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

Date: 2 February 2026

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

Public redacted version of "Prosecution's Response to the 'Fifth Decision Pursuant to Regulation 101 of the Regulations of the Court' (ICC-01/14-01/18-86-Conf-Exp)", 27 February 2019, ICC-01/14-01/18-130-Conf-Exp," 1 March 2019,

Source: Office of the Prosecutor

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

The Office of the Prosecutor

[REDACTED]

[REDACTED]

[REDACTED]

Counsel for the Defence

[REDACTED]

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

[REDACTED]

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") requests that Pre-Trial Chamber II ("Chamber") extend the contact restrictions imposed on Alfred YEKATOM ("YEKATOM") beyond 1 March 2019¹ ("Request") in accordance with regulation 101(2) of the Regulations of the Court ("Regulations"). The circumstances justifying the restrictions have not changed in the 12 days since the Chamber's last decision and remain justified to protect (potential) witnesses, victims, and the ongoing investigation. [REDACTED].² Further, the contact restrictions are not unduly broad or burdensome, and are also necessary to avoid defeating the purpose of the contact restrictions currently imposed on Patrice-Edouard NGAISSONA ("NGAISSONA").

2. Should the Chamber consider lessening the restrictions, any such reduction should be implemented gradually. In such case, the Chamber should only order an increase in the time YEKATOM has for non-privileged calls.

II. CONFIDENTIALITY

3. This request is filed as "Confidential, *EX PARTE*, only available to the Prosecution and the YEKATOM Defence" as it concerns decisions and filings with the same classification, as well as information which, if divulged, may defeat the purpose of the request. The Prosecution will file a confidential redacted version as soon as practicable.

¹ ICC-01/14-01/18-86-Conf-Exp.

² ICC-01/14-01/18-62-Conf-Red.

III. SUBMISSIONS

A. The current contact restrictions are necessary and fairly balance the Suspect's rights and the Court's duty to protect witnesses and victims

4. The current contact restrictions remain necessary to protect ongoing investigations pursuant to regulation 101(2)(b), and to protect (potential) witnesses and victims pursuant to regulation 101(2)(c) and (f). The circumstances justifying these restrictions have been extensively outlined in the Prosecution's past filings³ and the Chamber's decisions.⁴ They are incorporated by reference herein. Those circumstances have not changed in the 12 days since the Chamber's Fifth Decision pursuant to Regulation 101. The justifications are briefly summarised below.

a. Contact restrictions remain necessary to protect witnesses, victims, and the ongoing investigation and do not unduly burden YEKATOM

5. As detailed in the Prosecution's previous filings,⁵ there are reasonable grounds to believe that contact between YEKATOM and his supporters or associates could affect the investigation and the outcome of the proceedings against him. The facts justifying those grounds include the following:

- *YEKATOM has a demonstrated propensity for violence and disregard for the rule of law:*
YEKATOM has a history of resorting to acts of violence and disregarding the rule of law, including up to and following his arrest in CAR on 26 October 2018.⁶

³ ICC-01/14-01/18-2-US-Exp, para. 357; ICC-01/14-01/18-5-US-Exp, paras. 9, 12, 17; ICC-01/14-01/18-9-US-Exp, paras. 8-9; ICC-01/14-27-US-Exp, para. 19; ICC-01/14-2744-Conf-Exp; ICC-01/14-01/18-44-Conf-Exp; ICC-01/14-01/18-69-Conf-Exp; ICC-01/14-01/18-83-Conf.

⁴ ICC-01/14-01/18-1-Red, para. 22; ICC-01/14-01/18-11-Conf-Exp, para. 5; ICC-01/14-01/18-25-Conf-Exp, para. 8; ICC-01/14-01/18-52-Conf-Exp; ICC-01/14-01/18-75-Conf-Exp; ICC-01/14-01/18-86-Conf-Exp.

⁵ ICC-01/14-01/18-11-Conf-Exp, para. 5; ICC-01/14-01/18-44-Conf-Exp, paras. 5-8; ICC-01/14-01/18-52-Conf-Exp, para. 15; ICC-01/14-01/18-69-Conf-Exp paras. 5-8; ICC-01/14-01/18-83-Conf, paras. 5-8.

⁶ ICC-01/14-22-US-Exp, para. 6; ICC-01/14-01/18-69-Conf-Exp, para. 5; ICC-01/14-01/18-83-Conf, para. 6.

- *YEKATOM has a strong motive to interfere with the Prosecution's investigation:* YEKATOM is charged with serious crimes and could face a lengthy term of imprisonment that may also affect his reputation and political and economic aspirations.⁷
- *YEKATOM continues to have influence over his supporters and associates in CAR:* As the Chamber previously found, YEKATOM “retains strong influence over his (former and current) Anti-Balaka subordinates, in particular in Lobaye Prefecture, which [REDACTED]”.⁸ If contact restrictions are lifted or lessened, YEKATOM will have easier access to his wide network of supporters and associates, increasing the risk of collusion and of witness tampering.
- *The Anti-Balaka are still active throughout CAR:* The Anti-Balaka still control significant territory in CAR,⁹ [REDACTED], easier.
- *The security situation in CAR is unstable:* The security situation in CAR remains fragile and unpredictable with recent developments significantly complicating work in the field.¹⁰ Moreover, [REDACTED].¹¹
- *Witnesses face a real risk of harm if YEKATOM leaks their identities:* The Prosecution's Protection Strategies Unit (“PSU”) continues to work with the Victims and Witnesses Unit (“VWU”) to ensure that witnesses whose evidence the Prosecution intends to rely upon are adequately protected.¹² As the Chamber is aware, implementing the necessary contingency plans takes time

⁷ ICC-01/14-01/18-69-Conf-Exp para. 8; ICC-01/14-01/18-83-Conf, para. 6.

⁸ ICC-01/14-01/18-1-Red, para. 22; CAR-OTP-2051-0393, at 0400; CAR-OTP-2051-0372, at 0373.

⁹ ICC-01/14-01/18-1-US-Exp, para. 22; ICC-01/14-01/18-11-Conf-Exp, para. 5; CAR-OTP-2084-1827.

¹⁰ ICC-01/14-74-US-Exp, paras. 15-17.

¹¹ ICC-01/14-01/18-83-Conf, para. 6.

¹² ICC-01/14-01/18-83-Conf, para. 8.

and has been hampered by the unstable and unpredictable security situation in CAR.¹³ In addition, [REDACTED].¹⁴ [REDACTED].¹⁵ Nonetheless, the Prosecution and VWU are making progress and the identities of many Prosecution witnesses will be disclosed to the Defence and to YEKATOM himself once a *Protocol on the Handling of Confidential Information and Contacts with Witnesses* is enacted. Allowing him to freely communicate with his supporters and associates in CAR will increase the risk of interference with these witnesses.

- [REDACTED]: [REDACTED].¹⁶ [REDACTED].¹⁷ Absent the restrictions, YEKATOM poses a concrete risk to the security of witnesses and the investigation. A risk which only increases as he continues to gain access to sensitive material in the case.¹⁸
- *The current contact restrictions are not unduly broad or burdensome:* [REDACTED].¹⁹ [REDACTED].²⁰

b. Impact of contact restrictions imposed on NGAISSONA

6. [REDACTED],²¹ the contact restrictions on YEKATOM are also necessary so as not to defeat those imposed on NGAISSONA. This is particularly relevant in light of

¹³ ICC-01/14-74-US-Exp, paras. 15-17.

¹⁴ Radio Ndeke Luka, [Le premier ministre Mathieu Simplicie Sarandji rend sa démission](#), 22 February 2019 [last accessed 26 February 2019]; aBangui, [Firmin Ngrébada nommé Premier ministre de la Centrafrique](#), 26 February 2019 [last accessed 26 February 2019].

¹⁵ Radio Ndeke Luka, [Centrafrique : Firmin Ngrébada nommé premier ministre post accord de Khartoum](#), 25 February 2019 [last accessed 26 February 2019]; aBangui, [Firmin Ngrébada nommé Premier ministre de la Centrafrique](#), 26 February 2019 [last accessed 26 February 2019].

¹⁶ ICC-01/14-01/18-62-Conf-Red.

¹⁷ ICC-01/14-01/18-69-Conf-Exp, paras. 11-12.

¹⁸ ICC-01/14-01/18-83-Conf, para. 9.

¹⁹ ICC-01/14-01/18-11-Conf-Exp, paras. 6, 8.

²⁰ ICC-01/14-01/18-11-Conf-Exp, para. 9.

²¹ ICC-01/14-01/18-86-Conf-Exp, para. 14.

the 20 February 2019 joinder of their cases.²² Contact restrictions were imposed on NGAISSONA upon his 23 January 2019 surrender.²³ However, YEKATOM and NGAISSONA are now detained at the same facility and free to communicate with each other.²⁴ The crimes imputed to YEKATOM and NGAISSONA overlap substantially,²⁵ and are largely based on the same evidence,²⁶ increasing the risk of collusion between the two suspects to undermine ongoing investigations. Thus, lifting or modifying the contact restrictions imposed on one risks the effectiveness of similar restrictions on the other.

B. Alternatively, the Chamber should only order the gradual reduction of contact restrictions

7. As previously requested, should the Chamber decide to modify the current contact restrictions, it should only do so gradually and in a way that ensures YEKATOM does not tamper with (potential) witnesses, victims, or the ongoing investigation. The Prosecution incorporates by reference its prior submissions on this matter.²⁷

²² ICC-01/14-01/18-87, para. 14.

²³ ICC-01/14-02/18-11, ICC-01/14-02/18-27.

²⁴ ICC-01/14-01/18-73-Conf-Exp.

²⁵ ICC-01/14-01/18-86-Conf-Exp, para. 14.

²⁶ ICC-01/14-01/18-87, paras. 11-14.

²⁷ ICC-01/14-01/18-83-Conf, paras. 12-13.

IV. RELIEF SOUGHT

8. For the above reasons, the Prosecution requests continuation of the current contact restrictions beyond 1 March 2019 for an additional 30-day period. Alternatively, the Chamber should only order an increase in the time YEKATOM has for non-privileged calls.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 2nd day of February 2026
At The Hague, The Netherlands