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No.: ICC-01/14-01/18
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 September 2023, ICC-01/14-01/18-2077-Conf-Exp**

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]

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Counsel for Patrice-Edouard Ngaïssona

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

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Pursuant to Trial Chamber V's ("Chamber") 23 August 2023 Order,¹ the Office of the Prosecutor ("Prosecution") provides its submissions on: (i) the article 70 investigation; (ii) the disclosure status of the related material; and (iii) the date by which the remaining items are to be disclosed to the Defence.

2. *First*, two undischarged Requests for Assistance ("RFA") remain pending with the [REDACTED] authorities. As the Chamber is aware,² 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.

3. *Second*, as of 1 September 2023, the Prosecution has disclosed all material evidence that has been collected to date in the course of, or in relation to its investigation, except for one item, for which non-disclosure was authorised on 28 October 2022.³ The underlying concerns justifying the non-disclosure of this item remain valid, and its non-disclosure does not cause unfair prejudice to the Accused.

4. *Third*, the disclosure of the information which will ensue from the yet undischarged RFAs will occur as soon as practicable upon their respective receipt and assessment, together with the remaining undisclosed item.

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.

¹ ICC-01/14-01/18-2047-Conf, para. 16, p. 7.

² ICC-01/14-01/18-1732-Conf-Red, para. 8.

³ See ICC-01/14-01/18-1641-Conf.

III. SUBMISSIONS

A. Outstanding investigative material

6. Two RFAs, dated 30 August 2022⁴ and 21 October 2022,⁵ are still pending with the [REDACTED] authorities.

7. The 30 August 2022 request remains undischarged to date. [REDACTED],⁶ this outstanding RFA seeks to obtain [REDACTED].

8. The 21 October 2022 request similarly remains undischarged to date. Through this request, the Prosecution sought [REDACTED].⁷ [REDACTED].

B. All material has been disclosed except one item

9. Except for a security-related Investigator Report, the Prosecution has disclosed all of the material evidence in its possession regarding the article 70 inquiry by 1 September 2023. The non-disclosure of the Investigator Report was authorised by the Chamber on 28 October 2022.⁸ Given that it concerns a security incident regarding [REDACTED],⁹ disclosing the information at this stage heightens the risks to this witness, 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.

C. Date by which the Prosecution will disclose the remaining material

⁴[REDACTED].

⁵[REDACTED].

⁶ ICC-01/14-01/18-1971-Conf, paras. 44, 46, 58.

⁷ See ICC-01/14-01/18-1588-Conf-Exp, paras. 7, 9. See also, ICC-01/14-01/18-1839-Conf-Exp, paras. 4,6.

⁸ ICC-01/14-01/18-1641-Conf, para. 5.

⁹ CAR-OTP-2135-4203.

¹⁰ ICC-01/14-01/18-1588-Conf, para. 7. See also, ICC-01/14-01/18-1839-Conf-Exp, paras. 4,6.

10. Despite its best efforts, the Prosecution is currently not in a position to know when the outstanding RFAs 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. At that moment, the Prosecution will also be in a position to assess the disclosure of the security-related Investigator Report.

IV. CONCLUSION

11. The Prosecution thus confirms its disclosure of the material evidence in its possession regarding the article 70 inquiry, but one item. Any material items received from [REDACTED] authorities pursuant to the pending RFAs, as well as the remaining undisclosed item, will be assessed and disclosed as soon as practicable.

12. Further to the disclosure of the material concerning its ongoing investigation at this stage, the Prosecution requests that the Chamber remind the Parties of their confidentiality obligations.



Mame Mandiaye Niang, Deputy Prosecutor

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