

**Cour
Pénale
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**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14-01/18**

Date: **26 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 ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

Public Redacted Version of the 'Corrected version of "Request for delayed disclosure and protective measures for CAR-D29-P-6010, CAR-D29-P-6012, CAR-D29-P-6014, CAR-D29-P-6017, CAR-D29-P-6025, CAR-D29-P-6019 and CAR-D29-P-6027", 23 October 2023, ICC-01/14-01/18-2161-Conf-Exp', 8 November 2023, ICC-01/14-01/18-2161-Conf-Exp-Corr

Source: Defence for Mr. Alfred Rombhot Yekatom

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

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☒ **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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☐ **Counsel Support Section**

☒ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and
Reparations Section**

☐ **Other**

INTRODUCTION

1. The Defence for Mr. Alfred Rombhot Yekatom ("Defence") hereby requests the delayed disclosure of the identity of CAR-D29-P-6010, CAR-D29-P-6012, CAR-D29-P-6014, CAR-D29-P-6017, CAR-D29-P-6019, CAR-D29-P-6025 and CAR-D29-P-6027 ("Seven Witnesses") to the Common Legal Representatives of the Victims ("CLRVs") and the Victim Participation and Reparation Section ("VPRS") until 15 days prior to their respective testimony, if any, ("Delayed Disclosure Request") as well as protective measures in the form of use of pseudonym and non-disclosure to a third-party ("Protective Measure Request") (together "Request").

APPLICABLE LAW

2. Article 67 (1)(e) of the Rome Statute

To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her. The accused shall also be entitled to raise defences and to present other evidence admissible under this Statute;

3. Article 68 (1) of the Rome Statute

The Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. In so doing, the Court shall have regard to all relevant factors, including age, gender as defined in article 7, paragraph 3, and health, and the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence or violence against children. The Prosecutor shall take such measures particularly during the investigation and prosecution of such crimes. These measures shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

4. Rule 81 (4) of the Rules of procedure and evidence

The Chamber dealing with the matter shall, on its own motion or at the request of the Prosecutor, the accused or any State, take the necessary steps to ensure the confidentiality of information, in accordance with articles 54, 72 and 93, and, in accordance with article 68, to protect the safety of witnesses and victims and members of their families, including by authorizing the non-disclosure of their identity prior to the commencement of the trial.

5. Rule 87 (1) of the Rules of procedure and evidence

Upon the motion of the Prosecutor or the defence or upon the request of a witness or a victim or his or her legal representative, if any, or on its own motion, and after having consulted with the Victims and Witnesses Unit, as appropriate, a Chamber may order measures to protect a victim, a witness or another person a risk on account of testimony given by a witness pursuant to article 68, paragraphs 1 and 2. The Chamber shall seek to obtain, whenever possible, the consent of the person in respect of whom the protective measure is sought prior to ordering the protective measure.

PROCEDURAL HISTORY

6. On 19 August 2022, the Prosecution disclosed [REDACTED], an investigation report confirming *inter alia* that [REDACTED] was acting as an intermediary for the Prosecution, OPCV and VPRS, [REDACTED], he had been asked by the Prosecution to keep his activities on hold.¹
7. On 14 February 2023, following a request by the Defence,² the Chamber ordered the Registry to disclose to the Prosecution the identifying information in its possession regarding a VPRS focal point called “[REDACTED]”.³ The disclosure took place on 17 February 2023 and confirmed that his complete and real name was [REDACTED] and not [REDACTED].⁴
8. On 4 April 2023, following a request by the Defence,⁵ the Chamber instructed the VPRS to provide any material in its possession to the Prosecution concerning a) the identity of any individual(s) employed by the VPRS who is also affiliated with [REDACTED]; and (b) the number of dual status witnesses [REDACTED] contacted or identified on behalf of the VPRS.⁶
9. On 14 April 2023, the Prosecution disclosed to the VPRS report confirming that [REDACTED] and [REDACTED] were the “focal points of the Registry’s team [REDACTED]”.⁷

¹ [REDACTED].

² ICC-01/14-01/18-1728-Conf-Exp.

³ ICC-01/14-01/18-1753-Conf.

⁴ CAR-OTP-00001073.

⁵ ICC-01/14-01/18-1790-Conf-Exp; ICC-01/14-01/18-1790-Conf-Red.

⁶ ICC-01/14-01/18-1828-Conf, para. 6.

⁷ CAR-OTP-00001381.

10. On 29 May 2023, the Chamber issued the Further Directions and directed the Defence to provide its final list of witnesses by 17 November 2023, including the identities of its witnesses.⁸
11. On 6 September 2023, the Chamber authorised the CLRV1s to call CAR-V45-P-0001 and CAR-V45-P-0002 as witnesses in the case.⁹

SUBMISSIONS

12. The Defence intends to file applications pursuant to Rule 68(2) of the Rules for all or most of the Seven Witnesses. The present Request is therefore formulated to protect the Seven Witnesses whether the related Rule 68(2) request is granted or not.
13. Indeed, the Seven Witnesses are facing an objectively justifiable risk to their safety, especially should their identity be disclosed to [REDACTED], [REDACTED] and/or the public. Thus, the appropriate and necessary protective measures are firstly to delay the disclosure of their identities to the CLRVs and VPRS until 15 days prior to their testimony, if any, and secondly to provide them with protective measures.

A. Request for delayed disclosure

14. Following Articles 64(6)(e) and 68 and Rules 81(4) and 87, the Chamber has the power to take appropriate measures to “protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.”¹⁰
15. Rule 81(4) specifically provides for the possibility for the Defence to request the delayed disclosure of evidence. This Rule applies at all stages of the proceedings so long as issues relating to the disclosure of witnesses’ identities arise. As

⁸ ICC-01/14-01/18-1892, para. 21.

⁹ ICC-01/14-01/18-2016-Conf, para. 30; Public redacted version ICC-01/14-01/18-2016-Red.

¹⁰ Article 68 (1) of the Rome Statute.

previously found by this Court, “the delayed disclosure of witness identities after the commencement of trial is a permissible measure of protection within the discretion of the Trial Chamber.”¹¹

16. In the *Bemba* case, when dealing with such a request by the Defence, the Chamber determined that it should balance “the alleged risks to the safety and integrity of the [...] Witnesses against the potential negative impact delayed communication of [their] identities could have on the fairness and expeditiousness of the proceedings”.¹²
17. In the *Lubanga* case, the Appeals Chamber determined that, when a delayed disclosure is sought by a party, it should also show “the infeasibility or insufficiency of less restrictive protective measures”.¹³
18. It is the Defence’s position that the disclosure of the identity of the Seven Witnesses to the CLRVs and VPRS within the deadline currently set in place by the Chamber, i.e. 17 November 2023,¹⁴ would create an objectively justifiable and identified risk for the safety of the Seven Witnesses. In addition, it would affect the integrity of the proceedings in a way that makes it strictly necessary to delay disclosure.

i) Objective risks to the safety and physical integrity of the Seven Witnesses

19. The Seven Witnesses are expected to bring evidence showing that i) the real name of withdrawn Prosecution witness [REDACTED] (P-2620) is [REDACTED]; ii) P-2620, withdrawn Prosecution witness [REDACTED] (P-2671), and [REDACTED] worked together to fabricate evidence in order to

¹¹ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Public redacted version of ‘Decision on the Prosecution request for delayed disclosure of identities of Witnesses P-0538, P-0542, P-0553, P-0570, P-0574, and P-0603’, 27 May 2020, ICC-01/12-01/18-741-Red2, para. 23.

¹² ICC-01/05-01/08-2236-Red, para. 16.

¹³ *The Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the Prosecutor’s appeal against the decision of Pre-Trial Chamber I entitled “Decision Establishing General Principles Governing Applications to Restrict Disclosure pursuant to Rule 81 (2) and (4) of the Rules of Procedure and Evidence” ICC-01/04-01/06-568, para. 37.

¹⁴ ICC-01/14-01/18-1892, para. 21.

provide P-2620 with a new identity for the purpose of her participation in these proceedings; iii) that [REDACTED] has been involved more broadly in fabricating evidence for the purpose of these proceedings in relation to Count 29; iv) that the 2014 ESF 'demobilisation programme' accepted non-child soldiers as participants, including orphans; v) that P-6014 was not a foster home to [REDACTED] during the 2014 ESF training in Mbaïki. More specifically:

- **CAR-D29-P-6010:** This witness is [REDACTED]. His expected testimony is notably on the identity of P-2620, the family relationships of P-2620, as well as [REDACTED]. He also provided [REDACTED] to the Defence showing her picture and correct full name.
- **CAR-D29-P-6017:** This witness is [REDACTED] and supervises the [REDACTED]. Her expected testimony relates to documents produced by the [REDACTED] following [REDACTED] visit of a "girl" accompanied by [REDACTED] who introduced himself as her father, as well as on item CAR-OTP-2119-0905. Her testimony is also on documents originating from the administration of the [REDACTED] supporting the identity of the child [REDACTED].
- **CAR-D29-P-6019:** This witness is [REDACTED]. Her expected testimony is on the real identity of P-2620, of the child who travelled with her and on the fabrication of evidence by [REDACTED], P-2671 and P-2620. She also corroborates CAR-D29-P-6010 and CAR-D29-P-6012.
- **CAR-D29-P-6012:** This witness is [REDACTED]. Her expected testimony is on the real identity of P-2620 and the child who was relocated with her as well as on the fabrication of evidence by [REDACTED], P-2671 and P-2620. She also corroborates CAR-D29-P-6010.
- **CAR-D29-P-6025:** This witness is a teacher [REDACTED]. His expected testimony is on the family relationships of [REDACTED], notably that [REDACTED], and his involvement in the fabrication of evidence in this case. He corroborates CAR-D29-P-6019 and CAR-D29-P-6012.

- **CAR-D29-P-6014:** This witness [REDACTED]. Her expected testimony is on the children who took part in the ESF program in 2014, including P-2476 and P-2511, and the program itself.
- **CAR-D29-P-6027:** This witness is [REDACTED]. His testimony is expected to clarify the real identity of CAR-V45-P-0002. He will also confirm that [REDACTED].

20. The concern for the safety of these witnesses arises from the fact that their expected testimony is exposing parts of the scheme in which [REDACTED] participated in, with the aim of fabricating evidence for the purpose of this case.
21. The Defence incorporates by way of reference its various submissions on the matter whereby it consistently argued that on different levels and in different capacities [REDACTED]¹⁵ and [REDACTED]¹⁶ have fabricated evidence, while being involved with different sections of the Court.¹⁷ [REDACTED].¹⁸
22. The Defence has also been made aware through an OTP investigation report that [REDACTED] had been found to have interfered with Defence investigations by telling potential witnesses that “[REDACTED]”¹⁹
23. With regard to [REDACTED], P-6012 informed the Defence that he and [REDACTED], attempted to convince her to participate in a scheme in which [REDACTED] would pose as P-2620’s daughter and travel with her to her relocation destination. She also explained that other members of [REDACTED] including P-2620 insisted on obtaining an identifying document of [REDACTED]. P-6012 refused and became concerned that [REDACTED] or his family members would attempt to “steal” [REDACTED] especially since

¹⁵ ICC-01/14-01/18-1728-Conf-Exp, para. 35; ICC-01/14-01/18-1790-conf-exp, paras. 38 to 40; ICC-01/14-01/18-1959-Conf, para. 27; see also ICC-01/14-01/18-2111, para. 27.

¹⁶ ICC-01/14-01/18-1728-Conf-Exp, paras.9, and 28 to 32; ICC-01/14-01/18-1790-conf-exp, paras. 22 to 32; ICC-01/14-01/18-1959-Conf, para. 27; see also ICC-01/14-01/18-2111.

¹⁷ See CAR-OTP-00001073 and CAR-OTP-2135-4188.

¹⁸ ICC-01/14-01/18-T-248-CONF-ENG, at [11:41:54], see also CAR-OTP-2135-4188, para. 14.

¹⁹ CAR-OTP-2135-4188-R01, para. 15.

[REDACTED] knows her address and where [REDACTED] goes to school. Her testimony is corroborated by P-6019 who also explains how P-2620 directly requested her to travel with her daughter [REDACTED].

24. Again, specifically in relation to [REDACTED], P-6017 has informed the Defence that, on 2 or 3 October 2023, [REDACTED], [REDACTED], threatened her as she knew that the [REDACTED] had shared information on [REDACTED], notably stating that once [REDACTED] would be back, there would be “consequences”. In order to ensure her own safety P-6017 decided to [REDACTED] until further notice.²⁰ P-6025 also heard about this incident from another source and reported it to the Defence. During the month of October, P-6025 also received indirect threats from [REDACTED] who told him that information regarding this collusion has been shared before the Court and that they are determined to find who is responsible.²¹
25. In addition to these incidents, there has been another incident of interference regarding Count 29, for which the Defence does not have the identity of the interferer. Around [REDACTED], after having set a meeting for an interview with [REDACTED], she subsequently informed the team members that she had been prohibited to talk about “l’histoire des enfants” with the Defence of Mr. Yekatom by [REDACTED].²² Since the Defence had not previously told her the expected content of the interview, it can only be inferred that a third party informed her and/or her relatives of what the Defence investigations were about and that her relatives had reasons to prohibit her from meeting with the Defense for that purpose.
26. These incidents clearly amount to objectively justifiable risks for the safety of all Seven Witnesses. Indeed, the nature of the threats received by P-6025 and P-

²⁰ See Email from the Defence to VWU sent on 4 October 2023, at 16.16.

²¹ See Email from the Defence to VWU sent on 4 October 2023, at 16.16.

²² See email sent to CLR1 from the Defence on 30 August 2023, at 14.14.

6017 demonstrate a clear pattern whereby any Defence witness who agrees to testify on the fabrication of evidence and/or the alleged former “child soldiers” and coincidentally [REDACTED] is at risk.

27. The risk scenario is therefore neither speculative nor hypothetical. All Seven Witnesses currently reside in CAR: P-6010, P-6012, P-6019 and P-6027 reside in [REDACTED], P-6025 and P-6017 normally reside in [REDACTED], and P-6014 resides in [REDACTED]. Thus, the Seven Witnesses live in areas and communities where [REDACTED] and [REDACTED] exercise a certain level of influence and have the power to retaliate against them, intimidate them, and/or interfere in their private life. [REDACTED] and [REDACTED], making it easy to have access to their private information and intimidate them or their family members.
28. Therefore, should the cooperation of any of the Seven Witnesses be known by [REDACTED] and/or [REDACTED], they face an objectively justifiable risk to their safety.
 - ii) *The delay in disclosure is strictly necessary to ensure the safety of the witnesses as no lesser restrictive measures would be sufficient*
29. The Defence is cognizant that both the CLRVs as legal representatives and VPRS as a neutral organ of the Court have confidentiality obligations.
30. In the case of the CLRVs, under Article 8(1) of the Code of Conduct, legal representatives are required to:

respect and actively exercise all care to ensure respect for professional secrecy and the confidentiality of information in accordance with the Statute, the Rules of Procedure and Evidence and the Regulations of the Court.
31. In the case of VPRS, Regulation 1.2 of the Staff Regulations applies and stipulates that:

as required by the letter of appointment, staff members shall not, unless specifically authorized, at any time, directly or indirectly, use, disclose, furnish, or

make accessible to any third party confidential information of the Court of which they have become aware during the course of their employment.

32. The present Delayed Disclosure Request is limited in scope; and to establish whether the CLRVs and VPRS fulfilled all of their respective duties and professional obligations is not within it. Its purpose is to ensure the safety of the Seven Witnesses as well as the integrity of the proceedings following incidents which have shown that despite the existence of these obligations Defence witnesses are at risk due to the involvement [REDACTED], [REDACTED] and arguably others ESF related individuals²³ in their activities.
33. Indeed, following their involvement with the ESF organisation, [REDACTED] and [REDACTED] have acted as focal points for the Registry for [REDACTED].²⁴ It is to be recalled that [REDACTED] “helped identify and speak to groups of victims across cases” and “participated in several training[sic] sessions for potential Registry intermediaries”,²⁵ and that [REDACTED] worked as an intermediary for the Prosecution,²⁶ OPCV²⁷ and VPRS.²⁸
34. Further, the information currently available to the Defence is that the CLRVs and the VPRS did not remove those two individuals from their functions despite being aware of the grave allegations brought by the Defence against them,²⁹ and the [REDACTED]. Yet, that, the Code of Conduct for Intermediaries stipulates the following:

In case of breach or attempted breach of this Code, appropriate measures shall be taken by the relevant organ or unit of the Court or Counsel, and where applicable in accordance with the contract or agreement signed with the Intermediary.³⁰

²³ Including P-2018 and P-1974, see ICC-01/14-01/18-1959, paras. 25 to 30.

²⁴ See CAR-OTP-00001381.

²⁵ ICC-01/14-01/18-1728-Conf-Exp-AnxD, p. 4.

²⁶ CAR-OTP-2128-1195.

²⁷ CAR-OTP-2135-4188-R01, paras. 4 and 5.

²⁸ CAR-OTP-2135-4188-R01, para. 2.

²⁹ See for example ICC-01/14-01/18-1828-Conf and ICC-01/14-01/18-1753-Conf.

³⁰ Section 8.1.

35. The Defence also notes with great concern that [REDACTED] was involved in accompanying [REDACTED] from [REDACTED] prior to his testimony in September 2023,³¹ showing his wide involvement with witnesses or victims in this case.
36. In this context, there are no lesser measures which would effectively limit the risk for the Seven Witnesses. Even if the CLRVs and VPRS were now to provide assurance(s) to the Chamber that these two individuals have been removed from their function, both these entities would have little to no way of knowing how [REDACTED] or [REDACTED] could use their existing personal and/or professional connections to access the identifying information of the Seven Witnesses, whether it be through other intermediaries (who were trained by [REDACTED])³² or other VPRS collaborators (where as of April 2023 six of them were ESF-affiliated).³³
37. In light of the interference incidents, the geographical proximity of the Seven Witnesses with both [REDACTED] and [REDACTED], the proximity between those two individuals and other ESF related individuals employed by either VPRS and OPCV, [REDACTED], and the specific and personal circumstances of the Seven Witnesses, it is the Defence's position that the general confidential obligation of both the CLRVs and VPRS are not sufficient safeguards to ensure the safety and physical integrity of the Seven Witnesses.
38. They are also insufficient safeguards to prevent interference which could result in the Seven Witnesses ending their cooperation with the Defence out of fear of intimidation by these VPRS and CLRVs intermediaries. This would in effect prevent the upholding of the right of the accused to "obtain the attendance and examination of witnesses on his or her behalf under the same conditions as

³¹ CAR-V45-P-0002 : ICC-01/14-01/18-T-247-CONF-ENG ET, at [13:59:15]

³² CAR-OTP-00001381.

³³ CAR-OTP-00001381.

witnesses against him or her”³⁴ and of the Chamber’s duty to ensure the fairness and expeditiousness of the trial.³⁵

39. A delayed disclosure is the strictly necessary measure to ensure both.
40. The prejudice which would ensue for the CLRVs is minimal. Victims, as participants to the proceedings, do not have the same rights as the Defence regarding disclosure of evidence.³⁶ Further, the right of the CLRVs to present evidence is upon leave of the Chamber and is premised on their right to provide the views and concerns of the victims.³⁷ It is not a blanket right to intervene and challenge the parties’ evidence. Importantly, the presentation of evidence by the CLRVs will have been concluded before the presentation of evidence by the Defence.
41. Further, the truth-seeking function of the Court would not be affected in that the Prosecution will have the identities of the Witnesses within the deadline set by the Chamber and will be in a position to investigate.
42. As to VPRS, it does not need the identity of the Defence witnesses to carry out its work on the ground.
43. The Defence has also been liaising with the Victim and Witness Unit (“VWU”) to ensure that they were aware of the situation. Thus, VWU met with P-6017 on [REDACTED]. On 12 October 2023, the Defence met with VWU to provide them with context as to the threats received by P-6025. The Defence also referred P-6025 [REDACTED].
44. The delayed disclosure of the identity of the Seven Witnesses, until 15 days prior to their respective in-court-testimony, if any, is a strictly necessary and

³⁴ Article 67(1)(e) of the Rome Statute.

³⁵ Article 64 (2) of the Rome Statute.

³⁶ Article 67 (2) of the Rome Statute, Rule 77 of the Rules.

³⁷ Article 68 (3) of the Rome Statute; see ICC-01/14-01/18-631, para. 16.

reasonable measure in order to ensure both the safety of the Seven Witnesses and the fairness and expeditiousness of the trial.

B. Request for protective measures

45. The Defence further requests protective measures in the form of the use of a pseudonym, and prohibition to disclose their identity to a third-party pending determination on their status as 68(2), 68(3) or live witnesses. Indeed, there exists an objectively justifiable risk for the safety of the Seven Witnesses should their identity be revealed to the public.
46. The Chamber has previously interpreted Rule 87 of the Rules in the present case as follows:

In determining whether in-court protective measures are warranted, the Chamber must ensure that any such measure is based on an 'objectively justifiable risk' and proportionate to the rights of the accused. While the concept of 'risk' necessarily involves a certain level of speculation and prediction, the available information must still indicate the existence of circumstances for which in-court testimony, in the absence of adequate protective measures under Rule 87 of the Rules, creates or unduly increases an impermissible danger to any of the legitimate interests of witnesses protected under Article 68 of the Statute.³⁸

47. It further indicated the types of measures which could be granted:

Rule 87 of the Rules sets out the procedure for the request and approval of protective measures based on Article 68(1) and (2) of the Statute, and specifies that measures to protect the identity of a victim or witness from the public may include, inter alia, that (i) the participants in the proceedings be prohibited from disclosing to third parties the identity of a victim or a witness or any other identifying information; (ii) pseudonyms be used for a victim or a witness; (iii) testimony be provided with technical alteration of pictures or voice and/or by video-link; and (iv) part of the proceedings be conducted in private or closed session.³⁹

48. It follows from the submissions made above, particularly from paragraphs 20 to 28, that disclosing the identity of any of the Seven Witnesses to i)

³⁸ ICC-01/14-01/18-906-Conf-Red, para. 17; see also *The Prosecutor v. Dominic Ongwen*, Decision on the 'Prosecution's application for in-court protective and special measures', 29 November 2016, ICC-02/04-01/15-612-Red, para. 8.

³⁹ ¹ ICC-01/14-01/18-906-Conf-Red, para. 16; See also Ongwen Case Protective Measures Decision, ICC-02/04-01/15-612-Red, para. 7.

[REDACTED] or [REDACTED], ii) [REDACTED],⁴⁰ or iii) the public would expose them to risks affecting their safety as they would be immediately identified by [REDACTED], [REDACTED], their relatives and their collaborators if any, most likely including witnesses who testified in this case (i.e. [REDACTED] and [REDACTED]).

49. Those two individuals represent a known threat of which the Defence has been made aware. However, it remains the case that there has been interference by unknown individuals, and it is not to be assumed that [REDACTED], [REDACTED] and their relatives are the only individuals creating a risk for these witnesses.
50. Further, the nature of the testimony of these Seven Witnesses makes them vulnerable.
51. These witnesses are not expected to testify on the events of the 2013-2014 conflict that took place in the Central African Republic, and which are at the heart of the present proceedings. Instead, these witnesses are expected to discuss their family relations and events which took place in their private lives in recent years. They have a legitimate interest in having their private and family life protected against public scrutiny, and further, their testimony is essential to assist the truth-seeking function of the Chamber in its assessment of the evidence submitted so far in relation to Count 29.
52. This makes them vulnerable in that the repercussions will be on their respective family and community life should their cooperation with the Defence be made public.

⁴⁰ [REDACTED].

53. The existence of an objective risk for the safety of P-6017, P-6025, P-6012 and P-6019 has already been concretised by the incidents described above. In addition, P-6010, P-6014 and P-6027 are in a particularly vulnerable situation.
54. P-6010 lives in [REDACTED] and [REDACTED]. [REDACTED] may be impacted as retaliation for his cooperation with the Defence, as at least [REDACTED] is actively looking for people who are giving information to the Defence.
55. P-6014 is [REDACTED] and lives in [REDACTED]. Should [REDACTED] be made aware of her cooperation with the Defence, her ties with the community could be negatively affected, as such cooperation could be perceived as a betrayal.
56. P-6027 is [REDACTED]. Even though [REDACTED], he is still in contact with his family there. Knowledge of his witness status would directly put him in danger and impact his willingness to cooperate with the Defence.
57. For these reasons, the Defence requests the prohibition by the Parties and Participants to disclose the identity of any of the Seven Witnesses to i) [REDACTED] or [REDACTED], ii) [REDACTED],⁴¹ and iii) the public. Should the Delayed Disclosure Request be granted, this protective measure would continue to apply, including in the 15-day period where the CLRVs would have the identity of one of the Seven Witnesses and following the conclusion of the Seven Witnesses' testimony.
58. Further, the Seven Witnesses' testimony relates to evidence which is for the most part confidential⁴² and/or given by protected witnesses,⁴³ with the

⁴¹ [REDACTED].

⁴² See for example ICC-01/14-01/18-T-133-Conf-Fra ET, [13:32:29] to [15:16:32].

⁴³ See ICC-01/14-01/18-906-Conf-Red, paras. 50, 66, 71, 73 ; P-2018, P-2475, P-2476,

exception of P-2084.⁴⁴ In other words, their expected testimony would be, for the most part, confidential and/or held in private session. The impact to the principle of publicity of the proceedings would be therefore very limited.

59. Following the balancing of the existing objectively justifiable risks for the Seven Witnesses' safety and legitimate interests protected under Article 68 against the principle of publicity stipulated by Article 67(1) of the Statute, it is the Defence position that the sought protective measures should be granted.

CONFIDENTIALITY

60. The present response is filed on an *ex parte* confidential basis as it reveals the identity of Defence witnesses and parts of the Defence's strategy. A confidential redacted version will be filed forthwith.

RELIEF SOUGHT

61. In light of the above, the Defence respectfully requests Trial Chamber V to:

AUTHORIZE the delayed disclosure of the identity of CAR-D29-P-6010, CAR-D29-P-6012, CAR-D29-P-6014, CAR-D29-P-6017, CAR-D29-P-6025, CAR-D29-P-6019 and CAR-D29-P-6027 to CLRVs and VPRS until 15 days prior to their respective in-court testimony, if any; and

GRANT protective measures as formulated in paragraphs 45 and 57 for CAR-D29-P-6010, CAR-D29-P-6012, CAR-D29-P-6014, CAR-D29-P-6017, CAR-D29-P-6025, CAR-D29-P-6019, and CAR-D29-P-6027.

⁴⁴ ICC-01/14-01/18-T-133-Conf-Fra ET, [15:15:31].

RESPECTFULLY SUBMITTED ON THIS 26th DAY OF JANUARY 2026

A handwritten signature in blue ink, appearing to read 'Mylène Dimitri'.

Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands