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

Date: 16 July 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***

Confidential

**Prosecution's Observations on the "Thirteenth Registry Report on the
Implementation of the Restrictions on Contacts of Mr Ngaïssona Ordered by Trial
Chamber V" (ICC-01/14-01/18-2779-Conf)**

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 Thirteenth Registry Report on the Implementation of the Restrictions on Contacts of Mr Ngaïssona Ordered by Trial Chamber V ("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 takes note that "the Registry has no concerns to report" in this period.² With that said, the Prosecution also recalls the Registry's 10 January 2025 report, noting the Accused's improper communication had in violation of the Chamber's Order on 10 December 2024.³

4. As previously recalled, the Chamber's contact restrictions do not comprise mere advice or guidance – they are an order of this Court, critically serving 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).

5. Notwithstanding the Registry's absence of concern in the present Report, the fact remains that the Accused has a lengthy history of circumventing the conditions of his detention, as previously noted.⁴ That the Registry has not detected a violation in this

¹ ICC-01/14-01/18-2779-Conf.

² ICC-01/14-01/18-2779-Conf, paras. 5-6.

³ See ICC-01/14-01/18-2752-Conf-Exp-Red, paras. 8-9 (updated and notified on 14 February 2025).

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

instance – which should be the norm in any event – does not warrant any change in the prevailing conditions. Rather, it demonstrates that the conditions of detention required by the Chamber's Order are serving the intended purpose and curtailing misconduct.

6. Although the trial proper is now concluded and a judgement is imminent, the potential for further litigation in this case may not be. As such, there is a continued need to safeguard potential further proceedings, as well as to protect witnesses who have provided evidence in this case at risk to their own and their families' well-being. These substantial considerations should not be disregarded or minimised, notwithstanding the current Registry observations. The retention of the Chamber's restrictions on NGAISSONA's contacts are justified at a minimum.

7. In view of the Accused's history of circumventing the Chamber's Order, the present Report in no way alters NGAISSONA's record which establishes that he cannot be counted on to abide by the Chamber's directives. The close regulation of his conduct in detention remains essential, and may remain so following the delivery of the judgement.

IV. CONCLUSION

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



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 16th July 2025
At The Hague, The Netherlands