

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 19 January 2024

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
‘Yekatom Defence Request for In-Court Protective Measures for Witness CAR-
D29-P-6036’ (ICC-01/14-01/18-2268-Conf)” (ICC-01/14-01/18-2302-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
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I. Introduction

1. The Victims and Witnesses Unit (“VWU” or “Unit”) submits the present Observations on the “Yekatom Defence Request for In-Court Protective Measures for Witness D29-P-6036” (“Request”)¹ pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email, dated 9 January 2024 (“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 29-year-old Central African Republican (CAR) male of Banda ethnicity and a Christian. His mother tongue is Sango, but also speaks limited French. The witness is estranged from his wife and has one daughter who resides with his brother on the periphery of Bangui. [REDACTED].
4. On 12 January 2024, 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.
5. [REDACTED].
6. Notwithstanding, he is fully aware that his identity and appearance during testimony may be within the public domain and although [REDACTED] he is willing to testify in public if in court protective measures (ICPMs) are not granted.
7. The witness was unable to specify any objectively justifiable reason(s) to warrant the granting of ICPMs. He did [REDACTED] whom he believes may seek

¹ Defence ““Yekatom Defence Request for In-Court Protective Measures for Witness D29-P-6036” (ICC-01/14-01/18-2268-Conf) 15 December 2023.

² Email from Trial Chamber V Communications, 9 January 2023 at 091:35.

retribution for his testimony, but was unable to quantify further with specific details or specific threats.

8. [REDACTED].
9. [REDACTED] does not come from an organisation and that the [REDACTED] has not known history of menacing or violent behaviour.
10. The VWU takes note of the fact that the witness has expressed concerns as to the possible impact of his safety. However the VWU considers that at this stage, there are no objective identifiable risk to the witness that could justify the granting of ICPMs in a situation where the potential impact of his testimony is unknown.
11. The VWU also notes that some parts of the witness's testimony may be known to [REDACTED].
12. [REDACTED].
13. In conclusion, the VWU does not recommend any in-court protective measures.



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

Dated this 19 January 2024

At The Hague, the Netherlands