

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/14-01/18  
Date: 29 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-6025' (ICC-01/14-01/18-2288-Conf)' (ICC-01/14-01/18-2318-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

**Counsel for Patrice-Edouard Ngaïssona**

Mr Geert-Jan Alexander Knoops  
Mr Richard Landry 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. 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-6025” (“Request”)<sup>1</sup> pursuant to Trial Chamber V’s (“Chamber”) Order communicated by way of email, dated 16 January 2024 (“Order”).<sup>2</sup>

## **II. Classification**

2. In accordance with regulation 23*bis* (2) of the Regulations of the Court, the present Observations are classified as confidential as they refer to the Request which has the same classification.

## **III. Observations**

3. The witness is a 46-year-old Central African Republican (CAR) male of the Gbaya ethnicity and a Christian. His mother tongue is Sango, but he also speaks French. [REDACTED].
4. On 19 January 2024, the VWU interviewed the witness to assess the need for in-court protection measures. The process was explained to the witness who declared to have understood the protective measures and requested them during his testimony as previously relayed to the Yekatom Defence team in October 2023.
5. The witness expressed security concerns in connection with his testimony and believes that [REDACTED].
6. This notwithstanding, he is fully aware that his identity and appearance during testimony may fall into the public domain [REDACTED], he is willing to testify in public should in court protective measures (ICPMs) be not granted.

---

<sup>1</sup> Defence ““Yekatom Defence Request for In-Court Protective Measures for Witness D29-P-6036” (ICC-01/14-01/18-2288-Conf) 5 January 2024.

<sup>2</sup> Email from Trial Chamber V Communications, 16 January 2023 at 16:36.

7. The witness was able to provide objective reasons warranting the granting of ICPMs. [REDACTED].
8. [REDACTED].
9. The VWU notes that the Chamber already granted the witness a pseudonym and [REDACTED].
10. The Unit was not able to establish any imminent threat against the witness however, [REDACTED].
11. Given his residential location and under the current and well documented security situation in CAR, [REDACTED].
12. Whilst at face value [REDACTED] to warrant the granting of ICPMs, the VWU considers the adoption of ICPM as a justifiable mitigation measure that will prevent more intrusive protection measures post testimony.
13. In light of the information obtained through interview, and based on the above, the VWU considers that the granting of ICPMs may prevent a future escalation of risk.
14. In conclusion, the VWU 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 identifying information from any records that may be disseminated to the public.

pp.



---

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

Dated this 29 January 2024

At The Hague, the Netherlands