

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 29 August 2023

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 Witness P-0974”, ICC-01/14-01/18-2015-
Conf-Exp”**

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)**

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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 the present observations on the “Prosecution’s submission pursuant to regulation 35 to vary the time limit and request for in-court protective measures for Witness P-0974” (“Request”)¹ pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email, dated 17 August 2023 (“Order”).²

II. Classification

2. In accordance with regulation 23*bis* (2) of the Regulations of the Court, the present Observations are classified confidential as they refer to the Request which has the same classification.

III. Observations

3. The witness is a Central African Republic (“CAR”) national, [REDACTED]. His mother tongue is Sango and he also speaks French. The witness is married and has 5 children. The witness holds [REDACTED].
4. On 23 August 2023, the VWU interviewed the witness to assess the need for in-court protection measures. The process was explained, the witness declared to have understood it and said that he needs protective measures during his testimony.
5. The witness stated that he is willing and ready to testify publicly, he however informed the VWU that he would feel more comfortable if he was granted in-court protection measures seeing that [REDACTED].
6. The witness did identify as potential threat actors [REDACTED] who might target him following his testimony. However, the witness stated that he did not

¹ Prosecution, “Prosecution’s submission pursuant to regulation 35 to vary the time limit and request for in-court protective measures for Witness P-0974”, (ICC-01/14-01/18-2015-Conf-Exp, ICC-01/14-01/18-2015-Conf-Red), 24 July 2023.

² Email from Trial Chamber V Communications, 17 August 2023 at 17:21.

experience any security threats or incidents in relation to his cooperation with the Court.

7. The VWU fails to see how testifying will jeopardise the witness' [REDACTED]. However, the fact that the witness [REDACTED], makes him susceptible to being identified as a Court witness and therefore places him in potentially dangerous situations.
8. This compounded with the fact that [REDACTED].
9. In conclusion, the VWU recommends that the Chamber consider granting the witness 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 may be disseminated to the public.



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

Dated this 29 August 2023

At The Hague, the Netherlands