

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 12 July 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
NGAISSONA**

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 Witness P-1576"
(ICC-01/14-01/18-1946-Conf) (ICC-01/14-01/18-1966-Conf)**

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 and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
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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 Witness P-1576” (“Submission”)¹ pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email, dated 30 June 2023 (“Order”).²

II. Classification

2. In accordance with regulation 23*bis* (2) of the Regulations of the Court, the present Observations are classified confidential as they refer to a filing with the same classification.

III. Observations

3. The witness in question is a French national, born in 1977. His mother tongue is French and he also speaks English. The witness is not married and has no dependants.
4. On 3 and 5 July 2023, the VWU interviewed the witness to assess the need for in-court protective 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. [REDACTED].
6. [REDACTED].
7. The witness stated that he is willing and ready to testify publicly as long as his name is not mentioned. He is concerned that otherwise it might prevent him from obtaining work permits and/or visas to go to the countries where he normally works. He is also concerned about his safety in these countries.

¹ Prosecution, “Prosecution’s submission pursuant to regulation 35 to vary the time limit and request for in-court protective measures for Witness P-1576”, (ICC-01/14-01/18-1946-Conf), 26 June 2023.

² Email from Trial Chamber V Communications, 30 June 2023 at 11:34.

8. Although the witness cannot support this he further stressed that it had become more and more difficult [REDACTED].
9. While the VWU agrees that the general security situation in CAR is not relevant to the witness's testimony, the Unit is of the view that the fact that the witness [REDACTED] testifying before the Court will have a negative impact on his risk profile and security. In addition, a public testimony identifying the witness as a [REDACTED] might prevent him from continuing to perform his work in other countries.
10. [REDACTED].
11. In conclusion, the VWU recommends that the Chamber consider granting the witness in-court protective measures in the form of face distortion, use of closed and/or private session for identifying information, [REDACTED], use of a pseudonym and redaction of any identifying information from any records that may be disseminated to the public.

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

Dated this 12 July 2023

At The Hague, the Netherlands