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No. **ICC-01/14-01/18**
Date: **12 January 2024**

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public redacted version of

**Decision on the Yekatom Defence Request for In-Court Protective Measures for
D29-5014**

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

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Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiissona*, having regard to Articles 64(2), (6)(e) and (7), 67(1) and 68(1), (2) and (4) of the Rome Statute (the ‘Statute’), and Rule 87 of the Rules of Procedure and Evidence, issues this ‘Decision on the Yekatom Defence Request for In-Court Protective Measures for D29-5014’.

I. Procedural history

1. On 15 December 2023, the Yekatom Defence requested the adoption of in-court protective measures for D29-5014 in the form of use of pseudonym, face and voice distortion (the ‘Request’).¹
2. On 22 December 2023, the Office of the Prosecutor (the ‘Prosecution’) opposed the Request (the ‘Response’).²
3. On 11 January 2024,³ the Victims and Witnesses Unit (the ‘VWU’) filed its report, in which it recommends that the Chamber ‘consider granting the witness in-court protective measures in the form of voice and face distortion, use of closed and/or private session for identifying information, use of a pseudonym and redaction of any information from any records that may be disseminated to the public’ (the ‘Report’).⁴

II. Analysis

4. The Single Judge recalls the applicable law for protective measures.⁵

¹ Yekatom Defence Request for In-Court Protective Measures for Witness D29-P-5014, ICC-01/14-01/18-2266-Conf (public redacted version notified the same day, ICC-01/14-01/18-2266-Red), paras 1, 24.

² Prosecution Response to the ‘Yekatom Defence Request for In-Court Protective Measures for Witness D29-P-5014’ (ICC-01/14-01/18-2266-Conf), ICC-01/14-01/18-2276-Conf, paras 1, 15.

³ The Single Judge instructed the VWU to provide its observations on the Request by 11 January 2024 (*see* email from the Chamber, 21 December 2023, at 11:34).

⁴ Victims and Witnesses Unit’s Observations on the “Yekatom Defence Request for In-Court Protective Measures for Witness D29-P-5014” (ICC-01/14-01/18-2266-Conf), ICC-01/14-01/18-2293-Conf, para. 12.

⁵ Decision on the Prosecution Requests for In-Court Protective Measures for 73 Trial Witnesses, ICC-01/14-01/18-906-Conf-Exp, confidential *ex parte*, only available to the Prosecution and the Registry

5. The Single Judge notes the information contained in the Report, in which the VWU indicates that because of the ‘witness’s current professional activities in the provinces of the [Central African Republic,] coupled with the risk of stigmatisation by her community, even in the absence of any physical threat, she might be identified as a witness and therefore potentially at risk’.⁶
6. In addition, the Single Judge observes that the witness currently resides in a neighbourhood in Bangui where she is well known by her community who may stigmatise or harm her, that she is [REDACTED], and that she regularly travels to areas in which she is also known.⁷ He also takes note of the Yekatom Defence’s submission that, as a result, ‘access to information as regards to her exact place of residence can be found more easily’.⁸
7. The Single Judge further notes that, according to the VWU, [REDACTED]’.⁹
8. Considering all of the above, the Single Judge is of the view that there exists an objectively justifiable risk to the witness’s legitimate interests protected under Article 68 of the Statute. He thus considers it appropriate to grant in-court protective measures in the form of use of pseudonym, face and voice distortion. The Request is therefore granted.
9. Lastly, the Single Judge reminds the participants to organise their questioning in such a manner that the use of private sessions be as limited as possible.

(confidential redacted version notified the same day, ICC-01/14-01/18-906-Conf-Red; public redacted version notified on 19 April 2021, ICC-01/14-01/18-906-Red2), paras 14-21.

⁶ Report, ICC-01/14-01/18-2293-Conf, para. 10.

⁷ Report, ICC-01/14-01/18-2293-Conf, para. 6. *See also* Request, ICC-01/14-01/18-2266-Conf, paras 10, 14.

⁸ Request, ICC-01/14-01/18-2266-Conf, para. 13.

⁹ Report, ICC-01/14-01/18-2293-Conf, para. 11.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request; and

ORDERS the Prosecution and the VWU to file a public redacted version of the Response, ICC-01/14-01/18-2276-Conf, and the Report, ICC-01/14-01/18-2293-Conf, respectively, within one week of notification of this decision.

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt

Single Judge

Dated 12 January 2024

At The Hague, The Netherlands