

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: 11 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

Public

**Public redacted version of “Prosecution’s Observations on Alfred YEKATOM’s request for partial lifting of a freeze on his assets, 9 of May, ICC-01/14-94”,
9 May 2019, ICC-01/14-01/18-214-Conf-Red**

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

[REDACTED]

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Pursuant to Pre-Trial Chamber II's ("Chamber") Order for Additional Information,¹ the Office of the Prosecutor ("Prosecution") hereby provides the following Observations concerning YEKATOM's request for the Chamber to partly lift the freeze on his assets.²

II. CONFIDENTIALITY

2. These Observations are filed under seal and *EX PARTE* (only available to the Prosecutor) pursuant to regulation 23*bis*(2) of the Regulations of the Court as they refer to Prosecution's submissions filed with the same classification.³ The Prosecution hereby also files an under seal, *EX PARTE* redacted version accessible to the YEKATOM Defence.

III. SUBMISSIONS

3. The Chamber should not grant or further consider the Request until the YEKATOM Defence provides additional information concerning the assets in question, namely (1) the provenance of the money; and (2) the absence or unavailability of alternative means of support for the Suspect's family, requiring the use of the funds from the account identified in the Request.

4. Public policy dictates that the Court should not allow a suspect's use or beneficence from the use of funds potentially obtained illegally. Because of this, permitting access to assets provisionally frozen under articles 57(3)(e) and 93(1)(k) to meet family financial obligations is neither an absolute right, nor presumptive.

¹ ICC-01/14-01/18-184-US-Exp.

² ICC-01/14-01/18-181-US-Exp-Red; ICC-01/14-01/18-187-US-Exp-Red, (collectively "Yekatom's Request").

³ ICC-01/14-01/18-22-US-Exp.

Moreover, to 'unfreeze' an asset to any extent, the burden should normatively rest with the suspect minimally to establish its legitimacy.

5. *First*, YEKATOM's Request does not address the legitimacy of the frozen funds. The Request fails to conclusively establish that they are not a product of his previous alleged crimes or any other illicit activities. YEKATOM's passing reference to his [REDACTED] as a potential basis for the funds in the account,⁴ fails to substantiate this as the *sole* source. Neither YEKATOM nor his family should be allowed to benefit from funds which may be a product of crimes the subject of the Court's warrant for his arrest, or the result of other illicit activities or crimes, irrespective of the amount sought.

6. Here, clear evidence exists providing at least reasonable grounds to believe that YEKATOM extorted illegal 'tolls' and/or taxes.⁵ That the Chamber did not find sufficient evidence that YEKATOM's alleged illicit conduct amounted to a crime within the jurisdiction of the Court, as part of widespread or systematic attack against a civilian population, or committed in the context of an armed conflict,⁶ is not dispositive. On its face, YEKATOM's alleged conduct is unlawful, period. Allowing his use of the funds to any extent absent any further inquiry or showing of legitimacy, would thus undermine public policy and confidence, and the Court's mandate.

7. *Second*, and in any event, the Chamber should ascertain the accuracy of YEKATOM's claims that the money to which he seeks access is the sole available

⁴ ICC-01/14-01/18-181-US-Exp-Red, paras. 2, 14-16.

⁵ CAR-OTP-2001-0835, at 0884; ICC-01/14-01/18-31-Conf, para. 18(d); *see also* <https://www.un.org/securitycouncil/sanctions/2127/materials/summaries/individual/alfred-yekatom> [Last accessed: 09/05/2019] (noting that YEKATOM "has been in direct control of a dozen checkpoints manned by an average of ten armed militia men wearing army uniforms and carrying weapons, including military assault rifles, from the main bridge between Bimbo and Bangui to Mbaiki (Lobaye province), and from Pissa to Batalimo ...collecting unauthorized taxes from private vehicles and motorcycles, passenger vans and trucks ... but also from boats navigating on the Oubangui river ...[and] observed personally collecting part of these unauthorized taxes. Yekatom.")

⁶ ICC-01/14-01/18-31-Conf, para. 18(d).

means of support to his family.⁷ YEKATOM should not be allowed access to the frozen funds without demonstrating that he lacks other means to support his family,⁸ and/or that yet other means of doing so are unavailable.

8. Notably, according to a report of the UN Security Council Panel of Experts on the Central African Republic, [REDACTED].⁹ It is unclear whether the income generated by this company, whether owned by YEKATOM [REDACTED], has been taken into account in assessing the purported need for support for YEKATOM's households. It should be.

IV. CONCLUSION

9. Based on the foregoing, the Chamber should neither grant nor further consider the Request until YEKATOM provides information concerning 1) the provenance of the money at issue; and (2) the absence or unavailability of alternative means of support for his family, requiring the use of the funds from the account identified in the Request.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 11th day of May 2026
At The Hague, The Netherlands

⁷ ICC-01/14-01/18-181-US-Exp-Red, para. 2; ICC-01/14-01/18-187-US-Exp-Red, para. 4.

⁸ ICC-01/05-01/13-1485-Red, para. 22.

⁹ CAR-OTP-2081-0237 (Final report of the Panel of Experts on the Central African Republic, 6 December 2017, S/2017/1023), at 0248, para. 38; [REDACTED].