



Original: English

**No. ICC-01/14-01/18
Date: 23 January 2026**

TRIAL CHAMBER V

**Before: Judge Beti Hohler, Presiding Judge
Judge Joanna Korner
Judge Keebong Paek**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA***

**Public
with Confidential Annex I**

**Decision on the Yekatom Defence's Request for guidance on the application of
the Protocol to contact witnesses in the context of reparations proceedings**

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**

Yekatom Defence

Ngaïssona Defence

☒ **Legal Representatives of the Victims**
Common Legal Representatives of Victims of
Other Crimes

☐ **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

Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

TRIAL CHAMBER V of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* (the ‘*Yekatom and Ngaïssona* case’), having regard to articles 64, 68(1) and 75 of the Rome Statute (the ‘Statute’), issues this ‘Decision on the Yekatom Defence’s Request for guidance on the application of the Protocol to contact witnesses in the context of reparations proceedings’.

1. On 19 March 2020, the Chamber, in its previous composition, issued the ‘Order scheduling first status conference’, in which it confirmed that the ‘Protocol on the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant’ (the ‘Contact Protocol’), adopted by Pre-Trial Chamber II, remained applicable.¹
2. On 15 May 2024, the Chamber, in its previous composition, issued its ‘Decision on the Ngaïssona Defence Request to Compel the Prosecution to Comply with the Contact Protocol’.²
3. On 24 July 2025, the Chamber, in its previous composition, issued the Judgment and Sentence in the case.³
4. On 16 January 2026, the Yekatom Defence submitted its ‘Request for guidance on application of the protocol to contact witnesses in the context of reparations proceedings’⁴ (the ‘Request’), in which it seeks the Chamber’s guidance on the application of the Contact Protocol during the reparations stage of the proceedings.⁵ The Yekatom Defence also submits that its prospective witness engagement at this stage of proceedings would be limited to discussing

¹See also Decision on Protocols at Trial, 8 October 2020, ICC-01/14-01/18-677-Anx5; [Order Scheduling First Status Conference](#), ICC-01/14-01/18-459, referring to [Annex A to the Decision on a Protocol on the Handling of Confidential Information and Contacts with Witnesses](#), 22 March 2019, ICC-01/14-01/18-156-AnxA; [Decision on Protocols at Trial \(with public Annexes 1-5\)](#), 8 October 2020, ICC-01/14-01/18-677.

² Decision on the Ngaïssona Defence Request to Compel the Prosecution to Comply with the Contact Protocol, ICC-01/14-01/18-2493-Conf.

³ Judgment, ICC-01/14-01/18-2784-Conf ([public redacted version](#) filed on the same day, ICC-01/14-01/18-2784-Red).

⁴ Email to the Chamber regarding the application of the Contact Protocol (see Annex I to the present Decision, pp.8-9).

⁵ Annex I, p. 8, referring to [Annex 5 to the Decision on Protocols at Trial](#), 8 October 2020, ICC-01/14-01/18-6fo77-Anx5.

information relevant for the reparation proceedings and it would not seek to discuss the charges or evidence.⁶

5. On 16 and 20 January 2026, the Prosecution, the Common Legal Representative for Victims (the ‘CLRv’) and the Ngaïssona Defence responded to the Request.⁷ The CLRv submits that the Contact Protocol, as well as the mechanisms for the exchange of information on individuals enjoying dual status, should apply during the reparation phase.⁸ The Ngaïssona Defence and the Prosecution do not take a position and defer to the Chamber’s discretion on the matter.⁹
6. The Chamber recalls that the ‘Decision on the Ngaïssona Defence Request to Compel the Prosecution to Comply with the Contact Protocol’ stated that ‘contact between the non-calling party and witnesses who have completed their testimony is prohibited unless exceptional circumstances can be demonstrated. In such circumstances, the non-calling party shall seize the Chamber, which will assess whether communication with the witnesses in question is appropriate’.¹⁰
7. The Chamber considers that since the Trial Judgement and Sentence have been issued, the reasons that gave rise to the prohibition of contact by a non-calling party without specific authorisation from the Chamber, are no longer applicable at this advanced stage of the proceedings.
8. With regard to the continued application of the Contact Protocol, the Chamber recalls the duty of the Court, as per article 68(1) of the Statute, to take appropriate measures to safeguard the safety, physical and psychological well-being, dignity and privacy of witnesses. The Chamber notes that the objective of the Contact Protocol is to protect witnesses’ safety and well-being in a manner consistent with the rights of the accused. As reflected in the Chambers Practice Manual, the

⁶ Annex I, p. 8.

⁷ See Annex I, pp. 2-4.

⁸ Annex I, p. 2, referring to [Annex 2 to the Decision on Protocols at Trial](#), 8 October 2020, ICC-01/14-01/18-677-Anx2; [Annex 5 to the Decision on Protocols at Trial](#), 8 October 2020, ICC-01/14-01/18-677-Anx5.

⁹ Annex I, p. 4, 7.

¹⁰ Decision on the Ngaïssona Defence Request to Compel the Prosecution to Comply with the Contact Protocol, ICC-01/14-01/18-2493-Conf, para. 8. The Chamber notes that the decision cited has confidential status; however, the Chamber considers that the information referred herein can be made public.

Contact Protocol applies ‘throughout the proceedings’,¹¹ which – in the view of the Chamber - includes the reparations stage.¹²

9. For these reasons, and to ensure the continued safety and well-being of the witnesses, the Chamber confirms that the Contact Protocol applies during the reparations stage of the proceedings. The Chamber emphasizes that non-calling party’s engagement with a witness at this stage should be limited to issues related to the reparations proceedings. Regarding the CLRV submission that ‘the same approach should be applied to all participating victims currently represented by them should the Defence plan to have any exchange with any of them,’¹³ the Chamber confirms that the Contact Protocol also applies in such situations.
10. The Chamber observes that the Yekatom Defence already notified the Prosecution of the identity of the witnesses and the purpose for their contact,¹⁴ and encourages the Prosecution to facilitate the contact with the requested witnesses as soon as practicable.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES that the Contact Protocol shall remain applicable during the reparations stage of the proceedings.

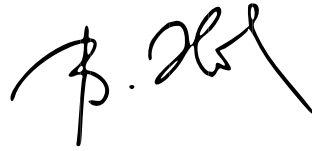
¹¹ Chambers Practice Manual, paras 102-103.

¹² See also Trial Chamber IX, [Decision on Defence Request for an Alteration of the Contact restrictions on Dominic Ongwen](#), 16 June 2022, ICC-02/04-01/15-2005-Red (in which Trial Chamber IX considered that the protocol regulating contacts between a party and a witness called by the opposing party or participant remained applicable also after the conviction of Mr Ongwen).

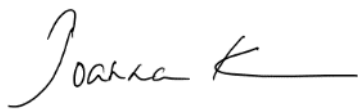
¹³ Annex I, p. 3.

¹⁴ Annex I, p. 8.

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



Judge Beti Hohler
Presiding Judge



Judge Joanna Korner



Judge Keebong Paek

Dated 23 January 2026

At The Hague, The Netherlands