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**No. ICC-01/14-01/18
Date: 29 January 2021**

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**

**Fourth 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 ‘Fourth 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
2. On 21 January 2021, the Registry transmitted to the Chamber 105 Group A victims’ applications (the ‘Applications’)³ and filed an accompanying assessment report,⁴ 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’ (the ‘First Decision on Victim Participation’),⁵ 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 Bangui on 5 December 2013.⁶ 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

¹ 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 (with one public annex); Third Decision on Victim’s Participation in Trial Proceedings (Group A), 29 December 2020, ICC-01/14-01/18-798 (with one public annex).

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 Registry’s Third Transmission of Group A Applications for Victims’ Participation in Trial Proceedings, ICC-01/14-01/18-847 (with 105 confidential *ex parte* annexes, only available to the Registry).

⁴ Fourth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, ICC-01/14-01/18-846 (with one confidential annex) (the ‘Fourth Registry Report’).

⁵ First Decision on Victim Participation, ICC-01/14-01/18-738, paras 27-33.

⁶ Fourth Registry Report, ICC-01/14-01/18-846, para. 26.

evaluate applications ‘holistically by assessing their internal coherence and the overall context of the alleged acts’.⁷

3. The Chamber recalls the applicable law set out in its First Decision on Victim Participation⁸ and the consistent jurisprudence of the Court on Rule 85 of the Rules, as set out by Pre-Trial Chamber II.⁹
4. 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.¹⁰
5. The Chamber has not identified any clear, material error in the Registry’s assessment and therefore authorises the participation as victims of the 105 applicants whose applications were transmitted under Group A.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES to admit the 105 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 Bertram Schmitt
Presiding Judge



Judge Péter Kovács



Judge Chang-ho Chung

Dated 29 January 2021

At The Hague, The Netherlands

⁷ Fourth Registry Report, ICC-01/14-01/18-846, para. 27 referring to email from the Chamber to the Registry, 30 July 2020, at 17:29.

⁸ First Decision on Victim Participation, ICC-01/14-01/18-738, paras 11-12.

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

¹⁰ See Fourth Registry Report, ICC-01/14-01/18-846, para. 22.