

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 16 December 2022

TRIAL CHAMBER V

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* ALFRED YEKATOM AND PATRICE-EDOUARD
NGAÏSSONA**

Public

**Public redacted version of “Victims and Witnesses Unit’s Observations on the
‘Request for Reconsideration regarding In-Court Protective Measures for
Prosecution Witness p-1858’
(ICC-01/14-01/18-1651-Conf)” (ICC-01/14-01/18-1691-Conf)**

Source: Registry

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Ms Mylène Dimitri
Mr Thomas Hannis
Ms Anta Guissé

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops
Mr Richard Landry Omissé-Namkeamaï
Ms Marie-Hélène Proulx

Legal Representatives of the Victims

Mr Dmytro Suprun
Mr Abdou Dangabo Moussa
Ms Elisabeth Rabesandratana
Mr Yaré Fall
Ms Marie-Edith Douzima-Lawson
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of the Public Counsel for
Victims**

**The Office of the Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Victims and Witnesses Unit (“VWU” or “Unit”) submits these observations pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email, dated 3 November 2022 (“Order”).¹

II. Classification

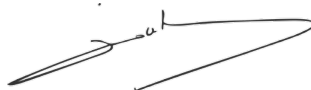
2. In accordance with regulation 23*bis* (2) of the Regulations of the Court, the present report is classified confidential, as it refers to a document with that same classification.

III. Report

3. The witness is a 49-year-old male born in Bangui, Central African Republic (CAR). He is a CAR national of Yakoma ethnicity and a Roman Catholic. His mother tongue is Yakoma and he also speaks French, Sango and some Lingala. He is married and has seven minor children. He lives with his wife, their five children and three nieces in CAR. His other two children live with their mother. [REDACTED].
4. The witness was interviewed on 5 December 2022 in order to assess the need for in-court protective measures (“ICPMs”). The process was explained and the witness declared to have understood what ICPMs entail, and requested ICPMs during his testimony.
5. The witness indicated that he still has security concerns in connection to his testimony, as communicated previously to the Office of The Prosecutor (“Prosecution”). He believes that due to the nature of his testimony [REDACTED], he would be recognised and elements would seek to harm him and his family. [REDACTED].
6. [REDACTED].

¹ Email from Trial Chamber V Communications, 3 November 2022 at 16:21.

7. The VWU considers that aside from historic events surrounding the unrest caused by the alleged attempted coup in January 2021, the witness was unable to specify any objectively justifiable security reason(s) for granting ICPMs. [REDACTED].
8. [REDACTED].
9. [REDACTED].
10. The witness is fully aware that should ICPMs not be granted by the Trial Chamber, his identity and appearance during testimony will be within the public domain. He is therefore not willing to testify publically.
11. The VWU takes note that an application for ICPMs was submitted by the Prosecution on 7 December 2020, which was subsequently rejected. A second application was submitted on 2 November 2022. In light of the information obtained through its interview with the witness, the VWU considers that the application of ICPMs may prevent a future escalation of risk. The VWU therefore recommends the following in-court protective measures: use of a pseudonym and image distortion.



Marc Dubuisson, Director Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 16 December 2022

At The Hague, the Netherlands