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No.: ICC-01/14-01/18
Date: 16 February 2026

TRIAL CHAMBER V

Before: Judge Beti Hohler , Presiding Judge
Judge Joanna Korner
Judge Keebong Paek

**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 "NGAISSONA's Defence Request to amend Mr NGAISSONA's restrictions on Contacts and Communications in Detention" (ICC-01/14-01/18-1802-Conf-Exp), 16 March 2022", 27 March 2023, ICC-01/14-01/18-1819-Conf-Exp-

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

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

[REDACTED]

Counsel Support Section

Victims and Witnesses Unit

Detention Section

[REDACTED]

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Trial Chamber V (“Chamber”) should reject NGAISSONA’s request for *random* active monitoring of his non-privileged calls, contained in “Ngaïssona's Defence Request to amend Mr Ngaïssona's restrictions on Contacts and Communications in Detention” (“Request”)¹ and maintain the current restrictions on NGAISSONA’s contacts and communications, as extended by its 19 September 2022 Decision (“Order”)², with the variation indicated in paragraph 3 here below.

2. Contrary to the Defence’s argument on the advanced stage of the proceedings and current state of the Prosecution’s investigations, maintaining the current restrictions will limit the risk of interference with the upcoming witnesses (irrespective of whether their anticipated testimony is relevant to the criminal responsibility of NGAISSONA or YEKATOM), former witnesses, and victims. It will also better safeguard the integrity of the proceedings as a whole.

3. The Prosecution does not oppose the remainder of the Request, namely: a) the reinstatement of [REDACTED] on NGAISSONA’s list of contacts as laid out in the *inter partes* agreement,³ contemplating an initial extendable 90-day trial period under the active monitoring regime; and b) the change to standard monitoring regarding the family visits of [REDACTED].

¹ ICC-01/14-01/18-1802-Conf-Exp, paras. 18-26, 31-33.

² ICC-01/14-01/18-1575-Conf.

³ Email of 6 March 2023, at 13:40.

II. CONFIDENTIALITY

4. Pursuant to regulation 23*bis*(2) of the Regulations of the Court ("RoC"), this document is filed as "Confidential EX PARTE", as it refers to filings and decisions of the same classification.

III. SUBMISSIONS

5. The circumstances in which the Chamber issued and has extended the Order persist.⁴ Active monitoring of the Accused's contacts and communications continue to be necessary and proportionate to protect witnesses and victims pursuant to regulation 101(2)(c) and (f) of the RoC, and to safeguard the integrity of the proceedings, pursuant to regulation 101(2)(b).

6. *First*, the Defence's argument that the Prosecution's article 70 investigation [REDACTED] implies no risk of interference, [REDACTED], should be rejected. As the Court's jurisprudence regarding article 70 makes clear, a "witness" includes persons that have *already testified*. Moreover, [REDACTED];⁵ [REDACTED].⁶ [REDACTED].⁷ [REDACTED].

⁴ See ICC-01/14-01/18-1575-Conf, paras. 22-27.

⁵ See ICC-01/14-01/18-1588-Conf-Exp, para. 7, points i and ii, [REDACTED].

⁶ See ICC-01/14-01/18-1588-Conf-Exp, para. 7, point iii, [REDACTED].

⁷ The Prosecution is prepared to provide the Chamber with more specific information, as the Chamber may deem necessary.

7. Such conduct, [REDACTED], may comprise retaliation against a witness for giving testimony under article 70, and as such unlawfully interfere with and/or deter future witnesses.

5. *Second*, the contention that all relevant insider or political witnesses have already testified or are out of NGAISSONA's alleged reach, is neither accurate nor dispositive. As the Chamber is aware, several witnesses in this case, [REDACTED] during its course. These include certain witnesses who provide material evidence. More recently, as P-2602 and P-2269 — whose anticipated testimony relates to several counts and to NGAISSONA's individual criminal responsibility, ceased their voluntary cooperation⁸ for unknown reasons. Thus, serious caution should be exercised to avoid the potential erosion of evidence significant to the Chamber's determination of the truth.⁹ Apart, NGAISSONA is aware of the identities of *all* upcoming witnesses in the case, including those whose anticipated testimony concern the criminal responsibility of his co-Accused. Easing restrictions could thus serve as vehicle to circumvent YEKATOM's contact restrictions.

8. *Third*, as is clear from information at the disposal of the Chamber and Parties, including trial testimony, NGAISSONA retains an active support network in the Central African Republic ("CAR").¹⁰ As is known, [REDACTED]. This provides NGAISSONA with the opportunity to reach those within his sphere of influence.

⁸ [REDACTED] *see* ICC-01/14-01/18-1738-Conf, paras. 11, 15.

⁹ *See* ICC-01/14-01/18-1738-Conf, paras. 8, 10, 12, 14.

¹⁰ *See e.g.*, ICC-01/14-01/18-T-092-CONF-RED-ET, p. 6, ln. 19 - p. 7, ln. 22.

Attenuating the contact restrictions to any extent would substantially increase the risk of witness interference in this case.

9. *Fourth*, the [REDACTED] situation in CAR, outlined in the Registry's 27 February 2023 report,¹¹ [REDACTED]. The result is an augmented risk that the remaining witnesses in the proceedings become reluctant or unwilling to continue their cooperation.¹²

10. *Fifth*, the fact that the Registry's report of 1 February 2023 on the implementation of contact restrictions¹³ does not indicate any new violation by the Accused is not significant. As indicated previously by the Chamber, compliance is the norm and does not lead to the conclusion that the restrictions are no longer necessary.¹⁴ If anything, it shows that they are effective.

11. *Finally*, the restrictions are proportionate. Properly and fully implemented, they allow for the necessary monitoring of NGAISSONA's contacts while respecting his right to communicate with his family and those close to him in an appropriate manner. They further accommodate the Court's compelling interests in witness security under article 68, and the Chamber's truth-finding responsibilities.

IV CONCLUSION

¹¹ See Annex to [REDACTED], ICC-01/14-01/18-1772-Conf-Anx; see further ICC-01/14-01/21-389-Red, paras. 14-15 (similarly, [REDACTED]).

¹² See ICC-01/14-01/18-1459-Conf, para. 5 (internal citation omitted).

¹³ See ICC-01/14-01/18-1741-Conf.

¹⁴ See ICC-01/14-01/18-484-Red2, para. 24; ICC-01/14-01/18-582, para. 13; ICC-01/14-01/18-672-Conf, para. 14; ICC-01/14-01/18-965-Red, para. 12.

12. For the reasons above, the Chamber should maintain the current restrictions on NGAISSONA's contacts and communications in detention, except for the variations set out in paragraph 3 above.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 16th day of February 2026
At The Hague, The Netherlands