

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 29 February 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 ‘Response of the Common Legal Representative of the Former Child Soldiers to the Registry’s Submissions (No. ICC-01/14-01/18-2290-Conf, dated 8 January 2024) and Urgent Request for an order to the VWU to complete the security risk assessment with respect to [REDACTED] and implement protective measures as appropriate’ (ICC-01/14-01/18-2305-Conf)” (ICC01/14-01/18-2320-Conf)

Source: Registry

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Ms Mylène Dimitri
Mr Thomas Hannis
Ms Anta Guissé
Ms Sarah Bafadhel
Mr Gyo Suzuki
Ms Sabine Bayssat

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops
Mr Richard Omissé-Namkeamaï
Ms Marie-Hélène Proulx

Legal Representatives of the Victims

Mr Dmytro Suprun
Mr Abdou Dangabo Moussa
Ms Elisabeth Rabesandratana
Mr Yaré Fall
Ms Marie-Edith Douzima-Lawson
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of the Public Counsel for
Victims**

**The Office of the Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Giler Zavala

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Pursuant to Trial Chamber V (“Chamber”)’s order communicated by way of email, dated 17 January 2024 (“Order”)¹, the Victims and Witnesses Unit (“VWU” or “Unit”) submits the present Observations on the “Response of the Common Legal Representative of the Former Child Soldiers to the Registry’s Submissions (No. ICC-01/14-01/18-2290-Conf, dated 8 January 2024) and Urgent Request for an order to the VWU to complete [REDACTED].

II. Classification

2. In accordance with regulation 23*bis* (2) of the Regulations of the Court, the present Observations are classified as confidential *ex parte*, only available to the Common Legal Representative of the Former Child Soldiers (“CLR1”) as they refer to the Response which has the same classification.

III. Observations

A. Preliminary remarks

3. The VWU submits that [REDACTED] was conducted in accordance with its mandate, neutrality, and internal procedures [REDACTED].
4. The VWU came across [REDACTED] in the course of the performance of its protection mandate.² [REDACTED].
5. [REDACTED], respectively on 9 and 12 November 2023.


B. [REDACTED]

6. The Unit received the referrals for protection for both Witnesses as submitted by the CLR1 on 11 August 2023 followed by a corrigendum on 18 August 2023.

¹ Email from Trial Chamber V Communications, 17 January 2023 at 12:13.

² Registry, “Registry’s submission regarding material obtained by VWU in the course of the execution of its mandate” (ICC-01/14-01/18-2290-Conf) 8 January 2024.

7. The interviews of both Witnesses in the field were concluded at the end of September 2023. The interviews took place in accordance with VWU's professional guidelines and standards. While the Witnesses were both reminded of the confidential nature of the process, no request was made to them for the content of the meetings not to be shared with their counsel, contrary to what the CLR1 argued.
8. At the time of the assessments, no objective threats or risks were identified that would have justified [REDACTED].
9. [REDACTED].
10. [REDACTED]
11. [REDACTED].
12. [REDACTED].

p.p. 

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

Dated this 29 February 2024

At The Hague, the Netherlands