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

Date: 19 January 2026

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding Judge
Judge Luz del Carmen Ibanez 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***

Public

**Prosecution's Observations on the "Fourteenth Registry Report
on the Implementation of the Restrictions on Contacts
of Mr Ngaïssona" (ICC-01/14-01/18-2861)**

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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D29 and D30

☒ Legal Representatives of the Victims
V44 and V45

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Reparations Section

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) provides its observations on the Fourteenth Registry Report on the Implementation of the Restrictions on Contacts of Mr Ngaïssona (“Report”).¹ The Appeals Chamber (“Chamber”) should maintain the current conditions of detention.

II. SUBMISSIONS

The Current Restrictions Should be Maintained

2. The Prosecution takes note that “the Registry has no concerns to report” in this period.² Nevertheless, the Prosecution recalls the Registry’s 10 January 2025 report, noting the Accused’s improper communications in violation of the Trial Chamber’s Order.³

3. As previously recalled, the contact restrictions are not merely advisory or guidance. They are an *order* of this Court which serves 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). The Registry’s absence of concern cannot supplant the responsibility of the Chamber as a guarantor of the compelling interests embodied in Article 68(1) and Article 70.

4. Thus, regardless of the Defendant’s recent reports (at least, as far as the Registry is aware) the Defendant’s history of circumventing contact restrictions imposed during the course of trial is well-established.⁴ That the Registry has not detected a violation in this period – which should be the norm for any detainee – does not warrant any prospective change in the prevailing conditions.

¹ ICC-01/14-01/18-2861.

² ICC-01/14-01/18-2861, paras. 1, 4.

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.

5. The Registry's indication of the violations of contact restriction orders through random monitoring of similarly situated detainees underscores the point. While such violations are not attributable to this Defendant, their occurrence despite the Registry's monitoring mechanisms within the same facility demonstrates that existing safeguards can be circumvented. Consequently, maintaining the current restrictions is a necessary and proportionate measure to prevent similar occurrences.

6. The absence of the Registry's detection of violations in this reporting period underscores that the current conditions of detention as applied to this defendant continue to serve their intended purpose in curtailing misconduct. There is a continued need to safeguard the ongoing proceedings and to protect witnesses who remain at risk for having testified. Thus, the current restrictions⁵ on NGAISSONA's contacts remain justified.

7. As noted previously, the Accused's history of circumventing the Chamber's Order during the course of the proceedings is not substantially altered by the present Report. Given an opportunity, NGAISSONA cannot be counted on, and the close regulation of his conduct in detention remains essential through the appeals proceedings.

⁵ ICC-01/14-01/18-2812-Red, para. 26.

III. 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 19th January 2026

At The Hague, The Netherlands