

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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Date: 21 December 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

**Registry's Observations on the Common Legal Representatives' Request to
Establish a Procedure for Informing Witnesses about the Possibility to Apply to
Participate in the Proceedings as Victims**

Source: Registry

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

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(Participation/Reparation)**

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I. Introduction

1. On 13 December 2022, the Common Legal Representatives of Victims (“CLR V”) filed a request (“Request”) to Trial Chamber V (“Chamber”) to establish a procedure for informing particularly crime base witnesses about the possibility to apply to participate as victims in the proceedings in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* (“Case”).¹ As instructed by the Chamber,² the Registry hereby submits its observations on the proposed procedure to be followed with regards to potential dual status witnesses testifying in the proceedings of the Case.³

II. Applicable Law

2. This submission is made pursuant to article 68(3) of the Rome Statute, rule 16 of the Rules of Procedure and Evidence as well as regulations 24(2), 34(c), 86 and 89 of the Regulations of the Court.

III. Submissions

3. The Registry supports the CLR V’s Request. The VPRS stands ready to adequately inform any testifying witness who is also a victim about the rights of victims to participate in the proceedings and reparations as well as about the victim application process and the applicable legal representation arrangement in the Case. The witness will also be informed of the possibility to be assisted, as he/she will prefer, either by the respective CLR V or the VPRS, or indeed both, to fill in an application for participation and/or reparations. This practice has already been followed in the past in the Case regarding witnesses for whom the CLR V requested the Registry’s intervention as above to facilitate the


¹ CLR V, “Common Legal Representatives’ request to establish a procedure for informing crime-based witnesses about the possibility to apply to participate in the proceedings as victims”, 13 December 2022, ICC-01/14-01/18-1698.

² Email from Trial Chamber V to Registry’s Victims Participation and Reparations Section (“VPRS”) on 5 December 2022 at 14.24.

³ The Chamber instructed the VPRS to provide its observations “within the response deadline applicable to participants”, i.e. ten days from the notification of the request pursuant to regulation 34(c) of the Regulations of the Court.

relevant persons' potential access to the proceedings as a participating victim. This practice is also in conformity with the relevant protocols in place in other proceedings the Request makes reference to.

4. The VPRS stands ready, in close cooperation with the Registry's Victims and Witnesses Section, to facilitate relevant victim sessions and information collection in both scenarios as outlined by the CLRV in the Request.⁴ Following the information session with the VPRS (or relevant VPR field officer in the Country Office) and allowing the necessary time for the witness to take an informed decision, if the witness wishes to submit an application for participation and/or reparations with the assistance of the VPRS, the VPRS stands ready to assist the witness accordingly. To this end, it will also closely interact with all parties and offices involved.



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

Dated this 21 December 2022

At The Hague, The Netherlands

⁴ CLRV, "Common Legal Representatives' request to establish a procedure for informing crime-based witnesses about the possibility to apply to participate in the proceedings as victims", 13 December 2022, ICC-01/14-01/18-1698