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No.: ICC-01/14-01/18
Date: 10 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 Observations Pursuant to the “Decision Pursuant to Regulation 101 of the Regulations of the Court” (ICC-01/14-01/18-176-Conf-Exp)”, 21 August 2019, ICC-01/14-01/18-287-Conf

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The Office of the Prosecutor

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

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Counsel Support Section

Victims and Witnesses Unit

[REDACTED]

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) hereby submits its observations on the Eighth Registry Report on the Implementation of contact restrictions concerning Alfred YEKATOM (“YEKATOM”)¹, as directed by Pre-Trial Chamber II.²

2. *First*, the Prosecution requests that the Chamber minimally continue the current restrictions on YEKATOM’s contacts in detention through the conclusion of the confirmation proceedings. Witnesses’ security in this case is precarious, and the Prosecution remains in the process of investigating recurrent security incidents concerning its Witnesses, which have also been appropriately notified to the Victim and Witnesses Unit (“VWU”). The Prosecution will update the Chamber with further information as soon as practicable.

3. *Second*, although the current Registry Report indicates that the ICC Detention Centre has implemented the Chamber’s recent Order requiring the increased random monitoring of YEKATOM’s calls with persons whose identities could not be established by the VWU,³ the mode of implementation remains obscure. The Registry Report indicates that there are logistical issues affecting the implementation of the Order, in that [REDACTED].⁴ Nevertheless, the circumstances of this case require the full implementation of the Chamber’s Order.

4. The security and safety of prospective witnesses before the Court is an important and serious matter. As the Prosecution has previously stated, the prevalent instability in the Central African Republic (“CAR”), together with the participation of members

¹ ICC-01/14-01/18-277-Conf-Exp (“Registry Report”).

² ICC-01/14-01/18-176-Conf- Exp.

³ ICC-01/14-01/18-241-Conf-Exp, para.27 (“Order” or “9 July 2019 Decision”).

⁴ ICC-01/14-01/18-277-Conf-Exp, para.22.

of armed groups associated with YEKATOM in the [REDACTED], renders witnesses in this case particularly vulnerable, both to potential interference and physical harm.

5. The Prosecution incorporates its previous submissions regarding prior security issues affecting the ICC Detention Centre,⁵ as well as its view that the circumstances of this case make it incumbent on the Chamber to be proactive in ensuring the integrity of these proceedings. This is not only imperative regarding the confirmation hearing, but as concerns any further proceedings, should the matter be bound over for trial.

II. CONFIDENTIALITY

6. This Observation is filed as “Confidential, *EX PARTE*, only available to the Prosecution, the YEKATOM Defence, and VWU” as it responds to a Registry Report of the same designation.

III. SUBMISSIONS

A. The current contact restrictions should minimally be maintained

7. The Prosecution’s investigations continue in particularly challenging circumstances in CAR. The current restrictions on the Suspects’ contacts are minimally necessary to attenuate some of the risks posed regarding the integrity of the on-going investigation pursuant to regulation 101(2)(b), and as concerns the protection of witnesses and victims pursuant to regulation 101(2)(c) and (f).

8. There has been no abatement in the prevailing security situation in the Central African Republic (“CAR”) since the Chamber’s 9 July 2019 Decision.⁶ Nor, has the

⁵ ICC-01/14-01/18-229-Conf-Exp-Red, para.5.

⁶ ICC-01/14-01/18-241-Conf-Exp.

[REDACTED] to implement necessary security measures for the protection of witnesses and victims improved.

9. The Prosecution's Document Containing the Charges ("DCC") is filed,⁷ and YEKATOM is well informed of the nature and extent of the case against him. He has received full disclosure, including of sensitive information concerning over 140 Prosecution witnesses. Given his history, as spelt out in previous Prosecution filings, Yekatom, his current and former associates, and supporters, continue to present a genuine risk to Prosecution Witnesses.

B. The Chamber's Order must be fully implemented

10. As the Chamber's 9 July 2019 Decision permitted the addition of individuals whose identities and contact information details could not be verified by the VWU to YEKATOM's non-privileged contact list,⁸ the Prosecution remains concerned about the proper and full implementation of the Chamber's corresponding Order requiring the "substantially increase[ed]" random monitoring of such contacts.⁹

11. The logistical impediments to the implementation of the Order identified in the Registry Report appear to be predicated on difficulties in monitoring specific contacts, given that [REDACTED]."¹⁰ However, if the regulatory privileges accorded to a detainee by the ICC Detention Centre effectively frustrate the full implementation of the Chamber's Order, it is clear that that the privilege cannot stand. In other words, the Chamber's Order should take precedence because it attends to and balances the competing interests involved in the specific case. In this respect, the Chamber's directive "to substantially increase the random monitoring of YEKATOM's telephone

⁷ ICC-01/14-01/18-282 and Confidential Annexes A to J.

⁸ ICC-01/14-01/18-241-Conf-Exp, para.26.

⁹ ICC-01/14-01/18-241-Conf-Exp, para.27.

¹⁰ ICC-01/14-01/18-277-Conf-Exp.

calls with the persons whose identities could not be established by the VWU”¹¹ must be fully implemented — and it can be. The logistical impediment of not knowing whom YEKATOM intends to contact beforehand can be managed by simply requiring such information reasonably in advance of any given day on which he is permitted to make non-privileged telephone calls.¹²

C. The Prosecution’s case is now known to YEKATOM

12. As noted, the filing of the DCC and the completion of pre-confirmation disclosure in the case presents an appreciable change in circumstances since the Chamber’s previous decision. YEKATOM has a clear understanding of the nature and extent of the charges against him, as well as possesses sensitive information concerning over 140 Prosecution Witnesses. This augments the risk posed to those Witnesses whether directly or indirectly. Their security and protection pursuant to article 68 of the Statute requires, at the very least, that the conditions and restrictions that the Chamber has ordered to date remain in place, vigilantly observed, and fully implemented.

¹¹ ICC-01/14-01/18-241-Conf-Exp, para.27.

¹² ICC-01/14-01/18-277-Conf-Exp, para.19 (noting that “Mr Yekatom has the opportunity to make non-privileged telephone calls twice a week, for a period of one hour on each scheduled day”).

IV. CONCLUSION

13. For the above reasons, the Chamber should minimally maintain the existing contact restrictions concerning YEKATOM through the conclusion of the confirmation proceedings.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 10th day of February 2026
At The Hague, The Netherlands