



Original: **English**

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 “Request for leave to add 22 items to the List of
Evidence”, 4 November 2022, ICC-01/14-01/18-1653-Conf**

Source: Office of the Prosecutor

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I. SUBMISSIONS

1. The Office of the Prosecutor (“Prosecution”) requests Trial Chamber V (“Chamber”) to authorise the addition of 22 items of evidence (“Items”) to its Updated List of Evidence (“LoE”)¹ in accordance with the Decision Setting the Commencement Date of the Trial² and subsequent decisions.³

2. As broadly indicated by the Prosecution’s communication to the Chamber of 25 October 2022,⁴ the Items consist of one press article,⁵ two email chains from NGAISSONA’s Yahoo! account and one related attachment,⁶ and five “rushes” [REDACTED].⁷ Additionally, following the testimony of P-1839 on 2 November 2022, they also include 13 Anti-Balaka badges [REDACTED].⁸

3. As discussed below, the Items are relevant to material issues at trial and bear sufficient indicia of reliability on which the Chamber may properly base its article 74 decision. The addition of the Items to the LoE causes no prejudice to a fair trial. To the contrary, it would assist in the Chamber’s determination of the truth, and would contribute to an expeditious trial.

¹ ICC-01/14-01/18-1211-Conf-AnxA (“LoE”).

² ICC-01/14-01/18-589, para. 10, 14 and 16 (“Decision”).

³ ICC-01/14-01/18-989-Conf, para. 5-6; ICC-01/14-01/18-1080-Conf, para. 7; ICC-01/14-01/18-T-073-ENG ET, p. 3, l. 16-17; ICC-01/14-01/18-1206, para. 5; ICC-01/14-01/18-1301-Conf, para. 10; ICC-01/14-01/18-1597-Conf, p. 10.

⁴ Email of 25 October 2022 17:46.

⁵ CAR-OTP-2001-4122. *Cf* the Prosecution’s communication of 25 October 2022, it no longer seeks to add CAR-OTP-2135-2120 and related item CAR-OTP-2135-2123 to the LoE.

⁶ CAR-OTP-2130-3615 and CAR-OTP-2130-3641 (with attachment CAR-OTP-2130-3423).

⁷ CAR-OTP-2065-0850, CAR-OTP-2065-1969, CAR-OTP-2065-2300, CAR-OTP-2065-2857, and CAR-OTP-2065-2903. *Cf* the Prosecution’s communication of 25 October 2022, it no longer seeks to add CAR-OTP-2065-4585 and CAR-OTP-2065-4597.

⁸ CAR-OTP-2136-0255, CAR-OTP-2136-0253, CAR-OTP-2136-0251, CAR-OTP-2136-0247, CAR-OTP-2136-0245, CAR-OTP-2136-0243, CAR-OTP-2136-0235, CAR-OTP-2136-0233, CAR-OTP-2136-0231, CAR-OTP-2136-0229, CAR-OTP-2136-0225, CAR-OTP-2136-0223, CAR-OTP-2136-0217.

II. CONFIDENTIALITY

4. Pursuant to regulation 23bis(1) of the Regulations of the Court ("RoC"), the Prosecution files this request as "*Confidential*" because it contains confidential information regarding Prosecution evidence. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

A. The Items are relevant and have significant probative value

a. One online article of Think Africa Press

5. The online article of *Think Africa Press* entitled "Rebels, Anti-Rebels and Refugees in the Central African Republic"⁹ is relevant to material issues at trial and has significant probative value. Published on 5 November 2013, it offers a snapshot in time that shows the emerging organisation of the Anti-Balaka as a (then) "still largely regional [movement whose] armed attacks group are not yet fully co-ordinated or capacitated to challenge the Séléka in full-blown combat", despite violent attacks at BOSSANGO, BOUCA and BOUAR.¹⁰ It further links the political leadership of FROCCA with emergent Anti-Balaka forces on the ground, referring to FROCCA as "a militia made up of ex-army officers loyal to the former president as well as local vigilantes fed up with the Seleka's continued violence."¹¹

6. *First*, these descriptions go to the material issue of FROCCA's (and thereby NGAISSONA's) use of the Anti-Balaka to achieve its strategic plan of ousting the Seleka and returning BOZIZE to power.¹² As such, they support the evidence at trial

⁹ CAR-OTP-2001-4122.

¹⁰ CAR-OTP-2001-4122 at 4123.

¹¹ CAR-OTP-2001-4122 at 4122-4123.

¹² See ICC-01/14-01/18-723-Red, para. 99-104.

as to FROCCA's instrumentalisation of the Anti-Balaka on the ground through integrating militia groups in CAR, as well as enlisting FACA combatants and new recruits.¹³

7. *Second*, that such information was already in the public domain in early November 2013 – a full month before the 5 December attacks on BANGUI and BOSSANGO – is further relevant to the foreseeability that continued contributions to the Anti-Balaka would enhance the group's capacity to commit the types of crimes which in fact resulted.

8. The press article is reliable and authentic as an indication of information circulating in the press as at early November 2013. The text preceding the author's by-line indicates that it was published on 5 November 2013. It was subsequently downloaded by the OTP in January 2014.

b. Two email chains from NGAISSONA's account ([REDACTED])

9. The two email chains and related attachment from NGAISSONA's Yahoo! email account ([REDACTED]) are relevant to material issues at trial and have significant probative value. They evince planning and organisation between NGAISSONA and other key pro-BOZIZE figures, including Adrien POUSSOU (P-2625), Levy YAKETE and David GBANGBA, in mid-2013, including in relation to FROCCA. Inclusion on the Prosecution's LoE was not possible because the items were collected by the Prosecution in January 2021, after the deadline for filing the LoE had passed. They were promptly disclosed to the Defence on 10 February 2021 pursuant to rule 77 of the Rules.

¹³ See ICC-01/14-01/18-723-Red, para. 103.

10. CAR-OTP-2130-3615 contains an email sent by [REDACTED] to a group of recipients, [REDACTED].

11. CAR-OTP-2130-3641 consists of an email sent by [REDACTED] to NGAISSONA on 13 August 2013. [REDACTED] (re)introduces himself as a youth representative and attaches *“le document comme convenu”*. The attached document (CAR-OTP-2130-3423) entitled *“GROUPE DE SOUTIEN AU FRONT DE RETOUR A L’ORDRE CONSTITUTIONNEL EN CENTRAFRIQUE (GSFROCCA)”* announces the establishment of a BANGUI-based support group for FROCCA following its official launch. NGAISSONA forwards the email with its attachment to P-2625 on the same day (13 August 2013).

12. The emails are reliable and authentic. As argued previously,¹⁴ [REDACTED], and form part of a larger pool of self-corroborating evidence obtained from various Yahoo! email accounts.

c. Five “rushes” [REDACTED]

13. The five “rushes” [REDACTED] with YEKATOM’s Group are likewise material to issues at trial and have significant probative value. They were disclosed to the Defence on 19 July 2019 under rule 77.

14. CAR-OTP-2065-0850 and CAR-OTP-2065-2857, depicting members of the Anti-Balaka, were used in the Prosecution’s re-examination of P-2462 in relation to her identification of the perpetrators of the BOSSANGO attack of 5 December 2013.¹⁵ They are therefore relevant to a key issue at trial. Following P-2462’s testimony, they were recognised as submitted in evidence.¹⁶

¹⁴ ICC-01/14-01/18-958-Red, para. 27.

¹⁵ See ICC-01/14-01/18-T-060-CONF ENG CT, p. 44, l. 18-25, p. 45, l. 12-24.

¹⁶ See Decision on submitted materials for P-2462, in email from Chamber of 25 November 2021 15:08.

15. CAR-OTP-2065-1969, CAR-OTP-2065-2300, and CAR-OTP-2065-2903 are probative of the connection between YEKATOM's Group and other Anti-Balaka figures and groups, including Maxime MOKOM.

- i. CAR-OTP-2065-1969 (a video dated presumptively, 7 December 2013) depicts YEKATOM in conversation with an unidentified collocutor, in which the latter refers to a person called "Maxime" (presumably, Maxime MOKOM). Specifically, in their conversation, the collocutor tells YEKATOM that he was informed the day before by 'Maxime', to be careful, because the white people who came to report are fake - they came to collect evidence to bring the perpetrators before the ICC. The video footage notably depicts an individual identified in other video footage as Sylvain BEOROFEL, a close associate of Maxime MOKOM.
- ii. CAR-OTP-2065-2300 (a video dated presumptively, 10 December 2013) depicts Lt. Yvon DONOH in a phone conversation with Mac TOUABOYE. DONOH asks to be passed to Lt. KONATE, but is apparently told that KONATE is not available. DONOH responds that he will try to reach KONATE later, and then notes that in a few minutes he will call all the elements together to give them instructions.
- iii. CAR-OTP-2065-2903 (a video dated presumptively, 10 December 2013) depicts Sylvestre YAGOUZOU talking on the phone with an unknown collocutor. He says that he is in contact with all the Commanders including DOKA (presumably Lt. DOCKABONA) and LT. Hervé NGANAZOUI. YAGOUZOU's interlocutor says that MOKOM asked him to wait for them there (likely PROJET – where the video appears to be shot). Honoré NGANAFIO ("MODIBO")

notes that he cannot cover the path taken again because the road was long. YAGOUZOU adds that they cannot stay at the location because they (someone else) have changed the strategic plan, and that the new plan is to leave a passage open from where they are to let certain people pass; then they can pursue them and kill them on the way. He says, the strategic plan was drawn up together with the FACA. They will start by combing KM5 to go down to the Palais or to Camp de Roux. The interlocutor requests to speak to one of his elements from BOSSEMBÉLÉ, if they are there.

16. The “rushes” are reliable and authentic and contemporaneous to the events recorded and depicted. They were provided to the Prosecution [REDACTED].

d. 13 Anti-Balaka badges [REDACTED]

17. The 13 Anti-Balaka badges [REDACTED]¹⁷ are relevant to material issues at trial and have significant probative value. The badges were collected by the Prosecution in early April 2022 and some added to the Prosecution’s LoE.¹⁸ They were promptly disclosed to the Defence on 22 April 2022 pursuant to rule 77 of the Rules.

18. As found by this Chamber concerning a previous addition of certain of these badges to the Prosecution’s LoE, they “relate to the factual allegation concerning the issuance of membership cards to Anti-Balaka members”.¹⁹ Furthermore, the YEKATOM Defence used two other badges from the same collection²⁰ in its cross-examination of P-1839, to challenge their accuracy.²¹ The 13 badges in their totality are therefore relevant to rebutting the implication that they do not reflect the association

¹⁷ CAR-OTP-2136-0255, CAR-OTP-2136-0253, CAR-OTP-2136-0251, CAR-OTP-2136-0247, CAR-OTP-2136-0245, CAR-OTP-2136-0243, CAR-OTP-2136-0235, CAR-OTP-2136-0233, CAR-OTP-2136-0231, CAR-OTP-2136-0229, CAR-OTP-2136-0225, CAR-OTP-2136-0223, CAR-OTP-2136-0217.

¹⁸ See ICC-01/14-01/18-573-Conf.

¹⁹ ICC-01/14-01/18-1573-Conf, para. 25.

²⁰ CAR-OTP-2136-0241, CAR-OTP-2136-0237.

²¹ ICC-01/14-01/18-T-174-ENG, p. 54-56.

of members of YEKATOM's Group, *inter alia*, with Maxime MOKOM. The badges are authentic [REDACTED]. Moreover, they in fact correspond to admitted members of YEKATOM's Group, such as Junior KEAPEX-OZUI.²²

B. Adding the Items to the LoE causes no unfair prejudice to the Defence

19. The addition of these 22 Items to the LoE during the presentation of the Prosecution's case does not cause unfair prejudice to the Accused. In the case of the 13 Anti-Balaka badges, the Defence has used another two badges from the same collection in the course of cross-examination. In the case of the other items, these have been known to the Defence since before the opening of the trial, having been disclosed under rule 77. Further, the Accused will have ample opportunity to address the substance of the Items in the course of trial. Finally, in the case of the emails, there can be no prejudice when items are from NGAISSONA's own email account, such that he has known about them since 2013.

²² CAR-OTP-2136-0233.

IV. CONCLUSION

20. The fair and expeditious conduct of the proceedings is not infringed by permitting the Prosecution to add the Items to the LoE at this stage. The Items are of significant probative value, their addition causes no unfair prejudice, and their introduction will advance the Chamber's mandate to search for the truth.

21. For the above reasons, the Prosecution requests the Chamber's leave to add the Items to its LoE.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 23rd day of December 2025

At The Hague, The Netherlands