



Original: **English**

No.: ICC-01/14-01/21

Date: **14 November 2024**

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez
Judge Keebong Paek, Alternate Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Public

Public Redacted Version of "Prosecution's Report on Witness P-0975", ICC-01/14-01/21-892-Conf, dated 08 November 2024

Source: Office of the Prosecutor

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 KC

Mr Mame Mandiaye Niang

Ms Holo Makwaia

Counsel for Defence

Ms Jennifer Naouri

Mr Dov Jacobs

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel
for Victims**

Ms Sarah Pellet

Mr Tars Van Litsenborgh

**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

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") submits this report detailing the efforts it has undertaken to contact Witness P-0975 to find out whether or not the witness is still willing to testify.
2. On 6 November 2024, the Prosecution established that Witness P-0975 is unwilling to cooperate with the Court for purposes of testifying in the trial of Mahamat Said Abdel Kani ("SAID").

II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this report is filed confidential because it pertains to information, filings and a decision currently classified as confidential. A public redacted version of this report will be filed as soon as practicable.

III. PROCEDURAL HISTORY

4. On 29 October 2024, Trial Chamber VI ("Chamber") issued its Decision rejecting the Prosecution request to partially reconsider its initial rule 68(2)(c) Decision and to authorise the introduction of P-0975's witness statement and two items of associated materials.¹
5. The Chamber further instructed the Prosecution to make all reasonable efforts, in close consultation with the Registry, to contact P-0975, including by requesting the cooperation of the CAR, [REDACTED], or other States, and to inform the Chamber,

¹ ICC-01/14-01/21-887-Red.

the Registry as well as the Defence and Common Legal Representative by 8 November 2024 if it has been able to ascertain whether the Witness is willing to testify or not.²

6. The Chamber also directed the Registry to make all reasonable efforts to assist the Prosecution in facilitating the testimony of P-0975 if the Witness is prepared to testify before the start of the Winter Recess.³

7. On 30 October 2024, the Prosecution requested the Registry P-0975's contact information. The same day Registry informed the Prosecution that a Note Verbale was transmitted to the CAR authorities on 15 October 2024 seeking the contact information of Witness P-0975 and [REDACTED] assistance in the matter.

8. The same day the Prosecution was informed by the CAR [REDACTED] that it had established the Witness' whereabouts in [REDACTED] through Facebook. Similarly, the [REDACTED].

9. In line with the Chamber's order to be informed of efforts undertaken to contact Witness P-0975 by 8 November 2024, the Prosecution requested the CAR [REDACTED], to find and relay at the earliest opportunity the accurate contact information of the Witness. The CAR [REDACTED] in turn committed itself to contacting Witness P-0975 via Facebook and to request the [REDACTED] with an update on the contact information about the witness

10. On 31 October 2024 the Registry sought the reclassification of Annex III⁴ to its Report on the Status of Execution of the Chamber's Decision ICC-01/14-01/735-Conf ("Registry Report"),⁵ following the CAR authorities' authorisation to share it with the Prosecution, as the document would serve the Prosecution in its discussions on the

² *Ibid.*

³ *Ibid.*

⁴ ICC-01/14-01/21-878-Conf-Exp-AnxIII.

⁵ ICC-01/14-01/21-878-Conf.

matter with the CAR authorities.⁶ The Chamber subsequently instructed the reclassification of Annex III of the Registry Report into confidential, *ex parte*, OTP and Registry only.⁷

11. On 5 November 2024 the Prosecution established that the CAR [REDACTED] successfully contacted Witness P-0975 after [REDACTED] provided the Witness' telephone number. Witness P-0975 was informed by the CAR [REDACTED] that the ICC is trying to reach him in relation to his contribution to the manifestation of the truth in the trial as a witness. According to the CAR [REDACTED]. The CAR [REDACTED] committed to contacting the witness again and thereafter provide feedback to the Prosecution, including the Witness' telephone number.

12. Later that day, the CAR [REDACTED] relayed the telephone number of Witness P-0975 to the Prosecution and advised the Prosecution that, [REDACTED].

13. On 6 November 2024, the Prosecution communicated with Witness P-0975 and offered to meet him in CAR should he be able to travel there or for investigators to meet him in [REDACTED] in the coming days. The Witness declined both offers stating [REDACTED]. The Witness further stated he does not want to [REDACTED], and that everything he had to say regarding the trial proceedings is already in the witness statement he provided the Prosecution in 2016. For these reasons therefore, Witness P-0975 is unwilling to testify in the trial proceedings.

⁶ Email on behalf of the Office of the Director of Division of Judicial Services, dated 31 October 2024.

⁷ Email by Trial Chamber VI Communications in response to the Email on behalf of the Office of the Director of Division of Judicial Services, dated 31 October 2024.

IV. SUBMISSIONS

14. In the light of the present circumstances referred to above, the Prosecution confirms that Witness P-0975 is unwilling to testify in the trial proceedings.

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line and a dot.

Karim A. A. Khan KC, Prosecutor

Dated this 14th day of November 2024
At The Hague, The Netherlands