



Original: **English**

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

Date: **26 February 2026**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Tomoko Akane

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

Public redacted version of "Request for Order to Obtain Certain ICC Detention Unit Records of Patrice-Edouard Ngaïssona", 29 April 2021, ICC-01/14-01/18-972-Conf-Exp-Corr

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 the Defence
Legal Representatives of the Victims	Legal Representatives of the 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 Pre-Trial Chamber II (“Chamber”) to direct the Registry to provide the Prosecution with a limited number of NGAISSONA’s ICC Detention Centre telephone logs, recordings, and telephone attribution information, pursuant to article 57(3). The Prosecution has initiated an investigation of potential offences against the administration of justice under article 70 in the *Yekatom* and *Ngaïssona* trial (“Main Case”), and access to the requested information is important and time sensitive.

2. *First*, as explained below, there are reasonable grounds to suspect that individuals in Bangui, allegedly [REDACTED] Witnesses, are attempting to corruptly influence and/or interfere with them. Their efforts aim to undermine the witness’s cooperation with the Court and their prior statements, voluntarily provided to the Prosecution in the course of its investigations in the Main Case.

3. *Second*, the request is narrowly framed to verify or corroborate information recently obtained from Prosecution witnesses. It is also necessary to establish whether NGAISSONA may be improperly communicating or has communicated information about the identities of witnesses, or alternatively to *exclude* his Detention Centre communications from further investigation.

II. CONFIDENTIALITY

4. The Request is filed as “Confidential, *EX PARTE*, available only to the Prosecution” because they contain sensitive information pertaining to witness security. The Request also contains confidential information about the Prosecution’s on-going investigation.

III. BACKGROUND

5. From [REDACTED], Prosecution Witness P-1847 testified at the seat of the Court. In his previous statements to the Prosecution, P-1847, [REDACTED] [REDACTED], stated that NGAISSONA provided funding to the Anti-Balaka.¹ He further indicated that NGAISSONA attended a meeting in Cameroon, together with BOZIZE and several other persons² which the Prosecution alleges were among those involved in structuring and financing of the Anti-Balaka as well as the implementation of the group's military operations, including the 5 December 2013 attack on Bangui.³ The witness moreover, stated that NGAISSONA issued orders to Anti-Balaka elements on the ground, including in the course of the 5 December 2013 Bangui attack.⁴

6. At the start of his testimony on [REDACTED] P-1847 confirmed his prior statements to the Prosecution.⁵ However, [REDACTED], P-1847 deviated substantially and materially from his prior statements - particularly about facts tending to inculpate NGAISSONA⁶ - without any apparently plausible explanation.⁷

¹ See e.g. CAR-OTP-2061-1534, 1546, para. 112 (« NGAISSONA contrôlait et vérifiait si l'argent qu'il transférait aux combattants, était bien arrivé à destination et avait été utilisé aux fins projetées, par exemple l'achat des munitions ») ; CAR-OTP-2061-1534, 1552, para. 115 « [REDACTED] était chargé de récupérer l'argent avec NGAISSONA pour la préparation des attaques [REDACTED] trois à quatre fois prendre de l'argent avec NGAISSONA à la Résidence de BOZIZE à la cité Golf à YAOUNDE »).

² CAR-OTP-2061-1534, 1546-1547, para. 84 (« Une réunion restreinte s'est tenue à Résidence de BOZIZE à la Cité du Golf de YAOUNDE en [REDACTED] 2013. Il y avait une dizaine de personnes qui étaient présentes parmi lesquelles ; Edouard Patrice NGAISSONA ... C'est BOZIZE lui-même qui a dirigé cette réunion ») ; CAR-OTP-2061-1534, 1552, para. 116 (« Parfois aussi NGAISSONA et Bernard MOKOM effectuaient des transferts d'argent aux Anti-Balaka en RCA via Express Union et ce par le canal de personnes interposées. [REDACTED] Bernard MOKOM utilisait [REDACTED] dont je ne connais pas le nom (mais que je pourrai chercher) pour faire des transferts d'argent. NGAISSONA quant à lui utilisait beaucoup [REDACTED] pour faire des transferts de fonds à destination de GARAMBOULAI et aussi à BANGUI »).

³ ICC-01/14-01/18-723-Conf, paras. 67-72.

⁴ CAR-OTP-2061-1534, 1546, para. 112 (« NGAISSONA donnait expressément des ordres et des plans d'attaques aux autres Anti-Balaka qui étaient restés sur le terrain en RCA et cela, par voie téléphonique ») ; CAR-OTP-2061-1534, 1555, para. 138 (« se sont aussi organisés pour attaquer les bases Seleka de BELOKO et ce jusqu'à BOUAR sur les ordres du Préfet Bernard MOKOM, de NGAISSONA et de Marcelin YALIMINDE ») ; CAR-OTP-2061-1534, 1560, para. 165 « En ce qui concerne la date du 05 Décembre 2013 pour l'attaque, [REDACTED] NGAISSONA avait demandé aux troupes de se reposer pendant une semaine après une très longue distance parcouru en marchant »).

⁵ See ICC-01/14-01/18-T-22-Conf-Eng-ET, p. 14, ln.22 – p. 20, ln. 17.

⁶ See ICC-01/14-01/18-T-23-Conf-Eng-ET, p. 50, ln. 24-25 [REDACTED] *contra* CAR-OTP-2061-1534, 1546-1547, para. 84 ; See ICC-01/14-01/18-T-23-Conf-Eng-ET, p. 68, ln. 12-14 [REDACTED] *contra* e.g., CAR-OTP-2061-1534, 1552, para. 116 ; ICC-01/14-01/18-T-23-Conf-Eng-ET, p.40, ln.12-13 [REDACTED], and ICC-01/14-01/18-T-23-Conf-Eng-ET, p.42, ln.5 [REDACTED] *contra* CAR-OTP-2061-1534, 1552, para. 115; ICC-01/14-01/18-T-23-Conf-Eng-ET, p.41, ln.17-18 [REDACTED].

⁷ See ICC-01/14-01/18-T-23-Conf-Eng-ET, p. 79, ln. 14-p. 80, ln. 8.

7. While debriefing P-1847 [REDACTED], P-1847 told Prosecution investigators that [REDACTED] close associate of NGAISSONA, is aware [REDACTED].⁸ P-1847 stated that he learned [REDACTED] about two weeks before arriving in [REDACTED] for his testimony.⁹ [REDACTED]P-1847's name [REDACTED]. Upon learning that his name [REDACTED], P-1847 denied that he was a witness and stated that [REDACTED]received and understood his denial. Although P-1847 did not admit that this encounter caused him to change his testimony,¹⁰ he provided no plausible explanation for materially contradicting his prior statements.

8. While considering the possible reasons for P-1847's deviations from his witness statement, on [REDACTED], Prosecution investigators received unsolicited and related information from Witness P-2841 that the same [REDACTED] of Prosecution Witnesses; [REDACTED], and are speaking to individuals [REDACTED].¹¹

9. P-2841 further stated, on 31 March 20221, that in early March, he was present [REDACTED].¹² P-2841 stated that [REDACTED]¹³ called NGAISSONA on his phone and passed the phone to [REDACTED]. In the presence of P-2841, [REDACTED] discussed the start of the trial with NGAISSONA and that NGAISSONA was hurt by the fact that the Prosecution will call members of his *Gbaya* ethnicity to testify against him.¹⁴ P-2841 stated that NGAISSONA was "furious" and that [REDACTED]was not happy.¹⁵ [REDACTED] later informed P-2841 that P-2841's name appeared "[REDACTED]."¹⁶ P-2841 denied being a witness and stated that he is not cooperating

⁸ CAR-OTP-2130-4047, at 4049.

⁹ *Idem*.

¹⁰ *Idem*.

¹¹ CAR-OTP-2130-4051, at 4052.

¹² CAR-OTP-2127-8340, at 8341

¹³ *Idem*; see also CAR-OTP-2127-8525.

¹⁴ CAR-OTP-2130-4051, at 4052.

¹⁵ *Idem*.

¹⁶ *Idem*.

with the ICC.¹⁷ In fact, the Prosecution intends to call P-2841 as a witness before [REDACTED], the end of the second witness block.

10. According to P-2841, around [REDACTED] also informed P-2841 that P-1847 was a witness and asked P-2841 to tell P-1847 to contact [REDACTED] when P-2841 speaks to him.¹⁸ Around three weeks after his [REDACTED] encounter with [REDACTED], P-2841 went to see P-1847 at P-1847's [REDACTED] but could not find him and was told that P-1847 was [REDACTED].¹⁹ P-2841 then sent a message to P-1847 [REDACTED].²⁰ P-2841 then stated that P-1847 called him [REDACTED] via Messenger and they spoke for about 25 minutes.²¹ P-1847 claimed he was in [REDACTED] and did not mention that he was in The Hague.²² P-1847 does not admit that any conversations with P-2841 took place during this time. P-2841 stated that he did not convey [REDACTED] message to P-1847 [REDACTED], the day before he materially deviated from his previous statements.²³

11. On 8 April 2021, Prosecution investigators called P-0884 as part of the article 70 investigation to determine whether he had information about the alleged [REDACTED]. P-0884 indicated that [REDACTED],²⁴ a lawyer he believes was working with [REDACTED] with former Bossangoa Anti-Balaka ComZone [REDACTED], and with [REDACTED] in early 2019.²⁵ KEMA called P-0884 to inform him that he received information from [REDACTED] about [REDACTED].²⁶ [REDACTED] correctly named the following witnesses: P-0446, P-1521, P-1048, and P-1337 (P-1048 and P-1337 will not testify as Prosecution witnesses but were

¹⁷ *Idem*.

¹⁸ *Idem*, at 4053.

¹⁹ *Idem*; CAR-OTP-2127-8525.

²⁰ *Idem*.

²¹ CAR-OTP-2127-8522; *idem*.

²² *Idem*.

²³ CAR-OTP-2127-8525.

²⁴ CAR-OTP-2130-4156, at 4157.

²⁵ CAR-OTP-2130-4156; CAR-OTP-2130-4423.

²⁶ *Idem*.

interviewed).²⁷ [REDACTED] insisted that [REDACTED] stated that these individuals gave derogatory information about NGAISSONA.²⁸ During the meeting, [REDACTED] invited P-0884 to meet with him and another lawyer from The Hague. P-0884 declined the invitation.

12. Under regulation 101 of the Regulations of the Court, NGAISSONA is currently restricted to i) making privileged calls to his lawyers; and ii) two 90-minute non-privileged, actively monitored calls per week to family members.²⁹

IV. SUBMISSIONS

13. The Prosecution has grounds to believe that confidential information about the identities of [REDACTED]. The aim of the Prosecution's investigation under article 70 is to determine the cause, extent, and intent of [REDACTED] information and whether individuals may be using it to corruptly influence or intimidate Prosecution witnesses in violation of article 70.

14. Article 57(3)(a) empowers the Pre-Trial Chamber to, "[a]t the request of the Prosecutor, issue such orders and warrants as may be required for the purposes of an investigation." In the *Ntaganda* case, the Court's decisive and swift use of its authority under article 57(3)(a) prevented a nascent interference scheme targeting insider witnesses from affecting the integrity of the trial process and contributed to the effective administration of justice.³⁰ The actions of the Pre-Trial Chamber in granting

²⁷ *Idem.*

²⁸ *Idem.*

²⁹ ICC-01/14-01/18-672-Conf.

³⁰ See e.g. ICC-01/04-729-Conf (granting a Prosecution request under article 57(3)(a) to obtain similar information from the ICC Detention Centre); see also ICC-01/05-44-Red, p.8 (ordering, on the basis of article 57(3)(a), the Registrar "to make available to the Prosecutor the complete log of all telephone calls placed or received by the Accused during his stay at the detention centre, as well as any available [REDACTED] all non-privileged calls either placed or received by him").

a similar but much broader request to obtain ICC Detention Unit records in *Ntaganda* resulted in the Prosecution's subsequent investigations of the records, which were upheld on appeal.³¹

15. As part of the investigation the Prosecution seeks an order to obtain the following information – to the extent that it exists - from the ICC Detention Unit:

- a. the logs of calls between NGAISSONA [REDACTED] from [REDACTED] that serve to verify or refute the account of P-2841 having witnessed [REDACTED] speak to NGAISSONA using [REDACTED] phone in [REDACTED].
- b. any records, call logs, or non-privileged recordings of calls made to the numbers of [REDACTED] possibly registered under a family member's name.

16. The Prosecution request is supported by evidence and justified. It is founded upon the legitimate interests of investigating and preventing potentially ongoing offences against the interests of justice before the Court, and directed toward safeguarding the integrity of its proceedings. The information sought is also necessary pursuant to the Prosecution's obligations under article 68(1), to protect witnesses. Indeed, the Appeals Chamber has held that "to ensure, as a matter of the highest priority, that witnesses are appropriately protected [...] is, pursuant to article 68 of the Statute, a responsibility of the Court as a whole."³²

17. Further, article 54(1) obliges the Prosecutor to "establish the truth" and "[t]ake appropriate measures to ensure the effective investigation and prosecution of crimes

³¹ ICC-01/04-02/06-2666-Red, pp. 49-67 and paras. 175-178, 191.

³² ICC-01/04-01/07-776, para.101.

within the jurisdiction of the Court". Granting the Request would better enable the Prosecution to seek to establish the facts and, ultimately, the truth.

18. Additionally, the request does not unduly infringe the rights of NGAISSONA. The information sought is minimal and is narrowly drawn and proportional to both the state of the current investigation and to its legitimate objectives. NGAISSONA is aware that his calls from the ICC Detention Centre are registered into call logs [REDACTED]. Any expectation of privacy while in detention he might have with respect to his calls is therefore highly attenuated.³³

V. RELIEF SOUGHT

19. For all of the above reasons, the Prosecution respectfully requests that the Chamber issue an order directing the Registry promptly to provide the information sought from the ICC Detention Unit.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 26th day of February 2026
At The Hague, The Netherlands

³³ Regulation 174(1) of the Regulations of the Registry ("RoR") provides that "[REDACTED]" The Prosecution's understanding is that only calls made by a detainee to persons other than persons exempted by regulation 174(1) of the RoR are [REDACTED], and are subject to monitoring.