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

Date: **31 August 2020**

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

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

**Confidential Document
with
Confidential Annex A**

**Notification of the Provisional List of Prosecution Witnesses with a Summary of
their Anticipated Testimony**

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

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

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Mr Peter Lewis

Counsel Support Section

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I. INTRODUCTION

1. Pursuant to Trial Chamber V's ("Chamber") 16 July 2020 Decision,¹ the Office of the Prosecutor ("Prosecution") hereby provides its provisional list of witnesses, along with brief summaries of their anticipated testimonies ("Provisional Witness List"). The Confidential Annex to this notice provides the following information, as directed: (i) the witness's pseudonym; (ii) the type of witness; (iii) the intended mode of testimony; (iv) the estimated length of testimony; and (v) a brief summary of their anticipated testimony.²

II. CONFIDENTIALITY

2. This document and its Annex are classified as "Confidential" pursuant to regulation 23*bis*(2) of the Regulations of the Court as it contains sensitive information about potential Prosecution witnesses that, if disclosed to the public, may place the potential witnesses and/or their family members at risk.

III. SUBMISSIONS

3. Presently, the Prosecution intends to call 145 fact witnesses.³ The Provisional Witness List does not include expert witnesses whom, pursuant to the Chamber's 9 July 2020 direction, the Prosecution intends to engage the Parties and Participants on their possible agreement.⁴ The Prosecution will provide further information as soon as consultations with the Defence and/or the Common Legal Representatives are completed, and/or the expert reports finalised.

¹ ICC-01/14-01/18-589.

² ICC-01/14-01/18-589, para. 4.

³ These include 44 witnesses pursuant to rule 68(2) of the Rules of Procedure and Evidence ("Rules"); 77 pursuant to rule 68(3) and 24 fully *viva voce*. Four witnesses are not listed by name in Confidential Annex A, as security measures have not yet been implemented.

⁴ See ICC-01/14-01/18-T-012-ENG ET, p. 48, lns. 21-25 – p. 49, ln. 1.

4. The summaries of anticipated testimony should not be interpreted as a comprehensive and complete account of each witness's expected evidence, but a synopsis of salient aspects thereof. The Prosecution, thus, reserves its right to elicit such other and further evidence as is appropriate under the Statute and Rules of Procedure and Evidence.

5. The Prosecution is mindful of the concerns raised regarding the scope of the trial⁵ and has taken this into account. The Provisional Witness List seeks to achieve a workable balance between the Prosecution's statutory obligation to establish the truth, the gravity and seriousness of the charges and case,⁶ the expeditious conduct of the proceedings, and the unprecedented and unpredictable potential impact of the prevailing COVID-19 pandemic, including on witness availability.⁷ The Prosecution continues to assess and review the matter pending the submission of its final witness list.



Fatou Bensouda, Prosecutor

Dated this 31st day of August 2020

At The Hague, The Netherlands

⁵ ICC-01/14-01/18-631, para. 21.

⁶ ICC-01/14-01/18-640.

⁷ As previously noted, the Prosecution's preparations have been impacted by the current situation. This has in some respects impeded its ability to conduct follow-ups with its witnesses as may be necessary in respect of relevant information acquired after their initial interviews. This information may, *inter alia*, require that witnesses designated under rule 68(3) might require substantial additional examination in Court.