



Original: English

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***

Public

Public redacted version of “Prosecution’s Response to the “Fourth Decision Pursuant to Regulation 101 of the Regulations of the Court”” (ICC-01/14-01/18-75-Conf-Exp), 13 February 2019, ICC-01/14-01/18-83-Conf

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 15 February 2019¹ ("Request") in accordance with regulation 101(2) of the Regulations of the Court ("Regulations"). The circumstances justifying contact restrictions persist: YEKATOM has a demonstrated propensity for violence and disregard for the rule of law, ample supporters and associates in the Central African Republic ("CAR") to exploit a fragile security situation in CAR which can be taken advantage of, and a motive to interfere with the investigation, including witnesses and victims.²

2. YEKATOM's ostensible compliance with restrictions imposed to-date does not obviate the reasonable grounds to believe that his contact with his associates in CAR could jeopardise the Prosecution's ongoing investigation and the safety of witnesses and victims. Further, the restrictions imposed to-date, which allow YEKATOM to maintain contact with his family and friends, are not unduly burdensome, particularly when counterbalanced against the risks of his unmonitored contact to this case and the prospect of justice for victims.

3. The contact restrictions should remain in place for an additional 30-day period, pending the Chamber's review of the relevant circumstances at such time. Alternatively, should the Chamber deem it necessary to lift the contact restrictions, it should only do so gradually and not wholesale.

¹ ICC-01/14-01/18-75-Conf-Exp.

² ICC-01/14-01/18-69-Conf-Exp, paras. 5-8.

II. CONFIDENTIALITY

4. The Request is filed as confidential as it concerns decisions and filings with the same classification. The Prosecution will file a public redacted version once these filings and decisions are re-classified.

III. SUBMISSIONS

A. The contact restrictions are necessary to protect witnesses, victims, and ongoing investigation

5. The current contact restrictions on YEKATOM remain necessary to protect the ongoing investigation pursuant to regulation 101(2)(b), and to protect witnesses and victims pursuant to regulation 101(2)(c) and (f). The circumstances justifying these restrictions, as identified in the Prosecution's Application for the Warrants of Arrest,³ subsequent Prosecution filings,⁴ and the Chamber's prior decisions,⁵ have not changed.

a. Contact restrictions are needed to protect the ongoing investigation, witnesses and victims

6. As outlined by the Prosecution's previous submissions,⁶ incorporated by reference herein, there are reasonable grounds to believe that YEKATOM's unrestricted access to his supporters and associates could impact ongoing investigations. The facts underlying those grounds have been extensively detailed in the Prosecution's prior filings and include the following:

³ ICC-01/14-01/18-2-US-Exp, para. 357.

⁴ 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-01/14-01/18-44-Conf-Exp; ICC-01/14-01/18-69-Conf-Exp.

⁵ 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.

⁶ ICC-01/14-01/18-69-Conf-Exp, paras. 5-8; ICC-01/14-01/18-44-Conf-Exp, paras. 5-8.

- *YEKATOM has a demonstrated propensity for violence and disregard for the rule of law:* YEKATOM's prior acts, including those leading to his arrest by the CAR authorities, fully demonstrate a history of violence and disregard for the rule of law.⁷ YEKATOM's acts were not isolated incidents —but have been committed over several years up to and including the day of his arrest. Not only did YEKATOM discharge his gun at the National Assembly immediately preceding his arrest⁸ but he reportedly instructed his men to intimidate individuals in Bimbo at gunpoint.⁹ His disregard for the rule of law continues even while in detention, as exemplified by his recent violation of restrictions imposed by the Chamber¹⁰ — in the less than 90 days he has been in ICC custody.
- *YEKATOM has a motive to interfere with the Prosecution's investigation:* YEKATOM is charged with serious crimes that carry serious consequences for his freedom, reputation, and political and economic ambitions.¹¹
- *YEKATOM continues to have influence over his supporters and associates:* As the Chamber found, YEKATOM “retains strong influence over his (former and current) Anti-Balaka subordinates, in particular in Lobaye Prefecture, which could allow him to reach, intimidate, or harm witnesses, their families or other individuals cooperating with the Court”.¹²

⁷ ICC-01/14-01/18-69-Conf-Exp, para. 5.

⁸ ICC-01/14-01/18-9-Conf-Red, para. 6.

⁹ CAR-OTP-2088-0747, at 0747.

¹⁰ ICC-01/14-01/18-75-Conf-Exp, para. 15 (finding that “Yekatom deliberately asked his interlocutor to put the telephone on speaker so that he could talk to an individual who was not on his non-privileged telephone contact list” and that this conduct is “a clear violation of the regime concerning the restrictions on contact imposed on Yekatom.”).

¹¹ ICC-01/14-01/18-69-Conf-Exp, para. 8.

¹² ICC-01/14-01/18-1-Red, para. 22; CAR-OTP-2051-0393, at 0400; CAR-OTP-2051-0372, at 0373.

- *The Anti-Balaka are still active throughout CAR:* The Anti-Balaka still control significant territory in CAR¹³ and have expressed support for YEKATOM, threatening violence because of his rendition to the ICC.¹⁴
- *The security situation in CAR is unstable:* Despite the recent conclusion of a peace agreement between the CAR government and 14 armed groups operating in the country,¹⁵ the security situation in CAR is still fragile. [REDACTED].¹⁶ This fact provides an opening to those seeking to frustrate the Prosecution's ongoing investigation and the Court's proceedings.

7. For the same reasons, there are reasonable grounds to believe that contact between YEKATOM and his associates could affect witnesses and victims. The Prosecution's case depends on several witnesses whose identities will soon be disclosed to the Defence. Allowing YEKATOM to freely contact his supporters and associates would necessarily increase the risk of tampering with witnesses who may become reluctant to cooperate or to remain involved with this case.

8. Certain Prosecution witnesses will face serious risks if their identities become known to YEKATOM's supporters, associates, or to the public, rendering them highly vulnerable.¹⁷ As it stands, the Prosecution's Protection Strategies Unit ("PSU") considers that at least 31 witnesses and their families would be at high risk of serious harm if their identities were disclosed to the public. As previously submitted, PSU continues to work with the Victims and Witnesses Unit ("VWU") to ensure that witnesses on whose evidence the Prosecution intends to rely are adequately

¹³ ICC-01/14-01/18-69-Conf-Exp, para. 7; ICC-01/14-01/18-1-Red, para. 22; ICC-01/14-01/18-11-Conf-Exp, para. 5; CAR-OTP-2084-1827.

¹⁴ ICC-01/14-01/18-44-Conf-Exp, paras. 6-7.

¹⁵ See *Liberation*, [Centrafrique: ce que contient l'accord de paix](#), 8 February 2019 [last accessed 13 February 2019]; *Courrier International*, [Centrafrique. Un énième accord de paix pour une "nouvelle désillusion"?](#), 7 February 2019 [last accessed 13 February 2019].

¹⁶ See *Liberation*, [Centrafrique: ce que contient l'accord de paix](#), 8 February 2019 [last accessed 13 February 2019]; *Europe1*, [Centrafrique: un accord de paix a été signé à Bangui](#), 6 February 2019 [last accessed 13 February 2019].

¹⁷ ICC-01/14-01/18-40-Conf, p. 5-6.

protected.¹⁸ To that effect, out of the 31 witnesses at risk, six are being referred to the VWU, while joint (PSU/VWU) contingency plans are being prepared for the remaining 25. Implementing sufficient safeguards is an ongoing and lengthy process. Necessary contingency plans require adequate time to be put in place. Lifting the contact restrictions before the requisite safeguards are implemented may cause irreparable prejudice to the investigation, endanger the safety and well-being of witnesses, and undermine an eventual trial.

b. YEKATOM's ostensible compliance with the Chamber's order does not remove the need for the restrictions

9. That YEKATOM, to date, has ostensibly not circumvented the contact restrictions to threaten witnesses or interfere with the investigation¹⁹ does not indicate that he would not in their absence. The most important indicators of what YEKATOM could or would do once he knows contact restrictions are no longer in force are his prior acts, his influence with persons on the ground, and the support he has from others in CAR. Each of these factors establishes reasonable grounds to believe that lifting the current restrictions on YEKATOM's contacts could detrimentally affect the investigation of the case against him and could be harmful to witnesses and victims.

c. The contact restrictions are not unduly broad or burdensome

10. The contact restrictions currently imposed on YEKATOM are reasonable and balance the Suspect's rights and the necessity to protect witnesses and victims. *First* the restrictions are not indiscriminate as they only concern non-private related contacts and non-privileged communications. YEKATOM is still at liberty to communicate with his family and others: (1) he can receive visits from a limited

¹⁸ ICC-01/14-01/18-40-Conf, p. 5-6; ICC-01/14-01/18-69-Conf-Exp, para. 14.

¹⁹ ICC-01/14-01/18-81-Conf-Red.

number of individuals, such as family members;²⁰ (2) as per the Chamber's 10 January 2019 Decision, he is entitled to unmonitored "private family visits, [...] from his wife and children";²¹ and (3) he can communicate with a limited number of verified individuals, including family members, for up to 60 minutes per week, in French or Sango.²² Discussions related to the case or the use of obscure or coded language during these telephone conversations are, however, prohibited.²³ These non-privileged calls are subject to active monitoring to ensure that the Chamber's directives are followed²⁴ and violations, similar to the one reported by the Registry on 3 January 2019,²⁵ can be detected.

11. *Second*, the extension of the contact restrictions is not indefinite and is subject to regular review by the Chamber. As noted above at paragraph 8, the implementation of the contingency plans in coordination with the VWU takes time, but is by no means an endless or indefinite venture. The restrictions can be lifted as soon as protective measures are implemented for vulnerable witnesses and victims.

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

12. If the Chamber deems it necessary to modify the current contact restrictions, any such changes should be implemented gradually to limit their potential adverse impact on witnesses' and victims' security and the ongoing investigation.²⁶ To that effect and depending on the availability of the Registry's resources, the Prosecution does not oppose the Defence's previous proposal to extend the duration of the Suspect's

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

²¹ ICC-01/14-01/18-52-Conf-Exp, para. 18.

²² ICC-01/14-01/18-11-Conf-Exp, para. 8.

²³ ICC-01/14-01/18-11-Conf-Exp, paras. 6-7.

²⁴ ICC-01/14-01/18-11-Conf-Exp, paras. 6, 8.

²⁵ ICC-01/14-01/18-62-Conf-Red, paras. 10-11.

²⁶ ICC-01/14-01/18-69-Conf-Exp, para. 16.

communications to 120 minutes per week.²⁷ However, active monitoring of these communications should remain in place for the reasons mentioned above.

13. If the Chamber is minded to terminate active monitoring of YEKATOM's telephone communications in the future, it should order random monitoring of his calls to minimise the risk of interference with investigation and witnesses. Notwithstanding, the active monitoring of YEKATOM's non-privileged telephone communications should be maintained, at the very least, until the contingency plans mentioned at paragraph 8 above are fully implemented.²⁸

IV. RELIEF SOUGHT

14. For the above reasons, the Prosecution requests the continuation of the current contact restrictions beyond 15 February 2019 for an additional 30-day period, pending the Chamber's review of the relevant circumstances at such time. 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

²⁷ ICC-01/14-01/18-37-Conf-Exp, para. 51.

²⁸ ICC-01/14-01/18-69-Conf-Exp, para. 17.