

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 20 February 2026

PRE-TRIAL CHAMBER II

Before: Judge Tomoko Akane, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF THE PROSECUTOR V. ALFRED YEKATOM

Public

Public Redacted Version of “Registry Observations pursuant to ICC-01/14-01/18-33”, ICC-01/14-01/18-38-Conf-Exp, filed on 21 December 2018

Source: Registry

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

D30

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☒ Legal Representatives of the Victims

V44

V45

☐ 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. The Registry submits its Observations pursuant to the “Decision Seeking Observations” (“Decision”)¹ issued by Pre-Trial Chamber II (“Chamber”) ordering, *inter alia*, the Victims and Witnesses Section (“VWU” or “Unit”) to provide information in respect to paragraph 5k of the Decision no later than Friday 21 December 2018.

II. Level of Classification

2. In accordance with regulation 23 *bis*(1) of the Regulations of the Court (“RoC”) the present Observations are classified as confidential, *ex parte*, only available to the Registry and the Office of the Prosecutor (“Prosecution”) because it refers to Prosecution witnesses.

III. Observations

a) Introduction

3. In its Decision, the Chamber ordered the VWU to provide observations on the following: “Has the Office of the Prosecutor been in contact with the VWU for protective measures to be taken in respect of witnesses, victims or other persons at risk? How many witnesses have been referred to the VWU for protection purposes, including relocation? How many witnesses does the Prosecutor intend to refer to the VWU for protection purposes, including relocation, before the confirmation hearing? How much time would it take for those measures to be put in place?”
4. In addition to the requested observations and for the complete information of the Chamber, the VWU also submits general observations about the referral process and the protective measures that can be implemented by the Unit.

b) General observations

¹ Pre-Trial Chamber, Decision Seeking Observations, 14 December 2018, ICC-01/14-01/18-33.

5. In accordance with article 43(6) of the Rome Statute, the VWU should provide “protective measures and security arrangements, counselling and other appropriate assistance for witnesses and victims who appear before the Court and others who are at risk on account of testimony given by such witnesses”. As part of its functions and in accordance with rule 17(2)(a)(i) of the Rules of Procedure and Evidence (“RPE”) the VWU provides them with adequate protective and security measures and formulates long and short term plans for their protection.
6. Following a referral of a witness for protection submitted by a calling party according to Regulation 80 of the Regulations of the Registry (“ROR”) the VWU interviews the witness to assess the risk he/she may face. Based on this interview and other information provided by the calling party or researched by the VWU, an individual risk and threat assessment is performed in addition to a psychological assessment. These assessments are thereafter presented to the Chief of the VWU for decision regarding the most appropriate measure to be implemented. The latter may then decide not to implement any protective measure or to grant a specific protective measure according to the level of risk faced by a referred person.
7. The protective measures to be granted by the Unit range from the use of good practices, the implementation of local protective measures² which serve to enhance the security of a person at risk at his/her place of residence, the use of the Initial Response System³ (“IRS”) which is an emergency response system available 24/7 that enables the Court to extract witnesses to a safe holding area in cases of immediate threat, an assisted move where the person has initiated to move to another area with the logistical and financial assistance of the Unit, an internal resettlement within the country where the referred person reside or an international relocation. Only internal resettlement and international relocation

² Regulation 93(1) of the RoR.

³ Regulation 93(2) of the RoR.

require an inclusion of the witnesses into the ICC Protection Programme (“ICCPP”).

8. In order to determine the most appropriate measure the VWU always balances the intrusiveness of the protection measures with the level of risk/threat that the individual may face. The admission of a witness into the ICCPP and his/her relocation is a protective measure of last resort provided for witnesses who are exposed to risk that cannot be managed by other less intrusive measures. Considering the extremely heavy impact an inclusion in a protection programme has on the life of a person and his/her family, this measure is only applied where no other appropriate alternative protection measure exists and where a person is considered to be severely at risk.
9. Acceptance into the ICCPP is voluntary and requires the witness and his/her family to be assessed as suitable from a psychological viewpoint. Another requirement exists for international relocations as the Court needs the cooperation of the partner States that signed a relocation agreement with the Registry or accept to relocate witnesses on their territory on an ad hoc basis. This process might require some time in order to be implemented.

c) Specific required observations

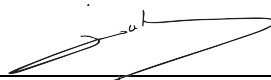
10. The VWU had been in regular contact with the Prosecution since it has submitted its Article 58 Application. Regular contacts took place regarding the general management of witnesses and their associate family members as well as discussions about [REDACTED].
11. Since [REDACTED] the Prosecution has referred [REDACTED] witnesses in this case,⁴ [REDACTED]. According to the information provided, the [REDACTED] referred witnesses will be relied upon during the confirmation of charges. The VWU has not yet received any precise information regarding future referrals the Prosecution may submit.

⁴ [REDACTED] witness was referred in the CAR II B situation but may not be used in the Yekatom case.

12. The current security situation in [REDACTED] makes it impossible [REDACTED] within the country. [REDACTED]. The [REDACTED] referred witnesses [REDACTED] will be [REDACTED] as soon as [REDACTED].
13. [REDACTED].
14. [REDACTED].

d) Conclusion

15. The VWU is conscious of the date of the confirmation of charges currently scheduled for 30 April 2019 and will do its utmost to have the necessary protective measures implemented for the witnesses already referred and to whom the Prosecution rely upon. The timing of the implementation of further protective measures for potential additional witnesses is dependent on the moment future referrals may be submitted.



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

Dated this 20 February 2026
At The Hague, the Netherlands