



Original: English

**No. ICC-01/14-01/18 A
Date: 9 October 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 redacted version of
Decision on request for variation of restrictions to Mr Ngaïssona'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),

Having before it the “Request for Amendment of Mr Ngaïssona’s Contact Restrictions” of 5 August 2025 (ICC-01/14-01/18-2795 (A)),

Renders, pursuant to regulations 23*bis*, 99(1)(i), 100(1) and 101(2) of the Regulations of the Court, including regulations 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 Ngaïssona’s non-privileged communications is lifted.
2. Mr Ngaïssona 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 Registry is directed to continue submitting its reports on the implementation of 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 Ngaïssona may make observations within 10 days of each report.
4. The Prosecutor is directed to file public redacted versions or seek reclassification as public of documents ICC-01/14-01/18-2802-Conf and

ICC-01/14-01/18-2805-Conf, within one week of the notification of this decision.

5. The Defence for Mr Ngaïssona is directed to file public redacted versions or seek reclassification as public of documents ICC-01/14-01/18-2803-Conf and ICC-01/14-01/18-2808-Conf, within 14 days of the notification of this decision.

REASONS

I. PROCEDURAL HISTORY

1. On 23 January 2019, the Single Judge of Pre-Trial Chamber II found that “there are reasonable grounds to believe that any contacts between Ngaïssona and his associates in the CAR could affect the investigation and the outcome of the proceedings against him” and granted the Prosecutor’s request for restrictions on contact between Mr Ngaïssona and other persons, by, *inter alia*, prohibiting “[a]ny discussion related to the present case” with “a limited number of individuals, such as family members”.¹

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

the gathering and organising of the evidence is crucial and at risk of interference during this stage of the proceedings, therefore requiring measures to protect it. Consequently, in light of the information available at this point and balancing the Current Restrictions against Mr Ngaïssona’s rights, 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.²

¹ [Decision pursuant to Regulation 101 of the Regulations of the Court](#), ICC-01/14-01/18-63 (hereinafter: “23 January 2019 Decision”), paras 7-8.

² [Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention](#), ICC-01/14-01/18-484-Conf-Exp (public redacted version filed on 16 February 2021 (ICC-01/14-01/18-484-Red2)) (hereinafter: “17 April 2020 Decision”), para. 25.

3. On 13 February 2025, the Trial Chamber decided to maintain the restrictions on Mr Ngaïssona's contact, noting, *inter alia*, his breach of the prohibition of discussing case-related issues.³
4. On 24 July 2025, the Trial Chamber rendered the "Judgment" (hereinafter: "Trial Decision").⁴
5. On the same day, the Trial Chamber decided to maintain the conditions for Mr Ngaïssona's contacts.⁵
6. On 5 August 2025, the Defence for Mr Ngaïssona (hereinafter: "Ngaïssona Defence") filed a request for the lifting of one of the restrictions (hereinafter: "Request").⁶
7. On 6 August 2025, the Appeals Chamber invited the Prosecutor and the Registry to submit written observations on the Request by 27 August 2025.⁷
8. On 12 August 2025, the Registry filed its observations on the Request (hereinafter: "Registry's Observations").⁸
9. On 21 August 2025, the Prosecutor filed his observations on the Request (hereinafter: "Prosecutor's Observations").⁹
10. On 1 September 2025, the Appeals Chamber granted the Ngaïssona Defence's request for leave to reply to the Prosecutor's Observations.¹⁰

³ [Eleventh Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention](#), ICC-01/14-01/18-2759-Conf-Exp (public redacted version filed on the same day (ICC-01/14-01/18-2759-Red)) (hereinafter: "13 February 2025 Decision"), paras 7, 10, p. 7.

⁴ [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)).

⁵ [Twelfth Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention](#), ICC-01/14-01/18-2785 (hereinafter: "24 July 2025 Decision"), para. 5, p. 4.

⁶ [Request for Amendment of Mr Ngaïssona's Contact Restrictions](#), dated 4 August 2025 and registered on 5 August 2025, ICC-01/14-01/18-2795 (A).

⁷ [Order on the filing of observations](#), ICC-01/14-01/18-2796 (A).

⁸ [Registry's Observations on "Request for Amendment of Mr Ngaïssona's Contact Restrictions" \(ICC-01/14-01/18-2795\) dated 4 August 2025](#), ICC-01/14-01/18-2798 (A).

⁹ Prosecution's Observations to "Request for Amendment of Mr Ngaïssona's Contact Restrictions (ICC-01/14-01/18-2795)", ICC-01/14-01/18-2802-Conf (A), with confidential Annex.

¹⁰ Decision on Ngaïssona Defence request for leave to reply regarding contact restrictions, 1 September 2025, ICC-01/14-01/18-2806-Conf (A). *See also* Defence Request for Leave to Reply to the

11. On 4 September 2025, the Ngaïssona Defence filed its reply (hereinafter: “Reply”).¹¹

II. MERITS

A. Submissions

12. The Ngaïssona Defence requests that the restrictions on Mr Ngaïssona’s communications be modified to authorise him to discuss the Trial Decision with his non-privileged contacts, provided that no confidential information is mentioned or revealed.¹² The Ngaïssona Defence submits that, following the Trial Decision convicting and sentencing both Mr Yekatom and Mr Ngaïssona, there is no longer a reasonable basis to maintain the prohibition of Mr Ngaïssona discussing the outcome of the proceedings with his family and close contacts.¹³ It argues that maintaining this prohibition “imposes a disproportionate restriction on his right to private and family life”.¹⁴ The Ngaïssona Defence notes that, given the Trial Decision’s visibility and impact on Mr Ngaïssona’s family life, “it is only natural that Mr. Ngaïssona’s non-privileged contacts inquire about the content of the [Trial Decision], his sentence, or his intentions moving forward”.¹⁵

13. The Registry submits that it would be able to implement the variation sought in the Request.¹⁶ It indicates that the Victims and Witnesses Unit does not oppose the Request,

provided that Mr Ngaïssona refrains from discussing or revealing in clear or coded language, 1) any identifying information about witnesses and their family members [...]; and/or 2) any locations of witnesses and their family members. [...] The same recommendation applies to victims and witnesses who have

“Prosecution’s Observations to ‘Request for Amendment of Mr Ngaïssona’s Contact restrictions’ (ICC-01/14-01/18-2802-Conf)”, 25 August 2025, ICC-01/14-01/18-2803-Conf (A), with confidential Annex A; Prosecution’s Response to “*Defence Request for Leave to Reply to the “Prosecution’s Observations to ‘Request for Amendment of Mr Ngaïssona’s Contact restrictions’ (ICC-01/14-01/18-2802-Conf)”*” (ICC-01/14-01/18-2803-Conf) [sic], 28 August 2025, ICC-01/14-01/18-2805-Conf (A).

¹¹ Defence Reply to the “Prosecution’s Observations to ‘Request for Amendment of Mr Ngaïssona’s Contact Restrictions’”, (ICC-01/14-01/18-2802-Conf)” [sic], ICC-01/14-01/18-2808-Conf (A).

¹² [Request](#), paras 4, 7-8.

¹³ [Request](#), para. 5.

¹⁴ [Request](#), para. 6.

¹⁵ [Request](#), para. 6.

¹⁶ [Registry’s Observations](#), para. 7.

appeared before the Court, regardless of whether they have benefited from incourt protective measures.¹⁷

14. The Prosecutor states that he opposes the Request, noting that there is no compelling basis for the modification sought, in light of Mr Ngaïssona's history of circumventing the restrictions.¹⁸ The Prosecutor argues that Mr Ngaïssona maintains close relations with [REDACTED] for the Ngaïssona Defence [REDACTED], implicated in improper contacts with witnesses during the trial, publicly claims that Mr Ngaïssona's conviction is, *inter alia*, politically motivated.¹⁹ The Prosecutor submits that [REDACTED] public statements underscore the existence of a risk to the integrity of the proceedings.²⁰ The Prosecutor contends that the current restrictions are proportional and necessary.²¹ He observes that alternative means exist for Mr Ngaïssona to communicate the outcome of the trial proceedings to his family, given the publicity of the Trial Decision and his counsel's ability to address the concerns of Mr Ngaïssona's family.²²

15. In the Reply, the Ngaïssona Defence submits that [REDACTED] is no longer [REDACTED] and is not included on the list of Mr Ngaïssona's non-privileged contacts.²³ It avers that the Prosecutor provided no evidence to substantiate his claim that Mr Ngaïssona has influence on [REDACTED].²⁴ The Ngaïssona Defence argues that Mr Ngaïssona has no control over [REDACTED], which are based on information already available in the public domain.²⁵ Regarding the Prosecutor's reference to incidents of Mr Ngaïssona circumventing the restrictions, the Ngaïssona Defence submits that in relation to a recent incident the Trial Chamber found that it could not discern any risk for victims, witnesses or other individuals.²⁶ The Ngaïssona Defence argues that the Prosecutor overlooks the existing monitoring of non-privileged communications.²⁷

¹⁷ [Registry's Observations](#), paras 8-9.

¹⁸ Prosecutor's Observations, paras 1, 3, 15-16.

¹⁹ Prosecutor's Observations, paras 6-8.

²⁰ Prosecutor's Observations, para. 10.

²¹ Prosecutor's Observations, p. 7.

²² Prosecutor's Observations, paras 13-14.

²³ Reply, para. 9.

²⁴ Reply, para. 10.

²⁵ Reply, para. 11.

²⁶ Reply, para. 12, referring to [13 February 2025 Decision](#), para. 8.

²⁷ Reply, para. 13.

B. Determination by the Appeals Chamber

16. The Appeals Chamber notes that, pursuant to the Trial Chamber’s decisions referred to above, a number of conditions for contact apply to Mr Ngaïssona’s non-privileged contacts, including the prohibition of discussing case-related issues.²⁸

17. 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.

18. The Appeals Chamber recalls that regulation 99(1)(i) of the Regulations provides that “[e]very detained person shall be entitled [...] [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”.

19. The aforementioned conditions for contact thus restrict Mr Ngaïssona’s right to communicate and discuss with his family and other persons included on his list of non-privileged contacts, both by telephone and during visits, on case-related issues.

20. 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

²⁸ See, for example, [13 February 2025 Decision](#), paras 7, 10, p. 7; [24 July 2025 Decision](#), p. 4.

regulation 101(2) of the Regulations”.²⁹ 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”.³⁰

21. In the present case, the restrictions in question were imposed to prevent prejudice to the investigation and the outcome of the proceedings against Mr Ngaïssona, as well as for the protection of victims and witnesses in this case.³¹ The Appeals Chamber notes the Ngaïssona Defence’s submission that following the public delivery of the Trial Decision, Mr Ngaïssona’s non-privileged contacts naturally inquire about his conviction and sentence.³² The Appeals Chamber accepts that the Trial Decision is of importance to Mr Ngaïssona and his interlocutors, especially members of his family.

22. The Appeals Chamber takes note of the Prosecutor’s opposition to the Request and his reliance on prior instances of Mr Ngaïssona circumventing the restrictions.³³ Indeed, the Trial Chamber found that “Mr Ngaïssona breached the contact restrictions in place on multiple occasions”.³⁴ One of the most recent incidents concerned a breach of the prohibition of discussing case-related issues.³⁵ However, on that occasion, the Trial Chamber observed that Mr Ngaïssona commented upon a publicly known document and that it could not discern any risk for victims, witnesses or other individuals in relation to that breach.³⁶ In this regard, the Appeals Chamber 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 and the trial itself completed, and that no live witness testimony is currently led, which reduces the risk of interference

²⁹ 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.

³⁰ 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))), para. 101.

³¹ [23 January 2019 Decision](#), para. 7; [17 April 2020 Decision](#), para. 25.

³² [Request](#), para. 6.

³³ [Prosecutor’s Observations](#), paras 1, 3, 15-16.

³⁴ [Trial Decision](#), para. 4680.

³⁵ [13 February 2025 Decision](#), para. 7.

³⁶ [13 February 2025 Decision](#), para. 8.

with witnesses.³⁷ Given the nature of the restriction in question, the Appeals Chamber is not persuaded that the incident upon which the Prosecutor relies and which occurred before the delivery of the Trial Decision is, without more, a sufficient reason to maintain that restriction.

23. The Appeals Chamber also notes the Prosecutor's references to public statements made by [REDACTED].³⁸ However, the Prosecutor does not demonstrate how the maintaining of the prohibition of case-related discussions could prevent [REDACTED] from making [REDACTED] of this kind. Notably, [REDACTED] is not included in the list of Mr Ngaïssona's non-privileged contacts.³⁹ Furthermore, the statements quoted by the Prosecutor refer to information that is publicly known.⁴⁰ The Appeals Chamber is therefore not persuaded that the aforementioned statements by [REDACTED] are a valid reason for maintaining the prohibition of case-related discussions between Mr Ngaïssona and his interlocutors.

24. Having balanced Mr Ngaïssona'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 Ngaïssona's non-privileged communications can be lifted.

25. The Appeals Chamber further notes that the Victims and Witnesses Unit are not opposed to the Request provided that Mr Ngaïssona does not discuss or reveal in clear or coded language, any identifying information about victims and witnesses and their family members, and/or any locations of victims and witnesses and their family

³⁷ See Trial Chamber, Eighth Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention, 31 October 2023, ICC-01/14-01/18-2177-Conf, paras 24-25. 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 [Prosecutor's Observations](#), paras 6-8; Annex to Prosecutor's Observations.

³⁹ Reply, para. 9.

⁴⁰ Reply, para. 11. See also Annex to Prosecutor's Observations.

members” regardless of whether they have benefited from in court protective measures”.⁴¹

26. The Appeals Chamber finds that Mr Ngaïssona’s undertaking⁴² and the Registry’s proposed safeguard⁴³ mentioned in the previous paragraph 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 Ngaïssona’s rights to privacy and family life. Mr Ngaïssona 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 highlights the need for regular review of the restrictions in place. To this end, the Appeals Chamber will continue monitoring the implementation of the restrictions. It adopts the reporting procedure put in place by the Trial Chamber.⁴⁴ Noting that the latest report was submitted on 10 July 2025,⁴⁵ the Appeals Chamber directs the Registry 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 Ngaïssona Defence may make observations within 10 days of each report.

28. The Appeals Chamber notes that the Prosecutor’s Observations and the Reply, as well as documents ICC-01/14-01/18-2803-Conf, ICC-01/14-01/18-2805-Conf were filed confidentially only. The Appeals Chamber therefore directs the Prosecutor and the Ngaïssona Defence to file public redacted versions of these documents or seek their reclassification.

⁴¹ [Registry’s Observations](#), paras 7-9.

⁴² [Request](#), para. 7.

⁴³ [Registry’s Observations](#), paras 8-9.

⁴⁴ [Third Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention](#),

5 October 2020, ICC-01/14-01/18-672, para. 25.

⁴⁵ [24 July 2025 Decision](#), para. 2.

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

A handwritten signature in black ink, appearing to read 'S. Balungi Bossa', written in a cursive style.

Judge Solomy Balungi Bossa
Presiding

Dated this 9th day of October 2025

At The Hague, The Netherlands