

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 01 June 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
‘Prosecution’s submission pursuant to regulation 35 to vary the time limit and
request for in-Court protective measures for Prosecution Witness CAR-OTP-P-
1990’ (ICC-01/14-01/18-1860-Conf-Exp and Conf-Red)”
(ICC-01/14-01/18-1894-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 Osvaldo Giler Zavala

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 the present observations on the "Prosecution's submission pursuant to regulation 35 to vary the time limit and request for in-Court protective measures for Prosecution Witness CAR-OTP-P-1990"¹ ("Submission") pursuant to Trial Chamber V's ("Chamber") Order communicated by way of email, dated 5 May 2023 ("Order").²

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 filing with the same classification.

III. Observations

3. The witness in question is a CAR national, Catholic of Gbaya ethnicity, born on 1 October 1972 in Bambari. His mother tongue is Gbaya, he also speaks Sango and French. He has three wives and eleven children aged between two months and 18 years.
4. On 24 May 2023, the VWU interviewed the witness to assess the need for in-court protection measures. The process was explained to him, the witness declared to have understood it and stated that he needed protective measures during his testimony.
5. The witness stated that he was willing and ready to testify publicly as long as the questions addressed to him were limited to his statement. He informed the VWU that he would feel more comfortable if he was granted in-court protective

¹ Prosecution, "Prosecution's submission pursuant to regulation 35 to vary the time limit and request for in-Court protective measures for Prosecution Witness CAR-OTP-P-1990", 8 May 2023, (ICC-01/14-01/18-1860-Conf-Exp and Conf-Red).

² Email from Trial Chamber V Communications, 11 May 2023 at 17:05.

measures. [REDACTED]. He did not support this assumption with further arguments.

6. The witness also added that he cannot identify a threat actor who would target him following his testimony. [REDACTED].
7. The VWU explained to the witness the [REDACTED]. The VWU did not identify any objective risk towards the witness or his family in relation to his interaction with the Court.
8. In conclusion, the VWU does not recommend any in-court protective measures.



Marc Dubuisson, Director Division of Judicial Services
on behalf of Osvaldo Zavala Giler

Dated this 01 June 2023

At The Hague, the Netherlands