

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 28 January 2026

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding Judge
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-
EDOUARD NGAÏSSONA***

Confidential

***EX PARTE* only available to the Prosecution and the Defence for Mr Yekatom
With *EX PARTE* Annex only available to the Prosecution and the Defence for Mr
Yekatom**

**Confidential Redacted Version of "Registry Observations on the "Prosecution's
Request to Modify Conditions of Detention" (ICC-01/14-01/18-2865-Conf-Exp) dated
22 January 2026", filed on 28 January 2026**

Source: Registry

Document 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 |
| ☐ Legal Representatives of the Victims | ☐ 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
M. Zavala Giler, Osvaldo | ☐ Counsel Support Section |
| ☒ Victims and Witnesses Unit | ☒ Detention Section |
| ☐ Victims Participation and Reparations Section | ☐ Other |

I. Introduction

1. Following the "Prosecution's Request to Modify Conditions of Detention" ("Request") dated 22 January 2026,¹ the Appeals Chamber ("Chamber") issued the "Order on the filing of observations" ("Order") on 23 January 2026, stating that the "Defence for Mr Alfred Yekatom and the Registrar may submit written observations on the "Prosecution's Request to Modify Conditions of Detention", including on the request made at paragraph 10 of that filing, by Wednesday, 28 January 2026".² In accordance with the Chamber's Order, the Registry hereby submits its observations. In light of the Prosecution's Request, the Registry also reports an additional call of potential concern.

II. Procedural History

2. The following contact restrictions ("Restrictions on Contacts") are currently in place for Mr Alfred Yekatom ("Mr Yekatom"):
 - (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. 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.³

Mr Yekatom must also refrain "from discussing or revealing in clear or coded language: [...] any identifying information about victims and witnesses and their family members, such as names, pseudonyms, references to their work, or family links; and [...] whereabouts of victims and witnesses and their family members".⁴

¹ Office of the Prosecutor, "Prosecution's Request to Modify Conditions of Detention" ("Request"), 22 January 2026, ICC-01/14-01/18-2865-Conf-Exp.

² Appeals Chamber, "Order on the filing of observations", 23 January 2026, ICC-01/14-01/18-2867-Conf-Exp.

³ Appeals Chamber, "Decision on restrictions to Mr Yekatom's contacts and communications in detention", 16 September 2025, ICC-01/14-01/18-2811, para. 20.

⁴ Appeals Chamber, "Decision on restrictions to Mr Yekatom's contacts and communications in detention", 16 September 2025, ICC-01/14-01/18-2811, paras. 2 and 20.

3. On 6 January 2026, the Registry informed the Chamber of the following matter and sought the Chamber guidance as to whether the communication set out below, together with the transcript of the non-privileged call of 20 December 2025 ("20 December 2025 Transcript") should be shared with the parties, in which case the Registry could propose a redacted version:

[...] On 20 December 2025, during a non-privileged telephone call that was randomly monitored on a post facto basis, Mr Yekatom appeared to communicate with an unauthorised person, [REDACTED] (also known as "[REDACTED]"), through an authorised person, namely his [REDACTED]. The communication took place via a WhatsApp call placed on speaker. During the call, Mr Yekatom stated, *inter alia*, that he was required to contact [REDACTED] through his [REDACTED] because the ICC had not yet approved his request to add her to his contact list.

The Registry confirms that Mr Yekatom's request to add [REDACTED] to his non-privileged contact list was pending assessment by the Victims and Witnesses Unit ("VWU") and is currently on hold in light of the present report, in order to clarify the nature of the relationship between Mr Yekatom and [REDACTED]. In this respect, while both individuals have informed the Registry that they are [REDACTED], the content of the monitored call suggests that their relationship may stem from their membership in the army.

The Registry further notes that, during the same call, Mr Yekatom appeared to use obscure language, stating that he preferred not to discuss certain matters over the telephone, given that calls may be randomly monitored, and that he would rather discuss such matters in person during a visit, or have information conveyed to [REDACTED] through another visitor.

In view of the above, the CCO will, by memorandum, remind Mr Yekatom of the current restrictions on his contacts and communications and inform him that any breach thereof will be reported to the Chamber accordingly.

The Registry stands ready to file a report on this matter on the record of the case, together with the relevant transcript (attached herewith), should the Chamber so instruct, or alternatively to include the matter in its next periodic report on the implementation of the contact restrictions concerning Mr Yekatom, due on 1 March 2026. [...] ⁵

4. On 8 January 2026, the Chamber's Presiding Judge informed the Registry that the matter should be included in the next report and instructed the Registry to share the email communication with the participants, subject to necessary redactions.⁶ Accordingly, on 9 January 2026 the Registry shared the email

⁵ Email from the Registry to the Appeals Chamber on 6 January 2026 at 16:53.

⁶ Email from the Appeals Chamber to the Registry on 8 January at 12:00.

communication together with the 20 December 2025 Transcript to the Defence for Mr Yekatom and, on 14 January 2026, a version with redactions applied to private information pertaining to third parties was shared with the Prosecution.⁷

5. On 23 January 2026, the Prosecution submitted its Request requesting the Chamber to, *inter alia*, modify Mr Yekatom's Restrictions on Contacts,⁸ instruct the Registry to "investigate the identity of the third party who communicated via speaker phone with [Mr Yekatom] and to provide its findings forthwith", direct the Registry "to investigate all of [Mr Yekatom]'s non privileged calls since its 28 August 2025 Report [...] and to provide the results thereof by 2 March 2026 in its next Report, or as the Chamber may direct".⁹ The Prosecution further requested to be provided with an unredacted version of the 20 December 2025 Transcript.¹⁰

IV. Applicable Law

6. For the purpose of the present submissions, the Registry has considered regulation 101(2) the Regulations of the Court ("RoC"), and regulations 173, 174 and 175 of the Regulations of the Registry ("RoR").

V. Classification

7. In accordance with regulation 23 *bis*(1) of the RoC, the present observations are submitted as confidential *ex parte* only available to the Defence for Mr Yekatom and the Registry, as it contains third-party and personal information pertaining to Mr Yekatom's private life. A confidential redacted version of the present report, accessible to the Prosecution, will be filed simultaneously.

⁷ Emails from the Registry to the Defence for Mr Yekatom on 9 January 2026 at 11:44 and to the Office of the Prosecutor on 14 January 2026 at 12:14.

⁸ Office of the Prosecutor, Request, paras. 6-8.

⁹ Office of the Prosecutor, Request, para. 9.

¹⁰ Office of the Prosecutor, Request, para. 10.

V. Submissions

8. The Registry hereby provides its observations on the following matters in relation to the Prosecution's Request: i) the Registry assessment of the identity of the third party; ii) the Registry capacity to investigate all non-privileged calls made by Mr Yekatom since 28 August 2025; and iii) the 20 December 2025 Transcript. In light of the Prosecution's Request, the Registry also reports an additional call of potential concern.

i) *Registry's assessment on the identity of the third party*

9. The Prosecution request the Chamber to instruct the Registry to "investigate the identity of the third party who communicated via speaker phone with [Mr Yekatom] and to provide its findings forthwith".¹¹ As previously reported to the Chamber,¹² the Registry confirms that, in December 2025, Mr Yekatom requested the addition of [REDACTED] to his list of non-privileged contacts. However, following the 20 December 2025's call, her addition to Mr Yekatom's non-privileged list was placed on hold in order to clarify the nature of her relationship with Mr Yekatom. In this respect, while both individuals informed the Registry that they are [REDACTED], the content of the monitored call suggests that their relationship may instead stem from their membership in the army. The Registry has not received any further information clarifying the nature of this relationship and is therefore unable to confirm it. As a result, this individual has not been added to Mr Yekatom's non-privileged contact list at this time.

ii) *Registry's capacity to investigate all non-privileged calls made by Mr Yekatom since 28 August 2025*

10. Should the Chamber order the Registry to review all non-privileged telephone calls made by Mr Yekatom since 28 August 2025, and to submit the results by

¹¹ Office of the Prosecutor, Request, para. 9.

¹² Email from the Registry to the Appeals Chamber on 6 January 2026 at 16:53.

2 March 2026, or as otherwise directed by the Chamber,¹³ the Registry informs the Chamber that such a review would require the examination of at least 209 hours of telephone calls made by Mr Yekatom during that period. This estimate does not include any calls made after 23 January 2026.

11. The Language Services Section ("LSS") currently has an in-house capacity of four Sango interpreters. Based on this capacity, the first stage of the review would consist of listening to all calls made since 28 August 2025, amounting to approximately 209 hours of recorded calls, which would require an estimated minimum of twenty-five to thirty working days. This estimate does not take into account the ongoing monitoring of randomly selected phone calls of Mr Yekatom and Mr Patrick Edouard Ngaissona, which currently amounts to approximately four hours per week, nor does it include the time required for the production of any transcripts that may result from the first stage of the review.
12. In the event that, during the first stage of the review, a call appears to be of potential concern, a transcript would need to be produced by an interpreter and subsequently reviewed by Detention Section staff as part of a second stage of the review. The rate of transcription depends on several factors, including the density of recorded speech and the availability of an existing transcript in the original language. In the present case, no transcript exists in Sango. Any transcription would therefore require direct translation from the audio recordings without a textual reference, which is a more complex and time-consuming process. Accordingly, where transcription is required, the LSS recommends, whenever possible, limiting transcription to specified excerpts of the recordings.

¹³ Office of the Prosecutor, Request, para. 9.

13. The LSS considers that the proposed deadline of 2 March 2026 could realistically only be met under ideal conditions, namely where no technical, system, or audibility issues arise that would need to be addressed during the exercise, no transcript is required, and no unforeseen staff absences occur. In light of the projected volume (209 hours), the Registry informs the Chamber that an extension of the proposed deadline by at least two weeks would be preferable for the completion of the first stage of the review, even if an additional interpreter were to be deployed on a freelance basis for the duration of the first stage of the review. The second stage of the review, which would include the production and review of transcript resulting from the first stage, is not included in what the LSS considers feasible within the above-mentioned timeframe.

iii) 20 December 2025 Transcript

14. The communication of the 20 December 2025 Transcript followed the Registry's established practice concerning the provision of transcripts to the parties, whereby unredacted versions are first provided to the Chamber and the Defence, and a redacted version is provided to the Prosecution. Redactions are applied to the names of third parties, telephone numbers, and information relating to the nature of their relationship with the detained person.¹⁴ The Chamber then determines whether the report may be disclosed to the Prosecution, with or without redactions.

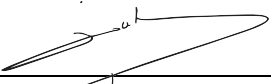
iv) Additional non-privileged call of potential concern

15. Pursuant to regulation 175(1) of the RoR, the Acting Chief Custody Officer conducted random, *post facto* monitoring of Mr Yekatom's non-privileged telephone calls. The Registry recalls that specific contact restrictions remain in place for Mr Yekatom, including to the prohibition on communication with

¹⁴ Redacted version of 20 December 2025 Transcript provided to the Prosecution by way of email from the Registry to the Office of the Prosecutor, on 14 January 2026 at 12:14.

unauthorised individuals.¹⁵ While this matter would ordinarily have been reported in the Registry's next report due on 2 March 2026, in light of the Prosecution's Request, the Registry reports the following:

16. On 3 January 2026, Mr Yekatom made non-privileged telephone calls to a non-privileged contact ("Interlocutor"). This call was randomly monitored on a *post facto* basis. From the transcripts of the call,¹⁶ Mr Yekatom appeared to communicate with an unauthorised person. The Registry has not been able to establish the identity of the unauthorised person. The conversation does not appear to be case-related. On 17 January 2026, the Acting Chief Custody Officer, via a memorandum, reiterated to Mr Yekatom the existing restrictions governing his contacts and communications and informed him that any breach thereof would be reported to the Chamber.



Marc Dubuisson, Director of the Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 28 January 2026
At The Hague, the Netherlands

¹⁵Appeals Chamber, "Decision on restrictions to Mr Yekatom's contacts and communications in detention", 16 September 2025, ICC-01/14-01/18-2811, para. 20.

¹⁶ Annex.