

3.4.2. Witness tampering

Interfering with international criminal law may also be regarded as an act contrary to the purposes and principles of the UN. In *A.* v *OFPRA* (17 January 2020), the CNDA ruled that acts undermining international criminal justice, particularly witness tampering, are contrary to the purposes and principles of the UN. It recognised that final judgments from international criminal tribunals are binding regarding established facts. Relying on the ICC's judgment of 19 October 2016, the CNDA found that the applicant deliberately recruited and coached defence witnesses in the *Prosecutor* v *Jean-Pierre Bemba Gombo* case. The applicant offered financial incentives and resettlement in Europe to the witnesses in exchange for false testimony, instructed witnesses to falsely claim military backgrounds, assigned them fabricated ranks and actively helped prepare their statements. The court emphasised that although the applicant was not the principal instigator of the acts of bribery, he nevertheless committed the offenses of his own initiative and took every opportunity to prepare the witnesses for their testimony.

The court linked the work of the ICC with the maintenance of international peace and security, and referred to legal frameworks such as the UN Resolution A/RES/73/7, establishing the 'unbreakable link' between the objectives of the ICC and the purposes and principles of the UN. Based on these findings, the CNDA concluded that the applicant directly undermined international criminal justice and therefore committed acts contrary to UN principles, excluding him from international protection.

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