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

Date: **17 October 2024**

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung
Judge Beti Hohler, Alternate Judge

**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 Observations on the “Tenth Registry
Report on the Implementation of the Restrictions on Contact for Mr Alfred
Yekatom Ordered by Trial Chamber V”(ICC-01/14-01/18-2658-Conf)”,
ICC-01/14-01/18-2668-Conf, 3 September 2024**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) provides its observations on the Tenth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V (“Tenth Report”).¹ The Chamber should maintain the current conditions of detention.

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(2) of the Regulations of the Court (“RoC”), this document is filed as “Confidential”, as it refers to filings of the same classification. A confidential redacted version will be filed as soon as practicable.

III. SUBMISSIONS

The Current Restrictions Should be Maintained

3. The Prosecution notes the absence of any new incident as indicated in the Tenth Report.² However, contact restrictions serve an important function in the institution and in this case. They are essential to protect witnesses and victims pursuant to regulation 101(2)(c) and (f) of the RoC, and to safeguard the integrity of the proceedings, pursuant to regulation 101(2)(b).

4. The current conditions of detention should remain in place. The prevailing circumstances have not materially changed since the Chamber issued its Tenth Decision on YEKATOM’s contact restrictions in detention,³ notwithstanding the Registry’s observation in this particular period that there is “no incident to report.”⁴ Notably, in its Ninth Report, [REDACTED].⁵

¹ ICC-01/14-01/18-2658-Conf.

² ICC-01/14-01/18-2658-Conf, para. 6.

³ ICC-01/14-01/18-2456-Conf, para. 8.

⁴ ICC-01/14-01/18-2658-Conf, para. 6.

⁵ ICC-01/14-01/18-2456-Conf, para. 10 [REDACTED].

5. [REDACTED], the circumstance demonstrates the inherent frailty of the Court's system, and thus underscores the risks attendant to the proper implementation of measures to ensure and safeguard the integrity of the proceedings, of which the contact restrictions regime forms a critical part.

6. It is incontestable that YEKATOM has a longstanding history of non-compliance with the Chamber's orders regarding the conditions of his detention. While at this stage, all Prosecution witnesses have been heard on the merits of the case, witnesses who may yet be called in respect of further proceedings, such as sentencing, have not been heard. Accordingly, the potential risk to the proceedings beyond its present phase exists and should not be underestimated. Thus the present limitations on YEKATOM's contacts should remain in place. The regulation of his conduct remains necessary, as his history demonstrates that his compliance with the conditions of his detention is by no means a given.

IV. CONCLUSION

7. For the reasons above, the Chamber should direct the Registry to maintain the current conditions of YEKATOM's detention.



Karim A. A. Khan KC, Prosecutor

Dated this 17th October 2024
At The Hague, The Netherlands