



Original: English

No. ICC-01/14-01/18

Date: 19 April 2021

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

**Decision on the Prosecution Request to Maintain Pseudonym Redactions in the
Protective Measures Request**

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

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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)(c) and (e) and 68 of the Rome Statute, issues this ‘Decision on the Prosecution Request to Maintain Pseudonym Redactions in the Protective Measures Request’.

1. On 9 March 2021, the Single Judge issued his ‘Decision on the Prosecution Requests for In-Court Protective Measures for 73 Trial Witnesses’ (the ‘Protective Measures Decision’),¹ in which he, *inter alia*, instructed the Office of the Prosecutor (the ‘Prosecution’) to file a lesser redacted version of the ‘Prosecution’s Request for in-court protective measures’ (the ‘Protective Measures Request’).² Specifically, the Single Judge directed the Prosecution to lift the redactions to the pseudonyms of the witnesses subject to the Protective Measures Decision.³
2. On 15 March 2021, the Prosecution requested authorisation to maintain pseudonym redactions in paragraphs 16, 17 and 20 and footnotes 28 and 29 of the Protective Measures Request (the ‘Request to Maintain Redactions’).⁴ In support of its request, the Prosecution submits that the relevant redactions are ‘aimed at protecting information related to witness security which was communicated to the Trial Chamber on an [...] *ex-parte* basis’.⁵
3. On 22 March 2021, the Ngaïssona Defence responded via email that due to the heavy redactions in the Prosecution’s submissions, it is in ‘no position to know

¹ Protective Measures Decision, ICC-01/14-01/18-906-Conf-Exp, confidential *ex parte*, only available to the Prosecution and the VWU (confidential redacted version notified on the same day, ICC-01/14-01/18-906-Conf-Red).

² Protective Measures Request, ICC-01/14-01/18-757-Conf-Exp, confidential *ex parte*, only available to the Prosecution and the VWU (with one confidential *ex parte* annex, only available to the Prosecution and the VWU) (confidential redacted version notified on 18 December 2020, ICC-01/14-01/18-757-Conf-Red and confidential redacted annex; public redacted version notified on 18 January 2021, ICC-01/14-01/18-757-Red2).

³ Protective Measures Decision, ICC-01/14-01/18-906-Conf-Red, para. 106

⁴ Prosecution’s request to maintain Pseudonym redactions to the Request for in-court protective measures (ICC-01/14-01/18-757-Red2), ICC-01/14-01/18-913 (with one public annex).

⁵ Request to Maintain Redactions, ICC-01/14-01/18-913, paras 4-5.

what kind of information is included in these parts of the Prosecution's filing, and cannot raise meaningful objections'.⁶

4. No further responses to the Request to Maintain Redactions were received.
5. The Single Judge notes that the pseudonym redactions sought to be maintained in paragraphs 16 and 20 and footnotes 28 and 29 of the Protective Measures Request relate to information that has been communicated to the Chamber on an *ex parte* basis, only available to the Prosecution and the Victims and Witnesses Unit. In addition, these pseudonyms appear in sentences or paragraphs that are otherwise redacted in the confidential and public redacted versions of the Protective Measures Request. In light of the redactions applied to the rest of the sentences or paragraphs, merely lifting the redactions to the pseudonyms would not provide the reader with any additional meaningful information. Accordingly, the Single Judge considers that these redactions may be maintained.
6. Concerning the pseudonym redaction in paragraph 17 of the Protective Measures Request, the Single Judge notes that, contrary to the Prosecution's submission, it does not relate to information communicated on an *ex parte* basis, since this paragraph is not redacted in the confidential redacted version. Nonetheless, the Single Judge notes that the pseudonym appears in a sentence that relates to witness security and is redacted in the public redacted version of the Protective Measures Request. Merely lifting the redaction to the pseudonym would, as noted above, not provide the reader with any additional meaningful information. This redaction may therefore also be maintained.

⁶ Email from the Ngaïssona Defence, 22 March 2021, at 10:55.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request.

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



Judge Bertram Schmitt

Single Judge

Dated this 19 April 2021

At The Hague, The Netherlands