

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **19 November 2024**

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez

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

Public

**Public redacted version of "Prosecution request for in-court protective measures for
Witness P-1563", ICC-01/14-01/21-818-Conf, dated 26 July 2024**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Victims Participation
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Other

I. INTRODUCTION

1. Pursuant to articles 64 and 68 of the Rome Statute ("Statute") and rules 87 and 134(3) of the Rules of Procedure and Evidence ("Rules"), the Prosecution requests in-court protective measures ("Request") for Witness P-1563 in the form of: (i) the use of a pseudonym in lieu of the Witness's name; (ii) voice and face distortion; and (iii) the use of limited closed or private session for identifying portions of the testimony.
2. Witness P-1563's unique profile necessitates protective measures due to the objective and justifiable risk of him and his family being targeted by the local community if his identity is exposed. There is also a risk of [REDACTED] Witness P-1563 witnessed and will testify about. These risks are exacerbated by the ongoing security situation in the Central African Republic ("CAR").
3. The Prosecution submits that the requested measures are also proportionate. They are the least restrictive means necessary to fairly balance Mr Said's right to a fair and public hearing under articles 64(2) and 67(1) of the Statute with the Court's obligation under articles 64(2), 68(1) and 68(2), to protect the interests of victims and witnesses who appear before it.

II. CONFIDENTIALITY

4. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this submission is classified as confidential since it contains information that may identify Witness P-1563. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

A. There is an objectively justifiable risk to P-1563

5. Witness P-1563 [REDACTED] the charged period. He was [REDACTED].
6. Witness P-1563's profile and anticipated evidence establish an objective and justifiable risk should his identity to be exposed. Witness P-1563 is [REDACTED]. His anticipated evidence is [REDACTED]. Witness P-1563 has [REDACTED].
7. Given the sensitivity surrounding the crimes that he will speak about [REDACTED], Witness P-1563's anticipated evidence generates an objective and justifiable risk from individuals and communities who may retaliate against him. The risk extends to [REDACTED].
8. The risks associated with Witness P-1563's profile and his anticipated evidence are exacerbated by the current political and security situation in CAR. [REDACTED]¹ [REDACTED]."² [REDACTED]."³
9. In the circumstances, protective measures are required in order to protect Witness P-1563 and [REDACTED].
10. Protective measures will also allow Witness P-1563 to provide his testimony to the Court more fully without concern. Applying protective measures now may also prevent the need for additional, more intrusive measures later if Witness P-1563's identity is exposed.

B. The measures requested do not prejudice Mr Said

11. The factors listed above justify the imposition of protective measures. They are not inconsistent with the rights of Mr Said and do not result in any prejudice. On the

¹ ICC-01/14-01/21-771-Conf.

² ICC-01/14-01/21-771-Conf, para. 3.

³ ICC-01/14-01/21-659-Conf, para. 4.

contrary, the measures sought are fair and proportionate and will have only a limited impact on the public nature of the proceedings.

12. In particular, Mr Said will have the same opportunity and ability to question Witness P-1563 as if his identity was publicly known. The public will also still be able to listen to significant portions of his testimony.

IV. RELIEF REQUESTED

13. For the reasons set out above, the Prosecution requests that the Chamber grants its Request.



Karim A. A. Khan KC, Prosecutor

Dated this 19th day of November 2024
At The Hague, The Netherlands