

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 13 November 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 following
the ‘Request for an order directing VWU to provide a report’
(ICC-01/14-01/18-2111-Conf)” (ICC-01/14-01/18-2135-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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Registrar

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Mr Nigel Verrill

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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 pursuant to the Single Judge’s instructions sent by email on 29 September 2023¹ to provide its observations on the Yekatom Defence’s “Request for an order directing VWU to provide a report”² (“Request”) by the same deadline applicable to the rest of participants. The Single Judge *inter alia* stated that the “Chamber would benefit from receiving the VWU’s observations on the matter.”
2. In its Request, the Defence specifically asked the VWU to provide a report detailing (i) “all information in its possession of existing contact, including inadvertent contact, between witness P-2475 and former witnesses P- 2582 and P-2620 (the ‘Witnesses’) [REDACTED] Central African Republic”; and (ii) “all steps taken to investigate and/or report any such contact between witness P- 2475 and former witnesses P-2582 and P-2620 (the ‘Witnesses’) before and the [REDACTED] Central African Republic.”

II. Classification

3. In accordance with regulation 23bis (2) of the Regulations of the Court, the present report is classified confidential as it refers to a document with the same classification.

III. Submissions

¹ Trial Chamber V’s communication email sent of 29 September at 10h30.

² Defence, “Request for an order directing VWU to provide a report”, ICC-01/14-01/18-2111-Conf, 27 September 2023.

A. General principles applicable to the management of the ICC Protection Programme (“ICCP”)

4. In accordance with regulation 96 of the Regulations of the Registry (“RoR”), “the Registry shall take all measures to maintain a protection programme for witnesses, victims who appear before the Court and persons at risk”. The management of this programme is the exclusive mandate of the Registry. All activities conducted and services provided by the VWU to protect individuals included in the programme are guided by the principles of neutrality, impartiality and confidentiality.
5. [REDACTED].
6. [REDACTED].
7. [REDACTED].
8. [REDACTED].

B. Guiding principle on the relocation destination

9. [REDACTED].
10. [REDACTED].

C. Limitations of contact between protected witnesses after inclusion in the ICCPP

11. [REDACTED].
12. [REDACTED].
13. [REDACTED].
14. [REDACTED].
15. [REDACTED].
16. [REDACTED].
17. [REDACTED].
18. [REDACTED].
19. [REDACTED].

D. The specific situation of the three witnesses under consideration

20. [REDACTED].

21. [REDACTED].

22. [REDACTED].

23. [REDACTED].

24. [REDACTED].

25. The VWU did not deem it relevant, in accordance with its mandate and practice, to report the abovementioned information pertaining to the case management of ICCPP witnesses to the Chamber. The VWU stands ready to provide the Chamber with a more detailed report, should it so wish.



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

Dated this 13 November 2023

At The Hague, the Netherlands