

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **21 November 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**

Confidential

**With Confidential *EX PARTE* Annexes I-XX only available to the Office of the
Prosecutor and the Registry**

**Registry's Transmission of the Declarations made by Witnesses P-2467, P-1143,
P-0520, P-2132, P-2486, P-1964, P-2393, P-1530, P-0461, P-0365, P-2324, P-2133,
P-1598, P-1676, P-1739, P-2325, P-2422, P-0289, P-2652 and P-1865 pursuant to Rule
68(2)(b) of the Rules of Procedure and Evidence**

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
Ms Mame Mandaye Niang
Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Mylène Dimitri
Thomas Hannis
Anta Guissé

Counsel for Patrice -Edouard Ngaïssona

Geert-Jan Alexander Knoops
Richard Omissé-Namkeamaï
Marie-Hélène Proulx

Legal Representatives of the Victims

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

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Thomas Henquet (Registry Legal
Office)

I - Introduction

1. Following Trial Chamber V (“Chamber” or “Single Judge” as appropriate)’s “First Decision on the Prosecutor’s Requests for Formal Submission of Prior Recorded Testimonies pursuant to introduce prior Rule 68(2)(b)” (“First Decision”),¹ the Single Judge’s “Decision on Prosecution request regarding certification P-2467” (“P-2467 Decision”),² and the Chamber’s “Second Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(b)” (“Second Decision”),³ the Registry hereby transmits documentation in relation to the prior recorded testimony of witnesses P-2467 (“Witness P-2467”), P-1143 (“Witness P-1143”), P-0520 (“Witness P-0520”), P-2132 (“Witness P-2132”), P-2486 (“Witness P-2486”), P-1964 (“Witness P-1964”), P-2393 (“Witness P-2393”), P-1530 (“Witness P-1530”), P-0461 (“Witness P-0461”), P-0365 (“Witness P-0365”), P-2324 (“Witness P-2324”), P-2133 (“Witness P-2133”), P-1598 (“Witness P-1598”), P-1676 (“Witness P-1676”), P-1739 (“Witness P-1739”), P-2325 (“Witness P-2325”), P-2422 (“Witness P-2422”), P-0289 (“Witness P-0289”), P-2652 (“Witness P-2652”) and P-1865 (“Witness P-1865”) provided to the Office of the Prosecutor (“Prosecution”).

2. This transmission is made in accordance with rule 68(2)(b) of the Rules of Procedure and Evidence (“Rules”) and the First, P-2467 and Second Decision.

II - Classification

3. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court, the present submission is classified as “confidential” because it refers to details of internal procedures between Registry officials and witnesses that are usually kept

¹ Trial Chamber V, “First Decision on the Prosecutor’s Requests for Formal Submission of Prior Recorded Testimonies pursuant to introduce prior Rule 68(2)(b)” (“First Decision”), 6 April 2023, corrected on 17 April 2023, ICC-01/14-01/18-1833-Conf-Corr.

² E-mail from Trial Chamber V to Prosecution, “Decision on Prosecution request regarding certification P-2467” (“P-2467 Decision”), 17 May 2023, at 11.13.

³ Trial Chamber V, “Second Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(b) of the Rules” (“Second Decision”), 5 June 2023, ICC-01/14-01/18-1907-Conf.

confidential. The annexes to the present submission are classified as confidential *ex parte* only available to the Prosecution and the Registry because they contain the identifying information of Witnesses P-2467, P-1143, P-0520, P-2132, P-2486, P-1964, P-2393, P-1530, P-0461, P-0365, P-2324, P-2133, P-1598, P-1676, P-1739, P-2325, P-2422, P-0289, P-2652 and P-1865. The Prosecution indicated on 20 November 2023 that it will review said annexes in order to possibly seek redactions thereto.⁴

III - Submission

4. Pursuant to rule 68(2)(b)(iii) of the Rules, the Chief of the Registry Legal Office ("RLO") delegated his authority to several Registry Officials (designated for each witness as "Witnessing Officer ") to witness the declarations relating to Witnesses P-2467, P-1143, P-0520, P-2132, P-2486, P-1964, P-2393, P-1530, P-0461, P-0365, P-2324, P-2133, P-1598, P-1676, P-1739, P-2325, P-2422, P-0289, P-2652 and P-1865.

5. On 19 May 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2467.

6. On 19 June 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-1143 remotely through appropriate video technology.

7. On 5 July 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-0520 remotely through appropriate video technology.

8. On 10 July 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2132 remotely through appropriate video technology.

⁴ E-mail from Prosecution to Registry Legal Office, 20 November 2023 at 16:07.

9. On 10 July 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2486 remotely through appropriate video technology.

10. On 13 July 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-1964 remotely through appropriate video technology.

11. On 17 July 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2393 remotely through appropriate video technology.

12. On 18 August 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-1530 remotely through appropriate video technology.

13. On 18 August 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-0461 remotely through appropriate video technology.

14. On 24 August 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-0365 remotely through appropriate video technology.

15. On 25 August 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2324 remotely through appropriate video technology.

16. On 28 August 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2133 remotely through appropriate video technology.

17. On 31 August 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-1598 remotely through appropriate video technology.

18. On 8 September 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-1676 remotely through appropriate video technology.

19. On 8 September 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-1739 remotely through appropriate video technology.

20. On 10 October 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2325 remotely through appropriate video technology.

21. On 12 October 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2422 remotely through appropriate video technology.

22. On 8 November 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-0289 remotely through appropriate video technology.

23. On 16 November 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-2652 remotely through appropriate video technology.

24. On 17 November 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness P-1865 remotely through appropriate video technology.

25. As stated above, on 20 November 2023, the Prosecution informed the RLO that it will review the annexes in order to possibly propose redactions.⁵ Consequently, should the Chamber authorise the redactions sought by the Prosecution, RLO will be in a position to file a redacted version of the appended documents.

26. Accordingly, the Registry transmits the following documents:

- Annex I: Declaration of Witness P-2467; and
Attestation of the Witnessing Officer with respect to Witness P-2467.
- Annex II: Declaration of Witness P-1143; and
Attestation of the Witnessing Officer with respect to Witness P-1143.
- Annex III: Declaration of Witness P-0520; and
Attestation of the Witnessing Officer with respect to Witness P-0520.
- Annex IV: Declaration of Witness P-2132; and
Attestation of the Witnessing Officer with respect to Witness P-2132.
- Annex V: Declaration of Witness P-2486; and
Attestation of the Witnessing Officer with respect to Witness P-2486.
- Annex VI: Declaration of Witness P-1964; and
Attestation of the Witnessing Officer with respect to Witness P-1964.
- Annex VII: Declaration of Witness P-2393; and
Attestation of the Witnessing Officer with respect to Witness P-2393.
- Annex VIII: Declaration of Witness P-1530; and

⁵ E-mail from Prosecution to Registry Legal Office, 20 November 2023 at 16:07.

Attestation of the Witnessing Officer with respect to Witness P-1530.

Annex IX: Declaration of Witness P-0461; and
Attestation of the Witnessing Officer with respect to Witness P-0461.

Annex X: Declaration of Witness P-0365; and
Attestation of the Witnessing Officer with respect to Witness P-0365.

Annex XI: Declaration of Witness P-2324; and
Attestation of the Witnessing Officer with respect to Witness P-2324.

Annex XII: Declaration of Witness P-2133; and
Attestation of the Witnessing Officer with respect to Witness P-2133.

Annex XIII: Declaration of Witness P-1598; and
Attestation of the Witnessing Officer with respect to Witness P-1598.

Annex XIV: Declaration of Witness P-1676; and
Attestation of the Witnessing Officer with respect to Witness P-1676.

Annex XV: Declaration of Witness P-1739; and
Attestation of the Witnessing Officer with respect to Witness P-1739

Annex XVI: Declaration of Witness P-2325; and
Attestation of the Witnessing Officer with respect to Witness P-2325

Annex XVII: Declaration of Witness P-2422; and
Attestation of the Witnessing Officer with respect to Witness P-2422

Annex XVIII: Declaration of Witness P-0289; and

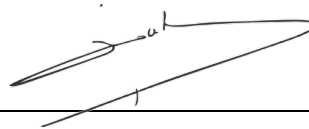
Attestation of the Witnessing Officer with respect to Witness P-0289

Annex XIX: Declaration of Witness P-2652; and

Attestation of the Witnessing Officer with respect to Witness P-2652

Annex XX: Declaration of Witness P-1865; and

Attestation of the Witnessing Officer with respect to Witness P-1865

A handwritten signature in dark ink, appearing to be 'M. Dubuisson', is written over a horizontal line.

Marc Dubuisson, Director Division of Judicial Services

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 21 November 2023

The Hague, the Netherlands