



Original: **English**

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

Date: **19 November 2024**

TRIAL CHAMBER VI

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

**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-0342", ICC-01/14-01/21-863-Conf, dated 26 September 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
and Reparations Section**

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-0342 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-0342 [REDACTED]. [REDACTED].

3. Witness P-0342's profile and anticipated testimony create an objective and justifiable risk to him and his family. Witness P-0342's anticipated [REDACTED]. His [REDACTED]. [REDACTED].

4. The Prosecution submits that the requested measures are proportionate to the objective risks that are present. 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

5. 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-0342. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

A. There is an objectively justifiable risk to P-0342

6. Witness P-0342 [REDACTED]. He [REDACTED].

7. Witness P-0342's profile and anticipated evidence establish an objective and justifiable risk should his identity to be exposed. [REDACTED]. [REDACTED].

8. Witness P-0342 [REDACTED]. Witness P-0342 [REDACTED]. In 2013, Witness P-0342's [REDACTED].¹

9. Witness P-0342's [REDACTED].

10. [REDACTED]. Witness P-0342 [REDACTED].

11. The risk to Witness P-0342 is exacerbated by the prevailing security situation in CAR which was acknowledged by the Chamber in respect of the Prosecution's request for protective measures for Witness P-1563: "[REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]."²

12. The [REDACTED]³ [REDACTED].⁴

13. In these circumstances, protective measures are necessary to safeguard Witness P-0342 [REDACTED]. Furthermore, applying protective measures now will prevent the need for more intrusive measures later if the risks to Witness P-0342 were to materialise.

B. The measures requested do not prejudice Mr Said

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

15. Mr Said will also have the same opportunity and ability to question Witness P-0342 as if his identity was publicly known. The public will also be able to listen to significant portions of his testimony.

¹ See Witness P-0342's witness statement, CAR-OTP-2008-0499, paras 41-100.

² ICC-01/14-01/21-857-Conf, para 28.

³ ICC-01/14-01/21-839-Conf-Anx.

⁴ ICC-01/14-01/21-839-Conf-Anx, paras. 30-31.

IV. RELIEF SOUGHT

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

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 19th day of November 2024
At The Hague, The Netherland