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**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18

Date: 26 March 2025

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

***THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Confidential

**Twelfth Decision on Mr Yekatom's Restrictions on Contacts and
Communications in Detention**

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**

Yekatom Defence

Ngaïssona Defence

☒ **Legal Representatives of the Victims**Common Legal Representative of the Former
Child SoldiersCommon Legal Representatives of Victims of
Other Crimes☐ **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

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**☒ **Victims and Witnesses Unit**☒ **Detention Section**☐ **Victims Participation and Reparations
Section**☐ **Other**

TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64(2) and 68(1) of the Rome Statute, Regulations 99-101 of the Regulations of the Court, and Regulations 167-170, 173-175, 177-180, 182-185 and 187 of the Regulations of the Registry, issues this ‘Twelfth Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention’.

1. The Chamber recalls the procedural history set out in its latest decision on Mr Yekatom’s restrictions on contacts and communications in detention, where it *inter alia* decided to maintain the restrictions on Mr Yekatom, (the ‘Eleventh Decision’ and the ‘Current Restrictions’, respectively).¹
2. On 28 February 2025, the Registry filed its eleventh report on the implementation of the Current Restrictions, in which it states that (i) during a phone call on 9 November 2024, it appeared that Mr Yekatom requested the interlocutor to record the conversation and use a speakerphone (the ‘First Call’); and (ii) during a phone call on 14 November 2024, Mr Yekatom spoke with an individual that is not on his non-privileged contact list (the ‘Second Call’ and together ‘the Calls’). The Registry further noted that as the Calls appeared to relate to private and family matters, it had no concerns on their substance (the ‘Eleventh Report’).²
3. On 10 March 2025, the Office of the Prosecutor (the ‘Prosecution’) submitted that the Current Restrictions should be maintained (the ‘Prosecution Observations’).³
4. On 13 March 2025, the Yekatom Defence requested the Chamber to refrain from finding that Mr Yekatom violated the Current Restrictions during the Calls. It

¹ Eleventh Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention, 3 October 2024, ICC-01/14-01/18-2715-Conf, para. 8, p. 5. The Chamber further recalls the Current Restrictions set out in its Ninth Decision on Contacts and Communications in Detention, 25 October 2023, ICC-01/14-01/18-2165-Conf (the ‘Ninth Decision’), paras 17-18.

² Eleventh Registry Report on the Implementation of the Restrictions on Contacts for Mr Yekatom Ordered by Trial Chamber V, ICC-01/14-01/18-2764-Conf (with confidential *ex parte* Annexes I-II only available to the Yekatom Defence and the Registry, ICC-01/14-01/18-2764-Conf-Exp-AnxI, ICC-01/14-01/18-2764-Conf-Exp-AnxII), paras 6-7.

³ Prosecution’s Observations on the “Eleventh Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V” (ICC-01/14-01/18-2764-Conf), ICC-01/14-01/18-2765-Conf, para. 9.

submits that the 'reported incidents have no connection with the present proceedings and are solely related to private matters' (the 'Yekatom Defence Observations').⁴

5. The Chamber recalls the applicable standard and assessment criteria as previously set out.⁵ The Chamber further recalls that the Current Restrictions prohibit Mr Yekatom from, *inter alia*, engaging in non-privileged phone calls with individuals not on his non-privileged contact list, be it directly, via speakerphone, or by recording a telephone call and sharing it with a non-privileged contact.⁶
6. Having reviewed the transcripts of the Calls, the Chamber considers that Mr Yekatom attempted to circumvent the Current Restrictions by requesting that a recording be made in the First Call.⁷ In this respect, the Chamber notes that there is no indication that any such recording took place. Further, Mr Yekatom appears to have requested that the volume be increased rather than a speakerphone be used. Turning to the Second Call, the Chamber considers that Mr Yekatom breached the Current Restrictions by speaking to an individual not on his non-privileged contact list.⁸ However, the Chamber also observes that Mr Yekatom's exchange with the individual in question was limited in duration.⁹
7. Taking into account the above findings, and further noting that the Calls were not related to the present case but concerned personal matters, the Chamber cannot discern any risk for victims, witnesses or other individuals. Additionally, given that there has been no material change in circumstances since the Eleventh Decision,¹⁰ the Chamber does not consider any modification of the Current

⁴ Yekatom Defence Observations on the "Eleventh Registry Report on the Implementation of the Restrictions on Contacts for Mr Yekatom Ordered by Trial Chamber V", 28 February 2025, ICC-01/14-01/18-2764-Conf, ICC-01/14-01/18-2766-Conf-Exp, confidential *ex parte* only available to the Yekatom Defence and the Registry (with confidential *ex parte* Annex A only available to the Yekatom Defence and the Registry, ICC-01/14-01/18-2766-Conf-Exp-AnxA) (confidential redacted version notified on 14 March 2025, ICC-01/14-01/18-2766-Conf-Red), para. 20.

⁵ See Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention, 17 April 2020, ICC-01/14-01/18-485-Conf (public redacted version notified on 16 February 2021, ICC-01/14-01/18-485-Red), paras 16-18, 20.

⁶ Ninth Decision, ICC-01/14-01/18-2165-Conf, paras 1, 17-18; Eleventh Report, ICC-01/14-01/18-2764-Conf, para. 6.

⁷ See Annex I to the Eleventh Report, ICC-01/14-01/18-2764-Conf-Exp-AnxI, para. 31.

⁸ See Annex II to the Eleventh Report, ICC-01/14-01/18-2764-Conf-Exp-AnxII, paras 60-78.

⁹ See also Yekatom Defence Observations, ICC-01/14-01/18-2766-Conf-Red, paras 6-16, 20.

¹⁰ Eleventh Decision, ICC-01/14-01/18-2715-Conf, paras 6-8.

Restrictions necessary at this stage. Nonetheless, the Chamber trusts that in the future Mr Yekatom will fully comply with the Current Restrictions.

FOR THESE REASONS, THE CHAMBER HEREBY

FINDS that Mr Yekatom breached the Current Restrictions in relation to the Second Call;

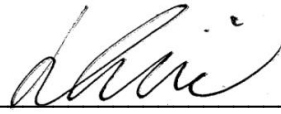
DECIDES to maintain the Current Restrictions; and

ORDERS the Registry, the Prosecution and the Yekatom Defence to file public redacted versions of the Eleventh Report, ICC-01/14-01/18-2764-Conf; the Prosecution Observations, ICC-01/14-01/18-2765-Conf; and the Yekatom Defence Observations, ICC-01/14-01/18-2766-Conf-Red, within one week of notification of this decision.

Done in both English and French, the English version being authoritative.

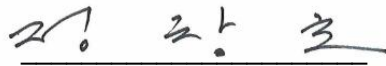


Judge Péter Kovács



Judge Bertram Schmitt

Presiding Judge



Judge Chang-ho Chung

Dated 26 March 2025

At The Hague, The Netherlands