

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/14-01/21**

Date: **5 June 2024**

**TRIAL CHAMBER VI**

**Before:** Judge Miatta Maria Samba  
Judge María del Socorro Flores Liera  
Judge Sergio Gerardo Ugalde Godínez

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II  
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**Public  
with Confidential Annex A**

**Public redacted version of "Prosecution's request for continued in-court protective measures for Witness P-0119", ICC-01/14-01/21-762-Conf, dated 17 May 2024**

**Source: Office of the Prosecutor**

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

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**Detention Section**

**Victims Participation  
and Reparations Section**

**Other**

## I. INTRODUCTION

1. Pursuant to regulation 42(1) of the Regulation of the Court (“Regulations”), the Prosecution requests Trial Chamber VI (“Chamber”) to continue with “full force and effect” in-court protective measures in the form of pseudonym, face distortion and limited closed sessions granted to Witness P-0119 by Trial Chamber V in the *Yekatom and Ngaissona* case.<sup>1</sup> Witness P-0119 is scheduled to testify between 12-14 June 2024.
2. The Prosecution submits that the continuation of in-court protective measures is necessary, proportionate and results in no prejudice to Mahamat Said Abdel Kani’s (“Mr SAID”) right to a fair and public hearing.

## II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this request and its accompanying Annex are classified as confidential since they contain information that may identify Witness P-0119. A public redacted version will be filed as soon as practicable.

## III. SUBMISSIONS

1. *Witness P-0119’s testimony*
4. Witness P-0119 [REDACTED]. [REDACTED]. P-0119 is expected to provide testimony in relation to: i) the Seleka’s arrival in Bangui in March 2013, ii) the Seleka attack on the Boy Rabe neighbourhood in April 2013, iii) crimes committed by the Seleka during the charged period in the Boy Rabe neighbourhood; and iv)

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<sup>1</sup> Annex A.

the targeting of non-Muslim civilians as well as former FACA members and people suspected to be loyal to BOZIZE.

2. *Protective measures have already been ordered for P-0119 and should continue with “full force and effect”.*

5. Witness P-0119 [REDACTED] in the *Yekatom and Ngaissona* case and testified on [REDACTED]. In advance of doing so, and on [REDACTED], the Single Judge in Trial Chamber V granted in-court protective measures for Witness P-0119 in the form of the use of a pseudonym, face distortion and closed sessions:

“[REDACTED].”<sup>2</sup>

6. The Prosecution submits that Trial Chamber V’s recent order for in-court protective measures for Witness P-0119 should continue to have full force and effect in relation to proceedings in the case of Mr SAID. This is because Regulation 42(1) of the Regulations expressly provides that:

“Protective measures once ordered in any proceedings in respect of a victim or witness shall continue to have full force and effect in relation to any other proceedings before the Court and shall continue after proceedings have been concluded, subject to revision by a Chamber.”

7. The Prosecution submits that regulation 42(1) establishes a presumption that once in-court proceedings are ordered by a Chamber, they should continue with full force and effect “to any other proceedings before the Court.”

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<sup>2</sup> Annex A.

8. The Prosecution submits that the presumption is particularly compelling in this instance. First, the case of Mr SAID and the case of *Yekatom and Ngaissona* arise from the same Situation.
9. Second, the profile of Witness P-0119 presents similar objectively justifiable risks that Trial Chamber V must have found present in the *Yekatom and Ngaissona* case. [REDACTED]. [REDACTED],<sup>3</sup> further reinforces the need for continued in-court protective measures.
10. Finally, the Chamber has previously recognised that the security situation in the Central African Republic (“CAR”) may be a factor when assessing the presence of an objectively justifiable risk.<sup>4</sup> The Prosecution submits that the [REDACTED].

#### **A. Continuing in-court protective measures does not prejudice Mr SAID**

11. The factors listed above justify the continuation of in-court protective measures pursuant to regulation 42(1). They are not inconsistent with the rights of Mr SAID and do not result in any prejudice. Rather, the measures sought are fair and proportionate and will have only a limited impact on the public nature of the proceedings.

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<sup>3</sup> See CAR-OTP-2032-0753, p. 0773, paras. 145-152.

<sup>4</sup> ICC-01/14-01/21-714-Conf. paras. 17-19.

#### IV. RELIEF REQUESTED

12. For the reasons set out above, the Prosecution requests that the Chamber continue with “full force and effect” in-court protective measures granted to Witness P-0119 by Trial Chamber V.

A handwritten signature in black ink, consisting of a stylized initial 'K' followed by a horizontal line and a period.

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**Karim A. A. Khan KC, Prosecutor**

Dated this 5<sup>th</sup> day of June 2024  
At The Hague, The Netherlands