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

Date: **25 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 Second Response to ‘Order for Additional
Information (ICC-01/14-01/18-201-Conf-Exp)’”,
31 May 2019, ICC-01/14-01/18-217-Conf-Exp**

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The Office of the Prosecutor

[REDACTED]

[REDACTED]

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

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Counsel Support Section

Victims and Witnesses Unit

[REDACTED]

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. In compliance with the Chamber's 15 May 2019 Order,¹ the Office of the Prosecutor ("Prosecution") provides additional information in support of its second pending application for non-standard redactions under rules 81(2) and 81(4) of the Rules of Procedure and Evidence ("Rules").²

2. *First*, the additional information provided identifies material which cannot be disclosed and the relevant justifications concerning Witnesses P-0627, P-1282 and P-2378 under rule 81(2). For these Witnesses there exists an objectively justifiable risk of interference that could prejudice the ongoing Seleka Investigation and affect the Witnesses' cooperation and safety if this information is disclosed. The redactions requested for Witness P-0627 were submitted in the Previous Filing³ and are incorporated by reference. The requested redactions for Witnesses P-1282 and P-2378 are set out in Annexes A and B. As explained below, Witness P-2105's Statement is not disclosable under rule 77.

3. *Second*, the Prosecution withdraws its request to withhold the identities of 11 Witnesses subject of its 18 April 2019 filing ("Previous Filing").⁴ Since then, the Prosecution's Protection Strategies Unit ("PSU") has indicated that the identities of six of these Witnesses (P-1282, P-1517, P-1791, P-1996, P-2037 and P-2039) may be disclosed. Two Witnesses (P-0458 and P-1402) will be relied on for confirmation. The Prosecution aims to clear them before the 19 August 2019 disclosure deadline.⁵ It is also expected that PSU will be able to timely clear the remaining three Witnesses (P-0953, P-2028 and P-2378).

¹ ICC-01/14-01/18-201-Conf-Exp.

² ICC-01/14-01/18-179-Conf-Exp.

³ ICC-01/14-01/18-179-Conf-Exp-AnxB (proposed Rule 81(2) redactions to material related to P-0627 are contained at p. 2-407 of Annex B).

⁴ ICC-01/14-01/18-179-Conf-Exp.

⁵ ICC-01/14-01/18-199, p. 18.

II. CONFIDENTIALITY

4. This Response and its annexes are filed “Confidential, *EX PARTE*, available only to the Prosecution and the VWU” as they concern an Order of the same classification and contain sensitive information regarding witness security and ongoing investigations which, if exposed, could jeopardise both. A confidential redacted version will be filed as soon as practicable.

III. SUBMISSIONS

A. The Prosecution withdraws its pending request to withhold the identities of 11 Witnesses

5. Since the Previous Filing, PSU has cleared Witnesses P-1517, P-1791, P-1996, P-2037 and P-2039 for disclosure. The Witnesses have been informed of the upcoming Confirmation Hearing and the pending disclosure of their Witness Statements to the Suspects and the Defence. As necessary security measures are now implemented or contingencies put in place for these Witnesses, the Prosecution withdraws their rule 81(4) applications.

6. The Prosecution withdraws its pending rule 81(4) application regarding Witness P-1282. Since the Previous Filing, the Prosecution is informed that the Witness has passed away. Redactions to his identity are no longer necessary. However, the Prosecution maintains its request to apply non-standard redactions to the Witness’s Statement concerning the Seleka Investigation under rule 81(2), as elaborated below.

7. The Prosecution also withdraws its application regarding Witnesses P-0458 and P-1402. The Prosecution met Witness P-0458 on [REDACTED]. In light of additional information the Witness provided, the Prosecution intends to rely on his evidence for the Confirmation Hearing. The Witness’s clearance for disclosure by 19 August 2019

is expected.⁶ Witness P-1402 has similarly been reclassified as an incriminating witness to be relied on. PSU is in the process of clearing the Witness for disclosure, which it expects to achieve in a timely manner.

8. The Prosecution also expects to clear the remaining three Witnesses (P-0953, P-2028 and P-2378) on time. The Prosecution maintains its previous request to apply non-standard redactions under rule 81(2) to information provided by Witness P-2378 regarding the Seleka Investigation, as elaborated below.

B. Additional information on the request for Rule 81(2) redactions related to the Seleka Investigation

9. As noted,⁷ Witnesses P-0627, P-1282 and P-2378 provide information related to the Seleka Investigation. These Witnesses also provide information that is potentially exculpatory under article 67(2) or disclosable under rule 77. The Previous Filing requests the Chamber's authorisation to apply non-standard redactions under rule 81(2), including to information provided by the three Witnesses. These are maintained, with the exception of P-2105.⁸

10. The Warrants of Arrest issued against NGAISSONA⁹ and YEKATOM¹⁰ cite P-2105's Witness Statement only regarding Seleka's advance on Bangui:

“From late 2012 to early 2013, the Seleka advanced southwards towards the capital, Bangui, attacking police stations, occupying military bases, capturing

⁶ ICC-01/14-01/18-199, p. 18. The Prosecution notes that Witness P-0458's interview transcripts are in the process of being registered. An assessment of whether there is a basis for requesting leave to apply non-standard redactions under rule 81(2) will be conducted upon registration.

⁷ ICC-01/14-01/18-179-Conf-Exp, para. 9-12.

⁸ ICC-01/14-01/18-179-Conf-Exp, p. 9.

⁹ See ICC-01/14-01/18-89-Conf-Exp, footnote 11. The Witness's Statement was cited to support the Chamber's finding concerning the Seleka's advance on Bangui prior to its takeover on 24 March 2013.

¹⁰ See ICC-01/14-01/18-1-Conf-Exp, footnote 11. The Witness's Statement was cited to support the Chamber's finding concerning the Seleka's advance on Bangui prior to its takeover on 24 March 2013.

various towns and regional capitals, and targeting those suspected to support François Bozizé.”¹¹

11. This general proposition is established by other evidence readily available to the Defence. For example, the Defence will receive the 20 June to 11 July 2013 UN OHCHR Fact-Finding Mission to the Central African Republic report (CAR-OTP-2034-027), which provides a more detailed overview than P-2105 does regarding the lead up to the Seleka’s take-over of Bangui. The information the Witness provides within the timeframe of the case against the Anti-Balaka Suspects concerns only the CEDAD and the cantonment of Seleka in January 2014. Neither issue is *material* to the preparation of the Defence regarding the prospective charges or scope of this case. Divulging any of the information outlined by the Witness - including his identity - would give away key areas of the on-going Seleka Investigation and [REDACTED].

12. Certain information provided by Witnesses P-0627, P-1282 and P-2378 reveals the direction and targets of the Seleka Investigation. There is an objectively justifiable risk of prejudice if such information is disclosed. The justifications for requesting measures under rule 81(2) regarding the Seleka Investigation are set out in the Prosecution’s previous submissions,¹² incorporated by reference. In sum, given the highly confidential and sensitive nature of the ongoing investigative activities, any form of disclosure of this material, including to the Defence, has the potential to prejudice the Seleka Investigation through the risk of leaks or inadvertent disclosure through channels outside the Prosecution’s control. This identifiable risk is concretely exacerbated by alliances formed between certain former Anti-Balaka and ex-Seleka factions,¹³ which carries the additional risk of confidential information being shared by Suspects across the different groups.

¹¹ See P-2105: CAR-OTP-2084-0191 at 0196, para. 22.

¹² ICC-01/14-01/18-162-Conf-Exp, para. 5-9; ICC-01/14-01/18-179-Conf-Exp, para. 9-12; ICC-01/14-01/18-209-Conf-Exp, para. 5-17.

¹³ ICC-01/14-01/18-162-Conf-Exp, para. 6; ICC-01/14-01/18-209-Conf-Exp, para. 11.

13. 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 and the witnesses. The disclosure of the redacted statements will not prejudice the Suspects or impede the fairness of the confirmation process, as the proposed redactions do not affect the disclosure of article 67(2) or rule 77 information.

14. The additional information justifying non-standard rule 81(2) redactions for each of the three witnesses is set out below.

P-0627:

Additional Information on witness P-0627

15. The Previous Filing provided the relevant background information¹⁴ and outlined the proposed redactions to the transcripts P-0627's audio recorded [REDACTED] interview.¹⁵ The Prosecution emphasises that more than half of the interview is dedicated to the [REDACTED]. These portions should be withheld under rule 81(2).

16. This witness has been cleared for disclosure by PSU.

17. P-0627's transcripts also comprise [REDACTED].

Justification for measures under rule 81(2)

18. The Prosecution maintains its previous request to redact parts of P-0627's interview transcripts under rule 81(2). These redactions concern information relating

¹⁴See ICC-01/14-01/18-179-Conf-Exp-AnxA, number 13, p. 34.

¹⁵ See ICC-01/14-01/18-179-Conf-Exp-AnxB, p. 2-407.

to [REDACTED]. Releasing these portions individually would reveal the investigative line of questioning and the themes being developed in the Seleka Investigation. Therefore, these portions of P-0627's Statement should be withheld.

19. Detailed descriptions of the portions of the Statement proposed for redaction under rule 81(2) are provided below. All such transcript sections do not include rule 77 material and - if left unredacted - would compromise the active Seleka Investigation.

20. CAR-OTP-2102-1138, lines 24-34, 37-100, 143-146, 153-176, 178-692, 693-911, 912-959, 963-1151: In these sections, the Witness describes events leading to [REDACTED].

21. CAR-OTP-2083-0080, lines 17-107; CAR-OTP-2102-1176, lines 27-489: These sections detail [REDACTED].

22. CAR-OTP-2102-1176, lines 490-687; CAR-OTP-2102-1229, lines 9-106, 108, 119, 140-151: In these sections, the Witness explains [REDACTED].

23. CAR-OTP-2102-1229, lines 152-922: This section refers to the command structure and Seleka elements [REDACTED].

24. CAR-OTP-2102-1229, lines 924-1121: In this section, the Witness discusses [REDACTED].

25. CAR-OTP-2102-1229, lines 9-203: This section contains information concerning [REDACTED].

26. CAR-OTP-2102-1229, lines 222-369; CAR-OTP-2102-1470, lines 378-529: These sections focus [REDACTED].

27. CAR-OTP-2102-1229, lines 370-564: In this section, the Witness describes [REDACTED].
28. CAR-OTP-2102-1229, lines 567-711; CAR-OTP-2102-1298, lines 230-239: In these sections, the Witness discusses [REDACTED].
29. CAR-OTP-2102-1229, lines 713-819: This section refers to [REDACTED].
30. CAR-OTP-2102-1229, lines 820-970; CAR-OTP-2102-1470, lines 530-568: In this section, the Witness describes [REDACTED].
31. CAR-OTP-2102-1229, lines 972-1018; CAR-OTP-2102-1431, lines 397-698, 947-987; CAR-OTP-2102-1529, lines 257-263; CAR-OTP-2083-0084: These sections focus on the [REDACTED].
32. CAR-OTP-2102-1229, lines 1020-1233; CAR-OTP-2102-1298, lines 256-290: In these sections, the Witness describes [REDACTED].
33. CAR-OTP-2102-1312, lines 530, 532: This section is redacted because the interviewer [REDACTED].
34. CAR-OTP-2102-1431, lines 30-395: This section focuses on the [REDACTED].
35. CAR-OTP-2102-1431, lines 699-846, 989-1008; CAR-OTP-2102-1470, lines 10-376: These sections concern the [REDACTED].
36. CAR-OTP-2102-1431, lines 848-945, 1010-1126: In this section, the Witness describes [REDACTED].
37. CAR-OTP-2102-1431, lines 1127-1301: In this section, the Witness describes [REDACTED].

38. CAR-OTP-2102-1470, lines 571-593: This section is redacted as the Witness discusses [REDACTED].

39. CAR-OTP-2102-1470, lines 594-941; CAR-OTP-2102-1529, lines 282-283; CAR-OTP-2083-0085: In these sections, the Witness [REDACTED].

40. CAR-OTP-2102-1470, lines 942-1174: In this section, the Witness [REDACTED].

41. CAR-OTP-2102-1529, lines 377-388: This section is redacted as the Witness discusses [REDACTED].

P-1282:

Additional Information on witness P-1282

42. In its Previous Filing the Prosecution gave an overview of the topics P-1282 discusses in his statement.¹⁶ Some evidence provided by the Witness has been identified as rule 77 information.

43. [REDACTED] recently informed the Prosecution that the Witness has passed away in [REDACTED]. Accordingly, the Prosecution no longer seeks redactions under rule 81(4).

44. P-1282's Statement contains five annexes: Annex 1 (CAR-OTP-2042-4745) is a copy of the Witness's [REDACTED]; Annex 2 (CAR-OTP-2042-4747) is [REDACTED] including during the period relevant to the Seleka Investigation; Annex 3 (CAR-OTP-2042-4780) is a copy of the [REDACTED]; Annex 4 (CAR-OTP-2042-4773) is a sketch of Anti-Balaka bases drawn by the Witness; and Annex 5 (CAR-OTP-2042-4774) is a signed authorisation to release information on P-1282's telephone numbers.

¹⁶ See ICC-01/14-01/18-179-Conf-Exp-AnxA, number 10, p. 26.

Justification for measures under rule 81(2)

45. The disclosure of a redacted Statement is independently warranted under rule 81(2) to protect the Prosecution's future and ongoing investigations in CAR. The redactions under rule 81(2) provided in Annex A are justified as follows:

46. Paragraphs 16-35: These paragraphs focus on [REDACTED].

47. Paragraphs 36-54: In these paragraphs, the Witness [REDACTED].

48. Paragraphs 55-64: These paragraphs refer to [REDACTED].

49. Paragraphs 65-66: Two annexes to the Witness's Statement are referred in these paragraphs. Both contain information on possible Seleka crimes [REDACTED].

50. Paragraphs 67-79: In these paragraphs, the Witness explains the [REDACTED] disarmament operations.

51. Annexes 1-3: These documents contain the Witness's records concerning Seleka crimes [REDACTED].

P-2378:*Additional Information on witness P-2378:*

52. The Previous Filing provided an overview of the information regarding this Witness to which reference is made here.¹⁷ Parts of the Screening Note for this Witness include article 67(2) information. The proposed redactions are set out in Annex B.

Justification for measures under rules 81(2)

53. According to available information, the witness [REDACTED].

¹⁷ See ICC-01/14-01/18-179-Conf-Exp-AnxA, number 11, p. 30.

54. The portions of the Screening Note dealing with [REDACTED] should be redacted under rule 81(2). That information is not disclosable under rule 77 given the prospective case against NGAISSONA and YEKATOM. Conversely, these portions deal with aspects of the Seleka Investigation, which cannot be revealed at this stage.

IV. RELIEF SOUGHT

55. For the above reasons, the Prosecution seeks the Chamber's authorisation to apply non-standard redactions under rule 81(2) to material provided by Witnesses P-0627, P-1282, P-2378 prior to its disclosure, as set out in the Previous Filing and in Annexes A and B.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 25th day of February 2026
At The Hague, The Netherlands