

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 20 February 2026

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

*IN THE CASE OF THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA*

Public

Public Redacted Version of “Victims and Witnesses Unit’s Observations on the Prosecution’s “Requête de l’Accusation aux fins d’autorisation de ne pas communiquer à la Défense des informations de caractère sécuritaire fournies par le témoin P-2196, par dérogation à la Règle 77 du Règlement de Procédure et de Preuve” (ICC-01/14-01/18-1508-Conf-Exp) ”, ICC-01/14-01/18-1715-Conf-Exp, filed on 22 December 2022

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

☒ The Office of the Prosecutor

☒ Counsel for the Defence

D29

D30

☒ Legal Representatives of the Victims

V44

V45

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. The Victims and Witnesses Unit (“VWU” or “Unit”) submits these observations pursuant to Trial Chamber V’s (“Chamber”) directions communicated by way of email dated 31 October 2022.¹ Upon a request of the VWU, the Chamber granted two requests for extension of deadline. The first one until 15 December 2022,² and the second one until 23 December 2022.³

II. Classification

2. In accordance with regulation 23bis (2) of the Regulations of the Court, the present observations are classified confidential *ex parte*, Prosecution and VWU only, as they refer to a document with that same classification.

III. Submissions

A. Preliminary remarks

1. The VWU met the witness in person [REDACTED]. The VWU staff explained in detail to the witness what was requested by the Single Judge regarding his security situation in relation to his testimony and to the disclosure of the investigations reports to the Defence. The witness confirmed that he understood the process.
2. The communication that took place with the witness was uneasy as he appeared generally confused. He repeatedly failed to answer questions in a coherent manner. All questions had to be restructured in order for the witness to understand them. The witness consistently denied what he had previously said during the first interviews with the Prosecution about the incident at stake and presented a version of events closer to the one he shared during his second interview with the investigators.

¹ Email from Trial Chamber V Communications to the Registry, 31 October 2022 at 18:24.

² Email from Trial Chamber V Communications to the Registry, 18 November 2022 at 17:40.

³ Email from Trial Chamber V Communications to the Registry, 09 December 2022 at 17:02.

B. Report**a) Assessment of the risks to which the Witness might be exposed on account of his upcoming testimony before the Court**

3. During the VWU assessment the witness indicated that he had no concerns about his security. He was aware that he was granted in court protective measures ("ICPM") by the Chamber for his upcoming testimony with the exemption of voice distortion. The witness indicated that he had no reservation in providing his testimony with the ICPM applied.
4. Furthermore, the witness stated that in the event he was not granted ICPM he had no concerns in providing his testimony in public as he nor his family have received any threats. He added that he was "not afraid of anyone". The witness also stated that he has not informed any person about his collaboration with the ICC.
5. The VWU takes note of the Prosecution's concerns regarding the retraction of the witness's statement and the explanations provided by the Prosecution as to the reason why the witness would have changed the content of his initial account of events. However, the VWU is not in a position to confirm nor deny the witness' motivation in that respect nor the existence of any actual threats against him. The VWU notes in that respect that it has intended to interview the ex-wife of the witness, [REDACTED] who was allegedly in receipt of the said threats. Unfortunately this could not take place as the witness informed the VWU that she has died in a traffic accident in [REDACTED].
6. The VWU considers it challenging to determine the existence of an actual threat against the witness who consistently denied having received or even reported to the Prosecution such threats previously. It is however impossible to fully exclude that such threats occurred. Nonetheless with the implementation of ICPM and the protection tools available to the Unit in the Central African Republic [REDACTED] the VWU estimates that risks to the witness' security manageable.

b) The disclosure of the highlighted portions in the Investigation Reports to the Defence teams

7. The witness alleged, according to the investigation reports, that [REDACTED] and [REDACTED] when they would have said that [REDACTED].⁴
8. Considering that his ex-wife is now deceased the VWU is unable to verify this information or even confirm that the alleged visit took place and as a consequence, to assess the risk to the witness and his family.
9. Furthermore, during the interview the witness denied that [REDACTED] and [REDACTED] visited his residence in [REDACTED] and spoke to his ex-wife or made threats against him. As mentioned above it has not been possible for the VWU to ascertain the reasons why the witness has changed his initial version of events.
10. The VWU also tried to establish the existence of [REDACTED] and [REDACTED] and potential threats that they may pose to the witness and his family. However the VWU has no information on [REDACTED] and the name [REDACTED] is not specific enough to ascertain who it could actually be.
11. Furthermore, the witness stated during the interview with the VWU that he had no concerns for his security if the Prosecution disclose the information contained in the two investigation reports in full to the Defence, as he does not know these two individuals.
12. In conclusion, based on the limited information available to the VWU, the Unit assesses that the risk to the security of the witness or his family cannot be totally excluded should the highlighted portions of the Investigation Reports be disclosed to the Defence. However as stated above such risk should it materialise could be appropriately managed by the VWU.

⁴ Investigator's report, 12 July 2022, ICC-01/14-01/18-1508-Conf-Exp-AnxA, page 2.



Marc Dubuisson, Director of the Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 20 February 2026
At The Hague, the Netherlands