



**Original: English**

**No. ICC-01/14-01/18**

**Date: 24 August 2023**

**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**

**Twentieth 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 ‘Twentieth Decision on Victims’ Participation in Trial Proceedings (Group A)’.

1. The Chamber recalls the procedural history as set out in its previous decisions concerning victim participation.<sup>1</sup> 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’, it would ratify the Registry’s assessment of the applications.<sup>2</sup> The Chamber further recalls that Group A applications correspond to ‘applicants who clearly qualify as victims’.<sup>3</sup>
2. On 14 June 2023, the Chamber received a total of 42 Group A victims’ applications (the ‘Group A Applications’).<sup>4</sup> Additionally, the Registry filed accompanying assessment reports, containing a brief description of the criteria applied in its transmissions of the Group A Applications.<sup>5</sup>
3. The Registry notes that, pursuant to the Chamber’s previous decisions, 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 clearly related to the alleged attack in Bangui on 5 December 2013’; (ii) ‘crimes committed by Anti-Balaka groups along the PK9-Mbaiki axis and clearly related to the Anti-Balaka’s advance through and takeover of villages along the PK9-

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<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> Twenty-Fourth Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings, ICC-01/14-01/18-1921 (with 42 confidential *ex parte* annexes, only available to the Registry).

<sup>5</sup> Twenty-Seventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, 14 June 2023, ICC-01/14-01/18-1920 (with one confidential annex) (the ‘Twenty-Seventh Registry Report’).

Mbaiki axis, notably within a short distance of the villages of Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa and Mbaiki'.<sup>6</sup>

4. Furthermore, the Registry notes, *inter alia*, that certain Group A Applications contained minor discrepancies, such as 'the date of birth of the applicant or the person acting on her/his behalf ("PAB"); an inversion of the applicant's first and last name; the spelling of the applicant or the PAB's name; or other minor inconsistencies [...] which appear to be the result of inadvertent errors'.<sup>7</sup> In these cases, the Registry took note of the previous Pre-Trial Chamber II instructions, *i.e.* that 'a certain degree of flexibility must be shown', considering that the discrepancies mentioned above 'do not call into question the overall credibility of the information provided by the applicant'.<sup>8</sup>
5. Additionally, the Registry notes that certain Group A Applications 'provide[d] an erroneous date of the alleged events or [did] not explicitly state specific dates' while, at the same time, 'refer[ring] to publicly known events [...] or provid[ing] other sufficiently detailed contextual descriptions that date the events'.<sup>9</sup> With regard to these applications, the Registry submits that it applied the Chamber's instruction to examine applications 'holistically by assessing their internal coherence and the overall context of the alleged acts'.<sup>10</sup>
6. The Chamber recalls the applicable law set out in its 'Decision on Victims' Participation in Trial Proceedings'.<sup>11</sup>
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.<sup>12</sup>

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<sup>6</sup> Twenty-Seventh Registry Report, ICC-01/14-01/18-1920, para. 20.

<sup>7</sup> Twenty-Seventh Registry Report, ICC-01/14-01/18-1920, para. 17.

<sup>8</sup> Twenty-Seventh Registry Report, ICC-01/14-01/18-1920, para. 17 *citing* 5 March 2019 Decision, ICC-01/14-01/18-141, para. 34.

<sup>9</sup> Twenty-Seventh Registry Report, ICC-01/14-01/18-1920, para. 21.

<sup>10</sup> Twenty-Seventh Registry Report, ICC-01/14-01/18-1920, para. 21 *citing* email from the Chamber to the Registry, 30 July 2020, at 17:29.

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


<sup>12</sup> Twenty-Seventh Registry Report, ICC-01/14-01/18-1920, para. 16.


8. The Chamber has not identified any clear, material errors in the Registry's assessment and therefore authorises the participation as victims of the 42 applicants whose applications were transmitted under Group A.

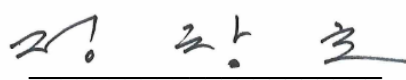
**FOR THESE REASONS, THE CHAMBER HEREBY**

**ADMITS** the 42 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.

  
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**Judge Péter Kovács**

  
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**Judge Bertram Schmitt**  
**Presiding Judge**

  
\_\_\_\_\_  
**Judge Chang-ho Chung**

Dated 24 August 2023

At The Hague, The Netherlands