

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 23 January 2026

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 THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA***

Public Document

**Public redacted version of "Request for Extension of time pursuant to
Regulation 35(2) of the Regulations of the Court",
ICC-01/14-01/18-596-Conf, dated 23 July 2020**

Source: Defence of Patrice-Edouard Ngaïssona

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

D30

D29

☒ 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

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. On 17 July 2020, the Defence for Mr Patrice-Edouard Ngaïssona (“the Defence”) was notified of Witness P-0889’s counsel’s request for protective measures for Witness P-0889.¹ In the request, Witness P-0889 requests that protective measures be put in place for five reasons.² Out of the five reasons, four of them stem from one incident, namely Witness P-0889’s travel to [REDACTED], and thus are not related to Witness P-0889’s anticipated testimony.³ Only one of the reasons is directly related to his anticipated testimony, namely that there is a risk to the witness because the content of the witness’ testimony is of such a nature as to potentially incriminate high ranking members of the Central African Republic’s (CAR’s) government.⁴
2. The statement in which Witness P-0889 implicates members of the CAR government has yet to be disclosed to the Defence. In order to properly assess whether there is an objectively justifiable risk to Witness P-0889 on account of his anticipated testimony, the Defence will need to be apprised of the content of his undisclosed statement.
3. In light of the above, pursuant to Regulation 35(2) of the Regulations of the Court, the Defence respectfully requests Trial Chamber V (“the Chamber”) for an extension of time of ten days, in the event the prosecution calls this witness to testify, that will commence running from the date of the full disclosure of Witness 889’s statement.

II. Confidentiality

4. The present observations are filed as confidential pursuant to Regulation

¹ ICC-01/14-01/18-590-US.

² ICC-01/14-01/18-590-US, paras. 34-35.

³ The four reasons advanced by the witness counsel all of which relate [REDACTED].

⁴ Ibid, paras 35-36.

23bis(2) of the Regulations of the Court as they contain confidential information about an anticipated Prosecution witness. Given the sensitivity of the information, the Defence intends to provide a public redacted version of the present request upon receipt of the public redacted version of ICC-01/14- 01/18-590-US.

III. Submissions

5. Under Regulation 35(2), a chamber may extend or reduce a time limit if good cause is shown. In *The Prosecutor v. Lubanga*, the Appeals Chamber reasoned that good cause under Regulation 35 means that the inability of a party to conform to a procedural rule or regulation “must be for sound reasons, such as would objectively provide justification for the inability of a party to comply with his/her obligation.”⁵ The Defence submits there is good cause to grant the extension for the following reasons.
6. *First*, Witness 0889’s counsel submits that during his second interview, the witness provided “new details” that potentially incriminate individuals who are current high -ranking members in the CAR government.⁶ According to the counsel, the content of this new statement puts the witness at risk, and thus he requests under Rule 87 of the Rules of Procedure and Evidence for protective measures to be put in place.⁷ The Defence cannot meaningfully respond to the request since the statement remains undisclosed by the Prosecution, and Witness’ Counsel’s submissions on the content of the statement are utterly lacking in detail.
7. Second, the Defence is mindful of the Chamber’s preliminary remarks

⁵ “Reasons for the ‘Decision of the Appeals Chamber on the request of counsel to Mr. Thomas Lubanga Dyilo for modification of the time limit pursuant to regulation 35 of the Regulations of the Court of 7 February 2007’ issued on the 16 February 2007” (Appeals Chamber), No. ICC-01/04-01/06- 834 OA8, 21 February 2007, para.7

⁶ ICC-01/14-01/18-590-US, para. 31.

⁷ Ibid paras 35-36.

requesting that parties cooperate with each other before seizing the Chamber with a request.⁸ However, the Defence, at this juncture, is not seising the Chamber to order the Prosecution to disclose P-0889's new statement before the time limit expires to respond to this request for protective measures. Rather, the Defence is requesting for an extension of time to respond to the request that coincides with the anticipated Prosecution disclosure of this statement in the future. The Defence notes with concern that this new interview took place just [REDACTED]. The Defence equally notes that the interview will consist of a transcript, which may not be fully transcribed at this stage. Therefore, the Defence did not liaise with the Prosecution to obtain the statement before the deadline expires due to the above-mentioned recent nature of the interview.

8. Moreover, the Defence submits that no prejudice results from being granted an extension, since: (1) the witness' anticipated testimony will not occur for at least another seven to eight months and (2) it is yet to be determined whether this witness will be called to testify. While the Prosecution did indicate that this witness will be called to testify in its preliminary list of witnesses and has recently conducted a witness interview, the Chamber found that the Prosecution's number of witnesses was "rather high."⁹ In the "Decision Setting the Commencement Date of Trial," the Chamber requested that the Prosecution submit a provisional list of witnesses by 31 August 2020. It therefore remains to be seen whether Witness P-0889 will remain on the list.
9. With respect to alleged security concerns of the witness, which do not relate to his anticipated testimony, but which may be current, the Defence submits that at this stage these concerns should be addressed with the VWU and the Prosecution, and if need be the Chamber. The Defence also takes notice of an email from VWU in which the VWU has indicated to the Chamber that generally risk levels in [REDACTED] are lower than for witnesses in CAR, but that the

⁸ ICC-01/14-01/18-T-12-ENG, page 6.

⁹ Ibid, page 30.

OTP has yet to liaise with the VWU with respect to this witness.¹⁰

10. The above-mentioned circumstances constitute “good cause” under Regulation 35(2) of the Regulations of the Court, and thus the Defence’s request for an extension of time is justified. The Defence requests to be provided for an extension of ten days from the date of the full disclosure of this second statement, in the event the Prosecution calls the witness to testify.

RELIEF SOUGHT

11. The Defence respectfully requests the Chamber to:

- **GRANT** the Defence an extension of time to respond to Witness P-0889’s Counsel’s request for protective measures, specifically an extension of ten days from the date of the full disclosure of Witness P-0889’s statement

Respectfully submitted,



G. J. Alexander Knoop
on behalf of
Patrice-Edouard Ngaïssona

Dated this 23 January 2026

At The Hague, the Netherlands

¹⁰ Email from: VWU To: [REDACTED] dated 23 July 2020, at 11:02