

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 July 2024

TRIAL CHAMBER V

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

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-VI only available to the Ngaißsona
Defence and the Registry**

**Registry's Transmission of the Declarations made by Witnesses D30-4551, D30-4514, D30-4953, D30-4957, D30-4777 and D30-4680 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:

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**Unrepresented Applicants
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I – Introduction

1. Following Trial Chamber V's ("Chamber" or "Single Judge" as appropriate) "Decision on Ngaïssona Defence Urgent Request for Certifications of Rule 68(2)(b) witness statements" ("Single Judge's First Decision"),¹ the "Decision on the Ngaïssona Defence Request for Certifications of Rule 68(2)(b) witness statements" ("Single Judge's Second Decision"),² the "Decision on the Ngaïssona Defence's Request for guidance on the process for obtaining prior statements remotely" ("Single Judge's Third Decision"),³ and the "Corrected version of 'Decision on Ngaïssona Defence Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(b)'" ("Chamber's Decision"),⁴ the Registry hereby transmits documentation in relation to the prior recorded testimony of witnesses D30-4551 ("Witness D30-4551"), D30-4514 ("Witness D30-4514"), D30-4953 ("Witness D30-4953"), D30-4957 ("Witness D30-4957"), D30-4777 ("Witness D30-4777") and D30-4680 ("Witness D30-4680").
2. This transmission is made in accordance with rule 68(2)(b) of the Rules of Procedure and Evidence ("Rules") and the Single Judge's First, Second, Third Decisions and the Chamber's Decision.

¹ E-mail from Trial Chamber V to Ngaïssona Defence Team, "Decision on Ngaïssona Defence Urgent Request for Certifications of Rule 68(2)(b) witness statements" ("Single Judge's First Decision"), 10 November 2023, at 17.57. This decision concerns Witness D30-4551.

² E-mail from Trial Chamber V to Ngaïssona Defence Team, "Decision on the Ngaïssona Defence Request for Certifications of Rule 68(2)(b) witness statements" ("Single Judge's Second Decision"), 7 December 2023, at 16.04. This decision concerns Witness D30-4957.

³ E-mail from Trial Chamber V to Ngaïssona Defence Team, "Decision on the Ngaïssona Defence's Request for guidance on the process for obtaining prior statements remotely" ("Single Judge's Third Decision"), 12 December 2023, at 11.13. This decision concerns Witnesses D30-4514 and D30-4953.

⁴ Trial Chamber V, "Corrected version of 'Decision on Ngaïssona Defence Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(b)'" ("Chamber's Decision"), 28 February 2024, corrected version of 20 March 2024, ICC-01/14-01/18-2382-Conf-Corr. This decision concerns Witnesses D30-4777 and D30-4680.

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 confidential. The annexes to the present submission are classified as confidential *ex parte* only available to the defence for Mr Ngaïssona (“Defence”) and the Registry because they contain the identifying information of Witnesses D30-4551, D30-4514, D30-4953, D30-4957, D30-4777 and D30-4680, which the Defence seeks to redact as further detailed below.

III - Submission

4. Following the Chamber’s decision to designate the Chief of the Registry Legal Office (“RLO”) to conduct the certification process in the present case,⁵ the latter delegated his authority to several Registry Officials (designated for each witness as “Witnessing Officer”) to witness the declarations relating to Witnesses D30-4551, D30-4514, D30-4953, D30-4957, D30-4777 and D30-4680 pursuant to rule 68(2)(b)(iii) of the Rules.
5. On 13 November 2023, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D30-4551 remotely through appropriate video technology.
6. On 9 January 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D30-4514 remotely through appropriate video technology.

⁵ Trial Chamber V, “Decision on the Prosecution’s Request to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b) of the Rules of Procedure and Evidence”, 6 May 2020, ICC-01/14-01/18-508.

7. On 10 January 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D30-4953 remotely through appropriate video technology.
8. On 11 January 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D30-4957 remotely through appropriate video technology.
9. On 27 May 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D30-4777.
10. On 27 May 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D30-4680.
11. On 11 July 2024, in accordance with the procedure for redactions adopted in the present case,⁶ the Defence provided the RLO with justification for the redaction of identifying information of all the above-mentioned Witnesses, namely to protect their safety.⁷ In particular, the Defence has applied proposed redactions highlighting the text in yellow for the category B.5 information.⁸ Consequently, should the Chamber authorise the redactions sought by the Defence, RLO will be in a position to file a confidential redacted version of the appended documents.

26. Accordingly, the Registry transmits the following documents:

Annex I: Declaration of Witness D30-4551; and
Attestation of the Witnessing Officer with respect to Witness D30-4551.

Annex II: Declaration of Witness D30-4514; and

⁶ Trial Chamber V, Annex 3 to the "Decision on Protocols at Trial", 8 October 2020, ICC-01/14-01/18-677-Anx3.

⁷ Email from Defence to the RLO, 11 July 2024 at 14.47.

⁸ Email from Defence to the RLO, 11 July 2024 at 14.47.

Attestation of the Witnessing Officer with respect to Witness D30-4514.

Annex III: Declaration of Witness D30-4953; and
Attestation of the Witnessing Officer with respect to Witness D30-4953.

Annex IV: Declaration of Witness D30-4957; and
Attestation of the Witnessing Officer with respect to Witness D30-4957.

Annex V: Declaration of Witness D30-4777; and
Attestation of the Witnessing Officer with respect to Witness D30-4777.

Annex VI: Declaration of Witness D30-4680; and
Attestation of the Witnessing Officer with respect to Witness D30-4680.

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Marc Dubuisson, Director Division of Judicial Services

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 12 July 2024

The Hague, the Netherlands