

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 09 March 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-2082’ (ICC-01/14-01/18-1768-Conf)”**

Source: Registry

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

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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 23 February 2023 (“Order”).¹

II. Classification

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

III. Report

3. An application for in-Court protective measures (“ICPM”) for P-2082 was submitted by the Office of the Prosecutor (“the Prosecution”) on 7 December 2020 and rejected by the Chamber on 9 March 2021.²
4. On 22 February 2022, the Prosecution submitted a request seeking the reconsideration of the Chamber’s decision and to grant the witness ICPM in the form of facial distortion and the use of pseudonym.³
5. The witness was interviewed by the VWU on 22 February 2023 in order to assess the need for ICPM. The process was explained and the witness declared to have understood it. The witness is fully aware that should the ICPM not be granted by the Chamber, her identity and appearance during testimony will be within the public domain.

¹ Email from Trial Chamber V Communications, 23 February 2023 at 14.46.

² Decision on the Prosecution Requests for In-Court Protective Measures for 73 Trial Witnesses, ICC-01/14-01/18-906-Conf-Exp, 9 March 2021.

³ Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-208, ICC-01/14-01/18-1768-Conf, 22 February 2023 (“Request”).

6. The witness was born on 23 September 1955 in Bouar, Central African Republic ("CAR"). She is of Souma ethnicity and is a Catholic. Her mother tongue is Sango and she speaks French and some English. The witness is a widow and has four adult children.
7. During the interview with the VWU, the witness did not express any personal security concerns relating to her cooperation with the Court and stated that she has not faced any security incidents. However, the VWU later learned from the Prosecution's Request that she needs to travel to the provinces of CAR as part of her professional activities.
8. Although the VWU agrees with the Prosecution in its Request that the general security situation in CAR is precarious and that the civilian population suffers from that insecurity, the Unit fails to see the correlation between the witness' testimony and the current general security situation in CAR.
9. In its analysis, the VWU considers that the witness' current professional activities in the provinces of CAR might make her susceptible to being identified as a Court's witness and therefore places her in potentially dangerous situations.
10. [REDACTED].
11. That said, the VWU considers that there is an objectively justifiable risk to the witness, and consequently, in light of the information obtained through the VWU's interview, the VWU considers that the application of ICPM may prevent a future escalation of risk.

12. In conclusion, the VWU recommends that the Chamber considers granting the witness ICPM in the form of face distortion, use of a pseudonym and redaction of any identifying information from any records that may be disseminated to the public.



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

Dated this 09 March 2023

At The Hague, the Netherlands