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No.: ICC-01/14-01/18
Date: 23 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 under Articles 64(6)(b) and 93
of the Rome Statute to Summon a Witness”, ICC-01/14-01/18-1690-Conf-Exp, 8
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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) requests that Trial Chamber V (“Chamber”) compel the attendance and testimony of witness P-2602 pursuant to article 64(6)(b), and that the competent authorities of the [REDACTED] be requested to serve a summons on the witness, and to assist in his appearance pursuant to articles 93(1)(b) and 93(1)(d). P-2602 has withdrawn his cooperation and [REDACTED], as elaborated below,¹ since April 2021. His testimony is material to the confirmed charges, and without it the Prosecution will be deprived of important evidence going to the heart of the charged crimes in BOSSANGO. ² Likewise, the Chamber’s truth-finding function may be impeded. The Chamber should hear P-2602’s evidence.

2. P-2602 was a former FACA and [REDACTED]³ [REDACTED] in GOBERE in 2013.⁴ His October 2019 statement to the Prosecution provides important evidence about the establishment and structure of the Anti-Balaka group based in GOBERE (“GOBERE Group”),⁵ and the planning and coordination of the 5 December 2013 simultaneous attacks on BANGUI and BOSSANGO. ⁶ The witness was [REDACTED] of the 5 December 2013 attack on BOSSANGO, along with [REDACTED].⁷

3. The witness is last known to have been residing [REDACTED], and the [REDACTED] authorities are competent to execute formal cooperation requests to compel the appearance of witnesses. Given that the requirements of relevance, specificity, and necessity are met, P-2602’s compulsion should be effectuated by the Chamber with the assistance of [REDACTED].

¹ See below, para. 16-18.

² See Counts 30-35, 37-42.

³ CAR-OTP-2118-9500 at 9508, l. 265-266; CAR-OTP-2118-9560 at 9564, l. 106.

⁴ CAR-OTP-2118-9500 at 9522-9523, l. 739-773, *see in particular*, at 9522, l. 765-766.

⁵ See below, para. 11-12.

⁶ See below, para. 13-14.

⁷ See below, para. 8-9. See also P-0966: CAR-OTP-2031-0241 at 0251, para. 61; P-1521: T-081-Red, p. 23, l. 12-18; P-2049: T-100-Red, p. 45, l. 11-13. See further, CAR-OTP-2079-0050 at 0053; CAR-OTP-2084-1307 at 00:01:27 – 00:01:48 with its translation CAR-OTP-2122-2366 at 2368, l. 30-33.

II. CONFIDENTIALITY

4. This document is filed as “Confidential, *Ex Parte*, only available to the Prosecution and VWU”, since it refers to information to which the Defence has no procedural right or interest. A confidential redacted version will be filed.

III. APPLICABLE LAW

5. The Appeals Chamber has confirmed that article 64(6)(b) gives Chambers the power to compel a witness’ trial appearance, creating a legal obligation for the individual concerned.⁸ States Parties are moreover obliged to cooperate with the Court (i) to serve summonses pursuant to article 93(1)(d);⁹ and (ii) to compel witnesses’ appearance before a Trial Chamber *in situ* or *via* video-link, pursuant to article 93(1)(b), should those witnesses be unwilling to travel to the seat of the Court.¹⁰

6. To determine whether to issue such cooperation requests, Trial Chambers have held that they must satisfy the tripartite principles of (i) relevance, (ii) specificity and (iii) necessity.¹¹ In deciding whether to summons witnesses, this Chamber, as well as Trial Chambers VII and V(A) have further considered “whether: (a) the anticipated testimony of the witness is potentially necessary for the determination of the truth; and (b) a summons, as a compulsory measure, is necessary to obtain the testimony of the witness.”¹²

7. As described below, these requirements are clearly met.

⁸ ICC-01/09-01/11-1598, para. 113.

⁹ ICC-01/09-01/11-1598, para. 114.

¹⁰ ICC-01/09-01/11-1598, paras. 128, 132. *See also* para. 123.

¹¹ *See* ICC-02/04-01/15-1254, para. 7, *citing* ICC-01/05-01/13-1343-Red, (“*Bemba et al*, Summons Decision”) para. 18; ICC-01/09-01/11-1274-Corr2, (“*Ruto* Summons Decision”), para. 181; ICC-01/14-01/18-804-Conf, para. 15.

¹² *See* ICC-01/14-01/18-804-Conf, para. 15. *See also* *Bemba et al*, Summons Decision, para. 18; and *Ruto* Summons Decision, paras. 180-181.

IV. SUBMISSIONS

A. Relevance: P-2602's Anticipated Testimony is Material and Necessary for the Determination of the Truth

- i. *P-2602's evidence identifies the perpetrators of the 5 December 2013 attack on BOSSANGO as Anti-Balaka from GOBERE led by KEMA, MANDAGO and [REDACTED]*

8. P-2602's evidence is important to establish that the GOBERE Group carried out the 5 December 2013 attack on BOSSANGO. P-2602 [REDACTED] in this attack,¹³ and that [REDACTED] other FACA leaders about one week prior.¹⁴

9. The witness explains [REDACTED] the attack based on aerial imagery of BOSSANGO, including the [REDACTED] and their attacks on Seleka positions.¹⁵ [REDACTED],¹⁶ with KEMA's group coming from behind,¹⁷ while MANDAGO's group came from the OUHAM BAC road.¹⁸

10. P-2602 furthermore identifies [REDACTED] in the GOBERE Group, under Danboy DEDANE ("DEDANE").¹⁹ Significantly, P-2462 identifies [REDACTED] as the man who raped her during the 5 December 2013 attack on BOSSANGO.²⁰

¹³ CAR-OTP-2118-9525 at 9543-9544, l. 622-630.

¹⁴ CAR-OTP-2118-9545 at 9547-9548, l. 64-81.

¹⁵ CAR-OTP-2118-9664 at 9671-9679, l. 232-513; CAR-OTP-2120-0262.

¹⁶ CAR-OTP-2118-9545 at 9547, l. 40-56 ; CAR-OTP-2118-9664 at 9675, l. 373-375.

¹⁷ CAR-OTP-2118-9664 at 9680, l. 539-547; CAR-OTP-2118-9683 at 9698, l. 500-511.

¹⁸ CAR-OTP-2118-9683 at 9701, l. 598-615; CAR-OTP-2120-0263.

¹⁹ CAR-OTP-2118-9683 at 9697-9698, 9690, l. 138-154, 229-238.

²⁰ P-2462 : T-059-CONF, p. 25, l. 9-15.

ii. P-2602's evidence shows the high degree of organisation and structure within the GOBERE Group

11. P-2602 was [REDACTED].²¹ His evidence concerns how the GOBERE Group was also joined by 70 civilians at the outset, but grew to having around 3,676 registered members.²² Recruitment occurred by sending messages to the chiefs of the surrounding villages to inform any brave youth to come and fight.²³

12. P-2602's testimony is important to establishing the structure of the GOBERE Group. His statement provides that GOBERE Group was organised into 11 "camps" or companies, each led by a FACA member.²⁴ Each company was divided into further sections, which were also led by chiefs, usually civilians with command capacity.²⁵ Newcomers were registered by the secretary assigned to each company, and underwent traditional Anti-Balaka rites.²⁶ Each FACA leader was in charge of giving weapons training to the men assigned to his company.²⁷

iii. P-2602's evidence shows the planning and coordination of the 5 December 2013 attacks on BANGUI and BOSSANGO

13. P-2602's evidence shows the Anti-Balaks's high degree of coordination in launching the 5 December 2013 attacks on BANGUI and BOSSANGO, and establishes that the attacks were planned to occur on 5 December 2013 in BANGUI and BOSSANGO, under DEDANE's coordination.²⁸ Anti-Balaka zone/area leaders kept in contact with each other, passing information from group-to-group in the lead-

²¹ CAR-OTP-2118-9500 at 9522, l. 739-750; CAR-OTP-2118-9579 at 9594-9595, l. 493-524.

²² CAR-OTP-2118-9579 at 9593, l. 451-459; CAR-OTP-2118-9500 at 9523, l. 774-803.

²³ CAR-OTP-2118-9579 at 9593, l. 468-472; CAR-OTP-2118-9598 at 9610, l. 391-393.

²⁴ CAR-OTP-2118-9598 at 9610-9611, l. 414-440; CAR-OTP-2118-9617 at 9618, l. 31-33.

²⁵ CAR-OTP-2118-9617 at 9619, l. 36-40.

²⁶ CAR-OTP-2118-9617 at 9620, l. 76-95.

²⁷ CAR-OTP-2118-9598 at 9611, l. 428-432.

²⁸ CAR-OTP-2118-9641 at 9661-9662, l. 682-718; CAR-OTP-2118-9664 at 9665, l. 10-21.

up.²⁹ The BANGUI attack was planned for 5:00am, and the BOSSANGO attack for 2:00pm.³⁰

14. P-2602 confirms [REDACTED],³¹ [REDACTED].³² Specifically, after the attack began around 5:00am in BANGUI, [REDACTED] had not yet launched the attack in BOSSANGO.³³

B. Specificity: the witness is clearly identified and is believed to reside within the jurisdiction of the competent authorities of [REDACTED]

15. P-2602 is a former FACA member and [REDACTED] whose identity was disclosed to the Defence on 20 July 2020.³⁴ In the Prosecution's last interactions with the witness [REDACTED], he indicated that he was [REDACTED]. Given that the witness is clearly identified, was last known to be residing within the jurisdiction of the competent [REDACTED] authorities, and that there is no indication — public or otherwise — that the witness has left the jurisdiction, the requirement of specificity is satisfied.³⁵

C. *Necessity*: a summons, as a compulsory measure, is necessary to obtain the testimony of the witness

16. The Prosecution has exhausted all avenues to secure P-2602's voluntary attendance. Investigators were last able to successfully contact the witness on 23 April 2021 [REDACTED].

²⁹ CAR-OTP-2118-9641 at 9661, 9663, l. 690-693, 746-752.

³⁰ CAR-OTP-2118-9641 at 9662, l. 703-725.

³¹ CAR-OTP-2118-9664 at 9666-9668, l. 68-108.

³² CAR-OTP-2118-9664 at 9670, l. 178-182.

³³ CAR-OTP-2118-9664 at 9669-9670, l. 171-187.

³⁴ P-2602's statement was disclosed through Pre-Trial INCRIM package 41.

³⁵ *Bemba et al*, Summons Decision, para. 22; *Ruto*, Summons Decision, para. 180-181.

17. More recently, on 24 October this year, the Prosecution made inquiries with the witness's lawyer, [REDACTED], who is also unaware of the witness's whereabouts. Furthermore, in October and November this year, the Prosecution made inquiries with [REDACTED], who has advised that [REDACTED].

18. The witness's interactions with the Prosecution in the lead-up to his last contact in April 2021 suggest that:

[REDACTED]

19. It is apparent that the witness will not testify in this trial unless compelled.

D. P-2602's compelled testimony is justified

20. P-2602's evidence goes to important issues in the Prosecution's case on the BOSSANGO incident. He is a 'material witness' – his evidence is material and unique, and given his direct knowledge of the GOBERE Group and its 5 December 2013 attack on BOSSANGO in coordination with the 5 December BANGUI attack, the interests of justice require his appearance and testimony. Absent his compulsion, the Chamber will be deprived of key evidence on the Anti-Balaka's attack on BOSSANGO and its ability to establish the truth concerning important issues in this case may be impaired.

V. CONCLUSION

21. For the above reasons, the Chamber should compel P-2602's appearance and direct the Registrar to prepare and transmit a request for assistance to the [REDACTED] authorities, pursuant to article 93(1)(b) and (d) to:

- serve a summons on the witness; and

- compel and ensure the witness' appearance to give testimony before the Court *in situ* or *via* video conference at a date to be determined.

22. In addition, the Prosecution requests that the Chamber request the [REDACTED] authorities to take all available measures in accordance with the applicable national laws to ensure the witness's compliance with the summons pursuant to article 99(1).



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 23rd day of December 2025

At The Hague, The Netherlands