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Date: 16 February 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 *PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA***

Public

**Public redacted version of “Prosecution’s Submissions on the Article 70
Investigation”, 6 February 2024, ICC-01/14-01/18-2348-Conf-Exp**

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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]

[REDACTED]

[REDACTED]

Counsel for Patrice-Edouard Ngaïssona

[REDACTED]

[REDACTED]

[REDACTED]

Legal Representatives of Victims

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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. Pursuant to Trial Chamber V's ("Chamber") 6 December 2023 Order,¹ the Office of the Prosecutor ("Prosecution") provides an update on the progress of the article 70 investigation and the disclosure status of the related material, specifically regarding the: (i) non-disclosed Investigation Report related to [REDACTED]; and (ii) two undischarged Requests for Assistance ("RFA") of 30 August 2022² and 21 October 2022.³

2. *First*, the non-disclosure of the Investigation Report regarding [REDACTED] is warranted. The basis on which the Chamber authorised its non-disclosure on 28 October 2022⁴ and 6 December 2023⁵ remain valid. In addition, withholding the Investigation Report does not cause unfair prejudice to the Accused. The Prosecution will be in a position to evaluate the risks associated with the disclosure of this item once it finalises its assessment of the items related to the 21 October 2022 RFA.

3. *Second*, the 30 August 2022 RFA remains pending with [REDACTED] authorities. As the Chamber is aware,⁶ and despite the Prosecution's efforts to secure the material, State cooperation has presented, and continues to present, an impediment to the Prosecution's completion of its article 70 inquiry expeditiously. The disclosure of this RFA will occur as soon as practicable after its full execution and the Prosecution's receipt and assessment of the relevant material.

4. *Third*, the information requested pursuant to the 21 October 2022 RFA has been effectively received by the Prosecution on 9 January 2024 and is currently under assessment. The disclosure of any material information will occur as soon as practicable, upon finalising the assessment of the received items.

¹ ICC-01/14-01/18-2243-Conf.

² The request for assistance dated 30 August 2022, CAR-OTP-00002263.

³ RFA ref: [REDACTED], dated 21 October 2022, available on request.

⁴ See ICC-01/14-01/18-1641-Conf.

⁵ ICC-01/14-01/18-2243-Conf, paras. 5-8.

⁶ ICC-01/14-01/18-1732-Conf-Red, para. 8.

II. CONFIDENTIALITY

5. The present submissions are filed “Confidential, *EX PARTE*, available only to the Prosecution”, as they contain sensitive information regarding ongoing investigations which would be jeopardised if exposed. A confidential redacted version will be filed simultaneously.

III. SUBMISSIONS

A. Investigation Report regarding [REDACTED]

6. A security-related Investigation Report regarding [REDACTED] has not been disclosed to date.⁷ Its non-disclosure was authorised by the Chamber on 28 October 2022⁸ and 6 December 2023.⁹ Disclosing the information at this stage heightens the risks to [REDACTED], in particular given the [REDACTED] and the suspected origin [REDACTED].¹⁰ This limited non-disclosure is not inconsistent with the Accused’s rights or prejudicial to the proceedings. It is further necessitated by the prevailing circumstances and fully in accordance with article 68.

7. The Prosecution will be in a better position to evaluate the risks associated with the disclosure of this item after it finalises the review of the information received pursuant to the 21 October 2022 RFA.

⁷ CAR-OTP-2135-4203.

⁸ ICC-01/14-01/18-1641-Conf, para. 5.

⁹ ICC-01/14-01/18-2243-Conf, paras. 5-8.

¹⁰ ICC-01/14-01/18-1588-Conf, para. 7; *See also*, ICC-01/14-01/18-1839-Conf-Exp, p. 7, first bullet point, para.6.

B. The 30 August 2022 RFA

8. The situation regarding the 30 August 2022 RFA remains unchanged since the Prosecution's last update.¹¹ This RFA is still pending with [REDACTED] authorities. [REDACTED],¹² the outstanding RFA seeks to obtain [REDACTED].

9. [REDACTED].

10. Pursuant to the Chamber's order,¹³ a redacted version of the RFA was provided to the Parties and Participants via email on 13 December 2023. It was formally disclosed on 21 December 2023.¹⁴

11. Notwithstanding its best efforts, the Prosecution is currently not in a position to know when the outstanding RFA will be discharged, nor the volume of the material that may result from its execution. However, upon the receipt of this material, the Prosecution will assess it, and proceed with the necessary disclosure promptly.

C. The 21 October 2022 RFA

12. Through the 21 October 2022 RFA, the Prosecution sought [REDACTED].¹⁵ [REDACTED].

13. The Prosecution effectively received the relevant data on 9 January 2024, [REDACTED].¹⁶ Given the nature of the material received, related to [REDACTED] role within the NGAISSONA Defence team, the Prosecution elaborated a framework for the proper review and assessment of this material. Upon finalisation of this assessment, the Prosecution will proceed with any necessary disclosure as soon as practicable.

¹¹ ICC-01/14-01/18-2077-Conf-Red, para. 7.

¹² ICC-01/14-01/18-1971-Conf, paras. 44, 46, 58.

¹³ ICC-01/14-01/18-2243-Conf, para. 11, p. 7.

¹⁴ On 21 December 2023, once the migration to the Prosecution's new evidence system had been completed.

¹⁵ See ICC-01/14-01/18-1588-Conf-Exp, paras. 7, 9. See also, ICC-01/14-01/18-1839-Conf-Exp, p. 7, first bullet point, para. 6.

¹⁶ [REDACTED].

14. At that time, the Prosecution will also be in a position to assess the disclosure of the security-related Investigation Report for [REDACTED].

IV. CONCLUSION

15. The material items [REDACTED] authorities pursuant to the 21 October 2022 RFA, as well as the remaining undisclosed Investigation Report, will be assessed and disclosed accordingly as soon as practicable.

16. Upon the future receipt of the material related to the 30 August 2022 RFA, the Prosecution will similarly proceed with the prompt disclosure of any material items.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 16th day of February 2026
At The Hague, The Netherlands