



Original: **English**

No.: **ICC-01/14-01/18**
Date: **22 December 2025**

TRIAL CHAMBER V

Before: Judge Beti Hohler , Presiding Judge
Judge Joanna Korner
Judge Keebong Paek

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-*
EDOUARD NGAÏSSONA

Public

**Public redacted version of “Prosecution’s Request pursuant to Rule 81(4) for
delayed disclosure of the identity and materials related to Prosecution Witness P-
0306”, 1 July 2021, ICC-01/14-01/18-668-Conf-Red3**

Source: Office of the Prosecutor

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

D29

D30

☒ Legal Representatives of the Victims

V44

V45

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☒ The Office of Public Counsel for the Defence

☐ States' Representatives

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REGISTRY

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M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☒ Other
Appeals Chamber

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") requests the authorisation of Trial Chamber V ("Chamber") under Rule 81(4) of the Rules of Procedure of Evidence ("Rules") to delay the disclosure of the identity and witness materials related to Prosecution Witness P-0306. Under the circumstances described below, delayed disclosure is justified in accordance with article 68 to protect the safety of the witness. The Prosecution requests a delay of disclosure to 45-60 days prior to the testimony of P-0306, which is proportionate and necessary to mitigate the unique risks to the witness.

II. CONFIDENTIALITY

2. This request is filed "EX PARTE, available only to the Prosecution" as it contains sensitive information pertaining to witness security. A confidential redacted version of this request is being filed simultaneously.

III. BACKGROUND

3. On 26 August 2020, the Prosecution requested an extension of time under Regulation 35 of the Regulations of the Court to disclose a number of items, including the identity and witness materials of Prosecution Witness P-0306.¹

4. On 31 August 2020 and on 11 September 2020, the Chamber issued its *Decision on the Prosecution Request to Vary the Time Limit for Disclosure of Evidence related to Witnesses on the Preliminary Witness List*, ordering the Prosecution to, *inter alia*, file a request under rule 81(4) and supporting information regarding P-0306 on 29 September 2020.²

¹ ICC-01/14-01/18-628-Conf-Red.

² ICC-01/14-01/18-648-Conf-Red.

IV. SUBMISSIONS

a. Witness P-0306's situation justifies delayed disclosure

5. P-0306 is a [REDACTED] Anti-Balaka insider. He is expected to testify about: (i) NGAISSONA's role, including his orders from NGAISSONA; (ii) the 5 December 2013 attack; and (iii) his meetings with NGAISSONA.

6. P-0306 was convicted of [REDACTED] criminal offences under the penal code of the Central African Republic ("CAR"), and is currently serving a sentence of [REDACTED] prison in Bangui, CAR.³ P-0306 will not likely be released in the foreseeable future and is currently undergoing an appeals process.

7. P-0306 has expressed security concerns regarding his cooperation with the Prosecution. P-0306 and his assigned counsel state that he has experienced a number of security incidents while imprisoned.

8. [REDACTED].

9. Through assigned counsel, P-0306 has also reported [REDACTED] [REDACTED].

10. In November 2019, P-0306 told Prosecution investigators that prison officials had told him not to speak to them during his previous interview. According to P-0306, this instruction was allegedly passed to them by NGAISSONA.⁴

11. P-0306 reported having been [REDACTED] while incarcerated.⁵

³ See CAR-OTP-2032-0179, a Central African Republic ("CAR") judicial file on P-0306's criminal case in the CAR.

⁴ CAR-OTP-2118-4956, at 4957-4958, 1.27-58.

⁵ CAR-OTP-2118-4813, at 4827, 1.445-463.

12. The Prosecution has not been able to [REDACTED]. The Prosecution continues to inquire into these matters.

13. P-0306 is in a unique risk category as his detention [REDACTED]. The witness is [REDACTED], increasing the risk that he may be targeted because of his cooperation with the Prosecution. He is incarcerated in Bangui and within reach of sympathisers or associates of the Accused. P-0306 has expressed concerns about the consequences for his safety should his cooperation with the Prosecution become known.

14. P-0306 meets a high number of objective risk criteria. He is an insider witness, who provides unique incriminating evidence against NGAISSONA. [REDACTED] [REDACTED]. [REDACTED].

15. The risks to P-0306 are mitigated for now, given that his identity has not been disclosed to the Accused and are not known by the public. However, P-0306 would be placed at [REDACTED] were his cooperation with the Prosecution to become known to former members of the Anti-Balaka or to public, inadvertently or otherwise. [REDACTED].

16. Given P-0306's particularly high risk profile, uniquely vulnerable status, [REDACTED], the delayed disclosure of P-0306's identity and witness materials is justified.

b. Delayed disclosure of P-0306's identity and statement does not unduly prejudice the rights of the Accused

17. The Accused will not be unduly prejudiced by delayed disclosure of P-0306's identity and unredacted witness materials. *First*, out of the 145 fact witnesses provisionally slated for trial,⁶ P-0306 will be the only witness whose identity and

⁶ ICC-01/14-01/18-642-Conf, para. 3.

statement would be disclosed after its commencement. *Second*, NGAISSONA had knowledge of the information provided by P-0306. *Third*, the Prosecution has disclosed redacted transcripts of its interview with P-0306.⁷ *Fourth*, the Prosecution recognises the potential impact of delayed disclosure and is requesting a period for delayed disclosure of 45 to 60 days prior to his testimony, which would allow the Defence adequate time to prepare. Finally, in situations where a witness's security situation cannot be managed by ordinary means, other Chambers have granted such delayed disclosure measures. For example, in *the Al Hassan* case Trial Chamber X found that delaying the disclosure of a witness's identity and materials until 45 days prior to his testimony struck "an appropriate balance between the rights of the accused and the need to ensure the safety and privacy of th[e] witness."⁸ Given the extraordinary situation in which P-0306 finds himself, delayed disclosure here is similarly justified.

⁷ ICC-01/14-01/18-653.

⁸ ICC-01/12-01/18-794-Red2, para. 19.

V. RELIEF SOUGHT

18. For the above reasons, the Prosecution seeks the Chamber's leave to delay the disclosure of the identity and witness materials of P-0306 until 45-60 days prior to his testimony.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 22nd day of December 2025

At The Hague, The Netherlands