

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 January 2023

TRIAL CHAMBER V

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

**Redacted version of the “Victims and Witnesses Unit’s Observations on the
‘Request for Reconsideration regarding In-Court Protective Measures for
Prosecution Witness P-1786’” (ICC-01/14-01/18-1585-Conf-Exp)
ICC-01/14- 01/18-1729**

Source: Registry

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

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**Unrepresented Applicants
(Participation/Reparation)**

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Victims**

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**Victims Participation and Reparations
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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 12 January 2023 (“Order”).¹

II. Classification

2. In accordance with regulation 23bis (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 45-year-old male born in Mbaiki, Central African Republic (“CAR”). He is a CAR national of Baka ethnicity and a Christian. His mother tongue is Sango, but he also speaks French. For the past two years, he lives with his partner and five children.
4. Since 2020, he has been employed [REDACTED] and remains a FACA enrolled soldier within the Ministry of Defence.
5. The VWU notes that an application for in-court protective measures (ICPMs) was submitted by the Office of the Prosecutor on 7 December 2020, and was rejected on 9 March 2021. A second application was submitted on 27 September 2022.
6. On 11 January 2023, the VWU interviewed the witness to assess the need for ICPMs. The process was explained, and the witness declared to have understood the protective measures.
7. The witness stated that he did not experience any security threats or incidents, although the FACA elements that are known to be Anti-Balaka sympathisers are aware of his role as an ICC witness.

¹ Email from Trial Chamber V Communications, 12 January 2023 at 11:58.

8. The witness admitted during the interview that his fears are hypothetical and are unsupported by any objectively justifiable facts. At the end of the interview, the witness stated that he is ready to testify with or without ICPMs.
9. The VWU notes that neither the witness nor his family have experienced any threats or security incidents.
10. The VWU further notes that within the scope of his duty[REDACTED], the witness benefits from the security provided to FACA members but also from the heightened security provided [REDACTED].
11. Furthermore, for operational reasons, [REDACTED], which is protected by armed FACA personnel 24/7.
12. Based on the above, the VWU could not identify any objectively justifiable reason to warrant ICPMs, and does not recommend any in-court protective measures.



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

Dated this 30 January 2023

At The Hague, the Netherlands