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

Date: **2 April 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 *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

**Public redacted version of “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, 10 March 2025**

Source: Office of the Prosecutor

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D29 and D30

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) provides its observations on the Eleventh Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V (“Eleventh 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 Registry’s qualification of the two violations of the Chamber’s restrictions reported for 9 November 2024 and 14 November 2024 respectively, as [REDACTED]² As well, the Prosecution notes the measure of the Chief Custody Officer a month later – 13 December 2024 – [REDACTED]³

4. However, as previously noted, the contact restrictions in place comprise *an order* of the Chamber. They are not merely advice or guidance. Such orders serve a critical function in the institution. 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 proceedings before this Court pursuant to regulation 101(2)(b).

5. The Accused has a lengthy history of circumventing the conditions of his detention prior to the issuance of the Eleventh Report.⁴ Thus, independently of any

¹ ICC-01/14-01/18-2764-Conf.

² ICC-01/14-01/18-2764-Conf, paras. 6-7.

³ ICC-01/14-01/18-2764-Conf, para. 8.

⁴ See *e.g.*, ICC-01/14-01/18-T-310 ET WT, p. 42, ln. 13-15.

administrative actions the Registry may take in view of yet another violation, the matter is *not* appropriately resolved by merely ‘reminding’ the Accused – a well-established recidivist – of his obligation to abide by the Chamber’s order. Indeed, it is unclear whether the Registry has thus far imposed any meaningful disciplinary action toward enforcing the Accused’s conditions of detention, especially given his repeated flouting of the Chamber’s orders. At a minimum therefore, the current conditions of detention should remain in place.

6. Apart, the prevailing circumstances have not materially changed — certainly not favourably to the Accused — since the Chamber issued its Tenth Decision on YEKATOM’s contact restrictions.⁵ Indeed, the present violations underscore the need for continued enforcement of the Chamber’s orders to attenuate risks to the integrity of the proceedings. The contact restrictions regime is critical in this respect.

7. Although the Eleventh Report asserts that the Accused’s conversations [REDACTED],⁶ it is unclear whether this assessment is meant to be objective or conclusive. The language suggests that it is neither. Nevertheless, regardless of the content of the communications, the fact that YEKATOM knowingly engaged in a [REDACTED]⁷ and further knowingly participated in [REDACTED],⁸ is deeply troubling. This is particularly so, given the Chamber’s previous admonition with regard to ensuring his compliance with its orders.⁹ Although the trial proper is nearly concluded, potential further litigation is not. Accordingly, there is a tangible need to safeguard *potential* further proceedings beyond the present phase which should not be disregarded or minimised.

8. The retention of the present restrictions on YEKATOM’s contacts are justified at a minimum. The reported violations make clear that the Accused simply cannot be

⁵ ICC-01/14-01/18-2456-Conf, para. 8.

⁶ ICC-01/14-01/18-2764-Conf, para. 6-7 (emphasis added).

⁷ ICC-01/14-01/18-2764-Conf, para. 7 (emphasis added).

⁸ ICC-01/14-01/18-2764-Conf, para. 6.

⁹ ICC-01/14-01/18-2456-Conf, para. 12.

counted on to abide by the Chamber's orders. Thus, the close regulation of his conduct remains essential.

IV. CONCLUSION

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

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line and a dot.

Karim A. A. Khan KC, Prosecutor

Dated this 2nd April 2025

At The Hague, The Netherlands