



Original: English

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 pursuant to Regulation 35 to vary the Time Limit for Disclosure of evidence related to trial witnesses listed on the Preliminary Witness List" 21 August 2020, ICC-01/14-01/18-628-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]

Counsel for Alfred Yekatom

[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. The Office of the Prosecutor ("Prosecution") requests an extension of time under Regulation 35 of the Regulations of the Court ("RoC") to disclose: (i) the identities and witness materials of P-2582, P-2620, P-2671, and P-0306; (ii) transcripts/translations relating to witnesses P-1839, and P-0889, P-0992's statement, and redacted Sango audio interviews of P-0965, P-0458, P-2233, and P-2602; and (iii) witness materials relating to P-1143, P-1172, P-2377, P-0992, P-1558 and P-2587 that are subject to the request for non-Standard redactions under rule 81(2) of the Rules of Evidence and Procedure ("Rules")¹. The requested extensions are justified in the circumstances, are supported by good cause. Further, they will in no way prejudice the Defence.

II. CONFIDENTIALITY

2. This request is filed "EX PARTE, available only to the Prosecution" as it contains sensitive information pertaining to witness security. A confidential redacted version of this request is being filed simultaneously.

III. SUBMISSIONS

A. Request for an extension of time to disclose the identities and statements of P-2582, P-2620, P-2671 and P-0306

a. P-2582's, P-2620's and P-2671's situation justifies delayed disclosure

3. P-2582 and P-2620 were [REDACTED] YEKATOM's Anti-Balaka group. They are expected to testify about: (i) [REDACTED] YEKATOM's Group; (ii) YEKATOM's authority over the group; and (iii) the role of [REDACTED].

¹ ICC-01/14-01/18-609-Conf-Red.

P-2671 is the [REDACTED] and she provides information [REDACTED].

4. The Prosecution's Protection Strategies Unit's ("PSU") assessed that there will be a high risk of physical harm to the witnesses once their identity and status are disclosed to the Accused. P-2582 and P-2620 are in a particularly high risk category [REDACTED] directly implicating YEKATOM in the commission of crimes. They are likely to be a target of reprisals by sympathisers or associates of the Accused.² Furthermore, both witnesses reside in areas accessible to Anti-Balaka elements. Following PSU's formal assessment, P-2582 was referred to the Victims and Witnesses Section ("VWS") [REDACTED] and P-2620 [REDACTED]. P-2671 was not referred to VWS, but disclosure of her statement would [REDACTED].

5. The VWS [REDACTED] but has informed PSU that the risks associated with COVID-19 has delayed the implementation of full protection measures. P-2620's [REDACTED] pending a change of COVID-19 measures relating to travel and civilian contact restrictions. Due to the COVID-19 restrictions, the VWS [REDACTED]. As confirmed by the VWS to the OTP, [REDACTED]. This means that the protection measures will not be in place prior to the 31 August 2020 disclosure deadline. Given their particularly high risk profile, it is necessary for VWS to finalise [REDACTED] of P-2620's security situation, and implement protection measures for P-2582 and P-2620 prior to disclosure of their identities.

- b. The request for an extension of time for P-2582, P-2620 and P-2671 is supported by good cause

6. Under regulation 35(2) of the RoC, a Chamber may extend a time limit "if good cause is shown". The Appeals Chamber has held that:

² [REDACTED].

“[s]uch reasons as may found a good cause are necessarily associated with a party’s duties and obligations in the judicial process. A cause is good if founded upon reasons associated with a person’s capacity to conform to the applicable procedural rule or regulation or the directions of the Court. Incapability to do so must be for sound reasons, such as would objectively provide justification for the inability of a party to comply with his/her obligations.”³

7. There is good cause to vary the time limit for disclosure in this case. PSU has been in consultations with the VWS to address the delay in implementation of protection measures. However the COVID-19 pandemic is an event beyond reasonable control and the travel and contact restrictions have impacted VWS’s ability to implement the appropriate protection measures for the witnesses.

8. Consequently, the Prosecution seeks the Chamber’s leave to disclose the identities and statements of P-2582, P-2620, P-2671 once the protection measures for P-2582 and P-2620 are in place, and in any case, by the 9 November 2020 final disclosure deadline, subject to prevailing COVID-19 circumstances and Court’s ability to implement necessary measures.

c. Delayed disclosure of the identities and statements of P-2582, P-2620, and P-2671 does not prejudice the rights of the Accused

9. The Accused will not be unduly prejudiced by the delayed disclosure. *First*, the Prosecution seeks a relatively short two-month extension ensuring the disclosure of the identities and statements of these witnesses well in advance of the start of trial. *Second*, the delayed disclosure is temporary since for P-2582 and P-2620, the witnesses’ identities and complete statements will be disclosed once VWS implements full protective measures. Finally, delayed disclosure will best balance the interests in

³ ICC-01/04-01/06-834, para.7.

protecting the safety of witnesses and the fairness and expeditiousness of the proceedings. The obligation to provide the names of Prosecution witnesses sufficiently in advance of trial to enable the adequate preparation of the Defence is subject to the need for the protection and privacy of victims and witnesses.

d. Witness P-0306's situation justifies delayed disclosure

10. P-0306 is a [REDACTED]. He is expected to testify about: (i) NGAISSONA's role, including [REDACTED] from NGAISSONA; (ii) the 5 December 2013 attack; and (iii) [REDACTED] with NGAISSONA.

11. P-0306 is in a particularly high risk category as he provides distinctive, detailed [REDACTED] information related to NGAISSONA's criminal responsibility. The witness is also [REDACTED], increasing the risk that he may be targeted because of his cooperation with the Prosecution. He is [REDACTED] and within reach of the sympathisers or associates of the Accused. P-0306 has expressed concerns about the consequences for his safety should his cooperation become known. Specifically, he stated during his [REDACTED], that [REDACTED].⁴ He also reported being [REDACTED].⁵ This incident demonstrates the [REDACTED]. PSU and VWS do not have the means to provide [REDACTED].

12. Given his particularly high risk profile, his uniquely [REDACTED] status, and the [REDACTED], delayed disclosure of P-0306's identity and statement is justified under the circumstances.

e. The request for an extension of time for P-0306 is supported by good cause

⁴ CAR-OTP-2118-4956, at 4957-4958, 1.27-58.

⁵ CAR-OTP-2118-4813, at 4827, 1.445-463.

13. Good cause exists to vary the time limit for disclosure in P-0306's case. The exceptional circumstance of Prosecution's [REDACTED] substantiate good cause to delay disclosure of his identity. The Chamber in the *Ntaganda* case noted that:

"In assessing whether or not to authorise delayed disclosure, the Chamber will look to the specific circumstances of each witness. When evaluating security risks to individual witnesses, the Chamber may consider the potential for interference and intimidation once disclosure is made to the Defence and to the accused."⁶

14. It is well-established that "the greater the length of time between the disclosure of the identity of a witness and the time when the witness is to give evidence, the greater the potential for interference with that witness."⁷ The proposed delay in disclosing P-0306's identity will ensure that he is exposed for a shorter period. Consequently, the Prosecution seeks the permission of the Chamber to disclose the identity and statement of P-0360, 45 to 60 days prior to his testimony.

f. Delayed disclosure of P-0306's identity and statement does not prejudice the rights of the Accused

15. The Accused will not be unfairly prejudiced by the delayed disclosure. *First*, out of the 152 trial witnesses, P-0306 will be the only witness whose identity and statement would be disclosed after the commencement of the trial. *Second*, NGAISSONA [REDACTED]. *Third*, the Prosecution recognises the potential impact of delayed disclosure on the Defence's preparation and is requesting a longer period for delayed disclosure of 45 to 60 days prior to his testimony. Finally, there is a precedent for this type of delayed disclosure. For example, in *Al Hassan* the Chamber held that, "[w]eighing all of the particular circumstances of this witness and any potential

⁶ ICC-01/04-02/06-537-Red2, para. 17.

⁷ *Prosecutor v. Brdanin and Talic*, Case No. IT-99-36-PT, Decision on Motion by Prosecution for Protective Measures, 3 July 2000, para. 24.

prejudice to the ability of the accused to prepare his defence, the Chamber is satisfied that this is an exceptional situation that justifies the delayed disclosure of the identity of P-0542 until 45 days prior to her testimony.”⁸

B. Request for an extension of time to disclose transcripts/translations relating to witnesses P-1839 and P-0889, P-0992’s statement, and redacted Sango audio interviews of P-0965, P-0458, P-2233 and P-2602

a. Transcripts of P-1839, P-0889 and P-0992

16. The Prosecution requests a variation of the 31 August 2020 time limit to disclose the transcriptions of P-1839, P-0889 and P-0992’s statement by 9 November 2020. P-1839’s and P-0889’s interviews span many hours and it is laborious to transcribe their audio recorded interviews. Nonetheless, their transcriptions are nearly complete. The Prosecution is currently completing its second interview of P-0992. The Prosecution has undertaken every effort to ensure that investigations are completed in a sufficiently timely manner to enable any transcriptions and translations to be prepared in advance of the disclosure deadline. However, investigative missions were postponed due to the COVID-19 travel restrictions and the Prosecution was obliged to conduct P-0992’s second interview notwithstanding the short time remaining until the disclosure deadline. As such, the necessary redactions have not yet been implemented.

b. Sango transcripts of P-0965, P-0458, P-2233 and P-2602

17. On 29 May 2020, this Chamber ordered the Prosecution to disclose either the audio/video recording, or the transcript thereof, including the original Sango portions of witness statements including witness P-0965’s interview.⁹ The Prosecution is

⁸ ICC-01/12-01/18-794-Red2, para. 19.

⁹ ICC-01/14-01/18-535, para. 11.

coordinating with the Language Services Unit (LSU) to complete the transcriptions of P-0965, P-0458, P-2233 and P-2602. The Prosecution seeks the Chamber's leave to disclose the transcripts by the final disclosure deadline of 9 November 2020. The Accused will not be unduly prejudiced by the delay since the Defence is already in possession of the transcripts of P-0965, P-2233, P-2602 and P-0458 interviews as interpreted or translated into French.

c. The request is supported by good cause

18. The transcribing and translating of witness materials is time-consuming and resource intensive. The Chamber in the *Ntaganda* case recognised that "a translation burden may provide good cause for an extension of deadline".¹⁰ There is good cause to vary the time limit in this case and the variation of the time limit as requested will not "derail the proceedings from their ordained course".¹¹ Though the task of audio redacting interviews does not entail the translation of the materials, it is just as time-consuming as translation – perhaps more so. That is because a Sango speaker must listen to the interview, compare the redactions made in the written transcripts, note the minutes and seconds of the uttering of the redacted words, and audio redact the exact portion on the sound recording.

C. Request for an extension of time to disclose witness materials relating to P-1143, P-1172, P-2377, P-0992, P-1558, and P-2587 that are subject to the request for non-Standard redactions under rule 81(2)

19. On 30 July 2020, the Prosecution requested non-standard redactions for P-1143, P-1172, P-2377, P-0992, P-1558 and P-2587. The Prosecution requests an extension of

¹⁰ ICC-01/04-02/06-537-Red2, para. 54.

¹¹ ICC-01/04-01/07-653, para. 6.

time to disclose these statements until the Chamber is disposed to decide the request on non-standard redactions.

D. Rolling disclosure obligations

20. The Prosecution is mindful of its continuing disclosure obligations, and any trial witness-related materials that obtained after the disclosure deadline will be evaluated for disclosure once in our possession.

IV. RELIEF SOUGHT

21. For the above reasons, the Prosecution seeks the Chamber's leave to extend the time limit to disclose: (i) the identities and statements of P-2582, P-2620, P-2671, and P-0306; (ii) transcripts/translations relating to witnesses P-1839, and P-0889, P-0992's statement, and redacted Sango audio interviews of P-0965, P-0458, P-2233, and P-2602; and (iii) witness materials relating to P-1143, P-1172, P-2377, P-0992, P-1558, and P-2587 subject to the request for non-Standard redactions under rule 81(2) of the Rules.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 20th day of February 2026
At The Hague, The Netherlands