

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/14-01/18**
Date: **11 February 2026**

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

**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 Urgent Request for the Non-Disclosure of
Witness Identities”, 8 August 2019, ICC-01/14-01/18-267-Conf-Red**

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

[REDACTED]

[REDACTED]

[REDACTED]

Counsel for Alfred Yekatom

[REDACTED]

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

[REDACTED]

Counsel Support Section

Victims and Witnesses Unit

[REDACTED]

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") requests authorisation under Rule 81(4) of the Rules of Procedure and Evidence to temporarily withhold the identities of two witnesses – Witnesses CAR-OTP-P-1719 ("P-1719") and CAR-OTP-P-2475 ("P-2475") – by disclosing their witness statements with identity redactions, which will be lifted once the Victims and Witnesses Unit ("VWU") [REDACTED].

2. The Prosecution intends to rely on these witnesses at the confirmation of charges hearing. However, their current security situations do not allow for the disclosure of their identities. As this is unlikely to change before the filing of the document containing the charges ("DCC") on 19 August 2019, the Prosecution seeks to delay disclosure of their identities by applying non-standard redactions to their witness statements and related materials. The Prosecution anticipates that the necessary measures [REDACTED] will be in place prior to the confirmation hearing, scheduled to commence on 19 September 2019. The proposed identity redactions to the witnesses' respective statements are indicated in Confidential *Ex Parte* Annexes A and B. Further, the proposed identity redactions to 13 annexes to Witness P-1719's statement are indicated in Confidential *Ex Parte* Annexes C to O.

II. CONFIDENTIALITY

3. This request and its annexes are filed "*EX PARTE*, available only to the Prosecution and the VWU" as they contain sensitive information pertaining to witness security. A confidential redacted version of this request will be filed urgently.

III. BACKGROUND

4. On 15 May 2019, the Chamber issued the “Decision on the ‘Prosecution’s Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines’”, and ordered the Prosecution to “submit any and all applications for the authorisation of the non-disclosure of witnesses’ identities and/or the non-disclosure of entire items of evidence by 7 June 2019 at the latest.”¹ On 29 May 2019, the Chamber convened a Status Conference and, having heard the Prosecution’s submissions, particularly on the difficulty and complexity of anticipating, assessing, and implementing protection measures in this case, extended this deadline to 5 July 2019.²

5. On 5 July 2019, the Prosecution submitted its (First) Request for the Non-Disclosure of Witness Identities (“First Request”).³ The Chamber rendered its decision on the First Request on 31 July 2019.⁴

IV. SUBMISSIONS

a. Witness P-1719’s situation does not safely allow for the disclosure of his identity

6. Witness P-1719 provides incriminatory evidence on which the Prosecution intends to rely for the purposes of the confirmation of charges hearing. The witness is an [REDACTED] who provides information about: i) the origins and formation of the Anti-Balaka, including NGAISSONA’s role; ii) the Anti-Balaka’s targeting of Muslims; iii) NGAISSONA’s coordination of the Anti-Balaka in Bangui; and iv) the structure and functioning of the Anti-Balaka.

¹ ICC-01/14-01/18-199.

² ICC-01/14-01/18-T-3-CONF-EXP-ENG ET, p. 20.

³ ICC-01/14-01-18-237-CONF-EXP.

⁴ ICC-01/14-01/18-261-CONF-EXP.

7. Witness P-1719 has been referred to VWU, [REDACTED]. He has expressed concerns about the consequences for his safety should his cooperation become known. [REDACTED].

8. The Prosecution did not include Witness P-1719 in its First Request because it reasonably anticipated that the steps necessary to ensure the Witness's safety would be taken before the filing of the DCC on 19 August 2019. VWU is currently working with the witness [REDACTED].

b. Witness P-2475's situation does not safely allow for the disclosure of his identity

9. Witness P-2475 also provides incriminatory evidence on which the Prosecution intends to rely for the purposes of the confirmation of charges hearing. The witness [REDACTED] provides information about: i) the enlistment and training of child soldiers in YEKATOM's Anti-Balaka group; ii) the role of YEKATOM's group in the 5 December 2013 attack on Bangui, including in Boeing; and iii) the senior leadership of the Anti-Balaka, including YEKATOM.

10. The Prosecution concluded its interview with Witness P-2475 on 21 May 2019. Following the [REDACTED], the Witness was referred to VWU on 29 July 2019, [REDACTED]. Multiple factors motivated this referral. The witness's [REDACTED] his provision of detailed [REDACTED] information of a [REDACTED], place him in a particularly high risk category. [REDACTED].

11. The Prosecution did not include Witness P-2475 in its First Request, as it did not anticipate the need for [REDACTED]. Only after the [REDACTED] concluded an elevated risk increase associated with the disclosure did the Prosecution apprehend the need to submit a referral to VWU. VWU is addressing the security concerns in an expeditious manner and has informed the OTP that it is likely that the security concerns will be addressed before the confirmation of charges hearing. Given the

Witness' particularly high risk profile, it is necessary for [REDACTED] before disclosure.

c. Non-disclosure of witness identities does not prejudice the Suspects' rights

12. The temporary non-disclosure of the two witnesses' identities does not prejudice or impede the fairness of the confirmation proceedings. The proposed non-standard redactions i) provide the Defence with the necessary information contained in the witnesses' statements, as it relates to the Document Containing the Charges; ii) form only a small portion of the total disclosure the Defence will receive regarding the Prosecution's case; and iii) are temporary, to be lifted once VWU implements the required security measures, and in any case before the confirmation of charges hearing.

13. Aside from the application of non-standard redactions, no other less intrusive and expeditious measures are available to mitigate the risk inherent in disclosing these materials. The very implementation of the essential security measures necessitate the redactions. The disclosure of statements redacting the witnesses' identities will best balance the interests in protecting the safety of witnesses, and fairness and expeditiousness.

14. Other Chambers of this Court have endorsed the delayed disclosure of witness identities in similar circumstances. For instance, the Appeals Chamber in the *Ntaganda* case noted that the use of anonymous summaries for rule 81(2) or 81(4) reasons was appropriate at the confirmation stage given that "in light of the limited scope of the confirmation of charges hearing, the anonymity is necessary and not prejudicial to or inconsistent with the rights of the Suspects and fair and impartial proceedings as the Defence will have access to the relevant information contained in the summary."⁵

⁵ ICC-01/04-02/06-248-Red2, para. 21.

Similarly, the Appeals Chamber in the *Katanga* case confirmed that “it may be permissible to withhold the disclosure of certain information from the Defence prior to the hearing to confirm the charges that could not be withheld prior to trial.”⁶ The same legal reasoning is apt here.

V. RELIEF SOUGHT

15. For the above reasons, the Prosecution requests the Chamber’s authorisation to temporarily withhold the identities of Witnesses P-1719 and P-2475 under Rule 81(4) until such time that their identities may safely be disclosed, by authorising the proposed identity redactions as set out in Confidential *Ex Parte* Annexes A to O.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 11th day of February 2026
At The Hague, The Netherlands

⁶ ICC-01/04-01/07-475, para. 68.