

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: *English*

No.: ICC-01/14-01/18
Date: 2 September 2025

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Kimberly Prost
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

**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 "*Twelfth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V*"
(ICC-01/14-01/18-2804-Conf)**

Source: Office of the Prosecutor

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Trial Chamber V |

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") provides its observations on the Twelfth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V ("Twelfth Report").¹ As the Yekatom Defence's 25 July 2025 "Urgent Request for Amendment of Mr Yekatom's Contact Restrictions"² remains pending, the Prosecution considers that the Appeals Chamber ("Chamber") should maintain the current conditions of detention subject to its 1 August 2025 observations on the Urgent Request.³

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. Subject to the Urgent Request which seeks to limitedly and temporarily modify the Defendant's contact restrictions in detention, Trial Chamber V's order, as extended pursuant to its Twelfth Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention ("Twelfth Decision")⁴, should remain in place.

4. In its Twelfth Decision, Trial Chamber V found that "Mr Yekatom attempted to circumvent the Current Restrictions by requesting that a recording be made in the First Call" and that "Mr Yekatom breached the Current Restrictions by speaking to an

¹ ICC-01/14-01/18-2804-Conf.

² ICC-01/14-01/18-2788 ("Urgent Request").

³ See ICC-01/14-01/18-2788 (acceding to the temporary variation of YEKATOM's contact and communications restrictions).

⁴ ICC-01/14-01/18-2767.

individual not on his non- privileged contact list".⁵ Notwithstanding that the Trial Chamber further determined that the communications at issue concerned "personal matters",⁶ the Prosecution considers that the Defendant's prior misconduct highlights the continued risk justifying the extension of the restrictions in place.

5. That the Defendant has a lengthy history of circumventing or attempting to circumvent the conditions of his detention is incontestable.⁷ Indeed, in connection with the Eleventh Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V ("Eleventh Report"),⁸ the Chief Custody Officer had to 'remind' the Defendant on 13 December 2024 "of the restrictions in place and of his responsibility to ensure that his interlocutors comply with them."⁹ It bears noting that these restrictions were not new and had been in place for a number of years. Accordingly, the Defendant was fully aware that his conduct and that of the individuals with whom he was in contact were in direct violation of the Trial Chamber's order.

6. Although the Twelfth Report presently notes the absence of any Registry concerns regarding the Defendant's conduct since the Eleventh Report was issued,¹⁰ the Chamber should not disregard Trial Chamber V's March 2025 express finding that the Defendant had once again violated the contact restrictions order. The Prosecution considers that the Defendant's repeated flouting of the current order, precludes any substantive modification thereof beyond the limited scope and duration sought in the pending Urgent Request, as addressed in the Prosecution's observations.¹¹

7. The contact restrictions in place comprise *an order* of a Chamber of this Court. It is not merely advice or guidance. Such orders serve a critical function in the

⁵ ICC-01/14-01/18-2767, para. 6.

⁶ ICC-01/14-01/18-2767, para. 7.

⁷ See e.g., ICC-01/14-01/18-T-310 ET WT, p. 42, ln. 13-15 (noting the same).

⁸ ICC-01/14-01/18-2764-Conf.

⁹ ICC-01/14-01/18-2764-Conf, para. 8.

¹⁰ See ICC-01/14-01/18-2804, para. 4.

¹¹ ICC-01/14-01/18-2793, para. 2.

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).

8. The potential further litigation in this case is certain, and the need to preserve the integrity of the prospective proceedings is tangible and clearly remains important. Thus, while the absence of a violation is a step in the right direction, this does not obviate the need for the current restrictions order. Rather than demonstrate any need for the abatement of such conditions, it shows that the they – along with the admonition of the Registry and the Trial Chamber have been (and continue to be) minimally *necessary* to safeguard the ongoing proceedings, and to protect the security and well-being of witnesses who have testified in this case.

IV. CONCLUSION

9. For the reasons above, the Chamber should direct the Registry to maintain the current conditions of the Defendant's detention, subject to the Prosecution's observations on the pending Urgent Request.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 2nd September 2025
At The Hague, The Netherlands