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

Date: **20 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 Request for Non-Standard Redactions under Rule 81(2) for Trial Witnesses P-1143, P-1172, P-2377, P-0992, P-1558 and P-2587, 30 July 2020, ICC-01/14-01/18-609-Conf-Exp",
ICC-01/14-01/18-609-Conf-Exp, 30 July 2020**

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The Office of the Prosecutor

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

[REDACTED]

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution requests that Trial Chamber V (“Chamber”) authorise non-standard redactions under rule 81(2) of the Rules of Evidence and Procedure (“Rules”) in relation to certain materials of six witnesses to be called by the Prosecution at trial (P-1143, P-1172, P-2377, P-0992, P-1558 and P-2587) (“Request”).¹ The material consists of: the screening, witness statement and associated annexes of P-1143; the witness statement of P-1172; the witness statement of P-2377; the screening and witness statement of P-0992; the screening of P-1558; and the screening and witness statement of P-2587, where these witnesses provide information that is central to the ongoing investigation into Seleka crimes (“Seleka Investigation”).

II. CONFIDENTIALITY

2. This Request and its annexes are filed “Confidential, *EX PARTE*, available only to the Prosecution and the VWU” as they contain sensitive information regarding ongoing investigations which could be jeopardised if exposed. The Prosecution will file a confidential redacted version as soon as practicable.

III. SUBMISSIONS

A. Non-standard redactions under rule 81(2) are justified to protect the ongoing Seleka Investigation

3. Information provided by the aforementioned witnesses includes material that reveals the direction and targets of the Seleka Investigation as well as salient lead

¹ While the Prosecution originally intended to include the material related to seven witnesses, as anticipated in its request for extension of pages (ICC-01/14-01/18-593, para. 4), it now only applies in respect of six trial witnesses and their related material. Further requests under rule 81(2), particularly in respect of non-trial witnesses and their related material, are likely to be forthcoming.

information. There is an objectively justifiable risk to the investigation if such information is disclosed.

4. In the pre-trial phase, the Prosecution set out its legal arguments for withholding such information under rule 81(2) and the specific circumstances that arise in the CAR II Situation which justify such measures, as contained in two requests for non-standard redactions under rule 81(2) in relation to materials pertaining to twelve witnesses.² In sum, given the highly confidential and sensitive nature of the ongoing Seleka Investigation, any form of disclosure of material directly concerning the core incidents and persons of interests—including to the Defence in the present proceeding—has the potential to prejudice this investigation through the risk of leaks or inadvertent disclosure through channels outside the Prosecution's control. These identifiable risks³ are concretely exacerbated in the CAR II Situation due to the OTP having undertaken two parallel investigations into crimes committed by the Seleka and the Anti-Balaka, [REDACTED].⁴

5. In granting the Prosecution's previous requests under rule 81(2),⁵ the Pre-Trial Chamber accepted that for each discrete instance of non-disclosure granted, the risk of prejudice to the Prosecution's investigation outweighed the interests of the Defence. Moreover, to ensure that non-disclosure was not inconsistent with the rights of the Defence, the Pre-Trial Chamber emphasised that all portions of the relevant materials containing information considered potentially exculpatory or material to the preparation of the Defence should be disclosed.⁶ Specifically, the Pre-Trial Chamber considered that material relating to the structure and capabilities of

² See initial Prosecution requests at ICC-01/14-01/18-162-Conf-Exp, paras. 5-9; ICC-01/14-01/18-179-Conf-Exp, paras. 9-10; together with additional elaboration provided at ICC-01/14-01/18-209-Conf-Exp, paras. 5-18; ICC-01/14-01/18-217-Conf-Exp.

³ See ICC-01/14-50-US-Exp, paras. 7-10 and Annexes 1-3, setting out the prior experience in the CAR II Situation of sensitive information being inadvertently disclosed.

⁴ [REDACTED].

⁵ See the Pre-Trial Chamber's request for additional information at ICC-01/14-01/18-201-Conf; together with its first and second decisions at ICC-01/14-01/18-232-Conf-Exp; ICC-01/14-01/18-249-Conf-Exp.

⁶ ICC-01/14-01/18-232-Conf-Exp, para. 27.

the Seleka *generally*, where it did not reveal any specific directions of the Seleka Investigation, was considered material to the preparation of the Defence and should be disclosed un-redacted.⁷ The Prosecution has applied that reasoning in its present Request.

6. Although the Pre-Trial Chamber's reasoning was grounded in part on the stage of the proceedings, and the lower evidentiary burden attendant to the confirmation of charges,⁸ the justification for granting non-standard redactions under rule 81(2) to protect the ongoing Seleka Investigation are just as salient now. [REDACTED].⁹

7. In terms of any impact of the requested redactions on the rights of the Defence, the Prosecution does not seek to withhold any information assessed as falling under rule 77 or article 67(2), ensuring that the rights of the Defence vis-à-vis the Prosecution's disclosure obligations at trial are fully respected. The material that the Prosecution seeks to withhold under rule 81(2) is solely relevant to the Seleka Investigation.

B. Detailed justifications for rule 81(2) redactions related to the Seleka Investigation for witness P-1143

8. P-1143 is a [REDACTED]. P-1143's witness statement focuses upon his knowledge of events occurring within [REDACTED] during 2013 and into 2014, based upon his personal observations; information [REDACTED]; and his [REDACTED] with the Seleka and Anti-Balaka leadership in his capacity as a. [REDACTED],¹⁰ [REDACTED].¹¹ [REDACTED].

⁷ See e.g. ICC-01/14-01/18-232-Conf-Exp, paras. 67-68.

⁸ ICC-01/14-01/18-232-Conf-Exp, para. 26.

⁹ [REDACTED].

¹⁰ [REDACTED].

¹¹ [REDACTED].

9. P-1143's statement also contains incriminating information concerning the Anti-Balaka's leadership, its crimes in Bangui, and the targeting of the Muslim population.

10. There is no less restrictive measure available than applying non-standard redactions to the respective portions of the material in question to protect the Seleka Investigation. The disclosure of the redacted material will not prejudice YEKATOM or NGAÏSSONA or impede the fairness of the trial process, as the proposed redactions do not affect the disclosure of article 67(2) or rule 77 material.

11. Proposed non-standard redactions have been applied to P-1143's witness statement at Annex C to this filing.¹² Proposed non-standard redactions have also been applied to certain associated annexes as follows: Scanned copy [REDACTED] (Annex D to filing); Scanned copy of [REDACTED] (Annex E to filing); Scanned copy of [REDACTED] (Annex F to filing); Diagram [REDACTED] neighbourhood (Annex G to filing); Witness screening (Annex H to filing). The Prosecution's justifications for withholding the proposed information under rule 81(2) are as follows.

12. *Witness statement (Annex C to filing)*

- Paragraph 26 (at ERN page 0231) refers to [REDACTED].
- Paragraph 27 (at ERN page 0231) refers to [REDACTED].¹³
- Paragraphs 29-30 (at ERN page 0231) go to [REDACTED].¹⁴
- Paragraphs 31-49 (at ERN pages 0232-0235) cover [REDACTED].
 - Paragraph 48 is connected to the preceding paragraphs and refers to [REDACTED].

¹² In all annexes to this filing pertaining to witness materials, the proposed non-standard redactions under rule 81(2) appear in transparent highlighted form. The block redactions in black or white denote standard redactions to be applied by the Prosecution.

¹³ [REDACTED].

¹⁴ [REDACTED].

- Paragraphs 50-52 (at ERN page 0235) continue to focus upon [REDACTED].
- Paragraphs 53-56 (at ERN pages 0235-0236) concern a [REDACTED].
- Paragraphs 56-60 (at ERN page 0236) cover [REDACTED].
- Paragraphs 61-66 (at ERN pages 0236-0237) refer to [REDACTED].
 - Paragraphs 61 and 64 refer to [REDACTED].
 - Paragraph 62 refers to [REDACTED].
 - Paragraphs 63 and 65-66 provide further information regarding [REDACTED].
- Paragraph 67 (at ERN page 0237) refers to [REDACTED].
- Paragraphs 68-70 (at ERN pages 0237-0238) relate to [REDACTED].
- Paragraph 71 (at ERN page 0238) refers to [REDACTED].
- Paragraphs 82-83 (at ERN page 0240) refer to [REDACTED].¹⁵ Even though it falls within the time frame of the charges brought against NGAÏSSONA and YEKATOM, the information provided is solely material to the Seleka Investigation and does not include information assessed as disclosable under rule 77 as material to the preparation of the Defence. The Prosecution notes that the Pre-Trial Chamber accepted this reasoning in a previous decision, authorising redactions under rule 81(2) to information related to [REDACTED].¹⁶
- Paragraph 103 (at ERN pages 0242-0243) refers to a [REDACTED], upon which the witness marks the location of various sites. The Prosecution requests that the reference to [REDACTED] be redacted under rule 81(2) from the description of the sketch.

13. *Annexes to witness statement*

- Scanned copy of notebook (Annex D to filing):

¹⁵ [REDACTED].

¹⁶ See ICC-01/14-01/18-209-Conf-Exp, para. 66 (referring to proposed redactions to paragraphs 115-116 of statement of P-0567) and ICC-01/14-01/18-232-Conf-Exp at para. 68 (granting the proposed redactions to the relevant paragraphs of P-0567's statement).

- Two entries on page 7 of the [REDACTED] (at ERN page 0509) should be redacted under rule 81(2), as they relate to [REDACTED].
- Three entries on page 8 of the [REDACTED] (at ERN page 0510) should be redacted as they refer to [REDACTED], in line with the content of the witness's statement for which the Prosecution has requested redaction.

This includes:

- [REDACTED];
- [REDACTED];
- [REDACTED].
- Scanned copy of [REDACTED] (Annex E to filing): This is a [REDACTED]. The Prosecution requests that those entries relating to [REDACTED] should be redacted under rule 81(2), [REDACTED].
- Scanned copy of updated [REDACTED] onwards (Annex F to filing): This is an [REDACTED]. The Prosecution requests that those entries relating to [REDACTED] should be redacted under rule 81(2), [REDACTED].
- Diagram [REDACTED] (Annex G to filing): The Prosecution requests the reference to [REDACTED] be redacted under rule 81(2).

14. *Witness screening (Annex H to filing)*

- Page 4 (at ERN page 0168) discusses [REDACTED].
- Page 4 (at ERN page 0168) further discusses [REDACTED].
- Page 5 (at ERN page 0169) refers to [REDACTED].

C. Detailed justifications for rule 81(2) redactions related to the Seleka Investigation for witness P-1172

15. During the relevant period, P-1172 was a [REDACTED] When the Seleka first advanced upon Bangui, he was initially requested by the [REDACTED] about the Anti-Balaka leadership and coordination structures.

16. P-1172 provided two witness statements to the Prosecution. The second statement, focusing primarily on his knowledge of the mobilisation and organisation of the Anti-Balaka movement, was disclosed to the Defence prior to the confirmation of charges hearing. Proposed non-standard redactions are now sought in relation to P-1172's *first* statement, which primarily focuses on upon [REDACTED]. The Prosecution acknowledges that [REDACTED] forms part of the general narrative that helps contextualise his [REDACTED] with the Anti-Balaka movement. For that reason, the Prosecution only seeks to redact specific, limited, portions of his evidence which relate to particularly sensitive aspects of the Seleka Investigation.

17. There is no less restrictive measure available than applying non-standard redactions to the respective portions of the material in question to protect the Seleka Investigation. The disclosure of the redacted material will not prejudice YEKATOM or NGAÏSSONA or impede the fairness of the trial process, as the proposed redactions do not affect the disclosure of article 67(2) or rule 77 material.

18. Proposed non-standard redactions have been applied to P-1172's witness statement at Annex I to this filing. There are no annexes to this statement which require redaction. The Prosecution's justifications for withholding the proposed information under rule 81(2) are as follows:

- Paragraph 22 (at ERN page 1006) names [REDACTED].
- Paragraph 32 (at ERN page 1007) describes [REDACTED].
- Paragraph 33 (at ERN page 1007) describes [REDACTED].
- Paragraph 34 (at ERN page 1007) refers to [REDACTED],¹⁷ [REDACTED].
- Paragraphs 36 to 58 (at ERN pages 1007-1009) detail [REDACTED].

D. Detailed justifications for rule 81(2) redactions related to the Seleka Investigation for witness P-2377

¹⁷ [REDACTED].

19. P-2377 is a [REDACTED], who was in CAR from [REDACTED] from Bangui to Bossangoa and back. The witness [REDACTED]. The witness provides information about a [REDACTED]. P-2377 also [REDACTED]. During this period the witness [REDACTED] in Bangui where he saw victims of the Anti-Balaka and on the day of the 5 December 2013 Anti-Balaka attack, he [REDACTED] dead bodies.

20. P-2377 also provides information on the [REDACTED].¹⁸

21. Finally, P-2377 provides incriminating information relating to the Anti-Balaka and the existence of an armed conflict.

22. There is no less restrictive measure available than applying non-standard redactions to the respective portions of the material in question to protect the Seleka Investigation. The disclosure of the redacted material will not prejudice YEKATOM or NGAÏSSONA or impede the fairness of the trial process, as the proposed redactions do not affect the disclosure of article 67(2) or rule 77 material.

23. Proposed non-standard redactions have been applied to P-2377's statement at Annex J to this filing. The Prosecution's justifications for withholding the proposed information under rule 81(2) are as follows.

24. *Witness statement (Annex J to filing)*

- Paragraph 66 (at ERN pages 0624-0625 and 0629): [REDACTED] should thus be redacted. However, the Prosecution does not seek to redact [REDACTED] which are already public through P-2377's public reporting.
- Paragraph 67 (at ERN pages 0625 and 0629): [REDACTED].

¹⁸ [REDACTED].

E. Detailed justifications for rule 81(2) redactions related to the Seleka Investigation for witness P-0992

25. P-0992 worked for the [REDACTED].¹⁹ In early 2014, P-0992 became the [REDACTED] NGAÏSSONA.²⁰ In that respect, P-0992 played a key role in the National Coordination and he provides relevant information in relation to the linkage between the National Coordination and the Provinces, the Com-Zones, the organization of the movement, meetings, logistics and arming. He provides evidence about the emergence and financing of the Anti-Balaka movement, the organisation of the resistance in Cameroon and Zongo and NGAÏSSONA's role representing the Anti-Balaka. P-0992 also mentions the financial contributions made by NGAÏSSONA to the Anti-Balaka prior to 2014. P-0992 also describes YEKATOM's group being part of the National Coordination and YEKATOM often attending the Coordination meetings. The witness provides information on the Anti-Balaka operations leading up to their attack on Bangui on 5 December 2013. He describes the strategy and objectives of this attack including the targeting of Muslims and the destruction of houses and mosques in Bangui. He also mentions the attack on Guen by the Anti-Balaka and the killing of Muslims.

26. In discussing the emergence of the Anti-Balaka in his witness statement, P-0992 mentions [REDACTED].²¹ [REDACTED].

27. There is no less restrictive measure available than applying non-standard redactions to the respective portions of the material in question to protect the Seleka Investigation. The disclosure of the redacted material will not prejudice YEKATOM or NGAÏSSONA or impede the fairness of the trial process, as the proposed redactions do not affect the disclosure of article 67(2) or rule 77 material.

¹⁹ P-0992 annex 1 to witness statement, CAR-OTP-2110-0076.

²⁰ P-0992 annex 1 to witness statement, CAR-OTP-2110-0076.

²¹ [REDACTED].

28. Proposed non-standard redactions have been applied to P-0992's statement at Annex K to this filing. Proposed non-standard redactions have also been applied to his screening (Annex L to filing). The Prosecution's justifications for withholding the proposed information under rule 81(2) are as follows.

29. *Witness statement (Annex K to filing)*

- Paragraph 34 (at ERN page 0055), mentions [REDACTED]. This information should be redacted under rule 81(2), as it identifies [REDACTED] and remains under investigation.

30. *Screening (Annex L to filing)*

- The penultimate paragraph starting with "Sometimes after the visit by the gendarme (...)" (at ERN page 0725) mentions [REDACTED]. This information should be redacted under rule 81(2), as it identifies [REDACTED] and remains under investigation.
- Second paragraph starting with "Around 20 minutes after he escaped (...)" (at ERN page 0726), mentions that [REDACTED]. This information should be redacted under rule 81(2), as it identifies [REDACTED] and remains under investigation.
- Entire fourth paragraph starting with "[REDACTED] (...)" (at ERN page 0726), where the witness gives an account of [REDACTED]. This information should be redacted under rule 81(2), as it identifies [REDACTED] and remains under investigation.

F. Detailed justifications for rule 81(2) redactions related to the Seleka Investigation for witness P-1558

31. P-1558 is a journalist. [REDACTED].²² In his screening P-1558 provides an account of an incident [REDACTED]. [REDACTED].²³ [REDACTED].

32. P-1558 provides information about YEKATOM's responsibility for the [REDACTED] Lobaye prefecture. Furthermore, the Anti-Balaka [REDACTED] provided the witness with the photos.²⁴

33. P-1558 also provided a witness statement which has already been disclosed to the Defence.²⁵ That statement was not the subject of any request for redactions under rule 81(2). Exceptionally, the Prosecution now requests redaction of the screening in relation to [REDACTED]. Additionally, the Prosecution requests redactions to information in the screening relating to [REDACTED].

34. There is no less restrictive measure available than applying non-standard redactions to the respective portions of the material in question to protect the Seleka Investigation. The disclosure of the redacted material will not prejudice YEKATOM or NGAÏSSONA or impede the fairness of the trial process, as the proposed redactions do not affect the disclosure of article 67(2) or rule 77 material.

35. Proposed non-standard redactions have been applied to P-1558's witness screening at Annex M to this filing. There are no annexes to this screening. The Prosecution's justifications for withholding the proposed information under rule 81(2) are as follows.

- Paragraphs 3 to 5 (at ERN pages 0440-0441) give an account of [REDACTED]. This information should be redacted under rule 81(2), [REDACTED]. P-1558 also explained that [REDACTED]. Those paragraphs should be redacted under rule 81(2), as they further relate to [REDACTED].

²² P-1558 screening, CAR-OTP-2047-0439 at 0440 [REDACTED].

²³ [REDACTED].

²⁴ P-1558 screening, CAR-OTP-2047-0439 at 0441 (summary of information).

²⁵ P-1558 statement, CAR-OTP-2105-0195 (disclosed in INCRIM package 31 on 18 June 2020).

G. Detailed justifications for rule 81(2) redactions related to the Seleka Investigation for witness P-2587

36. P-2587 is a [REDACTED]. Between December 2013 and March 2014 [REDACTED] various incidents relating to the crisis, which she documents in her statement. [REDACTED] are annexed to her statement. She describes visiting Boali on 4 December 2013 where she [REDACTED].

37. On 5 December 2013, [REDACTED] events in Bangui. [REDACTED]. As further noted, even though it falls within the time frame of the charges brought against NGAÏSSONA and YEKATOM, the information provided is solely material to the Seleka Investigation and does not include information assessed as disclosable under rule 77, an argument accepted by the Pre-Trial Chamber in authorising redactions under rule 81(2) to information related to [REDACTED].²⁶

38. P-2587 further provides evidence of seeing displacement camps and the looting of Muslim shops. On [REDACTED] who told her that the Anti-Balaka were attacking the Seleka to recover weapons.

39. There is no less restrictive measure available than applying non-standard redactions to the respective portions of the material in question to protect the Seleka Investigation. The disclosure of the redacted material will not prejudice YEKATOM or NGAÏSSONA or impede the fairness of the trial process, as the proposed redactions do not affect the disclosure of article 67(2) or rule 77 material.

40. Proposed non-standard redactions have been applied to P-2587's witness statement at Annex N to this filing. Complete redaction (disclosure withheld) is also sought for one of the annexes to her statement. The Prosecution's justifications for withholding the proposed information under rule 81(2) are as follows:

²⁶ See ICC-01/14-01/18-209-Conf-Exp, para. 66 (referring to proposed redactions to paragraphs 115-116 of P-0567's statement) and ICC-01/14-01/18-232-Conf-Exp, para. 68 (granting the proposed redactions to the relevant paragraphs of P-0567's statement).

41. *Witness statement (Annex N to filing)*

- Title (at ERN page 0214), which provides [REDACTED].
- Paragraphs 22-25 (at ERN page 0215) detail [REDACTED].
- The first sentence of paragraph 27 (at ERN page 0216) references [REDACTED].
- Paragraphs 28-33 (at ERN pages 0216-0217) provide further detail in relation to [REDACTED].

42. *Witness screening (Annex O to filing)*

- Page 3 of the screening (at ERN page 0302) provides [REDACTED]. Although it is dealt with in less detail than in the statement, [REDACTED].

IV. RELIEF SOUGHT

43. For the above reasons, the Prosecution seeks the Chamber's authorisation to apply non-standard redactions under rule 81(2) to the materials relating to P-1143, P-1172, P-2377, P-0992, P-1558 and P-2587 as set out above and contained in Annexes A-O.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 20th day of February 2026

At The Hague, The Netherlands