

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18

Date: 18 July 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

Public Redacted version of the “Victims and Witnesses Unit’s Observations on the Prosecution’s ‘Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-2556’ (ICC-01/14-01/18-1464-Conf-Exp and ICC-01/14-01/18-1464-Conf-Red)” (ICC-01/14-01/18-1513-Conf-Exp)

Source: Registry

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

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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

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REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

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Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Victims and Witnesses Unit (“VWU” or “Unit”) submits these observations pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email dated 29 June 2022 (“Order”).¹

II. Classification

2. In accordance with regulation 23*bis* (2) of the Regulations of the Court (“RoC”), the present report is classified confidential *ex parte*, Prosecution and VWU only, as it refers to a document with that same classification and contains sensitive information about a witness.

III. Report

3. The witness was interviewed by the VWU on 13 July 2022. The in-court protective measures were explained to the witness who declared to have understood them and requested protective measures during his testimony, even though he was aware that the previous application had been rejected by the Chamber.
4. [REDACTED].
5. [REDACTED].
6. [REDACTED].
7. The VWU agrees that the general security situation in CAR is precarious and that the civilian population suffers from that insecurity. However, VWU fails to see the correlation between the witness’s testimony and the current general security situation in CAR.
8. [REDACTED].
9. [REDACTED].

¹ Trial Chamber V Communications, email sent on 29 June 2022 at 10:21.

10. The VWU considers that should the witness testify without in-court protective measures, there is an objective risk for him [REDACTED] from the Anti-Balaka Chief [REDACTED].
11. [REDACTED].
12. As a conclusion, the VWU takes note that a previous application by the calling Party for in-court protection measures was rejected by the Chamber; however, in light of [REDACTED] the VWU considers that the application of in-court protective measures may prevent a future potential escalation of risk. Based on this, the VWU recommends granting in-court protective measures such as face distortion, voice distortion, use of a pseudonym and redaction of any identifying information from any records that may be disseminated to the public.

p.p.



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

Dated this 18 July 2022

At The Hague, the Netherlands