



CENTRAL AFRICAN REPUBLIC
Unity – Dignity – Work

SPECIAL CRIMINAL COURT
Chamber of Assizes
First Section of Assizes

FILE N° CPS/CA/PSA/22-001

Composition : Mr. Emile NDJAPOU, National Judge, President of the Section Mr. Aimé-Pascal DELIMO, National Judge Mr. Herizo Rado ANDRIAMANANTENA, International Judge

Clerk : Me Florentin DARRE, Clerk of the Chamber

Hearing dates: from November 4, 2022 to January 27, 2023

Judgment date: June 16, 2023

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The Special Prosecutor's Office

Against

ISSA SALLET Adoum alias BOZIZE
YAOUBA Ousmane
MAHAMAT Tahir

JUDGMENT N° 001-2023 ON CIVIL INTERESTS

CASE OF SPECIAL PROSECUTION AGAINST ISSA SALLET ADOUM AND CONSORTS

Special

Prosecutor's Office Mr. Toussaint MUNTANZINI MUKIMAPA, Special Prosecutor Mr. Alain OUABY BEKAÏ, Deputy Special Prosecutor Mr. Alain TOLMO, National Deputy Mr. Alexandre TINDANO, International Deputy Mr. Romaric KPANGBA, National Deputy

Accused

Mr. ISSA SALLET Adoum alias Bozize
Mr. YAOUBA Ousmane
Mr. MAHAMAT Tahir

Civil party lawyers

Me André Olivier MANGUERKA
Me Claudine BAGAZA DINI

Defense lawyers

Me Donatien KOY-DOLINGBETE
Me Denis MOLOYOAMADE
Me Paul YAKOLA

Interpreters

ALI Mamadou, Sango-Foulbé-French interpreter
KOUANGA Julien, French-Sango-French interpreter
MOLOLI André, French-Sango-French interpreter

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1. Law No. 18.010 of July 2, 2018, establishing rules of procedure and evidence before the Special Criminal Court of the Central African Republic (RPP) clearly distinguishes between the judgment on public action (article 128) and the judgment on civil interests (section 129). It is only after having ruled on public action that the Section Assizes will be able to rule on requests for compensation.
2. This judgment on civil interests is rendered by the 1st Section of the Assize Chamber ("The Assize Section" or "The Section") of the Special Criminal Court ("CPS") in the case between the Special Prosecutor's Office against ISSA-SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman.

Chapter I: REMINDER OF THE PROCEDURE

A. Reminder of the procedure on public action before the Assize Section

3. On October 31, 2022, the Assize Section, in its judgment no. 003-022,:

Declared that ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman were guilty in Koundjili and Lemouna, Ouham-Pendé Prefecture, on 21 May 2019, as author of:

- murders as crimes against humanity (Count 1), within the meaning of provisions of article 55 a) and b) of Organic Law No. 15.003 creating, organization and operation of the CPS;
- murders as war crimes (Count 4), within the meaning of provisions of article 55 a) and b) of the aforementioned Law;
- inhumane acts constituting crimes against humanity (Count 2), meaning of the provisions of Article 55 a) and b) of Law No. 15.003 mentioned above;
- attacks on personal dignity, particularly humiliating treatment and degrading acts constituting war crimes (Count 6), within the meaning of provisions of article 55 a) and b) of Law No. 15.003 mentioned above;

Declared that the accused ISSA SALLET Adoum alias Bozize, in his capacity as military leader within the meaning of article 57 of the aforementioned Law, was guilty in Koundjili, Prefecture of Ouham-Pendé, May 21, 2019 from:

- rapes committed by his subordinates constituting crimes against humanity (Chief 3) within the meaning of the provisions of Article 55 a) and b) of the above-mentioned Law;

- rapes committed by his subordinates constituting war crimes (Chief

7) within the meaning of the provisions of Article 55 a) and b) of the above-mentioned Law.

Acquitted the accused ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman of torture as a war crime (Count 5) within the meaning of the provisions of article 55 a) and b) of the aforementioned Law;

The Assize Section then sentenced them:

- a life sentence for ISSA SALLET Adoum alias Bozize;

- to the prison sentence of twenty years for MAHAMAT and Tahir YAOUBA Ousman;

4. This judgment was the subject of a main appeal by the accused and a cross-appeal of the Special Prosecutor's Office on November 2 and 3, 2022 respectively.

b. Reminder of the procedure for civil action before the Assize Section

5. When delivering the judgment on the public action, on October 31, 2022, the Section referred the case until November 4, 2022 in order to rule on civil interests, in accordance with Article 129 of the RPP.

6. On November 4, 2022, at the request of counsel for the parties, the Section invited them to respectively file their briefs at the registry of the Assize Chamber before 05 December 2022 for the civil party and before January 6, 2023 for the defense and the Public minister. The hearing was adjourned until January 20, 2023.

7. On January 20, 2023, Me André Olivier MANGUERKA, lawyer for the civil parties, and Me KOY DOLINGBETE, lawyer for the accused ISSA SALLET Adoum alias Bozizé, each made a request for a stay of proceedings on the questions of reparation.

8. At the hearing on January 27, 2023, Me André Olivier MANGUERKA, counsel for the parties Civil Courts withdrew its request for a stay of proceedings.

9. At the same hearing, the President of the Section attached the request for a stay of proceedings and continued the hearings of the parties. At the end of the hearing, the President set March 10 2023 the date of the judgment on civil interests.

10. On March 3, 2023, the Registry, through the Victims and Defense Assistance Service (SAVD), filed with the Section and at its request an opinion on the nature and extent of the damage caused to the civil parties and on the evaluation of the reparation measures.

11. At the hearing of March 10, 2023, the President of the Assize Section reduced the deliberations and remanded the case *sine die* for a new composition of the Section. The Special Prosecutor's Office appealed against this decision.
12. In its Judgment No. 6 dated May 4, 2023, the Appeals Chamber declared inadmissible this appeal from the Public Prosecutor's Office.
13. In his Order No. 001/PCASS.23 of June 2, 2023, the President of the Section
“ Endorses *the decision of the members of the first Assize Section designating the Judge Emile NDJAPOU to preside over the hearing on civil interests in the case Public Prosecutor's Office against ISSA SALLET Adoum and others following the Minutes election of June 5, 2023* ” and “ Invites *this new composition of the first Section of Assizes to complete the above-mentioned procedure in a rapid and fair manner* .
14. The Section President summoned the parties to the hearing on June 12, 2023.
15. By order dated June 8, 2023 and under article 27 of the RPP, the President of the Assize Section appointed Judge Herizo Rado ANDRIAMANANTENA as Judge Rapporteur.
16. At the hearing on June 12, 2023, the Section President, after announcing the resumption of trial, put the case under advisement and set a date of June 16, 2023 for the verdict.

vs. Reminder of the procedure during instruction

17. On March 6, 2020, a collective of lawyers led by Maître André Olivier MANGUERKA, Lawyer, filed a complaint with constitution of civil party in the name and on behalf by: BISSI Simplice, FAYA Simon, YAOU Patrick, NGOY Désiré, BISSI Félicité, NDOBELATIA Bosco, YAKA Philémon and HOUTIA Valentin for the facts which took place took place in Koundjili on May 21, 2019.
18. On March 11, 2020, the same collective of lawyers filed another complaint with constitution as a civil party for the facts which took place in Lemouna on May 21, 2019 and this on behalf and on behalf of: HORO Jean Déni Albert, DANE Lazare, BARRY Saturnin, NZOUWOUNE Alphonse, FENDINGNAROUTIA Sylvain, HAOUMI-BELAHIMI Sylvain, HOUL Hyance, POUNA Paulin, ZATALA Levy, NDAO Darlan, HAOMIMETAR Médard, MBADOYA Freddy and GOMPOULE Jules Calvaire.
19. On October 27, 2020, the Special Prosecutor's Office issued an indictment seeking the admissibility of these two complaints with the constitution of a civil party showing that they responded to the requirements of sections 63 B) and 74 A), B), C) and D) of the RPP.

20. By order communicated dated October 12, 2020, the Investigation Cabinet has seized the Special Prosecutor's Office for new facts.
21. In its supplementary indictment dated October 22, 2020, the Special Prosecutor's Office requests the investigating office to open additional judicial information for acts of rape constituting crimes against humanity and war crimes.
22. In its order dated May 31, 2021, the investigating office seized of the case has declared these two complaints admissible.
23. From March 2 to 4, 2021, acting on commission rogatory from the judges of the cabinet investigation, the Special Judicial Police Unit (USPJ) of the CPS heard new victims of rape ¹.
24. On June 30, 2021, the investigating office issued a transport order to the premises in order to go to Paoua to conduct hearings concerning other victims.
25. From July 2 to 4, 2021, the judges of the investigating chamber heard as a party civilian the following victims: XX, ZZ, OOO, AAA, YYY, JJJ (protected victims)².
26. All parties were notified of the end of the investigation on October 22, 2021.
27. On November 11, 2021, the Special Prosecutor's Office rendered its final indictment for the purposes of separation of the procedure and referral of ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAUBA Ousman before the Assize Chamber.
28. On December 3, 2021, Investigation Office No. 02 issued a severance order, partial dismissal of the case and referral of the three accused to the Assize Chamber.
29. On December 8, 2021, the defense lawyers appealed this order before the Special Indictment Chamber.
30. In its judgment no. 018 of December 17, 2021, the Special Indictment Chamber rejected the appeals of the accused and confirmed the order in all its provisions.

Chapter II: CLAIMS OF THE PARTIES

A. On the civil parties' requests for compensation

- 1) On the request for a stay of proceedings

31. In their conclusions filed before the Assize Chamber on January 20, 2023, the lawyers civil parties requested that the Section suspend its ruling on civil interests

¹ See to this effect the Minutes of hearing of witnesses (DII 113.1 to DII 118.1)

² See to this effect the Civil Party Minutes (DII 236.1 to DII 241.1)

pending the rendering of the decision of the appeals chamber, following the appeal filed against the first instance judgment on the public action. They invoke article 4 of the Code of Central African criminal proceedings arguing that the uncertainty over the fate of the decision on appeal puts the Section as well as the parties in legal uncertainty. They indicate also that the decision rendered by the Assize Section on civil interests would not have makes no sense and could not be executed if the Appeals Chamber were to acquit the convicted people. During the hearing on January 27, 2023, however, they waived their request for a stay of proceedings and filed their brief relating to the requests in repair.

2) On the admissibility of the requests of the civil parties

32. In their brief, the party's lawyers argue, on the one hand, for the admissibility of their civil party constitutions and, on the other hand, on the merits of their requests in repair.

33. Civil parties³ invite a combined reading of article 56 of the Code of Procedure criminal, providing that in order to become a civil party before the investigating magistrate, he agrees to have been the victim of a crime or misdemeanor, with article 40 of Law n°15.003 of June 3, 2015 relating to the creation, organization and operation of the CPS and article 74 of the RPP which both recognize that any person who considers themselves wronged by facts entering within the competence of the CPS the right to seize the investigation offices and to constitute civil party.

a) On the moment of the constitution of the civil party

34. Counsel for the civil parties recall that it is up to the Court to “ guarantee *that the victims can assert their rights at all stages of the procedure, in accordance with to the provisions of the organic law, the Regulations and in a manner which is neither prejudicial to the rights of the defense nor contrary to the requirements of a fair trial* .

35. They explain that by the nature of the crimes suffered, most of the victims, out of fear or by following trauma, found themselves geographically displaced after the events, that it thus proved difficult to identify all the victims wishing to seize The investigating judge. In addition, victims were hardly informed of their right to become a civil party. Only a mission carried out in the field by the advice of

³ Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA, Memory, parag. 28

civil parties during the judgment phase resulted in 24 new victims being expressed the desire to become a civil party.

36. Counsel thus asks the Section to guarantee the right of all victims to constitute civil parties at all stages of the procedure, like the right to compensation and the right to protection.

b) On the admissibility of requests for compensation

i. On the notion of victim

37. The counsel for the civil parties maintain that their action is admissible under article 2 of the Code of Criminal Procedure which requires that in order to present a request for compensation, the person must demonstrate having personally suffered harm caused by the offense.

38. They explain that beyond direct victims the notion of victims also extends to close family members.

39. They recall that the accused were found guilty of the murder of 13 people⁴, rape of 6 women and looting of property belonging to 3 people in Koundjili, as well as of the murder of 19 people and injuries of 3 people in Lemouna.

40. They argue that the murders committed in the village of Koundjili had the effect of leave 128 orphans, all minors, including 77 boys and 49 girls, as well as 31 widows and 40 siblings. They distribute the beneficiaries of the people who died in Koundjili as

follows:

- The late BISSI Florentin leaves 2 widows and 22 minor orphans;
- The late YABOUTOUNI Olivier leaves 02 widows and 27 minor orphans;
- The late HOUTIA Ferdinand leaves 3 widows and 4 minor orphans;
- The late HOUTIA Mitterrand leaves 3 widows and 7 minor orphans;
- The late HOUTIA Basile leaves 3 widows and 12 minor orphans;
- Late VOTE Augustin leaves 02 widows and 8 minor orphans;
- The late YAMBIA Elysée leaves 1 widow and 10 minor orphans;
- The late KEMBI Jérémie leaves 3 widows and 11 minor orphans;
- The late NDOBELATIA Jérémie leaves 3 widows and 6 orphans, all minors;
- The late TOUSSESSEKIA César leaves 01 widow and 6 minor orphans;
- The late NGOYE Prospère leaves 02 widows and 08 minor orphans;
- The late YAOU Séverin leaves 2 widows and 8 minor orphans;

⁴ BISSI Florentin, YABOUTOUNI Olivier, HOULTIA Ferdinand, HOULTIA Mitterrand, HOULTIA Basile, VOTE Augustin, YAMBIA Elysée, KEMBI Jérémie, TOUSSESSEKIA César, NGOYE Prospère, YAOU Séverin, POUNA Jeudi, ZAORO Jean, LOMBADOU Jean Marie.

- Fire POUNA Thursday leaves 02 widows and 05 minor orphans;
- The late ZAORO Jean and the late LOMBADOU Jean Marie died without leaving any successors right.

41. The lawyers for the civil parties also state that in the same village, 6 women including two minor girls were victims of rape⁵ and that 3 people were victims of looting of property⁶ at the time of the events.

42. In the village of Lemouna, they claim that the murder of 19 people had the effect of leaving 143 minor orphans, 27 widows and 39 brothers and sisters⁷. As well as 03 people were victims of injuries⁸.

43. They distribute the beneficiaries of the people who died in Lemouna as follows:

- The late BARRI Bizarre leaves 4 widows and 20 minor orphans;
- The late BARRI Gaspard Laurent leaves 1 widow and 3 minor orphans;
- The late BENDOUNGA Dessailly leaves a widow and 1 minor orphans;
- Late DEMON Simon leaves 02 widows and 07 minor orphans;
- The late HAOUMI Raphaël leaves 01 widow and 11 minor orphans;
- Late HORO ZOZO Pythagoras leaves 1 widow and 8 minor orphans;
- The late KOBAlKERA Michel leaves 02 widows and 15 minor orphans;
- The late DOUNGA Hubert leaves 01 widow and 05 minor orphans;
- The late GOUN-POULE Zacchaeus leaves 1 widow and 7 minor orphans;
- The late NGUENGO Thomas leaves 1 widow and 9 minor orphans;
- The late NZAPELE Patrick leaves 3 widows and 11 minor orphans;
- The late NZOUHONE Jospin leaves 1 widow and 5 minor orphans;
- The late ZOZO Félicité leaves 1 widow and 8 minor orphans;
- The late PASSI YAMBERE Clément leaves 01 widow and 05 minor orphans;
- Late SANG-BAILE Yapele leaves 01 widow and 05 minor orphans;
- Late SENLE Christophe leaves 01 widow 7 minor orphans;
- The late WAMAGUI Justin leaves 1 widow and 5 minor orphans;
- The late WOINZIRAKETIA Crépin leaves 01 widow and 05 minor orphans;

ii. On the damage suffered

44. Justifying their request for compensation, the civil parties report damages⁹ resulting both material losses and physical and psychological suffering.

⁵ Victims: XX, ZZ, AAA, OO, YY and JJ (Judgment No. 003-2022, p.64)

⁶ Yaka Philémon, Ndoutou Nestor, Ndobeletia Bosco (Judgment no. 003-2022, p.64)

⁷ See the details in the table of victims and beneficiaries of Lemouna (annex 4)

⁸ Zouwone Alphonse, Fendiyaroutia Sylvain and Zouwone Patrice (Judgment no. 003-2022, p.50)

⁹ Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA, *Op.cit*, parag. 47

- Material damage

45. The civil party claims as material damage the loss of resources resulting deaths of their fathers and husbands. Children in particular, of school age, do not can no longer be educated.
46. Several civil parties also complain of having been victims of theft: BISSI Simplicie said he lost the sum of 700,000 francs and YAOU Patrick lost 06 oxen from a value of 1,200,000 francs and the sum of 350,000 francs. YAKA Philémon was a victim of the theft of all the goods of his brother, TOUSSESSEKIA César, killed and his 80,000 francs. NDOUTOU Nestor was the victim of the theft of 25 liters of gasoline and the sum of 50,000 francs. NDOBELETIA Bosco was the victim of the theft of his 09 oxen and theft of a sum of money amounting to 600,000 francs. NZOUWONE Alphonse saw his house to be looted as well as the sum of 450,000 francs. The victim OROHOULE Gilbert who is a blind trader and was the victim of the theft of goods totaling of 166,000 francs.
47. Rape victims in particular have lost their sources of income. Victim ZZ has stopped his studies following the death of his father. Victim XX, whose agriculture is the main activity, now fears going to the field and still feels pain. There victim JJ was abandoned by her partner with whom she had a child and with whom she is forced to look after things alone.
48. Several civil parties must also take care of the numerous orphans left behind by their brothers killed during these attacks¹⁰ .

- Bodily injury

49. Bodily injury is defined as any attack on physical integrity which can cause injury, pain and/or suffering which may affect all components of life (physical pain, psychological feelings, daily organization, disruption of professional life and income situation, unforeseen expenses, physical or psychological after-effects, reduction of movements, etc.) ¹¹.
50. The lawyers for the civil parties argue that in the Koundjili village, the 06 women (including 02 minors at the time of the events) raped, suffered physical violence. There victim AA was hit with the butt of her rapist's gun and lost her virginity

¹⁰ Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA, *Op.cit*, from parag. 60

¹¹ *Idem*, parag. 70

during the rape. The six women suffered from acute pain following the rapes and two bled for a long period after the attacks suffered (AA and ZZ).

51. They also affirm that FENDIGNAROUTIA Sylvain, ZOUHONE Patrice and ZOUHONE Alphonse were tied up by their attackers and all still wear the after-effects of this binding. Victim NZOUWONE Alphonse was shot in the femur right and still bears after-effects to this day.

- Psychological harm

52. Psychological harm or moral harm should be understood as the following categories:

after: attacks on reputation, honor, name, respect for private life, physical, damage to feelings (disappointment, stress, anxiety), problems in life daily life, suffering, affection, awareness of one's imminent death, psychological suffering, associated disorders, etc.¹²

53. The civil parties indicate that in the villages of Koundjili and Lemouna, some victims witnessed the murders and rapes of their loved ones, these scenes leading to severe psychological disorders such as self-isolation in children, disorders of communication as well as widespread paranoia.

54. For rape victims in particular, XX was raped in the presence of her child and is stigmatized within the village. Victim OO was raped in the presence of her aunt AA, who she herself was a victim of rape. These victims became the laughing stock throughout the village and most can no longer live their married life properly. Rape constitutes, for most of them, an obstacle to marriage.

55. According to the lawyers, survivors such as Alphonse NZOWONE, Patrice NZOUWONE, DANE Lazare and FENDIGNAROUTIA live with trauma to this day.

56. To these victims who made statements within the framework of the procedure, the lawyers of the civil party also add the direct relatives of the deceased and who have been directly affected by killings, physical violence and rape. It's about the fathers and mothers, husbands and wives, brothers and sisters and orphans who suffer from shock psychological, trauma and moral suffering due to the murder of their loved ones.

¹² Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA, *Op.cit*, parag. 76

- Collective harm

57. Civil parties ¹³ expose that by the nature of the crimes and the modus operandi of the executioners, all of the events having taken place in the villages of Koundjili and Lemouna on May 19, 2019, these abuses affected all the people living in these villages and have negatively impacted the daily lives of the entire community. It's like that survivors who were forced to see the corpses, to note the mass graves and hastily bury those killed. The population of these two villages has always been afraid of foreign vehicles and has since lived in generalized psychosis.

iii. On the correlation between harm and crimes committed

58. Civil parties ¹⁴ argue that there is a link between the harm suffered and the crimes committed in the two villages and consider that had it not been for the commission of these crimes, this damage would not have occurred.

59. They thus argue that the death certificates placed in the file reinforce the testimonies having established that the killings, rapes, looting and injuries in the two villages were carried out by elements of the 3Rs during the attacks for which the Section of assizes sentenced ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman.

60. They also highlight international jurisprudence which demonstrates flexibility by inviting the Judge to take into account the difficulties that the victims face to meet the burden of proof. In this case and taking into account the realities of local authorities, obtaining certain documents was difficult for victims due to notably the distance from state structures and the ignorance by the victims of the possible usefulness that these documents would have later in the legal proceedings.

3) On the forms of reparation requested by the civil party

61. For compensation for damages suffered by the civil parties as a result of the attacks of May 19 2019 in Lemouna and Koundjili, they request financial reparations as well as individual, the construction of collective infrastructures and the establishment of programs of professional training and citizenship education for the benefit of the entire population.

¹³ Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA, *Op.cit*, par. 84

¹⁴ *Idem*, par. 89

a) Individual repairs

i. Requests from the victims of Koundjili

- The harm suffered by widows and orphans in the village of Koundjili

62. Children and widows left behind by Koundjili victims demand reparations

distributed as follows:

- The beneficiaries of HOUTIA Ferdinand, represented by LEA Nina, request for the 04 minor children 2,000,000 francs each for material damage and 1,000,000 francs each for moral damage. His widow requests the sum of 2,000,000 francs in damages.
- The beneficiaries of YAOU Séverin, represented by YAOU Patrick, request for the 08 minor orphans 2,000,000 francs each for material damage and 1,000,000 francs each for moral damage. His 02 widows each ask for 2,000,000 francs.
- The beneficiaries of BISSI Florentin, represented by BISSI Simplicie, request for the 24 minor children 2,000,000 francs each for material damage and 1,000,000 francs each for moral damage. His 4 widows ask for 2,000,000 francs each.
- The beneficiaries of KEMBI Jérémie, represented by GUELSIRATIA Siteri, request for the 11 minor orphans 2,000,000 francs each for material damage and 1,000,000 francs each for moral damage. His 03 widows each request 2,000,000 francs.
- The beneficiaries of YAMBIA Elysée, represented by NDOBELETIA Bosco, request for the 10 minor orphans 2,000,000 francs each for material damage and 1,000,000 francs each for moral damage. His widow asks for the sum of 2,000,000 francs
- The beneficiaries of TOUSSESSEKIA César, represented by SALGOKO Louise Mathurine, are demanding 2,000,000 francs for each of the 6 minor orphans for material damage and 1,000,000 francs each for moral damage. His widow asks for the sum of 2,000,000 francs
- The beneficiaries of HOUTIA Mitterrand, represented by HOUTIA Maximin, request 2,000,000 francs each for the 11 minor orphans for material damage and 1,000,000 francs each for moral damage. His widow asks for the sum of 2,000,000 francs.
- The beneficiaries of HOULTIA Basile, represented by HOUTIA Valentin, are demanding 2,000,000 francs each for the 12 minor orphans for material damage and 1,000,000 francs each for moral damage. His 02 widows ask for 2,000,000 francs each.
- The beneficiaries of VOTE Augustin, represented by MALETIA Simplicie, request 2,000,000 francs each for the 08 minor orphans and 2,000,000 francs each for material damage and 1,000,000 francs each for moral damage. His widow asks for the sum of 2,000,000 francs.

- The beneficiaries of NGOYE Prospère, represented by NGOYE Désiré, are demanding 2,000,000 francs each for the 08 minor orphans for material damage and 1,000,000 francs each for moral damage. His widow asks for the sum of 2,000,000 francs.
- The minor children of YABOUTOUNI Olivier, represented by BISSI Félicité, are demanding 2,000,000 francs for each of the 27 orphans for material damage and 1,000,000 francs for moral damage. The 04 widows ask for the sum of 2,000,000 francs
- The beneficiaries of YAMBIA Elysée, represented by NDOBELETIA Bosco, request 2,000,000 francs each for the 10 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 1,000,000 francs
- The beneficiaries of POUNA Jeudi, represented by BINGOUROU Raymond, are demanding 2,000,000 francs for each of the 5 minor orphans for material damage and 1,000,000 francs each for moral damage. The 02 widows are asking for 2,000,000 francs each.
- The beneficiaries of LOMBADOU Jean Marie, represented by BINGOUROU Raymond, request 2,000,000 francs each for 06 minor orphans and 1,000,000 francs each for moral damage. The 02 widows are asking for 2,000,000 francs each.

- Damages resulting from thefts

63. Counsel for the civil party also claims that theft was committed.

NDOBELATIA Jérémie thus requests the reimbursement of 09 oxen worth

6,300,000 francs, belonging to his brother MAYAMBIA Elysée, stolen during the attack on

elements of the 3Rs. He also requests the sum of 4,000,000 francs in damages.

interests.

- Damage resulting from the death of loved ones

64. The civil parties state that the loss of a parent can result in loss of income for the entire family¹⁵ and request

lump sum compensation for the benefit of the

collateral of the victims. These requests broke down as follows:

- The 03 collaterals of HOUTIA Ferdinand request 1,000,000 francs each for the death of their brother.
- The 04 collaterals of YAOU Séverin request 1,000,000 francs each for the death of their brother.
- The 04 collaterals of BISSI Florentin request 1000,000 francs each for the death of their brother.
- The 03 collaterals of KEMBY Jérémie request 1,000,000 francs each for the death of brother.

¹⁵ Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA, *Op.cit*, parg. 111

- The 04 collaterals of MAYAMBIA Elysée request 1,000,000 francs each for the death of their brother.
- The 04 collaterals of TOUSSESSEKIA César request the sum of 1,000,000 francs each for the death of their brother.
- The 03 collaterals of HOUTIA Basile request the sum of 1,000,000 francs as damages for the death of their brother.

- Individual reparations resulting from sexual harm

65. Regarding the crimes of rape, the civil parties emphasize that sexual harm is constituted physical, material and moral damage. They therefore request the payment of the sum of 20,000,000 francs to each of the 06 victims.

ii. The rights holders of the victims of the murders committed in Lemouna

- The harm suffered by the widows and orphans of Lemouna

66. The children and widows left by the victims of the village of Lemouna demand repairs distributed as follows:

- The beneficiaries of BAOU Gaspard, represented by BAOU Oscar, are demanding 2,000,000 francs for each of the 6 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs;
- The beneficiaries of BARRI Bizarre, represented YAMBIA Alfred, are demanding 2,000,000 francs for each of the 20 minor orphans for material damage and 1,000,000 francs each for moral damage. The 04 widows ask for 2,000,000 francs each;
- The beneficiaries of BARRI Laurent, represented by BARRI Saturnin, are demanding 2,000,000 francs for each of the 3 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs;
- The beneficiaries of BENDOUNGA Dessailly, represented by MAHOLA Odette, request 2,000,000 francs for the minor orphan for material damage and 1,000,000 francs for moral damage. The widow asks for 2,000,000 francs;
- DEMON Simon's beneficiaries, represented by GOENDANG, are demanding 2,000,000 francs for each of the 7 minor orphans for material damage and 1,000,000 francs each for moral damage. The 02 widows ask for 2,000,000 francs each;
- The beneficiaries of HAOUMI Raphaël, represented by HAOUMI Médar, are demanding 2,000,000 francs for each of the 11 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs.
- The beneficiaries of HORO ZOZO Pythagore, represented by HORO Albert, are demanding 2,000,000 francs for each of the 5 orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs;
- The beneficiaries of KOBAlKERA Michel Sosthène, represented by ZIRANON, request 2,000,000 francs for each of the 15 orphans for material damage and

1,000,000 francs each for moral damage. The 02 widows ask for 2,000,000 francs each;

- DOUNGA Hubert's beneficiaries, represented by NGBARA Marthe, are demanding 2,000,000 francs for each of the 5 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs;
- The beneficiaries of GOUN-POULE Zacchée, represented by KOE David, are demanding 2,000,000 francs for each of the 7 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs;
- The beneficiaries of NGUENGO Thomas, represented by NGUENGO Norbert, request 2,000,000 francs for each of the 9 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks 2,000,000 francs;
- The beneficiaries of NZAPELE Patrick, represented by HAOUMI Léo, are demanding 2,000,000 francs for each of the 11 minor orphans for material damage and 1,000,000 francs each for moral damage. The 3 widows are asking for 2,000,000 francs each;
- The beneficiaries NZOUHONE Jospin, represented by GON MALAVA, request 2,000,000 francs for each of the 03 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs;
- The beneficiaries of ZOZO Félicité, represented by POUNA Paulin, are demanding 2,000,000 francs for each of the 8 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs.
- The beneficiaries of PASSI YAMBERE Clément, represented by TOUBAYA François, request 2,000,000 francs for each of the 05 minor orphans for material damage and 1,000,000 francs each for moral damage. The 02 widows ask for 2,000,000 francs each;
- The beneficiaries of SAMBAILE Fernand, represented by SANG –BAILE Basile, request 2,000,000 francs for each of the 05 minor orphans for material damage and 1,000,000 francs each for moral damage. The 02 widows ask for 2,000,000 francs each;
- The beneficiaries of SENLE Christophe, represented by ZALATA Levy, are demanding 2,000,000 francs for each of the 5 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks for 2,000,000 francs;
- The beneficiaries of WAMAGUI Justin, represented by SENEKOULA Michel, request 2,000,000 francs for each of the 05 minor orphans for material damage and 1,000,000 francs each for moral damage. The 02 widows ask for 2,000,000 francs each;
- The beneficiaries of WOINZIRAKETIA Crépin, represented by BANDOYA Ange, request 2,000,000 francs for each of the 08 minor orphans for material damage and 1,000,000 francs each for moral damage. The widow asks 2,000,000 francs.

- The harm suffered by the survivors

67. The lawyers of the civil party also plead for the cause of survivors who have been injured during the attack. It is :

- Alphonse ZOUWONE who suffered both material and moral damage. He still has cosmetic after-effects on his arm and leg and can no longer carry out any activities. He requests the sum of 15,000,000 francs in damages for the damage suffered.
- FENDIGNAROUTIA Sylvain, who received a bullet in the hand, requests the sum of 3,000,000 francs.
- Patrice NZOUWONE and DANE Lazare who were among those promised execution but were able to escape. They are asking for the sum of 2,000,000 francs each for moral damage.

- Damage resulting from the death of loved ones

68. The civil party's lawyers also request compensation in favor of the collaterals:

- The 04 collaterals of BAOU Oscar request 1,000,000 francs each for the death of their brother ;
- The 05 collaterals of BARRI Bizard request 1,000,000 francs each for the death of their brother;
- The 03 collaterals of BARRI Laurent request 1,000,000 francs each for the death of their brother;
- The 06 collaterals of BENDOUNGA Dessailli request 1,000,000 francs each for the death of their brother;
- The 06 collaterals of DEMON Simon request 1,000,000 francs each for the death of their brother;
- The 09 collaterals of GON POULE Zacchée request 1,000,000 francs each for the death of their brother;
- The 08 collaterals of HAOUMI Raphaël request 1,000,000 francs each for the death of their brother;
- The 08 collaterals of HORO ZOZO Pythagoras request 1,000,000 francs each for the death of their brother;
- The 06 collaterals of KOBAlKERA Sosthène request 1,000,000 francs each for the death of their brother;
- The 07 collaterals of NDOUNGA Hubert request 1,000,000 francs each for the death of their brother;
- The 09 collaterals of NGUENGO Thomas request 1,000,000 francs each for the death of their brother;
- The 08 collaterals of NZAPELE Patrice request 1,000,000 francs each for the death of their brother;
- The 07 collaterals of NZOUWONE Jospin request 1,000,000 francs each for the death of their brother;
- The 06 collaterals of PASSI YAMBERE request 1,000,000 francs each for the death of their brother;
- The 03 collaterals of SAMBAILE Fernand request 1,000,000 francs each for the death of their brother;

- The 06 collaterals of SENLE Christophe request 1,000,000 francs each for the death of their brother;
- The 06 collaterals of WAMAGUI Justin request 1,000,000 francs each for the death of their brother;
- The 09 collaterals of WOINZIRATIA Crépin request 1,000,000 francs each for the death of their brother;
- The 09 collaterals of ZOZO Félicité request 1,000,000 francs each for the death of their brother.

b) Collective reparations

69. The lawyers for the civil parties maintain that in the villages of Koundjili and Lemouna, the victims suffered moral damage and reported trauma resulting from burials of victims' bodies in mass graves without relatives. They were unable to organize traditional burial ceremonies. They are also moving forward that the attack purely and simply targeted a civilian population which suffered up to now a deep trauma.
70. They therefore ask the Assize Section to grant the sum of 15,000,000 francs per village as reparation.
71. The civil party's counsel also declares having collected the opinions of the villagers in regarding collective reparations, and the latter request:
- The construction of one health center per village, access to which would be free for all victims, widows and orphans;
 - The construction of a vocational training center, allowing victims, orphans and widows to learn trades free of charge as well as the provision of a reintegration kit at the end of the training;
 - The construction of 04 drinking water wells in each village;
 - The construction of historical monuments in memory of the victims;
 - The installation of a telephone antenna as well as law enforcement agents in the area ;
 - The establishment of civic and peace education programs in favor of population ;

b. On the observations of the Special Prosecutor's Office

72. In its opinion¹⁶ presented at the hearing on January 27, 2023, the Special Prosecutor's Office considers as a victim likely to become a civil party any natural person who

¹⁶ Opinion by way of indictment on civil interests dated January 24, 2023

suffered harm as a result of the commission of a crime falling within the jurisdiction of the courtyard.

73. It also emphasizes the necessity of harm and the fact that victims can, individually or collectively, be affected by a wide range of harm, in particular an attack on their physical or mental integrity, suffering moral, material loss or serious violation of their fundamental rights.
74. He is also of the opinion that a civil party can be filed during the investigation, as is the case with BISSI Simplicite and others from the village of Koundjili dated March 6, 2021 and the case of HORO Jean and others for the village of Lemouna dated March 11, 2021.
75. It also extends this possibility of becoming a civil party during the assize trial and notes the case of the rights holders and collaterals who, according to him, have also suffered damages resulting from crimes falling within the jurisdiction of the Court.
76. The Special Prosecutor's Office thus includes in its opinion the list of victims submitted by the lawyers for the civil parties.
77. He argues that the two villages have no health structure or state center civil and that it is materially impossible for victims to obtain documents such as medical certificates or civil status documents. He therefore considers it essential that the Assize Section sets a more flexible admissibility criterion by taking into account the local realities as well as all the difficulties encountered by victims to meet the burden of proof due to the destruction or unavailability of these documents.
78. He recalls that the crimes committed in the two villages caused loss of life human injury, physical injury, material damage and damage psychological damage to survivors as well as other damages affecting the entire community.
79. With regard to material damage, the Special Prosecutor's Office considers that widows and the orphans left behind by the victims have suffered losses because they will no longer have support material.
80. It also notes the case of rape victims who also suffer harm psychological because they are rejected in their village. They have a feeling humiliation, anguish and guilt.
81. For the Special Prosecutor's Office, other victims, some of whom were direct witnesses to the crimes, also suffered moral suffering following these events, notably

psychological shocks, trauma and moral suffering due to murder of their loved ones.

82. He also mentions the irreversible impact of these crimes, by their nature and the mode of operation of the executioners, on the population of the two villages.

83. The Special Prosecutor's Office also reports thefts of several goods in the village from Lemouna.

84. With regard to the forms of reparations (individual and collective) requested by the civil parties, the Prosecutor's Office endorses the requests of the civil party's lawyers and thus requires the Section to:

- declare civil party applications admissible and declare them founded;
- to order the three accused accordingly to pay them the sums requested as compensation for a cumulative amount of 1,209,020,000 francs;
- to further sentence them to carry out collective reparations;
- alternatively, in the event of indigence of the condemned, to invite the assistance service victims and defense to request external funding.

C. On the claims of the defense

85. Maître Donatien KOY-DOLINGBETE, Lawyer for ISSA SALLET Adoum alias Bozize, recalls that the defense appealed against judgment no. 003-2022 of October 31, 2022 and that it " would be imperative for the Assize Section to postpone the examination of the file on the reparations pending examination of the appeal file as soon as this decision is not yet definitive " ¹⁷. He further emphasizes that the civil parties have not communicated their memory in accordance with the timetable established by the Section.

86. Maître Paul YAKOLA, lawyer defending YAOUBA Ousman, asserts that the hearing of November 4, 2022, the Assize Section granted a period of one month, subject to penalty of foreclosure, to each of the parties to file their pleadings or briefs. But on the agreed date of December 5, 2022, the counsel for the civil parties did not file from memory, nor justified for the delay which occurred it was only at the hearing of January 20, 2023, that the counsel for the civil parties submitted a request for a stay of proceedings and filed their requests for compensation at the same time.

¹⁷ Maître Donatien KOY-DOLINGBETE, Brief filed with the Assize Chamber on January 20, 2023, par. 8

87. For the defense counsel, this behavior of the civil party lawyers is prejudicial to the right of defense and contrary to the requirements of a fair trial and impartial but also in total violation of article 6 of the RPP.
88. They also raise the fact that the civil parties had more than two months and two weeks to file their brief, while the defense only had two weeks. This which is contrary to the principle of legality of weapons and the requirements for granting a period of one month, fairly and initially allocated to all parties.
89. They therefore request that the Section declare inadmissible the requests for reparations against the condemned YAOUBA OUSMAN for reasons of foreclosure.
90. Maître Denis MOLOYOAMADE, who defends MAHAMAT Tahir, also takes up the arguments of his defense colleagues and asks the Section that the requests of the civil parties be declared inadmissible due to time-bar.

Chapter III: DECISION OF THE ASSISTED SECTION

91. Prior to the analysis of the admissibility of civil party filings and to assessment of damages, the Section will first rule on requests for suspension of rule as well as on the request for foreclosure of the civil parties.

A. On the requests for a stay of proceedings on civil interests

92. The lawyers for the civil parties requested a stay of proceedings pending the outcome of the appeal against the public action before the Appeals Chamber, on the grounds that the fate of the decision of the latter places, both the Section and the parties, in uncertainty legal. But during the public hearing on January 27, 2023, these lawyers expressly waived this request. It is therefore appropriate to acknowledge this withdrawal of their part.
93. For his part, Maître Donatien KOY-DOLINGBETE, lawyer for the convict ISSA SALLET Adoum alias Bozize, also requested a stay of proceedings on the grounds that “ *he would be imperative for the Assize Section to postpone the examination of the file on reparations pending the examination of the appeal file since this decision is not yet become definitive .*”
94. As a reminder, in order to ensure that the debates take place quickly and fairly, in accordance with article 118 C) of the RPP, the Section President, during the hearing on 02 February 2023, attached the request for suspension of proceedings with the examination on the merits.

95. The Section notes that the Central African Code of Criminal Procedure provides for two possibilities for the exercise of civil action. On the one hand, article 3 of the said Code states that it can be exercised at the same time as the public action and before the same court. Else On the other hand, article 4 of the same Code also offers the possibility of taking civil action separately from public action. In the latter case, the judgment of this action taken before the civil court until it has been definitively pronounced on public action.
96. In this case, public action was initiated and carried out by the Special Prosecutor's Office¹⁸ and the victims' lawyers also joined as civil parties¹⁹ before the CPS to the same facts. The two actions were therefore initiated at the same time before the Court. The suspension provided for by this article 4 of the Code is therefore unnecessary because it only concerns civil action brought before a civil court separately from public action²⁰ .
97. Furthermore, Article 129 of the RPP does not dissociate the two actions but, on the contrary, it provides that “ *after having ruled on the public action, the Assize Section rules on the requests for compensation against the convicted person, after having heard the civil parties, the convicted person and the Special Prosecutor .*” It is therefore open to the Assize Section to rule on civil interests even if an appeal had been made against the first instance judgment²¹ .
98. In view of the above, it is necessary to declare the request for suspension of proceedings to be unfounded. rule and reject it.

b. On foreclosure

99. Maître Paul YAKOLA, lawyer defending YAOUBA Ousman, asks the Section to declare inadmissible requests for reparations against its client on the grounds that at the hearing of November 5, 2022, the civil party was asked to file his brief on December 5, 2022 and to defense lawyers on January 6, 2023. Having not not filed a brief on the agreed date, nor made any request for the purposes stay of proceedings, or even simply justify its delay, the advice of the civil party submitted a request for a stay of proceedings at the hearing on January 20, 2023.

¹⁸ See the introductory indictment of the Special Prosecutor's Office dated July 30, 2019

¹⁹ Investigation Chamber, Investigation Chamber No. 2, Order of admissibility and joinder of complaints with constitution of civil party (DI 84.1)

²⁰ Crime. March 16, 1959: *Bull. crime*. No. 181

²¹ Crime. May 30, 1958: D. 1958. *Sum.* 160

At the same time, they filed their requests for compensation against the convicts.

The defense considers that this behavior of the civil party lawyers is prejudicial to the right of defense and contrary to the requirements of a fair and impartial trial.

100. MAHAMAT Tahir's lawyer, Maître Denis MOLOYOAMADE, also reiterates this request for foreclosure by the civil party.

101. The Section notes that foreclosure is a sanction imposed against one of the parties at trial who did not respect the deadline legally allotted to him.

102. As a reminder, at the hearing of November 4, 2022, a period of time between December 5 2022 and January 6, 2023 was actually granted to the parties, moreover to their request, so that they can prepare to be " heard " before the Section decides on requests for compensation in accordance with Article 129 A) of the RPP.

103. In the present case, the Section considers that this is not a legal deadline provided for by the law, non-compliance with which results in foreclosure, but simply a time granted to parties to enable them to prepare their arguments on the requests for relief in view of their hearing, and in particular, in order to allow the civil party to present its opinion on the nature and extent of the harm caused to them, in order to allow an assessment of the remedial measures to be taken, as provided for in Article 129 C) of the RPP. Such a measure was taken only for the good administration of justice in order to respect the principle of adversarial proceedings by allowing each party to submit their briefs while ensuring that the trial proceeds quickly and fairly.

104. Consequently, it is appropriate to reject the request for the time-bar of the claims of the civil parties.

C. On the admissibility of civil party applications

105. Prior to examining the merits of the requests for compensation filed by the lawyers of the civil parties and in accordance with existing practice before other comparable international jurisdictions²², the Section will first rule on the admissibility party constitutions.

106. Taking into account the periods for filing civil party constitutions and the modalities according to which they were made, as well as the Chamber before which they were filed, the Section notes that there are three types of requests from lawyers defending the interests of victims. These are first of all the two complaints with constitution

²² CECC, KAING Guek Eav alias Dutch, July 26, 2010, n°001/18-07-2007/ECCC/TC, par. 635

civil party initially made before the Investigating Chamber. Then there is the constitution of civil party made during the investigation by the victims of rape. And finally, the civil party constitutions presented before the Assize Section. Although presented by the same lawyers, these three civil party constitutions differ in content and their scope. It is therefore appropriate for the Section to rule on each of them separately.

1) On the civil party constitutions filed during the investigation

107. These first civil party constitutions concern the victims or their relatives who joined together in complaints with civil party constitution dated 06 and 11 March 2020 and filed with the Investigation Chamber by Maître André Olivier MANGEUEREKA.
108. The complaint dated March 6, 2020 comes from victims of the village of Koundjili whose names follow: BISSI Simplicie, FAYA Simon, YAOU Patrick, NGOY Désiré, BISSI Congratulations, NDOBELETIA Bosco, YAKA Philémon and HOUTIA Valentin.
109. The complaint dated March 11 is that of victims from the village of Lemouna whose names are as follows: HORO Jean Denis Albert, DANE Lazare, BARRY Saturnin, NZOUWONE Alphonse, FEIDINGNAROUTA Sylvain, HAOU MI BELAHIMI Sylvain, HOUL HYANCE, POUNA Paulin, ZATALA Lévy, NDAO Darlan, HAOMI Léo and NGBARA Martha.
110. After the indictment dated October 27, 2020²³, the Investigating Cabinet ordered²⁴ the admissibility of these complaints, in application of articles 63 B), 74 A), B), C) and D) of the RPP as well as articles 2, 3 al. 2 and 56 to 62 of the Central African Code of Criminal Procedure.
111. Articles 63 B), 74 A), B), C) and D) of the RPP and articles 2, 3 paragraph 2 and 56 to 60 of the Code of Criminal Procedure provides the possibility for any person who claims to be injured by a crime falling within the jurisdiction of the Court to directly address a complaint to the Special Prosecutor.
112. In the present case, the victims previously listed followed this procedure which resulted in the order of admissibility dated May 31, 2021 having welcomed their civil party constitutions²⁵. Furthermore, these civil party constitutions were not

²³ Special prosecution, Indictment on the admissibility of the two complaints with the constitution of a civil party (DI 54.1)

²⁴ Investigation Chamber, Investigation Chamber No. 2, Order of admissibility and joinder of complaints with constitution of civil party (DI 84.1)

²⁵ Investigating Chamber, Investigating Chamber No. 2, Order of severance, partial dismissal and referral in front of the Assize Chamber, par. 87

contested neither by the defense nor by the Special Prosecutor's Office as provided for in Article 74 D) of the RPP.

113. In view of the above, the Section considers that these civil party constitutions have been made in the legal forms and deadlines and, moreover, have not been contested by any Parties. They must therefore be declared admissible.

2) On the constitution of a civil party for victims of rape

114. As a reminder, it is in execution of the letter rogatory of November 11, 2019, completed on December 13, 2019, a team from the Special Judicial Police Unit (USPJ)²⁶ carried out new hearings of victims and witnesses from the villages of Lemouna and Koundjili for acts of sexual violence which had not been taken into account taken into account neither during the preliminary investigation nor in the Prosecutor's introductory indictment special of July 30, 2019. Subsequently, Investigation Cabinet No. 2 moved to Paoua from July 2 to 4, 2021 for the purposes of interviewing XX, ZZ, OOO, AAA, YYY, JJJ (victims protected) on acts of rape, ZZ and AAA being minors at the time of the facts

115. The Section notes that these victims did not come forward immediately after the events and did not only been identified during the information, this demonstrating to what extent the obstacles, in plus the stigmatization that most of them are victims of in their village, achieving equal access to reparation is difficult²⁷. It thus takes into account the sensitivities associated with victims of sexual violence²⁸ and considers that the declarations of these victims in front of the investigating office are demonstrations to demand compensation.

116. Furthermore, Article 74 D) of the RPP does not provide for any particular formality as to the form of constitution of civil party under investigation. In this case, the Section considers that it there is a civil party from the moment the investigating office considers and treated victims of sexual violence as civil parties by making them benefit from the provisions of articles 75 and 76 of the RPP on the assistance of the civil party and the possibility given to the latter to participate in the procedure.

117. Furthermore, neither the Special Prosecutor's Office nor the defendants' lawyers have contested these constitutions and neither party filed a request for annulment under Article 103 of the RPP.

²⁶ Article 60 of the RPP on the Special Judicial Police Unit

²⁷ Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA, *Op.cit*, par. 82

²⁸ Second Expert Report, ICC-01/04-02/06-2623-Anx2-Red2, para. 11; see also Katanga Reparations Order, ICC-01/04-01/07-3728, para. 266; First Expert Report, ICC-01/04-02/06-2623-Anx1-Red2, para. 127

118. Consequently, it is necessary to receive the civil party constitutions of XX, ZZ, OOO, AAA, YYY, JJJ (protected victims) of rape.

3) On the civil party constitutions filed before the Assize Section during the judgment phase

119. Before the Assize Section, during the hearing on civil interests, the lawyers of the civil parties have filed a brief listing the people who have already formed civil party since the investigation but, in addition, they added other names mentioning notably other widows, orphans and collaterals left by the victims.

120. The Section recalls the provisions of Article 6 of the RPP according to which: “ *The Court guarantees that victims can assert their rights at all stages of the procedure, in accordance with the provisions of the Organic Law, the Regulations and a manner which is neither prejudicial to the rights of the defense nor contrary to the requirements of a fair and impartial trial* . In this case, the Rules of Procedure and Evidence provides two possibilities to become a civil party before the SCC.

121. On the one hand, article 63 of the RPP provides that any person who claims to be harmed by a crime falling within the jurisdiction of the Court may submit a complaint to the Special Prosecutor. On the other hand, article 40 of the Organic Law also sets out the situation where a complaint, with the constitution of a civil party, from any person who considers themselves wronged by the offense falling within the jurisdiction of the CPS, can be filed before the Cabinets of Education. This second opportunity is also taken up by article 74 of the RPP which provides for the possibility of becoming a civil party at any time before the order closing the information²⁹. The Assize Section therefore considers that the texts of the CPS exclude the establishment of a civil party after the closure of the information.

122. In view of the procedural documents, in particular the civil party's brief dated January 19, 2023, the Section notes that, apart from the victims listed by name in the complaints of March 6 and 11, 2020, the other people mentioned in the brief lawyers of the civil party did not file a complaint with the constitution of a civil party against the accused at the start of the investigation. These people also did not file as civil parties before the Investigation Cabinet during the investigation phase; but they only filed their requests for compensation before the Assize Section.

²⁹ The same provisions are included in Article 12 of the Rules of Procedure of the Court relating to the Filing of civil party constitutions

123. Considering that the victims' right to reparation should not go against of the rights of the guilty person nor be contrary to the requirements of a fair trial and impartial.
124. In addition and with particular regard to the claimed damages resulting thefts and looting of which BISSI simplice, YAOU Patrick and NDOBELATIA Jérémie, the Section recalls that the harm must be the consequence directly from the criminal behavior of the accused. In this case, the facts for which she would condemn the three accused to reparation measures, can only be those relating murders, inhumane acts and attacks on personal dignity, as well as rapes. therefore, it excludes any request based on other facts which have not been detained and referred to it following the referral order and for which the accused were found guilty.
125. In view of the above, the Section declares inadmissible all new civil party constitutions filed by Maître Claudine BAGAZA Dini and Maître André Olivier MANGUERKA before the Assize Section, the list of these people being mentioned in two annexed documents (Annex **A** for the village Koundjili and **Annex B** for the village of Lemouna) which form an integral part of this judgment. She rejects also the constitutions of civil party for acts of theft and pillage.

D. On the examination of requests for compensation

126. After having favorably welcomed the civil party constitutions of the victims listed in the two complaints with civil party constitution on date respectively of March 6 and 11, 2020 filed with the Investigating Chamber, as well as those of victims of sexual violence who became civil parties during investigation, it is appropriate to rule on the merits of these requests. The civil party must effect justify this quality but also provide proof of the existence of a fault attributable to the condemned as well as harm.

1) On the status of victim

127. Article 2 of Law No. 10.002 establishing the Central African Code of Criminal Procedure provides that
“ civil action for compensation for damage caused by a crime, misdemeanor or fine belongs to all those who personally suffered the damage directly caused by the infringement .

128. In the present case, the Section cannot consider victims entitled to reparations that individuals who have directly or indirectly suffered damage to following the crimes including ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman were declared guilty under judgment no. 003-022 of 31 October 2022 and who joined as a civil party before the end of the investigation.
129. The Section also notes the importance of clearly identifying the identities of the parties civil ³⁰.
130. As a reminder, the qualifications held against the three accused are murder as as crimes against humanity (Count 1), murder as a crime of war (Count 4), inhumane acts constituting crimes against humanity and attacks on personal dignity, including humiliating treatment and degrading acts constituting war crimes (Count 6). For the particular case of ISSA SALLET Adoum alias Bozize, the rapes were also held against him committed by his subordinates, in his capacity as military leader, constituting crimes against humanity (Count 3) and war crimes (Count 7).
131. In order to better assess the damage and the appropriate compensation, the Section will carry out a categorization between direct victims and indirect victims.
132. Also taking into account the large number of indirect victims, the Section will use a predetermined scale per categorization of harm.

has) Direct victims

133. The Section considers as a direct victim any individual who has directly and personally suffered from the crimes.
134. In this case, it concerns firstly the survivors of the village Lemouna. These survivors are perfectly identified because they became civil parties from the start of the procedure of instruction. These individuals suffered directly from the crimes and were able to escape from them regardless of the will of the perpetrators of the crimes. They are: DANE Lazare, NZOUWONE Alphonse, FEIDINGNAROUTA Sylvain and HAOUMI BELAHIMI Sylvain.
135. It also considers as direct victims the 06 women who suffered rape in the village of Koundjili from the subordinates of ISSA SALLET Adoum alias Bozize. These victims were perfectly identified during the investigation. These are XX, ZZ, OOO,

³⁰ CAEA, Public Prosecutor v. Hissen Habré, Judgment on civil interests, July 29, 2016 par 43

AAA, YYY, JJJ (protected victims), two of whom were minors (AAA and ZZ) at the time facts.

b) Indirect victims

136. In the present case, the Section admits as indirect victims, the relatives who suffered from the harm caused to a member of their family by the commission of crimes for including ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman were condemned. Indeed, the civil action arising from this damage has always been recognized by case law for the benefit of the spouse³¹, descendants³² and collaterals³³.

137. The concept of "family" as recognized by international jurisprudence is likely to cover both the nuclear family and the extended family³⁴. In the case of the species, it is undisputed and incontestable that these indirect victims have a link particularly close with deceased people. This link is both dependent economic and kinship.

138. In addition, these indirect victims came forward as soon as the complaints were filed with constitution of civil party and thus act in the name and on behalf of the persons deceased having left behind widows, orphans and collaterals.

139. In the village of Lemouna, these are:

- HORO Jean Denis Albert acting in the name and on behalf of the late HORO ZOZO Pythagoras;
- BARRY Saturnin acting in the name and on behalf of the late BARRY Bizard;
- HOUL HYANCE acting in the name and on behalf of the late PASSY Clément;
- PAOUNA Paulin acting in the name and on behalf of the late ZOZO Félicité;
- ZATALA Lévy acting in the name and on behalf of the late SENLE Christophe;
- NDAO Darlan acting in the name and on behalf of the late WOÏMAYINE Justin;
- HAOURI Médard acting in the name and on behalf of the late NZAPELE Patrice;
- MBANDOYA Freddy acting in the name and on behalf of the late WONZEREKETIA Crepin.

140. In the village of Koundjili, the Section considers as indirect victims the people following:

- BISSI Simplicie acting in the name and on behalf of the late BISSI Florentin;
- FAYA Simon acting in the name and on behalf of the late ZAHORO Jean;
- YAOU Patrick acting in the name and on behalf of the late YAOU Séverin;

³¹ Crime. May 6, 1982, *Bull. crime*. No. 115; *Civilian RTD* 1983. 348, obs. G. Durry

³² Crime. Oct. 15, 1979, *Bull. crime*. No. 277

³³ Crime. June 20, 1863, D. 1864. 1. 99

³⁴ Reparation Order, *The Prosecutor v. Bosco NTAGANDA* n°ICC-01/04-02/06 of March 8, 2021, par. 124.

- NGOY Desiring to react in the name and on behalf of the late NGOY Prosper;
- NDOBELETIA Bosco and GUELSERATIA Sitérii acting in the name and on behalf of the late KEMBI Jérémie;
- YAKA Philémon and SAGOKO Louissette acting in the name and on behalf of the late TOUSSESSEKIA Caesar;
- HOUTIA Valentin acting in the name and on behalf of the late HOUTIA Basile.

2) On the existence of harm

141. In their requests, the Civil Party's Counsel mentions several types of harm (bodily, material or moral). It is therefore up to them to provide proof of harm resulting directly from the crimes of which they were found guilty³⁵ .

142. The concept of harm “ covers *the notion of wrong, harm and damage* ”; he can be material, physical and/or psychological ”³⁶ .

143. Material damage consists of any attack on the physical integrity of a person. This category of damage also includes: damage to pleasure (which means the reduction in the pleasures of life caused by the impossibility or difficulty of indulging in certain leisure activities - for example sport), aesthetic damage (related to the persistence of physical disgrace in the victim), sexual harm (which covers all damage linked to the sexual sphere).

144. Psychological or moral harm “ may *include both suffering and distress caused to direct victims and members of their families and the weakening of values of great importance for the person, as well as alterations not financial consequences of the living conditions of the victims and their family members. Injury psychological or moral should be estimated independently of the economic situation of the local population* » ³⁷ .

145. Material damage is constituted by any attack on a person's property, whether whether it is a loss suffered or a missed gain.

146. The Section also recognizes the possibility of pursuing civil action by beneficiaries in the name and on behalf of deceased victims.

147. However, it cannot grant more than what was requested by the civil parties. and will thus confine itself to ruling within the limits of the conclusions of the latter.

³⁵ CECC, KAING Guek Eav alias Dutch, July 26, 2010, n°001/18-07-2007/ECCC/TC, par. 640

³⁶ Amended Lubanga Reparations Order, ICC-01/04-01/06, para.10 and Ntaganda Reparations Order, ICC-01/04-02/06, para. 68

³⁷ Reparation Order, The Prosecutor v. Bosco NTAGANDA, *Op.cit*, par.70

148. In the village of Koundjili, the Section considers that the following victims brought the arguments and evidence necessary to justify their material and moral damage.

These are the six rape victims, who report suffering from acute pain in the almost all of their bodies. Both reportedly bled for a long time after the rape (ZZ and AAA):

- AAA, minor at the time of the facts, who lost her virginity and stopped her studies afterwards rape;
- ZZ, since the rape, she fears going to the field even though she is a farmer;
- JJ, her partner with whom she had a child allegedly abandoned her following the rape and she is alone in having to take care of herself and this child, even though she would not have one resources ;
- XX alone took charge of her medical care after the rape;
- YY is traumatized since the rape and fears going to the fields even though she is a farmer;

149. All these victims claim to have suffered psychological shock, trauma, long-term excruciating moral suffering due to the murder of their loved ones. Some among them would have been eyewitnesses to these facts and would not be able to forget them until this day.

150. It remains, moreover, that by their nature and the modus operandi of the executioners, the set of facts which allegedly took place in the village of Koundjili would have harmed individually the civil parties and collectively the entire population of Koundjili³⁸.

151. In the village of Lemouna, the Section considers that the four people whose names following have provided proof of their bodily harm. It is :

- BALAHIMI Sylvain, who was shot in the right leg;
- NZOUWONE Alphonse, who suffered a broken hip and a bullet to his right hand;
- FEIDINGNAROUTA Sylvain, who also received a bullet;
- There is also the case of DANE Lazard, who was not injured but was tied up during the attack and was left for dead by the attackers.

152. In addition to these bodily injuries, the Section also considers the existence of psychological. In fact, all these victims suffered psychological shock and moral suffering. Some of them were even eyewitnesses to these facts.

³⁸ It is ICC case law that harm can be both individual and collective in nature. Indeed, indicates the Appeals Chamber (*case The Prosecutor v. Thomas Lubanga Dyilo*, July 11, 2008, para. 107), "the notion of victim necessarily implies the existence of personal harm but does not necessarily imply the "existence of direct harm".

153. It remains, moreover, that by their nature and the modus operandi of the executioners, the set of facts which took place in the village of Lemouna would have harmed individually the civil parties and collectively the entire population of Lemouna who has kept the after-effects until now.
154. For victims whose harm results directly from crimes (injuries and rape), the legal connection is beyond doubt. For physical or moral harm alleged by the family members of the victims whose relationship is not disputed nor questionable, that is to say to the extent that the family ties, or at least ties of affection or dependence, between the victims and the beneficiaries have not been contested, the Section having previously accepted the broader nature of family relations in the Central African culture, she notes that there is a certain causal link between the crimes and the harm suffered by orphans, widows and collaterals of the victims.
155. With regard to indirect victims and particularly family members of deceased persons, the Section has already noted that although it belongs to this category of civil party to provide proof of their kinship or a bond of affection or dependence, it thus takes into account the difficulties for indirect victims of prepare administrative documents justifying their legal link with the deceased in due to the still very difficult situation in the country. It also takes note of the local structure which recognizes emotional ties going beyond the family unit. She is therefore convinced that these indirect victims suffered real material damage and some notably the sudden loss of the family member's contribution to income but also the psychological harm resulting from the sudden loss of a member of their family.

3) On the causal link

156. To claim victim status and aspire to reparations, civil parties must present evidence of the harm suffered by them and of the causal link between it and the crimes with which the accused are charged.
157. The Section considers that there is a causal link between the crimes and the harm as soon as the crime of which the perpetrators were found guilty was the direct cause of the harm to which repairs are requested.
158. In this case, the civil parties declare that had it not been for the commission of these crimes, the harm would not have occurred. Indeed, the Section takes into account the difficulties raised by the civil party regarding the production of evidence.

4) On the repair methods

159. The Section receives requests for individual compensation and collective compensation.

The RPP provides for these two modalities in its article 129 which also gives a wide range of remedial measures which it leaves to the discretion of the Section.

160. With regard to individual reparations and collective reparations, the Section considers that they are not mutually exclusive and can be combined³⁹.

^{has)} Individual repairs

161. For individual reparations, the Section recalls the right of victims to obtain

repair⁴⁰. In the absence of firmly established national jurisprudence in matters of reparation following serious crimes, the Section took into consideration sovereign and without being limited to the detailed elements provided by the Registry, through the SAVD, to determine the extent of the damage and their assessment. The Section also taken into account the significant number of orphans and widows left behind by each victim as well as the pressing question of the effectiveness of reparation measures.

162. By previously recognizing that the victims suffered physical harm and moral, the Section considers that the reparation must be commensurate with these damages, wherever possible. Reparation for the damage must be complete, without loss or profit for any of the parties⁴¹. This repair must also not be a new source of tension or jealousy within the villages nor needlessly endanger the main beneficiaries who still operate in a very evolving environment and volatile. However, given the seriousness of the crimes committed, no monetary amount, however important it may be, it cannot completely satisfy the victims, the loss of a life, of a physical or psychological integrity, or suffering having no commercial value or monetary equivalent.

163. After having sovereignly assessed the requests of the parties, the Section grants the requests from victims constituted or recognized as civil parties during education as well as their beneficiaries. However, it considers that the amounts requested are excessive in view of the contributory capacities of the institutions or organizations responsible to compensate the victims in place of the accused, who are in a situation

³⁹ Reparation Order, The Prosecutor v. Bosco NTAGANDA, *Op.cit*, parag. 78

⁴⁰ CECC, KAING Guek Eav alias Dutch, July 26, 2010, n°001/18-07-2007/ECCC/TC, parag. 662

⁴¹ CAEA, Public Prosecutor v. Hissen Habré, Judgment on civil interests, July 29, 2016 parag. 58

of total impecuniosity. In view of the elements of assessment at its disposal, it is necessary to reduce these amounts to their fairest proportion by allocating to the victims, all damages combined, the following amounts:

- For NZOUWONE Alphonse, FEIDINGNAROUTA Sylvain and BELAHIMI Sylvain, the amount of compensation is set at 600,000 francs for each of the victims;
- For DANE Lazare, the amount of compensation is set at 200,000 francs;
- For victims ZZ and AAA, who were minors at the time of the events, the amount of compensation is set at 1,000,000 francs for each victim;
- For victims XX, JJJ, OOO and YYY, the amount of compensation is set at 700,000 francs for each of the victims;
- The amount of compensation is set at 1,000,000 francs for each of the beneficiaries following:
 - o to the beneficiaries of BISSI Florentin represented by BISSI Simplicie;
 - o to the beneficiaries ZAHORO Jean represented by FAYA Simon;
 - o to the beneficiaries YAOU Séverin represented by YAOU Patrick;
 - o to the rights holders NGOY Prosper represented by NGOY Désiré;
 - o to the YABOUTOUNI Olivier rights holders represented by BISSI Félicité;
 - o to the beneficiaries KEMBI Jérémie represented by NDOBELETIA Bosco and GUELSERATIA Sitérii;
 - o to the beneficiaries TOUSSESSEKIA César represented by YAKA Philémon and SAGOKO Louise;
 - o to the beneficiaries of HOUTIA Basile represented by HOUTIA Valentin;
 - o to the beneficiaries of HORO ZOZO Pythagoras represented by HORO Jean Denis Albert;
 - o to the beneficiaries of BARRY Bizard represented by BARRY Saturnin;
 - o to the beneficiaries of PASSY Clément represented by HOUL HYANCE;
 - o to the beneficiaries of ZOZO Félicité represented by PAOUNA Paulin;
 - o to the beneficiaries of SENLE Christophe represented by ZATALA Lévy;
 - o to the beneficiaries of WOÏMAYINE Justin represented by NDAO Darlan;
 - o to the beneficiaries of NZAPELE Patrice represented by HAOUMI Médard;
 - o to the beneficiaries of WONZEREKETIA Crépin represented by MBANDOYA Freddy;

b) Collective reparations

164. Collective reparation benefits a group or category of people who have suffered common harm⁴². The Section therefore considers that it is not necessary for this group has legal personality and, taking into account the systematic and generalized nature crimes committed, may include other victims but who are not parties to the this procedure.

⁴² Reparation Order, *The Prosecutor v. Bosco NTAGANDA*, *Op.cit*, par. 80

165. The Section considers that the reparations previously granted on an individual basis should be supplemented, as far as possible, by a set of collective reparations. However, it cannot grant measures which involve entities which were not party to the present trial⁴³ and which would fall under the sovereignty of the Central African State⁴⁴.
166. With regard to requests relating to the construction of a health center as well as of one training center per village, although it is open to the Section to grant reparation measures “ adapted to the nature and extent of the damage ”, it considers that these requests go far beyond the spirit of the text which rather provides training or medical care measures. Furthermore, the Section considers that the opportunity to build such infrastructure falls within the general policy of the State Central African Republic which is not a party to the proceedings. Especially since such centers require the establishment on site of nursing and educational staff whose responsibility support has not been specified. The Section can therefore only reject such request.
167. Concerning the request for the installation of a telephone antenna, the Section considers that this request tends to impose an obligation on telephone operators to extend their network in the area even though they are third parties in relation to this lawsuit. There is therefore reason to reject such a request.
168. Regarding the installation of law enforcement forces in the area, the Section considers that it This is a sovereign prerogative of the Central African State which is not a party to the procedure. She can therefore only reject it.
169. For the request relating to the establishment of a civic education program and the peace, the Section considers that presented as such, this request does not specify the content nor the potential beneficiaries of this program. Furthermore, it cannot impose a program which falls under the Central African national education policy. There Section therefore rejects this request.
170. Regarding the request for granting the sum of 15,000,000 Frans per village, the Section considers that the civil party has not provided proof of a link between the damages previously retained and the reasons for this request, especially since collective reparations complement individual reparations and that the

⁴³ CECC, KAING Guek Eav alias Dutch, July 26, 2010, n°001/18-07-2007/ECCC/TC, parag. 663

⁴⁴ CAEA, Public Prosecutor v. Hissen Habré, Judgment on civil interests, July 29, 2016 parag. 71

civil parties have already been previously compensated. It is therefore necessary to reject this application.

171. On the request for the construction of a historical monument in the two villages. There Section considers that this project is adapted to the nature of the damage because it would allow civil parties and more broadly to the villagers to commemorate this event of May 21 2021 so that their suffering is not forgotten. Such a monument will also be the permanent and visible sign that crimes will not go unpunished and thus serves as a reminder of the fight against the impunity led by the Central African Republic and its partners. Recalling the circumstances of the crimes - the villagers being under a mango tree when the attackers appeared and executed them, the Section believes that this monument will be a place designed to allow villagers to meet in memory of their dead. There is therefore to grant this request.

172. The construction of two wells each for each of the two villages is likely to allow victims and survivors, who still suffer from trauma following the crimes, access to drinking water. The Section therefore considers that this project is adapted to the nature and extent of the harm suffered by the victims. There is reason to do so.

E. On the responsibility of the condemned

173. In its sentencing judgment, the Section declared ISSA SALLET guilty Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman. Payment of these reparations therefore fall to those convicted at the origin of the crimes and their consequences.

174. Recalling that the three accused were convicted of murder as crimes of war and crimes against humanity, inhumane acts constituting crimes against humanity and attacks on personal dignity constituting war crimes, the Section thus retains their criminal responsibility and concludes that they are responsible *in solidum* of compensation for the damage caused to the direct and indirect victims of these crimes regardless of the different modes of responsibility used to conclude that their guilt. It is therefore appropriate to order them to pay the various amounts awarded to the victims listed above as compensation.

175. As for the offense of rape committed by his subordinates constituting crimes of war and war crimes and of which ISSA SALLET Adoum was also convicted

alias Bozize, the Section retains his criminal responsibility and therefore sentences him to payment of sums awarded to victims of rape as reparation.

F. On the poverty of the condemned

176. The Section notes that ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman benefited from the benevolent provisions of Article 5 D) d) of the RPP which granted the right to be assisted by an ex officio lawyer, probably because of their impossibility of hiring the advisory service which would be their responsibility. She notices also that no precautionary measure on possible property of the accused has been undertaken during the investigation in order to guarantee compensation for the civil parties in accordance with Article 79 of the RPP.

177. In view of all the above, the Section notes the indigence of the three convicts.

G. On the implementation of repairs

178. The Section previously noted the indigence of the three convicts as well as the lack of movable or immovable property that may belong to them and guarantee compensation for the civil party.

179. Consequently, in order to monitor the execution of its decision, it invites the Registry, through the Victim and Defense Support Service, to request funding from external parties in accordance with Articles 43 A) e), 47 B) d) and 129 D) of the RPP.

Chapter IV: DEVICE

For these reasons, in view of all the means of proof and legal arguments presented by the parties,

By contradictory decision:

Acknowledges the withdrawal of the civil party's lawyers on the request for a stay of proceedings;

Rejects the request for a stay of proceedings from the lawyer defending ISSA SALLET Adoum alias Bozize;

Rejects the request for foreclosure emanating from the Lawyers of YAOUBA Ousman and MAHAMAT Tahir;

Receives the constitution of civil party from BISSI Simplicie, FAYA Simon, YAOU Patrick, NGOY Désiré, BISSI Félicité, NDOBELETIA Bosco, YAKA Philémon and HOUTIA Valentin;

Also receives the constitution of civil party from HORO Jean Denis Albert, DANE Lazare, BARRY Saturnin, NZOUWONE Alphonse, FEIDINGNAROUTA Sylvain, HAOUMI BELAHIMI Sylvain, HOUL HYANCE, POUNA Paulin, ZATALA Lévy, NDAO Darlan, HAOMI Léo and NGBARA Marthe;

Also receives the constitution of civil party of XX, ZZ, OOO, AAA, YYY and JJJ;

Rejects all civil party filings made before the Assize Section, which are included in **Appendix A** and **Appendix B** of this judgment, as well as the civil party filings for those accused of theft and pillage;

Grants the requests of BISSI Simplicie, FAYA Simon, YAOU Patrick, NGOY Désiré, BISSI Félicité, NDOBELETIA Bosco, YAKA Philémon and HOUTIA Valentin, XX, ZZ, OOO, AAA, YYY, JJJ, HORO Jean Denis Albert, DANE Lazare, BARRY Saturnin, NZOUWONE Alphonse, FEIDINGNAROUTA Sylvain, HAOUMI BELAHIMI Sylvain, HOUL HYANCE, POUNA Paulin, ZATALA Lévy, NDAO Darlan, HAOMI Léo and NGBARA Martha;

Condemns ISSA SALLET Adoum alias Bozize, MAHAMAT Tahir and YAOUBA Ousman, jointly and severally, to pay:

- to each of the following three victims: NZOUWONE Alphonse, FEIDINGNAROUTA Sylvain and BELAHIMI Sylvain, the sum of 600,000 francs;
- to the victim DANE Lazare, the sum of 200,000 francs;
- to the beneficiaries of BISSI Florentin represented by BISSI Simplicie, the sum of 1,000,000 francs;
- to the beneficiaries ZAHORO Jean represented by FAYA Simon, the sum of 1,000,000 francs;
- to the beneficiaries YAOU Séverin represented by YAOU Patrick, the sum of 1,000,000 francs;

- to the NGOY Prosper rights holders represented by NGOY Désiré, the sum of 1,000,000 francs;
- to the YABOUTOUNI Olivier rights holders represented by BISSI Félicité, the sum of 1,000,000 francs;
- to the beneficiaries KEMBI Jérémie represented by NDOBELETIA Bosco and GUELSERATIA Sitérii, the sum of 1,000,000 francs;
- to the beneficiaries TOUSSESSEKIA César represented by YAKA Philémon and SAGOKO Louisette, the sum of 1,000,000 francs;
- to the HOUTIA Basile beneficiaries represented by HOUTIA Valentin, the sum of 1,000,000 francs;
- to the beneficiaries of HORO ZOZO Pythagore represented by HORO Jean Denis Albert, the sum of 1,000,000 francs;
- to the beneficiaries of BARRY Bizard represented by BARRY Saturnin, the sum of 1,000,000 francs;
- to the beneficiaries of PASSY Clément represented by HOUL HYANCE, the sum of 1,000,000 francs;
- to the beneficiaries of ZOZO Félicité represented by HOULKAOULE Paulin, the sum of 1,000,000 francs;
- to the beneficiaries of SENLE Christophe represented by ZATALA Lévy, the sum of 1,000,000 francs;
- to the beneficiaries of WOÏMAYINE Justin represented by SENEKOULA Michel, the sum of 1,000,000 francs;
- to the beneficiaries of NZAPELE Patrice represented by HAOU MI Médard, the sum of 1,000,000 francs;
- to the beneficiaries of NDOUNGA Hubert represented by MBANDOYA Ange, the sum of 1,000,000 francs;

Orders ISSA SALLET Adoum alias Bozize to pay:

- to each of the following two victims: ZZ and AAA, who were minors at the time of the events, the sum of 1,000,000 francs;
- to each of the following four victims: XX, JJJ, OOO and YYY, the sum of 700,000 francs;

Grants the request relating to the construction of historical monuments in the villages of Lemouna and Koundjili;

Also grants the request for collective reparation in the form of construction of 02 wells each in the two villages;

Rejects requests relating to the construction of a health center as well as a training center;

Rejects the request for the installation of a telephone antenna;

Rejects the request relating to the installation of law enforcement in the area;

Rejects the request relating to the establishment of a civic and peace education program;

Rejects the request for granting the sum of 15,000,000 Frans per village;

Notes the indigence of ISSA SALLET Adoum alias Bozize, of MAHAMAT Tahir and of YAOUBA Ousman;

Invites the Registry, through the Victim and Defense Support Service, to request external financing;

Holds that this decision is subject to appeal within **three days** of its delivery.

Thus pronounced in public hearing in Bangui on June 16, 2023.

Mr. Emile NDJAPOU



National Judge, President of the Section

Mr. Aimé-Pascal DELIMO



National judge

Mr. Herizo Rado ANDRIAMANANTENA



International judge

Me Florentin DARRE



Clerk of the Assize Chamber

ANNEX A (Village of KOUNDJILI)

No.	Names of victims	Orphans	Widows	Collaterals	Representatives
1	HOUTIA Ferdinand	HOUTIA Grievance	PONGMI Eulalie	Léa Nina	LEA Nina
		HOUTIA Urban		NZAMIANG Louise	
		HOUTIA Petula	HOUTIA Saturnin	HOUTIA Maximin	
		HOUTIA Isaac			
2	YAOU Sévérin	YAOU Isino	PASSOURI Bénédicte	YAOU Felix	YAOU Patrick
		YAOU Aleine		YAOU Patrick	
		BELAHIMI Aristide		YAOU Gervais	
		YAOU Terence			
		GOUM Majorette			
		YAOU Freddy			
		YAOU Terence	BARO Marina	WOÏNANG Bertha	
		YAOU Juvastre			
		YAOU Alois			
3	MAYAMBIA Elysé	NDOBELATIA Alpha	WOINWA Odile	HORO Emmanuel	NDOBELATIA Bosco
		NDOBELATIA Elsa		YAMBARAYA God Given	
		NDOBELATIA Sadrack		MAHORONA Diane	
		KEMBI Alicia		YANGANI Charles	
		NDOBELATIA Pauline			
		SENAYETOUNA MEASSOU			
		NDOBELATIA Clarisse			
		KEMBI Antoinette			
		NDOBELATIA Fabrice			
		KEMBI It's tomorrow		WOÏWA Odile	

4	HOUTIA Mitterrand	HOUTIA Pacôme	TIMOUTOU Estella	HOUTIA Eulalie	HOUTIA Gabin
		HOUTIA Abégo		HOUTIA Gabin	
		HOUTIA Beckham			
		MBINGOUROU Private	HOUTIA Maximin	POUTIA Apollinaire	
		DIYA Aïssatou			
		HOUTIA Nadine			
		MAALITIA Amos			
5	VOTE Augustin	WOÏTAYINELE Major	DOGGIE Roliana	NGOY Caroline	MAKALATIA Simple
		GOUME Esther		BERO Constant	
		BELATIKARIYAN Defao		MAGONIE Louise	
		BISSI EI kana	MAALITIA Simple	HOUTIA Ghislain	
		KATOUNI Tamar			
		BAITIA Henry			
		NDIBELAHOU L Melphie			
6	POUNA Thursday	NGOYE Ezechel	MEYO Debora	BINGURU Raymond	
		NGUERSARAKETIA Micheline			
		NGUERSARAKETIA Zeneth	GBASSERALE Micheline		
		HOULIMITOU Mirabelle			
		NGOYE Protefa			

ANNEX B (Village of LEMOUNA)

No.	Names of victims	Orphans	Widows	Collaterals	Representatives
1	Baou Gaspard ZIBELAYA	YA BAOU Bertine	MANGBARA Locadie	ZIBELAYA Peguy	BAOU Oscar
		BAOU Yannick		BADU Celestin	
		BAOU Decline		MAHIMI Celine	
		ZIBELAYA Desâi		BAOU Oscar	
		BAOU ZIBELAYA Hortine		BARI Kevin	
2	BARRI Laurent BARI Cerif	BARI Meridiane	YINGBARALE Valentine	BARI Marceline	BARRY Saturnin
		BARI Mireine		WAL-YIN Emmanuel	
				BENDOUNGA Frederic	
3	BENDOUNGA Desai	BENDOUNGA Rabbi	GOUM Esphanie BENDOUNGA	BENDOUNGA Severin	MAHOLA Odette
				BENDOUNGA Giscar	
				GOEDANG Albert	
4	DEMON Simon DEMON	Michelin	NANAGOUNE Giselle	BELASSONALE Savia	GOEDANG
		DEMON Tavis			
		BAÏPOULE Timothé		BAÏPOULE Absalon	
		BAÏPOULE Capistrant			
		BAÏPOULE Loureine		BAÏPOULE Hortine	
		BAÏPOULE Gloria			
		BERO Michela	WOISSATOU Agnes	SAKO Augustine	
		RINZA Simone		HOULFAMI Annicet	
		DEMON Sylvie		GONG - HEN Wilson	
		DEMON Adeline		GONG - Tité HEN Nina	
	TOUFINYAN Joëlla				

5	GONG - HEN Zacchaeus	GONG - HEN Absalon SANGMI Tina	GONG - HEN Asta KOE David	
			GONG - HEN Lydie	
		GONG - HEN Cheri	GONG - HEN Giles	
			KOE David	
		GONG - HEN Melcia	NAMBISSI Paulin	
		GONG - HEN Davila	SAKPAÏN Monique	
		REHIMI Majolie	HAOUMI Emma Bruno	
		GONG - HEN Debonair	HAOUMI Medard	
6	HAOUMI Raphael	HAOUMI Nris	KOE - NINZOULE YINBOBORI Yvette	HAOMI Médar
		HAOUMI Anelphine	HAOUMI Calorine	
		HAOUMI Loridane		
		HAOUMI Ketura	HAOUMI Virginie	
		HAOUMI Pricile	HAOUMI Anastasie	
		HAOUMI Del		
		HAOUMI Vitaline	HAOUMI Lucia	
		HAOUMI Lebrun	NZABINI Nikson	
		BELTOU Sandrin		
		HOULZIBELAYA Chistelle	HORO Alfred	
		TOUFEKEYA Gaël		

7	KOBÁĪKERA Michael Sosthene	KOBÁĪKERA Sadock	BANGUE Clarisse SENEHIMI Jean - Baptiste	ZIRAHOUL Alice
		KOBÁĪKERA Ido		
		KOBÁĪKERA Obed		
		KOBÁĪKERA Geret		
		KOBÁĪKERA Abdias		
		KOBÁĪKERA Arsene		
		KOBÁĪKERA Junior		
		KOBÁĪKERA Beguy		
		KOBÁĪKERA Juveltine		
		KOBÁĪKERA Ketura	NZABAILE Marceline	NZABAILE Marceline
		KOBÁĪKERA Navia		NDOUNGA Olivier
		KOBÁĪKERA Chireine		
		KOBÁĪKERA Raphaëlla		
		KOBÁĪKERA Andrien		NDOUNGA Julien
		KOBÁĪKERA SENEHIMI Agatha		
		8		NDOUNGA Hubert
NDOUNGA Firmin				
NDOUNGA Therence				
NDOUNGA Estelle				
NDOUNGA Pricia				
NDOUNGA Florence				
NDOUNGA Marie				
NDOUGA Olivier				
NDOUNGA Julien				
NDOUNGA Marin				
NDOUGA Florence				
SATIN - YAN Florance				
NGUENGO Editte				
9	NGUENGO Thomas	NGUENGO Arnaud	MAWELE Josephine	NGUENGO Norbert
		NGUENGO Zedician		
		NGUENGO Chandres		
		NGUENGO Nazer		
		NGUENGO Amos		
		NGUENGO Chiara		
		NGUENGO Ginette		
		NGUENGO Gladys		
		NGUENGO Odicia		
NGUENGO Olivier				
NGUENGO Akim				
NGUENGO Lorine				
NGUENGO Macarie				
NGUENGO Yiboundou				
NGUENGO Mirabelle				
HOUMI Celestin				
HOUMI Pelagie				

10	NZOUWONE Jospin	NZOUWONE Kevin	YOHORO Julienne ZORA Sébastien	GONG - MALE Valentine	NZOHOUINE Sonya
				NGANAGOUNE Gisel	
				KETTE Simon	
				HOUL Clement	
				SENELIA Michel	
11	SAMBAÏLE Fernand	SAMBAÏLE Braël	SAMBAÏLE Juta	MBOUSSA Augustine SANG BÏLE Basil	
		SAMBAÏLE Lemercié			
		SAMBAÏLE Gaus			
		SAMBAÏLE Christelle	FINDINGAROUTIA Melphie	SAOUSSUNAMI Naxon	
		SAMBAÏLE Juliene		SENLE Wilson	
12	ZOZO Félicité HOULKAOULE	SAKIRIMI François	Valorine	PASSI Marguerite	POUNA Paulin
		HOULKAOULE Gabin		WOÏYAMOLE Germaine	
		HOULKAOULE Clotaire		WOÏNGOURA Angelina	
		HOULKAOULE Vidiana		HOULKAOULEGregoir	
		HOULKAOULE Edith		HOULKAOULE Claudia	
		FEYIME Suza		HOULKAOULE Florence	
		ZOZO Van		POUMA Paulin	
		AMORA Fidelia			

13	WOINZIRATIA Crépin	WOINZIRATIA Potiphar BANDOYA Angel ZARAZING Fidele	BANDOYA Angel
		WOINZIRATIA Omer	MATOULE Léonie
		WOINZIRATIA Nina	HOULARI Joseph
		PASSI Geraldine	WOINZIRATIA Yves
		WOINZIRATIA Guileine	WOINZIRATIA Mileine
		NGOUHOULYA Jordy	WOINZIRATIA Ismaël
		FINMAYINYA Taylor Revel	WOINZIRATIA Dorline
		SONTAMI Ségolène	WOINZIRATIA isabelle