

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 08 September 2022

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

Public redacted version of “Victims and Witnesses Unit’s Observations on the ‘Prosecution’s submission pursuant to regulation 35 to vary the time limit and request for in-court protective measures for Prosecution Witness P-2353’ (ICC-01/14-01/18-1512-Conf)” (ICC-01/14-01/18-1567-Conf)

Source: Registry

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

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**Unrepresented Applicants
(Participation/Reparation)**

Unrepresented Victims

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Victims**

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**Victims Participation and Reparations
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Other

I. Introduction

1. The Victims and Witnesses Unit (“VWU” or “Unit”) submits these observations pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email, dated 15 July (“Order”).¹

II. Classification

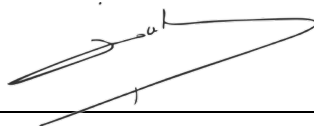
2. In accordance with regulation 23*bis* (2) of the Regulations of the Court, the present report is classified confidential, as it refers to a filing with that same classification.

III. Report

3. The witness was initially interviewed on 5 July 2022 in order to assess the need for in-court protection measures (“ICPMs”), and again on 2 September 2022, due to the witness being removed from the previous witness block. The process was explained and the witness declared to have understood the ICPMs and, as per his initial interview, requested ICPMs during his testimony.
4. The witness is a 49-year-old male born in Bangui, Central African Republic (“CAR”). He is a CAR national of Rounga ethnicity and a Muslim. His mother tongue is Arabic and he also speaks Sango, French and Fulbé. He is married to three wives (religious ceremonies) with whom he has 21 children (14 of whom are minors). [REDACTED].
5. The witness indicated during the interview that his subjective security concerns remained extant in connection to his testimony. He believes that due to the nature of his trading activities, [REDACTED] and could therefore receive unwanted attention from Anti-Balaka elements or supporters of the accused.

¹ Trial Chamber V Communications, email sent on 15 July 2022 at 9:45. Subsequently, as the witness’s testimony was rescheduled, it was orally agreed between the Chamber and the VWU that the present report would be submitted by 6 September 2022.

6. The VWU agrees that the general security situation in CAR is precarious and that the civilian population suffers from that insecurity. However, the VWU fails to see the correlation between the witness's testimony and the current general security situation in CAR.
7. The VWU notes that aside from historic events surrounding the unrest caused by the alleged attempted coup in January 2021, the witness was unable to specify any objectively justifiable reason(s) for granting ICPMs. However, it is of concern that his current trading activities [REDACTED] which may make him susceptible to being identified as an ICC witness and therefore placed in potentially dangerous situations.
8. [REDACTED].
9. Therefore, the VWU considers that there is an objectively justifiable risk to the witness. Notwithstanding, the witness is fully aware that should ICPMs not be granted by the Trial Chamber, his identity and appearance during testimony will be within the public domain and although apprehensive, he is willing to testify in public.
10. In light of the information obtained through the interviews, the VWU considers that the application of ICPMs may prevent a future escalation of risk. In conclusion, the VWU recommends granting in-court protective measures such as face distortion, voice distortion, use of a pseudonym and redaction of any identifying information from any records that may be disseminated to the public.



Marc Dubuisson, Director Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 08 September 2022

At The Hague, the Netherlands