

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/14-01/18**
Date: **25 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 Leave to Add Four Items to
the List of Evidence”,**

4 November 2021, ICC-01/14-01/18-1164-Conf

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

Counsel for Patrice-Edouard Ngaïssona

Legal Representatives of Victims

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. SUBMISSIONS

1. The Office of the Prosecutor (“Prosecution”) seeks leave from Trial Chamber V (“Chamber”) to add four items (“Items”)¹ to be potentially used during the Prosecution’s examination of P-2843, to its List of Evidence (“LoE”),² in accordance with the Decision Setting the Commencement Date of the Trial (“Decision”)³ and subsequent decisions.⁴ The addition of the Items is warranted and appropriate in the circumstances. The Items are of significant probative value and their addition would not cause undue prejudice to either Accused or derail the proceedings. Rather, their addition is in the interests of justice and the Chamber’s determination of the truth.

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), this Request is classified as “*Confidential*” because it references evidence which may not be disclosed to the public, and refers to confidential filings. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

3. The addition of the Items to the LoE is justified because they are of significant probative value, will advance the Chamber’s search for the truth, and their addition causes no undue prejudice to either Accused.

4. Whereas the four items would normally have been disclosed by the 9 November 2020 disclosure deadline and added to the LoE⁵, at that time, there was no certainty that the witness could be successfully called to testify in the case. Moreover, the

¹ CAR-OTP-2130-1031, CAR-OTP-2130-5493, CAR-OTP-2133-7314, CAR-OTP-2130-3372 .

² ICC-01/14-01/18-724-Conf-AnxC-Corr.

³ ICC-01/14-01/18-589, paras. 10, 14 and 16.

⁴ ICC-01/14-01/18-989-Conf, paras. 5-6; ICC-01/14-01/18-1080-Conf, para. 7.

⁵ ICC-01/14-01/18-589, paras. 10, 14 and 16.

difficulty in anticipating what this Witness might commit to say even if the Prosecution was able to secure his attendance, meant that that the utility of adding them to its LoE was unclear.⁶ In view of the circumstances attendant to this particular witness and the restrictions on the Prosecution's investigative activities, it cannot reasonably be expected to divine what material may be necessary to elicit his complete and truthful testimony concerning the matters at issue. Even the items sought to be added at this point contemplate the Prosecution's best *present estimate* of what may be required to advance the accuracy and reliability of his evidence.

5. With the exception of one item⁷, the remaining three items were disclosed to the Defence between February and July 2021 under rule 77 of the Rules of Procedure and Evidence ("Rules").

6. The four documents consist of:

- CAR-OTP-2130-1031: a [REDACTED] document concerning the Prosecution's request to interview P-2843;
- CAR-OTP-2130-5493, in particular 5610: a [REDACTED] Directory containing the phone numbers of P-2843;⁸
- CAR-OTP-2133-7314, in particular 7314-7315: a Facebook message dated [REDACTED] June 2013, containing the phone numbers of P-2843;⁹ and
- CAR-OTP-2130-3372: an email between P-2843 and NGAISSONA dated 24-25 June 2013.¹⁰

⁶ See Prosecution's application by email to the Chamber of 2 November 2021 at 14:16; and Chamber's Decision by email of 3 November 2021 at 14:52 See also Chamber's Decision by email of 29 September 2021 at 09:59.

⁷ CAR-OTP-2130-1031.

⁸ This was disclosed on 30 July 2021. [REDACTED].

⁹ This was disclosed on 4 June 2021.

¹⁰ This was disclosed on 10 February 2021.

i. *The documents are relevant and have significant probative value*

7. The four documents will prove useful to P-2843's examination, including to refreshing recollection, and will further assist and advance the Chamber's evaluation of his evidence and the determination of the truth.¹¹ The documents relating to P-2843's phone numbers establish their attribution and are therefore relevant to the analysis of NGAISSONA's Call Data Records and contacts. Likewise, the email is relevant to establishing NGAISSONA's whereabouts during the relevant period. The [REDACTED] document is relevant to substantiating the Witness's security related concerns, which may have bearing on the substance of his prospective evidence.

ii. *Reliance on the documents causes no undue prejudice to the Defence*

8. The addition of these four documents to the LoE does not cause any undue prejudice to either Accused. The items were disclosed months ago, save the [REDACTED] document¹², which has been readily available from [REDACTED] search under the Witness's name. They are limited in volume (five pages in total)¹³, and the Accused will have an opportunity to address them fully during the course of the trial.

9. Although the Items disclosed under rule 77 were not designated as 'INCRIM' per the Court's practice, the rule itself expressly encompasses the same (*i.e.*, 'intended for use by the Prosecutor as evidence for the purposes of ... trial'). To suggest that,

¹¹ See Chamber's Decision by email of 29 September 2021 at 09:59, "[...] [t]he Single Judge is mindful that at times errors may occur and, insofar as made in good faith and in the absence of any indication of abuse, do not constitute an impediment to adding items to the List of Evidence. The Single Judge recalls that it would be unreasonable for the Chamber, to which a truth-seeking function is assigned by the Statute, to determine that potentially relevant evidence could not, under any circumstances, be used by the Prosecution at trial if not included in the List of Evidence three months before the trial commences.

¹² CAR-OTP-2130-1031.

¹³ The Prosecutions seeks to add only the stipulated relevant pages for the following two voluminous documents: CAR-OTP-2130-5493, page 5610; and for CAR-OTP-2133-7314, pages 7314-7315.

failing the additional designation here causes undue prejudice given the period of disclosure and the limited amount of material, is at best untenable.

10. Moreover, the Defence is not disadvantaged relative to the Prosecution. If anything, the Defence has always been better disposed to engage the witness in advance of his testimony than the Prosecution has, given (a) the prior relationship between the Witness and Accused NGAISSONA; and (b) that there has never been any *legal* impediment to the Defence investigating directly with the Witness what he may know.¹⁴

IV. CONCLUSION

11. For the above reasons, the Prosecution requests that the Chamber grant leave for the addition of the Items to the LoE. The Items are of significant probative value, and their addition would neither infringe the fair and expeditious conduct of the proceedings, nor cause undue prejudice to either Accused.



Mame Mandiaye Niang, Deputy Prosecutor

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

¹⁴ [REDACTED].