



Original: English

**No. ICC-01/14-01/18 A
Date: 16 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 THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-ÉDOUARD NGAÏSSONA**

Public document

**Decision on restrictions to Mr Yekatom's contacts and communications in
detention**

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

D29

D30

☒ **Legal Representatives of the Victims**

V44

V45

☐ **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**

The Appeals Chamber of the International Criminal Court,

Further to the decision of Trial Chamber V entitled “Judgment” of 24 July 2025 (ICC-01/14-01/18-2784-Red),

Further to the “Decision on requests for extension of time limits for notices of appeal and appeal briefs against the decision of Trial Chamber V entitled ‘Judgment’” of 1 August 2025 (ICC-01/14-01/18-2794 (A)),

Having before it the “Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions” of 25 July 2025 (ICC-01/14-01/18-2788 (A)),

Having before it the “Twelfth Registry Report on the Implementation of the Restrictions on Contacts of Mr Yekatom Ordered by Trial Chamber V” of 28 August 2025 (ICC-01/14-01/18-2804 (A)),

Renders, pursuant to regulations 23bis, 99(1)(h) and (i), 100(1) and 101(2) of the Regulations of the Court, as well as regulations 174, 179(1) and 180(1) of the Regulations of the Registry, the following

DECISION

1. The prohibition of discussions related to the present case during Mr Yekatom’s non-privileged communications is lifted.
2. Mr Yekatom is directed to refrain during non-privileged communications from discussing or revealing in clear or coded language: (1) any identifying information about victims and witnesses and their family members, such as names, pseudonyms, references to their work, or family links; and (2) whereabouts of victims and witnesses and their family members.
3. The remaining restrictions on Mr Yekatom’s contact, as described at paragraph 20 of this decision, are maintained.
4. The Registry is directed to continue submitting its reports on the implementation of the contact restrictions every six months. The Prosecutor

may make observations on the Registry's report within five days of notification of each report, and the Defence for Mr Yekatom may make observations within 10 days of each report.

5. The Prosecutor is directed to file a public redacted version of document ICC-01/14-01/18-2807-Conf, within one week of the notification of this decision.

6. The Registry is directed to reclassify document ICC-01/14-01/18-2809-Conf as public.

REASONS

I. PROCEDURAL HISTORY

1. On 17 November 2018, the Single Judge of Pre-Trial Chamber II found that “there [we]re reasonable grounds to believe that contact between Yekatom and his associates could affect the investigation and the outcome of the proceedings against him” and granted the Prosecutor's request for restrictions to Mr Yekatom's contacts by, *inter alia*, prohibiting “[a]ny discussion related to the present case” with “a limited number of individuals, such as family members”.¹ The Single Judge also imposed the active monitoring of Mr Yekatom's telephone calls and correspondence received or sent.²

2. On 17 April 2020, Trial Chamber V (hereinafter: “Trial Chamber”) decided to maintain those restrictions, noting that

the aforementioned restrictions and their underlying reasons strike an appropriate balance with the exercise of Mr Yekatom's right to family life and privacy. The Chamber considers that there are reasonable grounds to believe that the lifting of the Current Restrictions could prejudice the outcome of the proceedings, namely by negatively impacting on the Prosecution's ongoing investigations and the protection of victims and witnesses in this case.³

¹ [Decision pursuant to Regulation 101 of the Regulations of the Court](#), ICC-01/14-01/18-11 (hereinafter: “17 November 2018 Decision”), paras 5-6.

² [17 November 2018 Decision](#), para. 8.

³ [Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention](#), ICC-01/14-01/18-485-Conf (public redacted version filed on 16 February 2021 (ICC-01/14-01-18-485-Red)) (hereinafter: “17 April 2020 Decision”), para. 23.

3. On 25 October 2023, the Trial Chamber found that “the complete maintenance of the Current Restrictions [was] no longer necessary or proportionate” and it therefore replaced the random active monitoring of Mr Yekatom’s non-privileged telephone calls and visits with passive monitoring, and ordered the continuation of the amended restrictions “until the end of the evidentiary phase of this case”.⁴
4. On 3 October 2024 and 26 March 2025, the Trial Chamber maintained the restrictions on communications of Mr Yekatom, including the prohibition of discussions related to the present case during non-privileged communications.⁵
5. On 24 July 2025, the Trial Chamber rendered the “Judgment” (hereinafter: “Trial Decision”).⁶
6. On 25 July 2025, the Defence for Mr Yekatom (hereinafter: “Yekatom Defence”) filed a request for the lifting of one of the restrictions to his contacts (hereinafter: “Request”).⁷
7. On 31 July 2025, the Appeals Chamber invited the Prosecutor and the Registry to submit written observations on the Request by 22 August 2025.⁸
8. On 1 August 2025, the Prosecutor filed his observations on the Request (hereinafter: “Prosecutor’s Observations on the Request”).⁹
9. On 11 August 2025, the Registry filed its observations on the Request (hereinafter: “Registry’s Observations on the Request”).¹⁰

⁴ [Ninth Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention](#), ICC-01/14-01/18-2165 (hereinafter: “25 October 2023 Decision”), paras 16-18, 20, p. 9.

⁵ Eleventh Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention, ICC-01/14-01/18-2715-Conf, p. 5; [Twelfth Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention](#), ICC-01/14-01/18-2767 (hereinafter: “26 March 2025 Decision”), p. 5.

⁶ [Judgment](#), ICC-01/14-01/18-2784-Conf, with Annexes A, B (public redacted version filed on the same day (ICC-01/14-01/18-2784-Red)).

⁷ [Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions](#), ICC-01/14-01/18-2788.

⁸ [Order on the filing of observations](#), ICC-01/14-01/18-2792 (A).

⁹ [Prosecution’s Observations to “Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions” \(ICC-01/14-01/18-2788\)](#), ICC-01/14-01/18-2793 (A), para. 2.

¹⁰ [Registry’s Observations on the “Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions” \(ICC-01/14-01/18-2788\) dated 25 July 2025](#), ICC-01/14-01/18-2797 (A), paras 8-10.

10. On 28 August 2025, the Registry filed its bi-annual report on the implementation of contact restrictions (hereinafter: “Registry’s Report”).¹¹

11. On 2 September 2025, the Prosecutor filed his observations on the Registry’s Report (hereinafter: “Prosecutor’s Observations on the Report”).¹²

12. On 8 September 2025, the Yekatom Defence filed its observations on the Registry’s Report (hereinafter: “Yekatom Defence’s Observations on the Report”).¹³

II. MERITS

A. The Request and observations thereon

13. The Yekatom Defence requests a variation of the restrictions on Mr Yekatom’s communications to authorise him to discuss the present case with his interlocutors, provided that he neither mentions or reveals the names or pseudonyms of witnesses, nor discloses or reveals any confidential information.¹⁴ The Yekatom Defence submits that Mr Yekatom’s interlocutors wish to speak to him about the Trial Decision.¹⁵ It avers that the issues of Mr Yekatom’s conviction and sentence are important for himself and his family, and that, therefore, the ability to discuss them is “necessary to give effect to Mr Yekatom’s right to respect for family life”.¹⁶

14. The Registry states that it does not oppose the sought variation, provided that Mr Yekatom refrains from discussing or disclosing, in clear or coded language, any identifying information or locations of witnesses and their family members.¹⁷ The Registry further states that the same recommendation applies to victims and witnesses who have appeared before the Court.¹⁸

¹¹ [Twelfth Registry Report on the Implementation of the Restrictions on Contacts of Mr Yekatom Ordered by Trial Chamber V](#), ICC-01/14-01/18-2804 (A).

¹² 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), ICC-01/14-01/18-2807-Conf (A).

¹³ Defence 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, 28 August 2025, ICC-01/14-01/18-2809-Conf (A).

¹⁴ [Yekatom Defence Request](#), paras 2, 13, 17, 21.

¹⁵ [Yekatom Defence Request](#), paras 11-12.

¹⁶ [Yekatom Defence Request](#), para. 13.

¹⁷ [Registry’s Observations](#), para. 9.

¹⁸ [Registry’s Observations](#), para. 10.

15. The Prosecutor states that he does not oppose the sought variation, provided that Mr Yekatom refrains from disclosing witness identities (irrespective of their protective measures) or confidential case information and that his non-privileged contacts remain subject to monitoring pursuant to regulation 174 of the Regulations of the Registry.¹⁹

B. The Registry's Report and observations thereon

16. The Registry submits that the following restrictions are currently in place for Mr Yekatom:

(1) non-privileged phone calls and non-privileged visits are limited to individuals on his non-privileged contact list, whose identities and contact details have been duly verified beforehand by the Chief Custody Officer [...]; (2) written correspondence is restricted to individuals on the non-privileged contact list; (3) non-privileged communications are limited to the languages of French and Sango; and (4) the use of obscure or coded language and discussions related to his case are prohibited during non-privileged communications.²⁰

17. The Registry states that it “has no concerns to report”.²¹ It notes that non-privileged telephone calls are randomly monitored and that it has no concerns to report in this regard.²²

18. The Prosecutor submits that the Appeals Chamber should maintain the current restrictions, subject to the Prosecutor's Observations on the Request.²³ The Prosecutor recalls recent examples of Mr Yekatom's misconduct, which in the view of the Prosecutor, “[highlight] the continued risk justifying the extension of the restrictions in place”.²⁴ The Prosecutor argues that “[t]he 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”.²⁵ He contends that the current conditions for contact are “minimally *necessary* to safeguard the ongoing proceedings, and to protect the security and well-being of witnesses who have testified in this case”.²⁶

¹⁹ [Prosecutor's Observations](#), para. 2.

²⁰ [Registry's Report](#), para. 2.

²¹ [Registry's Report](#), paras 1, 4.

²² [Registry's Report](#), para. 5.

²³ Prosecutor's Observations on the Report, paras 1, 3, 9. Although this document is marked confidential, the Appeals Chamber makes reference to it, as nothing in the cited excerpts reveals sensitive information and therefore is not considered confidential.

²⁴ Prosecutor's Observations on the Report, paras 4-6.

²⁵ Prosecutor's Observations on the Report, para. 8.

²⁶ Prosecutor's Observations on the Report, para. 8 (emphasis in original).

19. The Yekatom Defence submits that the Prosecutor’s Observations on the Report “merely [rehearse] [...] baseless and serious allegations against Mr Yekatom”, whereas the alleged risks became moot when the Trial Decision was rendered.²⁷ The Yekatom Defence avers that substantial time has elapsed since the Trial Chamber’s determination that the restrictions were necessary and proportional.²⁸ It contends that none of the breaches of the conditions for contact was “linked to witness interference or [...] otherwise impacted the integrity of the proceedings”.²⁹

C. Determination by the Appeals Chamber

20. The Appeals Chamber notes that, pursuant to the Trial Chamber’s decisions referred to above and in light of the Registry’s Report, the following restrictions are in place: (i) non-privileged phone calls and visits are limited to individuals on Mr Yekatom’s non-privileged contact list; (ii) written correspondence is restricted to individuals on that list; (iii) non-privileged communications are limited to the languages of French and Sango; and (iv) the use of obscure or coded language and discussions related to the present case are prohibited during non-privileged communications.³⁰ In addition, random monitoring of Mr Yekatom’s non-privileged telephone calls continues in accordance with regulation 175(1) of the Regulations of the Registry.³¹

21. These conditions for contact were imposed pursuant to regulation 101(2) of the Regulations of the Court (hereinafter: “Regulations”), which reads in its relevant part:

The Prosecutor may request the Chamber seized of the case to prohibit, regulate or set conditions for contact between a detained person and any other person, with the exception of counsel, if the Prosecutor has reasonable grounds to believe that such contact: [...] [, for instance,]

(b) Could prejudice or otherwise affect the outcome of the proceedings against a detained person, or any other investigation; [...] or

(f) Is a threat to the protection of the rights and freedom of any person.

22. The Appeals Chamber recalls that regulation 99(1)(h) and (i) of the Regulations provides that “[e]very detained person shall be entitled [...] [t]o receive

²⁷ Yekatom Defence’s Observations on the Report, paras 14-18, 24.

²⁸ Yekatom Defence’s Observations on the Report, paras 21-24.

²⁹ Yekatom Defence’s Observations on the Report, para. 25.

³⁰ [Registry’s Report](#), para. 2.

³¹ [Registry’s Report](#), para. 5.

correspondence, [...] and] [t]o communicate by letter or telephone with his or her family and other persons”. Regulation 100(1) of the Regulations stipulates that “[a] detained person shall be entitled to receive visits”. Pursuant to regulation 180(1) of the Regulations of the Registry, “[p]ermission for visits other than those by counsel [...] shall be granted, unless an order of the Chamber has been issued in accordance with regulation 101 of the Regulations of the Court”. Furthermore, regulation 179(1) of the Regulations of the Registry requires the Registrar to “give specific attention to visits by family of the detained persons with a view to maintaining such links”.

23. The Appeals Chamber recalls that “[a]ny interference with the rights of the detained person must be justified, the competing interests having been carefully balanced, and must be proportionately tailored to mitigate the risks or harms in regulation 101(2) of the Regulations”.³² It also recalls that “while contact restrictions are needed to preserve the integrity of the proceedings, these must be weighed against the accused’s right to privacy and family life”.³³

24. In the present case, the restrictions in question were imposed to prevent prejudice to the investigation and the outcome of the proceedings against Mr Yekatom,³⁴ as well as for the protection of victims and witnesses in this case.³⁵ Regarding the prohibition of discussions about the present case, the Appeals Chamber takes note of the Yekatom Defence’s submission that Mr Yekatom’s interlocutors wish to speak to him about his conviction and sentence.³⁶ The Appeals Chamber accepts that the Trial Decision is of importance to Mr Yekatom and his interlocutors, especially members of his family. The Appeals Chamber also notes that after the Trial Decision was rendered, some of the risks for which the aforementioned restriction was put in place became less pronounced. In particular, the Appeals Chamber underscores that the evidentiary phase of the trial

³² Appeals Chamber, *The Prosecutor v. Mahamat Said Abdel Kani*, [Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II entitled ‘Decision on the ‘Prosecution’s Request for Extension of Contact Restrictions’](#)”, 29 June 2021, ICC-01/14-01/21-111-Conf-Red (OA) (public redacted version filed on 17 May 2022 (ICC-01/14-01/21-111-Red2 (OA))), para. 49.

³³ Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Judgment on Mr Bosco Ntaganda’s appeal against the decision reviewing restrictions on contacts of 7 September 2016](#), 8 March 2017, ICC-01/04-02/06-1817-Conf (OA4) (public redacted version filed on the same day (ICC-01/04-02/06-1817-Red (OA4))) (hereinafter: “*Ntaganda* OA4 Judgment”), para. 101.

³⁴ [17 November 2018 Decision](#), para. 5.

³⁵ [17 April 2020 Decision](#), para. 23.

³⁶ [Yekatom Defence Request](#), paras 11-12.

and the trial itself completed, and that no live witness testimony is currently led, which reduces the risk of interference with witnesses.³⁷

25. Having balanced Mr Yekatom's increased need for communications with his family against the less prominent risks to the integrity of the proceedings and safety of victims and witnesses, the Appeals Chamber is satisfied that the prohibition of discussions related to the present case during Mr Yekatom's non-privileged communications can be lifted.

26. The Appeals Chamber finds that Mr Yekatom's undertaking³⁸ and the Registry's proposed safeguard³⁹ are appropriate in mitigating the risks or harms envisaged in regulation 101(2) of the Regulations and ensuring the safety of the victims and witnesses without unduly infringing on Mr Yekatom's rights to privacy and family life. Mr Yekatom is therefore directed to refrain from discussing or revealing in clear or coded language: (1) any identifying information about victims and witnesses and their family members, such as names, pseudonyms, references to their work, or family links; and (2) whereabouts of victims and witnesses and their family members.

27. The Appeals Chamber takes note of the Prosecutor's request that the random monitoring of Mr Yekatom's non-privileged telephone calls should continue.⁴⁰ In this regard, the Appeals Chamber notes regulation 174 of the Regulations of the Registry and the Registry's submission that non-privileged telephone calls of Mr Yekatom are randomly monitored.⁴¹

28. Regarding the remaining conditions for contact, the Appeals Chamber takes note of the Registry's submission that it "has no concerns to report".⁴² It also takes note of the Prosecutor's reference to incidents of non-compliance with the conditions for

³⁷ See [25 October 2023 Decision](#), paras 13-14. See also Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, [Decision on the present restrictions on Mr Ntaganda's contacts](#), 19 February 2018, ICC-01/04-02/06-2236-Conf (public redacted version filed on the same day (ICC-01/04-02/06-2236-Red)), paras 23-24; Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision reviewing the measures restricting Mr Al Hassan's contacts in detention](#), 31 January 2022, ICC-01/12-01/18-2100-Conf (public redacted version filed on 3 July 2023 (ICC-01/12-01/18-2100-Red)), para. 15.

³⁸ [Yekatom Defence Request](#), para. 17.

³⁹ [Registry's Observations](#), paras 9-10.

⁴⁰ [Prosecutor's Observations](#), para. 2.

⁴¹ [Registry's Report](#), para. 5.

⁴² [Registry's Report](#), paras 1, 4.

contact,⁴³ which are relatively recent, although they occurred before the start of the current reporting period.⁴⁴ While the Yekatom Defence correctly notes⁴⁵ that the Trial Chamber could not “discern any risk for victims, witnesses or other individuals”⁴⁶ in those instances, the fact that Mr Yekatom disregarded the conditions for contact imposed by the Trial Chamber remains a cause for concern.

29. The Appeals Chamber also notes the Prosecutor’s submission that “further litigation in this case is certain”.⁴⁷ The Appeals Chamber therefore considers that, while the aforementioned risk of prejudice to the outcome of the ongoing proceedings and to the safety of victims and witnesses is less prominent at this stage of the proceedings, it continues to exist. Contrary to the Yekatom Defence’s submission,⁴⁸ this risk did not become moot when the Trial Decision was rendered. In this regard, the Appeals Chamber recalls “the passage of time does not mean *per se* that the risk in question no longer exists and/or that restrictions have become disproportionate [; rather], the passage of time is but one factor that may influence either finding”.⁴⁹ The Appeals Chamber is persuaded that the risks continue to exist, also in light of the relatively recent attempts of Mr Yekatom to circumvent the conditions of contact. The Appeals Chamber further notes that the restrictions which are currently in place are not unduly onerous.

30. In light of the foregoing considerations and recalling the lifting of the prohibition of discussions about the case decided above, the Appeals Chamber finds that the restrictions which are currently in place are proportionately tailored to mitigate the identified risks of prejudice to the outcome of the ongoing proceedings and to the safety of victims and witnesses. They do not unduly interfere with the exercise of Mr Yekatom’s right to privacy and family life. The Appeals Chamber therefore finds that these restrictions should be maintained.

31. The Appeals Chamber highlights the need for regular review of the restrictions in place. To this end, the Appeals Chamber will continue monitoring the implementation

⁴³ Prosecutor’s Observations on the Report, paras 4-6.

⁴⁴ See [26 March 2025 Decision](#), para. 6.

⁴⁵ Yekatom Defence’s Observations on the Report, para. 25.

⁴⁶ [26 March 2025 Decision](#), para. 7.

⁴⁷ Prosecutor’s Observations on the Report, para. 8.

⁴⁸ Yekatom Defence’s Observations on the Report, paras 14-18, 24.

⁴⁹ [Ntaganda OA4 Judgment](#), para. 72.

of the restrictions. It adopts the reporting procedure put in place by the Trial Chamber.⁵⁰ The Registry is directed to continue submitting its reports every six months. The Prosecutor may make observations on the Registry's report within five days of notification of each report, and the Yekatom Defence may make observations within 10 days of each report.

32. The Appeals Chamber notes that the Prosecutor's Observations on the Report were filed confidentially only. The Appeals Chamber therefore directs the Prosecutor to file a public redacted version of this document within one week of the notification of this decision. The Appeals Chamber also directs the Registry to reclassify the Yekatom Defence's Observations on the Report as public, in light of the Yekatom Defence's submission that it does not oppose the reclassification of that document.⁵¹

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



Judge Solomy Balungi Bossa
Presiding

Dated this 16th day of September 2025

At The Hague, The Netherlands

⁵⁰ [Third Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention](#), 5 October 2020, ICC-01/14-01/18-672, para. 25.

⁵¹ Yekatom Defence's Observations on the Report, para. 28.