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

Date: **17 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 Response to the Yekatom Defence's
'Supplemental Submissions in Support of Motion to Lift Redactions"',
ICC-01/14-01/18-361-Conf, 26 September 2019**

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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

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

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Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Pre-Trial Chamber II (“Chamber”) should reject the Yekatom Defence’s Supplemental Submission in Support of Motion to Lift Redactions (“Motion”).¹ The Motion seeks to lift B.2 redactions to family members of witnesses that are under rule 81(4) of the Rules of Procedure and Evidence and under the terms of the Chamber’s Decision on Disclosure and Related Matters (“Redactions Protocol”).² The B.2 redactions to family members are justified on the basis that any potential prejudice that may result to the Yekatom Defence’s case preparation is limited, speculative, and outweighed by the security concerns of the individuals whose identities have been redacted and the Witness to whom the individuals are related.

2. The Motion additionally seeks to lift redactions pertaining to the ongoing Seleka investigation.³ This request amounts to an impermissible application for reconsideration and should be dismissed *in limine*.

3. The Prosecution will lift a B.3 (innocent third party) redaction applied to an individual in the Statement of Prosecution Witness P-1528. Additionally, it will lift a B.2 redaction regarding the cousin of P-2442 in Witness’ Statement. The Motion is thus moot concerning these points.

II. CONFIDENTIALITY

4. The Response is filed as Confidential, as it responds to a Motion with the same designation.

¹ ICC-01/14-01/18-340-Conf.

² ICC-01/14-01/18-64.

³ ICC-01/14-01/18-340-Conf, paras. 19-25.

III. SUBMISSIONS

A. The B2 redactions for family members are justified and should be maintained

5. The redactions pertaining to **B.2-0361**, **B.2-0097**, **B.2-0491**, and **B.2-0137** are justified under rule 81(4) and consistent with the Redactions Protocol. They should be maintained. Rule 81(4) expressly provides that the Chamber “shall [...] take the necessary steps to ensure the confidentiality of information [...] to protect the safety of witness and victims and members of their families [...].”

(i) Redactions pertaining to Counts 7-11 of the DCC

6. The Yekatom Defence’s first argument pertains to pseudonyms protecting the identities of **B.2-0361** and **B.2-0097**.⁴ Notwithstanding that these two individuals are family members of three Prosecution witnesses, the Yekatom Defence asserts that because they are “eyewitnesses and victims to the events”⁵ they cannot be the proper subject of standard redactions for family members.⁶

7. However, *first*, the redaction regarding the identity of **B.2-0361** is justified in this case, and should be *temporarily* maintained until appropriate protective measures are put in place. This individual is indeed an eyewitness and victim of the event subject to counts 7-11 of the “Document Containing the Charges” (“DCC”).⁷ However, the Prosecution has not relied upon the statement which **B.2-0361** has provided for the purposes of the Confirmation Hearing, as she has not yet been cleared by the Protection Strategies Unit (“PSU”). The Prosecution therefore has ongoing protection obligations with respect to **B.2-0361**, which means that **B.2-0361**’s identity cannot be revealed until these obligations are discharged. The Prosecution undertakes to work

⁴ See ICC-01/14-01/18-340-Conf, paras. 9-10.

⁵ ICC-01/14-01/18-340-Conf, para. 11.

⁶ ICC-01/14-01/18-340-Conf, para. 11.

⁷ ICC-01/14-01/18-282-Conf-AnxB1, paras. 296-300.

towards clearing **B.2-0361** as soon as practicable, and promptly lift the redaction to that individual's identity.

8. *Second*, the redaction of **B.2-0097**'s identity is justified and should be maintained. The Defence's assertion that **B.2-0097** is "an eye-witness and victim"⁸ to the event is not supported by the statements of P-1811,⁹ P-1654,¹⁰ or P-1704.¹¹ Rather, the Witness statements indicate that **B.2-0097** is not materially relevant to the Defence preparation. She is only peripherally linked to the incident by virtue of her familial relationship with those involved, and by having been present immediately prior to the alleged incident. On this basis, the Prosecution requests that the pseudonym provided to her, protecting her identity as a family member, be maintained to ensure the security of Witnesses and the redacted individual.

(ii) Redactions pertaining to Count 1 of the DCC

9. The Yekatom Defence's second argument pertains to redactions placed over the identities of **B.2-0491** and **B.2-0137**.¹² Both are family members of Prosecution witness P-1588. **B.2-0491** is her [REDACTED].¹³ **B.2-0137** is her [REDACTED].

10. *First*, the Chamber should dismiss the Defence request to lift the redaction to the identity of **B.2-0491**, P-1588's [REDACTED]. The Defence's argument that the redaction is "inappropriate" because he was an "eyewitness to the crime charged in Count 1",¹⁴ is unfounded. Furthermore, the Defence's assertion that Witness P-1588 "indicated in her statement [...] that her [REDACTED]"¹⁵ is not supported. Any suggestion that [REDACTED] was an eyewitness to the incident is speculative. In her

⁸ ICC-01/14-01/18-340-Conf, para. 11.

⁹ CAR-OTP-2058-0003, at para. 22.

¹⁰ CAR-OTP-2053-0112.

¹¹ CAR-OTP-2054-1136.

¹² ICC-01/14-01/18-340-Conf, paras. 12-15.

¹³ CAR-OTP-2047-0257, para. 52.

¹⁴ ICC-01/14-01/18-340-Conf, para 14, citing CAR-OTP-2047-0257, paras. 52-64.

¹⁵ ICC-01/14-01/18-340-Conf, para. 13.

statement, P-1588 merely places [REDACTED] on the relevant date.¹⁶ P-1588 then makes clear [REDACTED].¹⁷ Given that P-1588's [REDACTED] does not appear to be an eyewitness, and the very real need to protect family members of witnesses, the redaction is justified.

11. *Second*, the pseudonym applied for **B.2-0137** should be maintained. At the time of the incident, in 5 December 2013, **B.2-0137** was [REDACTED].¹⁸ Any potential relevance **B.2-0137** has to the Yekatom Defence preparation is limited, speculative, and is outweighed by the need to ensure his safety, as a family member, and as a minor.

12. In support of this request, the Defence have asserted that P-1588 "indicated that [REDACTED] [B.2-0137] [REDACTED] during the attack of 5 December 2013".¹⁹ This assertion overstates the evidence provided by P-1588. Rather, from the statement it is unclear whether or not **B.2-0137** was present [REDACTED]. Even in the event of the latter, it is unclear whether or not **B.2-0137** was in a position to be an eyewitness to the incident.

13. Given that **B.2-0137**'s ability to shed further light on the circumstances of his [REDACTED] is speculative at best, and given his status as a minor, this redaction justified and should be maintained.

(iii) Redactions pertaining to Counts 4, 5 and 29 of the DCC

14. Based on the Motion, the Prosecution has re-assessed redactions pertaining to the identities of **B.2-0651** and **B.3-0022**. The Prosecution considers that it is in a

¹⁶ CAR-OTP-2047-0257, para. 52.

¹⁷ CAR-OTP-2047-0257, paras. 56 and 60.

¹⁸ CAR-OTP-2056-0412, at para. 54.

¹⁹ CAR-OTP-2047-0257, para. 56

position to lift these redactions while maintaining its obligations under article 68. The Prosecution therefore undertakes to lift the redactions at the earliest opportunity.

B. The Requests in relation to Ongoing Seleka Investigation amount to an improper request for reconsideration

15. The Defence contends that redactions made to protect the ongoing Seleka investigation must be lifted. This argument is made on the basis that these redactions, approved by the Chamber, “violate[] Mr. Yekatom’s rights to a fair confirmation process and at this stage, those rights outweigh any inconvenience to the Prosecution from disclosure of information about its long running investigation of the Seleka.”²⁰

16. This request should be dismissed *in limine*. The Chamber has considered and ruled on this issue, including any potential prejudice in relation to the confirmation process on multiple occasions, including on 5 July 2019,²¹ 18 July 2019,²² 23 July 2019,²³ and 3 September 2019.²⁴ The Chamber’s Decision from 3 September 2019 remains apt in this instance:

As regards the Defence request to end redactions relating to ongoing investigations, the Chamber recalls that this matter has been fully considered and decided upon by the Chamber in a previous decision. In particular, the Chamber recalls its finding that ‘to the extent that the [request for non-disclosure] is granted, the risk of prejudice to the Prosecutor’s investigation and, incidentally, to the witnesses outweighs the interests of the Defence’, and that ‘the Chamber has made sure that the Defence will have disclosed

²⁰ ICC-01/14-01/18-340-Conf, para. 24.

²¹ ICC-01/14-01/18-290.

²² ICC-01/14-01/18-249-Conf-Red

²³ ICC-01/14-01/18-252-Conf

²⁴ ICC-01/14-01/18-315-Conf, para. 62.

all portions of the statements which are potentially exculpatory or material to its preparation' [citations omitted].²⁵

17. Thus this request amounts, in effect, to a request for reconsideration of these prior decisions. However, the Motion does not even begin to meet the prerequisites needed to justify the exceptional remedy of reconsideration. The request should be rejected for this reason alone.

IV. CONCLUSION

18. For the above reasons, the Prosecution requests *first* that the redactions be maintained for **B.2-0361**, **B.2-0097**, **B.2-0491**, and **B.2-0137**, and *second* that the Chamber reject the Defence request to reconsider redactions concerning the ongoing Seleka investigation.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 17th day of February 2026
At The Hague, The Netherlands

²⁵ ICC-01/14-01/18-315-Conf, para. 62.