

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 24 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 Report pursuant to the
“Decision on the Prosecution Request pursuant to Rule 81(4) for the Delayed
Disclosure of the Identity and Materials related to Witness P-0306” (ICC-01/14-
01/18-728-Conf-Exp)”, ICC-01/14-01/18-773-Conf-Exp, filed on 15 December 2020**

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

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☒ Legal Representatives of the Victims

V43

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☐ 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 this report pursuant to Trial Chamber V’s (“Chamber”) instruction dated 13 November 2020 instructing the VWU to submit a report on P-0306’s security situation by 15 December 2020 (“Instruction” or “Decision”).¹
2. The Chamber particularly instructed the VWU “to report on the risks to which the witness might be exposed on account of his testimony before the Court and the disclosure of his identity to the Defence, and on any appropriate and available protective and security measures for the witness. Such measures could include, by way of example, the following: (i) transferring the witness to another prison which, in terms of infrastructure and population, is more suitable to offering maximum protection; (ii) holding the witness under conditions that protect him from possible attacks, without leading to his permanent isolation; (iii) implementing measures to increase surveillance in common areas; (iv) guaranteeing the continuous surveillance of the witness’s security by prison guards who are specifically selected and trained for this purpose; and (v) guaranteeing that the Court’s staff can regularly visit the witness in prison and speak to him confidentially”.

II. Classification

3. In accordance with regulation 23 *bis*(1) of the Regulations of the Court (“RoC”) the present report is classified as confidential *ex parte* following the Decision with the same classification and as it contains confidential information pertaining to a witness.

III. Report

¹ Trial Chamber, “Decision on the Prosecution Request pursuant to Rule 81(4) for the Delayed Disclosure of the Identity and Materials related to Witness P-0306”, 13 November 2020, ICC-01/14-01/18-728-Conf-Exp.

A. Preliminary remarks

4. Pursuant to the Chamber's Instruction and mindful of the risk the disclosure of the detained witness's status may have on his security, the VWU has liaised with the Office of the Prosecutor ("Prosecution") and agreed on the most secure way to contact the competent authorities of [REDACTED] to ensure a safe disclosure of the information. Based on this, the Registry has transmitted a request for cooperation via a Note verbale to the [REDACTED] on 4 December 2020. Considering the time that is required by the authorities to enquire and respond, an answer is anticipated at the earliest on 10 January 2021. The Registry will also [REDACTED] and may eventually suggest additional protective measures.
5. The Registry hereby reports on the risks to which the witness might be exposed (i) on account of his testimony before the Court, (ii) on the disclosure of his identity to the Defence and (iii) on the cooperation request made towards the [REDACTED]. The Registry defers its final report on the appropriate and available protective and security measures for the witness that could be proposed and implemented by [REDACTED] and will provide additional submissions upon receipt of [REDACTED] answers [REDACTED].

B. The risks to the witness

a) The risks to which the witness might be exposed on account of his testimony before the Court

6. The VWU notes the specific profile of the witness and in particular, the allegations that support his incarceration.² The VWU is of the view that the witness's security would be at risk should third parties, [REDACTED], become

² According to open sources, he was found guilty of multiple murders, criminal conspiracy, armed robbery, unlawful imprisonment, illegal possession of firearms and munitions of war and was sentenced to life imprisonment with forced labour.

aware of his testimony. This may happen in the event the witness confirms his role as a witness through deliberate or inadvertent action, through other persons within the [REDACTED] who would have been informed by Mr Ngaissona or otherwise.

7. Although the witness is very well known in the [REDACTED], being [REDACTED] not much was published or posted on him in 2019 and 2020 and the news/reports were not necessarily true. For instance, [REDACTED]. [REDACTED]. Judging by the comments on a number of Facebook posts, it can be deduced that [REDACTED]. [REDACTED]. However, Since Mr Ngaissona's arrest, no significant activity in his support has been recorded from Anti-Balaka groups. Nonetheless, it cannot be excluded that some individuals might take action against the Prosecution witnesses without Mr Ngaissona's order.
8. So far, the VWU has recorded only [REDACTED]. For instance, [REDACTED]. [REDACTED].
9. If the witness's cooperation with the Court is leaked within the detention facility, the risks to which the witness might be exposed are threats, intimidation attempts and possible physical violence, perpetrated most likely by Mr Ngaissona's supporters. Open source information confirms that this prison hosts several other Anti-Balaka detainees.
10. In addition, despite the precautionary measures taken for the communication of the information related to the witness to [REDACTED], serious concerns would exist for the witness's safety in the event information becomes known to persons outside of those directly involved. The VWU holds particular concerns in relation to those within the detention regime environment supporting [REDACTED]. It cannot be ruled out that [REDACTED], [REDACTED] may sympathise with Mr Ngaissona and [REDACTED]. This would create serious risks to the witness's security as already being reported by the Prosecution.

b) The disclosure of the witness's identity to the Defence

11. There are many causes of a potential compromise following the disclosure of the witness's identity to the Defence. The accused, Mr Ngaissona, maintains contact with his family members residing in [REDACTED] through regular telephone calls. These telephone calls are subject to active monitoring³ which significantly decreases the likelihood of sensitive or confidential information about the present case and Prosecution witnesses being disclosed by the accused through this channel.
12. However, in 2019, a number of breaches against the restrictions on communication were noted⁴ although it was not possible to conclude that these breaches concerned witness-related information. The risk that Mr Ngaissona might directly communicate identifying information on the witness to his allowed contacts at the Detention Centre is nevertheless considered as low. As a confirmation, it appears that Mr Ngaissona and his Defence team might already be aware of the witness's identity. In August 2020, [REDACTED]. It therefore cannot be ruled out that Mr Ngaissona [REDACTED] the witness's identity [REDACTED].⁵ Further, [REDACTED].⁶ [REDACTED]. [REDACTED].⁷ The risk of disclosure by Mr Ngaissona to third parties although assessed as negligible cannot be excluded.
13. In this respect, even if the VWU is not currently in possession of any information that indicates that the witness will be at risk if his identity is disclosed specifically to Mr Ngaissona's Defence team, it considers that the accused may also inadvertently refer to the status of the witness during his telephone conversations. The risk for a disclosure, either a deliberate or an inadvertent one, always exists and the consequence for the security of the witness cannot be excluded despite the measures currently in place.

C. [REDACTED]

³ Trial Chamber V, « Decision on Mr Ngaissona's Restrictions on Contacts and Communications in Detention » 17 April 2020, ICC-01/01-01/18-484-Conf-Exp.

⁴ *Idem.*

⁵ Office of the Prosecutor, Individual Risk Assessment for CAR2-OTP-0306.

⁶ *Idem.*

⁷ *Idem.*

14. [REDACTED]. [REDACTED].⁸ According to the information gathered by the VWU, there might not be other detention facility able to offer better conditions for the security of the witness. This point would however have to be assessed by [REDACTED] responsible for the detainee safety.
15. Upon the Chamber's instructions, [REDACTED]. [REDACTED].
16. [REDACTED]. By example, the Registry suggested that surveillance by penitentiary staff specifically assigned and trained for this purpose be implemented. The Registry furthermore requested [REDACTED]. Lastly, the Registry [REDACTED].
17. Based on its past experience and considering the associated risks to the witness's security, [REDACTED]. In this respect, [REDACTED].
18. As previously indicated, the Registry will report to the Chamber on the answers that will be received from the competent authorities.

D. Conclusion

19. Despite the measures that could be proposed and implemented by the [REDACTED] at a further stage, the VWU holds serious concerns for the witness's security should his testimony become known. The VWU acknowledges that no mitigation measure will completely remove the risk that the witness's involvement with the Court becomes known to threat actors.
20. The VWU notes that the place of detention where the witness is detained is under the responsibility of [REDACTED]. The implementation of any protection measures for the witness whilst in detention therefore falls totally within their responsibility. The Registry can advise them if necessary; however will not be in a position to impose any form of protection or any specific security measures for a person in custody of the national authorities. The particular detention situation of the witness does not allow the VWU to implement any

⁸ [REDACTED].

measures that the Unit would usually be in a position to put in place for the witnesses referred for protection.



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

Dated this 24 February 2026
At The Hague, the Netherlands