

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **10 July 2019**

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Confidential

***EX PARTE* only available to the Prosecution
with Confidential *EX PARTE* Annexes A, B, and C, only available to the
Prosecution**

Provision of Information Concerning Witness Security Incident

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor	Counsel for Alfred Yekatom
Ms Fatou Bensouda	
Mr James Stewart	
Mr Kweku Vanderpuye	Counsel for Patrice-Edouard Ngaïssona

Legal Representatives of Victims	Legal Representatives of Applicants
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Unrepresented Victims	Unrepresented Applicants (Participation/Reparation)
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States Representatives	Amicus Curiae
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REGISTRY

Registrar	Counsel Support Section
Mr Peter Lewis	
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

II. Submissions

1. The Office of the Prosecutor ("Prosecution") hereby provides Pre-Trial Chamber II ("Chamber") with further information concerning its investigation of the security incident referred to in its 24 June 2019 Observations, in which it undertook to "update the Chamber with further information as soon as practicable."¹

2. The confidential *ex parte* annexes provided with this filing, comprise an Investigation Report – Annex A; the Statement of Prosecution Witness P-0965 – Annex B; and the Statement of P-0965's wife (a direct witness to the incident) – Annex C.

3. As noted in the Investigation Report, the Prosecution possesses clear evidence linking the perpetrators of the security incident to Maxime MOKOM ("MOKOM"), as members of his Anti-Balaka faction. As the Chamber is aware, the interests of MOKOM and the Suspects before the Chamber align in several respects, not the least of which concern the activities and conduct of the Anti-Balaka and their alleged criminal responsibility within the scope of the crimes alleged in this case.

4. The Prosecution considers that this is a serious security matter and has seized the Victim and Witnesses Unit accordingly. For this reason and to contain clear risks to the safety and security of witnesses – whether direct or indirect – the Prosecution has consistently urged strict vigilance in the administration of privileges and restrictions concerning the conditions of detention for Suspects YEKATOM and NGAISSONA in this case.

¹ See ICC-01/14-01/18-229-Conf-Exp, para. 2; *see also* ICC-01/14-01/18-241-Conf-Exp, para. 25.

III. Confidentiality

5. This document is filed confidential *ex parte*, only available to the Prosecution, pursuant to regulation 23bis(1) of the Regulations of the Court as it concerns security-related and other information which cannot be disclosed to the Defence.



Fatou Bensouda, Prosecutor

Dated this 10th day of July 2019
At The Hague, The Netherlands