

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21

Date: 19 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 Confidential Annex**

**Sixth Registry Assessment Report on Victim Applications for Participation in Trial
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 13 April 2022, Trial Chamber VI ("Chamber") issued its "Decision on matters relating to the participation of victims during the trial" ("Decision")¹ in which it *inter alia* adopted an amended version of the victim admission system endorsed by Pre-Trial Chamber II ("PTC" and "Victim Application Procedure")² in light of the expected low number of applications in the present case of the *Prosecutor v. Mahamat Said Abdel Kani* ("Case").³
2. In compliance with the Victim Application Procedure, the Victims Participation and Reparations Section of the Registry ("VPRS") shall classify victim applicants into three categories: (a) applicants who clearly qualify as victims ("Group A"); (b) applicants who clearly do not qualify as victims ("Group B"); and (c) applicants for whom the Registry could not make a clear determination for any reason ("Group C") ("A-B-C approach").
3. In addition, the VPRS must transmit Group A and Group C applications to the parties together with the corresponding reports pursuant to Regulation 86(5) of the Regulations of the Court ("RoC").⁴
4. The Registry hereby transmits its sixth report on one complete application to participate ("Application") in the Case. The Registry has assessed this Application to fall in Group A.
5. The Application is listed in the annex to the present report ("Annex") and is being transmitted separately in original version to the Chamber and in redacted form to the parties, in accordance with the Decision.⁵

¹ Trial Chamber VI, "Decision on matters relating to the participation of victims during the trial", 13 April 2022, ICC-01/14-01/21-278, para. 16-18.

² On 16 April 2021 Pre-Trial Chamber II issued its "Decision Establishing the Principles Applicable to Victims' Applications for Participation" (ICC-01/14-01/21-56) in which it endorsed, *mutatis mutandis*, the victim application procedure adopted in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaissona* (5 March 2019, ICC-01/14-01/18-141) ("5 March 2019 Decision").

³ Decision, para. 16.

⁴ Decision, para. 16, in variation to the general standard approach foreseen by the 5th edition (2022) of the Chambers Practice Manual, para. 96 *lit. (v)*, owing to the expected low number of applications in the present case.

⁵ Decision, paras. 16, 17 and regarding necessary redactions paras. 23, 24.

II. Procedural History

6. On 16 April 2021, Pre-Trial Chamber II (“PTC”) issued its “Decision Establishing the Principles Applicable to Victims’ Applications for Participation”, adopting the A-B-C approach implemented in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaissona*.⁶
7. On 6 October 2021, the PTC authorised 27 victims to participate in the Case and appointed OPCV Counsel to act as common legal representative for the authorised victims.⁷
8. On 9 December 2021, the PTC confirmed part of the charges against Mr Said (“Confirmation of Charges Decision”),⁸ relating to crimes allegedly committed at the *Office Central de Répression du Banditisme* (“OCRB”).
9. On 21 February 2022, the Chamber set the start date of trial on 26 September 2022.⁹
10. On 13 April 2022, the Chamber issued the Decision, amending the pre-trial A-B-C approach in light of the expected low number of applications in the

⁶ Pre-Trial Chamber II, “Decision Establishing the Principles Applicable to Victims’ Applications for Participation”, 16 April 2021, ICC-01/14-01/21-56, para. 35. The PTC endorsed *mutatis mutandis*, the victim application procedure adopted in the Yekatom and Ngaissona case (5 March 2019, ICC-01/14-01/18-141) (“5 March 2019 Decision” and “Victim Application Procedure”) whereby the Victims Participation and Reparations Section (“VPRS”) should “classify all complete applications into three categories: Group A: Applicants who clearly qualify as victims of this case; Group B: Applicants who clearly do not qualify as victims of this case; and Group C: Applicants for whom the Registry could not make a clear determination” (“A-B-C approach”).

⁷ Pre-Trial Chamber II, “Decision on victim applications for participation in the proceedings and on legal representation of victims”, 6 October 2021, ICC-01/14-01/21-199.

⁸ Pre-Trial Chamber II, “Public redacted version of Decision on the confirmation of charges against Mahamat Said Abdel Kani, 9 December 2021, ICC-01/14-01/21-218-Red.

⁹ Trial Chamber VI, “Decision Setting the Commencement Date of the Trial and Related Deadlines”, 21 February 2022, ICC-01/14-01/18-243.

Case;¹⁰ it also set the “end of the Prosecution’s presentation of evidence as the deadline for the transmission of victim applications by the Registry”.¹¹

11. On 6 May 2022, the Registry submitted its first assessment report¹² and transmitted 20 applications classified as belonging to Group A and three applications classified as belonging to Group C.¹³
12. On 27 May 2022, the Chamber authorised 20 victims to participate in the Case.¹⁴
13. On 13 July 2022, the Registry submitted its second assessment report¹⁵ and transmitted 14 applications classified as belonging to Group A and five applications classified as belonging to Group C.¹⁶
14. On 6 September 2022 the Chamber clarified that the scope of the charges in the Case is limited to the specific criminal acts listed by the PTC in paragraph 29 of the operative part of the Confirmation of Charges Decision.¹⁷
15. On 12 September 2022, the Registry submitted its third assessment report,¹⁸ on three applications transmitted in Group A.¹⁹

¹⁰ Decision, para. 16, in reference to the Appeals Chamber’s ‘Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled “Decision establishing the principles applicable to victims’ applications for participation”, ICC-01/14-01/21 OA2, 14 September 2021 and the latest edition (5th edition, 2022) of the Chambers Practice Manual which sets the ABC application process as the general default, para. 96 (albeit limiting the transmission of forms to the parties to “C” forms, *id.*, para. 96 (vi)).

¹¹ Decision, paras 10-28.

¹² Registry, “First Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 6 May 2022, ICC-01/14-01/21-297.

¹³ Registry, “First Registry Transmission of Group A and C Victim Applications for Participation in Trial Proceedings”, 6 May 2022, ICC-01/14-01/21-296.

¹⁴ Trial Chamber VI, “Decision authorising 20 victims to participate in the proceedings”, 27 May 2022, ICC-01/14 01/21-331.

¹⁵ Registry, “Second Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 13 July 2022, ICC-01/14-01/21-405-Conf. A public redacted version was filed on the same day (ICC-01/14-01/21-405-Red).

¹⁶ Registry, “Second Registry Transmission of Group A and C Victim Applications for Participation in Trial Proceedings”, 13 July 2022, ICC-01/14-01/21-406.

¹⁷ Trial Chamber, “Decision on the Scope of the Charges”, 6 September 2022, ICC-01/14-01/21-472, para. 25.

¹⁸ Registry, “Third Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, dated 12 September 2022 and notified on 13 September 2022, ICC- 01/14-01/21-478.

16. On 27 September 2022, the Chamber issued the “Order for the Reassessment of Victims Applications” in which it instructed the Registry “to reassess all applications that it had previously classified as Group A, including those authorised to participate in the First Decision, in light of the clarified scope of the charges”.²⁰
17. On 11 October 2022, the Registry submitted its “Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings”.²¹
18. On 8 November 2023, the Chamber issued its “Second Decision Authorising Victims to Participate in the Proceedings”, authorising 30 victims to participate in the Case and ordering the Registry to provide an update on the status of eight incomplete applications (“Incomplete Applications”).²²
19. On 20 November 2023, the Registry provided its update on the status of the Incomplete applications²³ and transmitted five of them, classified as Group C applications, to the Chamber and the parties.²⁴
20. On 14 February 2024, the Chamber issued its “Third Decision Authorising Victims to Participate in the Proceedings”, in which it denied authorization to participate in the present proceedings to five applicants.²⁵

¹⁹ Registry, “Third Registry Transmission Report on Victim Applications for Participation in Trial Proceedings”, dated 12 September 2022 and notified on 13 September 2022, ICC-01/14-01/21-477.

²⁰ Trial Chamber VI, “Order for the Reassessment of Victims Applications”, 27 September 2022, ICC-01/14-01/21-490. para. 8.

²¹ Registry, “Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings”, 11 October 2022, ICC-01/14-01/21-498.

²² Trial Chamber VI, “Second Decision Authorising Victims to Participate in the Proceedings”, 8 November 2023; ICC-01/14-01/21-640-Conf. A public redacted version of the decision was filed on the same day (ICC-01/14-01/21-640-Red).

²³ Registry, “Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings”, 20 November 2023, ICC-01/14-01/21-650.

²⁴ Registry, “Third Registry Transmission of Group C Victim Applications for Participation in Trial Proceedings”, 20 November 2023, ICC-01/14-01/21-651.

²⁵ Trial Chamber VI, “Third Decision Authorising Victims to Participate in the Proceedings”, 14 February 2024, 01/14-01/21-695-Conf. A public redacted version of the decision was filed on the same day (ICC-01/14-01/21-695-Red)

III. Classification

21. The Annex to this report is classified as confidential in accordance with the Victim Application Procedure.²⁶

IV. Applicable Law

22. The present transmission is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence, regulation 86 of the RoC, and regulations 107 to 109 of the Regulations of the Registry.

V. Submissions

23. In accordance with the Victim Application Procedure, the VPRS has assessed the application transmitted as complete. In conducting its assessment,²⁷ the VPRS confirms that the applicant whose application is being transmitted in Group A has met *prima facie* the following criteria:

- i. His or her identity as a natural person is established;²⁸
- ii. He or she has suffered harm;²⁹
- iii. The harm suffered is a result of an incident listed in paragraph 29 of the operative part of the Confirmation of Charges Decision ("Incident"),³⁰ and therefore fall within the temporal, geographic and material scope of the Case.³¹

²⁶ 5 March 2019 Decision, para. 41(iii).

²⁷ In accordance with paragraph 38 of the 5 March 2019 Decision.


²⁸ 5 March 2019 Decision, para. 31.

²⁹ *Id.*, paras 31, 35.

³⁰ See Incident (h).

³¹ *Id.*, para. 37.

24. The Registry will continue to assess all applications it receives according to the criteria established by the Chamber. It will transmit all complete applications on a rolling basis in accordance with the deadlines set out in the Decision.



Marc Dubuisson
Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 19 April 2024

At The Hague, The Netherlands