

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 28 September 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

**Redacted version of the “Victims and Witnesses Unit’s Observations on the
Request of the Common Legal Representative of the Former Child Soldiers for in-
court protective measures for victims a/20722/21 and a/65991/19’
(ICC-01/14-01/18-2031-Conf)” (ICC-01/14-01/18-2104-Conf)**

Source: Registry

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

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Unrepresented Victims

**Unrepresented Applicants
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I. Introduction

1. The Victims and Witnesses Unit (“VWU” or “Unit”) submits the present observations on the “Request of the Common Legal Representative of the Former Child Soldiers for in-court protective measures for victims a/20722/21 and a/65991/19”¹ pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email, dated 29 August 2023 (“Order”)². In this Order, the Chamber instructed the VWU to provide its assessments on in-court protective measures for witnesses for V45-P-0001 and V45-P-0002, by 20 September 2023 at the latest.

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 a filing with the same classification.

III. Observations

A. Witness V-45-P-0001

3. The witness is a CAR national, [REDACTED]. His mother tongue is Sango and he also speaks French. The witness is single and has no children. [REDACTED].
4. On 5 September 2023, the VWU interviewed the witness to assess the need for in-court protective measures. The process was explained to the witness who declared having understood it and indicated that he needs protective measures during his testimony.
5. The witness explained that he lives in a small community of former Anti-Balaka and Ex-Seleka and he would appear as a potential traitor to the small community of Anti-Balaka former fighters, should he testify publicly. Furthermore, his

¹ Legal Representatives of Victims “Request of the Common Legal Representative of the Former Child Soldiers for in court protective measures for victims a/20722/21 and a/65991/19” (ICC-01/14-01/18-2031-Conf), 24 August 2023.

² Email from Trial Chamber V Communications, 29 August 2023 at 11:17.

participation to the events would then be known to the small community of Ex-Seleka members. According to the witness, the [REDACTED].

6. Although the witness did not experience any direct security threats or incidents in relation to his cooperation with the Court, there is a possibility that a public testimony could increase the existing tension between the two communities.
7. In light of the information obtained through the interview, the VWU considers that the granting of ICPMs may prevent a future escalation of risk.
8. In addition, [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.

B. Witness V-45-P-0002

10. The witness is a CAR national, [REDACTED]. His mother tongue is Sango and he also speaks French. The witness is single and has two children. He is unemployed.
11. On 4 September 2023, the VWU interviewed the witness to assess the need for in-court protective measures. The process was explained to the witness who declared having understood it and indicated that he needs protective measures during his testimony.
12. The witness stated that he is willing and ready to testify publicly, however he informed the VWU that he would feel more comfortable with in-court protective measures.
13. [REDACTED].
14. The witness did not identify any ex Anti-Balaka as threat actor and stated that his cooperation with the Court is well known for many years as he was involved in activities aiming to identify other victims.

15. Furthermore, the witness stated that he did not experience any security threats or incidents in relation to his cooperation with the Court.

16. In light of the information obtained through the interview, the VWU considers that there is no compelling, objective reason to recommend any in-court protective measures.



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

Dated this 28 September 2023

At The Hague, the Netherlands