

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **29 August 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-VIII only available to the Yekatom
Defence and the Registry**

**Registry's Transmission of the Declarations made by Defence Witnesses D29-
6040, D29-6045, D29-6047, D29-6049, D29-6031, D29-6050, D29-6028 and D29-6048
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

Ms Mylène Dimitri
Mr Thomas Hannis
Ms Anta Guissé
Ms Sarah Bafadhel

Counsel for Patrice -Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops
Ms Marie-Hélène Proulx
Ms Lauriane Vandeler

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's ("Chamber" or "Single Judge", as appropriate) "Decision on Yekatom Defence Request Certification of Witness Statements" ("Single Judge's Decision"),¹ the "Second Decision on Yekatom Defence Requests for the Formal Submission of Prior Recorded Testimonies Pursuant to Rule 68(2)(b) and Related Requests" ("Second Decision"),² the "Decision on the Yekatom Defence Requests for Leave to Add Six Witnesses and Submission under Rule 68(2)(b) of the Rules" ("Third Decision"),³ and the "Decision on the Yekatom Defence Request for Leave to Add D29-6048 and Submission under Rule 68(2)(b) of the Rules" ("Fourth Decision"),⁴ the Registry hereby transmits documentation in relation to the prior recorded testimony of witnesses D29-6040 ("Witness D29-6040"), D29-6045 ("Witness D29-6045"), D29-6047 ("Witness D29-6047"), D29-6049 ("Witness D29-6049"), D29-6031 ("Witness D29-6031"), D29-6050 ("Witness D29-6050"), D29-6028 ("Witness D29-6028"), and D29-6048 ("Witness D29-6048").
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, Second, Third and Fourth Decisions.

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

¹ E-mail from Trial Chamber V to Yekatom Defence, "Decision on Yekatom Defence Request Certification of Witness Statements" ("Single Judge's Decision"), 30 October 2023 at 08.56. This decision concerns Witnesses D29-6040, D29-6045 and D29-6047.

² Trial Chamber V, "Second Decision on Yekatom Defence Requests for the Formal Submission of Prior Recorded Testimonies Pursuant to Rule 68(2)(b) and Related Requests" ("Second Decision"), 26 March 2024, ICC-01/14-01/18-2424-Conf. This decision concerns Witnesses D29-6031 and D29-6028.

³ Trial Chamber V, "Decision on the Yekatom Defence Requests for Leave to Add Six Witnesses and Submission under Rule 68(2)(b) of the Rules" ("Third Decision"), 18 July 2024, ICC-01/14-01/18-2598-Conf. This decision concerns Witnesses D29-6049 and D29-6050.

⁴ Trial Chamber V, "Decision on the Yekatom Defence Request for Leave to Add D29-6048 and Submission under Rule 68(2)(b) of the Rules" ("Fourth Decision"), 23 July 2024, ICC-01/14-01/18-2604-Conf. This decision concerns Witness D29-6048.

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 Yekatom (“Defence”) and the Registry because they contain, *inter alia*, the identifying information of Witnesses D29-6040, D29-6045, D29-6047, D29-6049, D29-6031, D29-6050, D29-6028 and D29-6048 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 D29-6040, D29-6045, D29-6047, D29-6049, D29-6031, D29-6050, D29-6028 and D29-6048 pursuant to rule 68(2)(b)(iii) of the Rules.
5. On 25 June 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D29-6040 remotely through appropriate video technology.
6. On 26 June 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witnesses D29-6045 and D29-6047 remotely through appropriate video technology.
7. On 30 July 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D29-6049 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.

8. On 31 July 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D29-6031 remotely through appropriate video technology.
9. On 1 August 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witnesses D29-6050 and D29-6028 remotely through appropriate video technology.
10. On 22 August 2024, the Witnessing Officer conducted the certification of the prior recorded testimony pertaining to Witness D29-6048 remotely through appropriate video technology.
11. On 28 August 2024,⁶ in accordance with the procedure for redactions adopted in the present case,⁷ the Defence provided the RLO with justification for the redaction of, *inter alia*, identifying information of all the above-mentioned Witnesses, namely to protect their safety. In particular, the Defence has applied proposed redactions highlighting the text in yellow for the category B.5 information. 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.
22. Accordingly, the Registry transmits the following documents:

Annex I: Declaration of Witness D29-6040;
Attestation of the Witnessing Officer with respect to Witness D29-6040; and
Amendments to the Prior Recorded Testimony of Witness D29-6040.

Annex II: Declaration of Witness D29-6045;
Attestation of the Witnessing Officer with respect to Witness D29-6045; and
Amendments to the Prior Recorded Testimony of Witness D29-6045.

⁶ Email from Defence to the RLO on 28 August 2024 at 13.23.

⁷ Trial Chamber V, Annex 3 to the "Decision on Protocols at Trial", 8 October 2020, ICC-01/14-01/18-677-Anx3.

Annex III: Declaration of Witness D29-6047;
Attestation of the Witnessing Officer with respect to Witness D29-6047; and
Amendments to the Prior Recorded Testimony of Witness D29-6047.

Annex IV: Declaration of Witness D29-6049; and
Attestation of the Witnessing Officer with respect to Witness D29-6049.

Annex V: Declaration of Witness D29-6031;
Attestation of the Witnessing Officer with respect to Witness D29-6031; and
Amendments to the Prior Recorded Testimony of Witness D29-6031.

Annex VI: Declaration of Witness D29-6050;
Attestation of the Witnessing Officer with respect to Witness D29-6050; and
Amendments to the Prior Recorded Testimony of Witness D29-6050.

Annex VII: Declaration of Witness D29-6028; and
Attestation of the Witnessing Officer with respect to Witness D29-6028.

Annex VIII: Declaration of Witness D29-6048;
Attestation of the Witnessing Officer with respect to Witness D29-6048; and
Amendments to the Prior Recorded Testimony of Witness D29-6048.



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

Dated this 29 August 2024

The Hague, the Netherlands