned, with no further and more substantive care.

The CLRV1 flagged that the vast majority of the victims could not yet benefit from any medical care or any other type of support. In this regard, he further added that the former child soldiers expressed their wish that the TFFV considers extending its assistance programmes in the respective communities in terms of capacity and types of assistance provided.

On the victims' ability to follow the trial

According to the CLRV1, the developments in the proceedings continued to be largely reported mainly in Bangui - in particular via visual announcements placed on boards. He highlighted that in provinces, including in the localities where the former child soldiers live, namely the Ombella-Poko and Lobaye prefectures, the victims' ability to follow the trial was rather limited.

The CLRV1 added that only a small number of victims reported of being able to follow the trial sequences broadcasted, for instance, by *Radio Nguira* facilitated by MINUSCA and *Radio Centrafrique*. He further explained that the victims deplored the absence of the Court's outreach activities in the affected communities. As a result, 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
On the form and content of interactions with victims
<i>Victims based in CAR</i>
<p>The CLRV2 team reported that missions within the country were not always possible due to the pandemic, insecurity, and/or road conditions. However, Counsel indicated that they were able to maintain regular contact with their clients both in and outside Bangui, holding individual or small group meetings with Counsel/Assistant to Counsel based in CAR. The CLRV2 team noted that i) in particular, regular meetings were held with clients who live in Bangui and the surrounding area, ii) meetings via WhatsApp were held between victims, Counsel based in CAR, focal points and intermediaries, and iii) it was also possible to hold meetings via WebEx/WhatsApp between victims and Counsel based outside of CAR.</p> <p>The CLRV2 team also indicated that, as usual, the number of victims reached per week varied depending on the possibility for them to come to the venue, their professional obligations, restrictions due to the pandemic, and the security situation. Counsel submitted that they deployed specific efforts to contact victims recently admitted to participate by the Chamber. The CLRV2 team noted that the main challenge remains to reach all formerly unrepresented victims because the contact details provided at the time of the completion of the forms are no longer in use or the person no longer lives in the same area. In this regard, Counsel further indicated that, they continue to liaise with the Registry (VPRS) to find a solution.</p> <p>The CLRV2 team explained that during the meetings, victims were first informed about their status and the developments of the proceedings, and then had the opportunity to ask questions, and express their views and concerns. The victims were also asked about their health needs and/or socio-economic situation.</p> <p>The CLRV2 team highlighted that specific individual meetings were also organised with victims whose forms were considered incomplete or from whom the Chamber had requested supplementary information. Counsel provided supplementary information for a number of victims to the Registry (VPRS).</p>
<i>Victims based in Chad</i>
<p>The CLRV2 team reported that, following a mission which took place in April 2022, they maintained regular contact with clients through the assistance of focal points in the field.</p>

Counsel also indicated that they were able to hold meetings remotely to verify a number of application forms and collect additional information to complete some application forms. The CLRV2 team added that it has provided a number of new applications to the Registry (VPRS).²⁶

On the views and concerns of victims

According to the CLRV2 team, victims are generally satisfied with the pace of the trial and understanding of the difficulties linked to the progress of the proceedings because of the pandemic. However, Counsel noted that as the trial progresses, a number of victims are becoming impatient - a few victims feeling less engaged with the process - and expressed some concerns in relation to the fact that to date only a small number of witnesses appeared before the Chamber.

The CLRV2 team stressed that the security situation in the country remains a great concern for the victims who continue to indicate that the Anti-Balaka are still active and armed. Counsel reported that security situation is even more concerning with the creation of the *Coalition des Patriotes pour le Changement*- an armed coalition - between the Anti-Balaka and the Seleka - operating in certain towns within CAR. The CLRV2 team considered that this results in the regular internal displacements of victims. According to the team, other victims have sought refuge in neighbouring countries, mainly Cameroon, DRC and Chad.

Counsel further highlighted that many victims find themselves in very vulnerable situations, and continue to report physical and psychological health problems, difficulties in finding daily subsistence means, health care, jobs and the impossibility to send their children to school. The CLRV2 team moreover highlighted that other victims indicated that they still live separated from members of their family who sought refuge in other countries, mainly DRC, Chad and Cameroon. The CLRV2 team reported that the vast majority of victims asked about the TFV assistance programme.

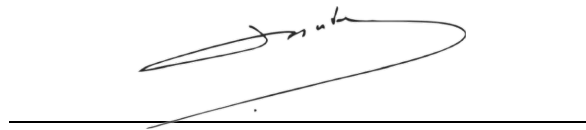
Finally, the CLRV2 team highlighted that the vast majority of the victims asked about the proceedings against Mr Mokom and expressed their wish to participate in those proceedings as well. Counsel reported that they provided information about said proceedings to victims and informed the Registry (VPRS) accordingly.

²⁶ The Registry notes that the interaction with victim applicants and active collection of new application forms falls within the mandate of the Registry and is not a task of the Common Legal Representatives of Victims. This said, they may receive applications due to their representation role in on-going cases. Forms are then forwarded to the Registry for assessment and processing.

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, being higher in Bangui town and surroundings, and low in rural areas. Counsel further explained that the current situation in CAR, where network and phone connections are not stable or available, does not allow to communicate easily.

In this regard, the CLRV2 team noted that during the meetings, many victims indicated that the Court should organise information campaigns in the various localities where they live, with the possibility of following parts of the trial live. Counsel further submitted that, according to the victims, this will allow them to be aware of what really happens at the Court - since often rumours are spread about the release of the accused, worrying victims and their communities. In this regard, Counsel also noted that victims expressed the wish for the Court to remobilise the media for a better follow-up of the trial in all the areas where victims reside. According to the CLRV2 team, this is even more true in Chad where the Court's field presence is nearly non-existent.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 11 August 2022

At The Hague, The Netherlands