



Original: English

No. ICC-01/14-01/18

Date of original: 10 May 2024

Date of public redacted version: 18 July 2025

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public redacted version of

**Decision on the Yekatom Defence Request for In-Court Protective Measures for
D29-5013**

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

Yekatom Defence

Ngaïssona Defence

☒ **Legal Representatives of the Victims**

Common Legal Representative of the Former

Child Soldiers

Common Legal Representatives of Victims of

Other Crimes

☐ **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**

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64(2), (6)(e) and (7), 67(1) and 68(1), (2) and (4) of the Rome Statute (the ‘Statute’) and Rule 87 of the Rules of Procedure and Evidence (the ‘Rules’), issues this ‘Decision on the Yekatom Defence Request for In-Court Protective Measures for D29-5013’.

I. Procedural history

1. On 7 May 2024, the Yekatom Defence requested the adoption of in-court protective measures for D29-5013 in the form of use of a pseudonym, face and voice distortion (the ‘Request’).¹
2. On the same day,² the Ngaïssona Defence indicated that it does not intend to respond to the Request.³
3. On 8 May 2024, the Office of the Prosecutor (the ‘Prosecution’) informed the Chamber that it defers to the Chamber’s discretion with regard to the Request. It further points out that two Prosecution witnesses made reference to [REDACTED] in open session or in the prior recorded testimony under Rule 68(3) of the Rules, respectively.⁴
4. On the same day,⁵ the Victims and Witnesses Unit (the ‘VWU’) filed its report, recommending the granting of in-court protective measures in the form of ‘face distortion, use of closed and/or private session for identifying information, use of a pseudonym and redaction of any identifying information from any records that

¹ Urgent Yekatom Defence Request for In-Court Protective Measures for Witness D29-P-5013, ICC-01/14-01/18-2485-Conf, paras 1, 38.

² Noting that D29-5013 is scheduled to commence testifying on 13 May 2024, the Single Judge shortened the deadline for responses to 8 May 2024 (*see* email from the Chamber, 7 May 2024, at 16:42).

³ Email from the Ngaïssona Defence, 7 May 2024, at 17:04.

⁴ Email from the Prosecution, 8 May 2024, at 11:48.

⁵ Noting that D29-5013 is scheduled to commence testifying on 13 May 2024, the Single Judge instructed the Victims and Witnesses Unit to provide its observations latest by 10 May 2024, at 11:00 (*see* email from the Chamber, 7 May 2024, at 16:42).

may be disseminated to the public’ (the ‘Recommended ICPM’ and the ‘Report’).⁶

II. Analysis

5. The Single Judge recalls the applicable law on the adoption of in-court protective measures.⁷
6. The Single Judge takes note of the Yekatom Defence’s submission that the ‘expected testimony and personal circumstances of P-5013 demonstrate the existence of an objectively justifiable risk to the professional activities of this witness should her identity be disclosed to the public’.⁸
7. The Single Judge notes that the VWU did not identify ‘objectively justifiable reasons to warrant the granting of [in-court protective measures] in term[s] of the risk of physical reprisal.’ However, the VWU indicates that ‘a public testimony could increase [D29-5013’s] risk profile and have a negative impact on her ongoing humanitarian work with various [REDACTED] as well as with the counterparts with whom she interacts’. Moreover, the VWU considers the adoption of in-court protective measures to be ‘a justifiable mitigation measure in light of the possible negative impact on her current activities and future employment opportunities’.⁹
8. In light of the above, and notwithstanding the fact that other witnesses [REDACTED],¹⁰ the Single Judge is of the view that the application of in-court protective measures is appropriate to protect the witness’s legitimate interests under Article 68 of the Statute. He thus partly grants the Request, notably only with regard to the Recommended ICPM.

⁶ Email from the VWU, 8 May 2024, at 17:21.

⁷ See Decision on the Prosecution Requests for In-Court Protective Measures for 73 Trial Witnesses, 9 March 2021, ICC-01/14-01/18-906-Conf-Exp, confidential *ex parte*, only available to the Prosecution and the Registry (confidential redacted version notified the same day, ICC-01/14-01/18-906-Conf-Red; public redacted version notified on 19 April 2021, ICC-01/14-01/18-906-Red2), paras 14-21.

⁸ Request, ICC-01/14-01/18-2485-Conf, para. 2.

⁹ Email from the VWU, 8 May 2024, at 17:21.

¹⁰ See email from the Prosecution, 8 May 2024, at 11:48.

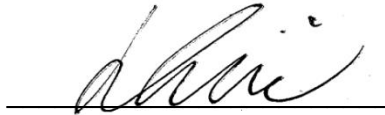
FOR THESE REASONS, THE SINGLE JUDGE HEREBY

PARTLY GRANTS the Request;

ORDERS that the Recommended ICPM be put in place for D29-5013's testimony, and

ORDERS the Yekatom Defence to file a public redacted version of the Request, ICC-01/14-01/18-2485-Conf, within two weeks of notification of this decision.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, appearing to read 'Bertram Schmitt', is written over a horizontal line.

Judge Bertram Schmitt

Single Judge

Dated 18 July 2025

At The Hague, The Netherlands