

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-02/18
Date: 20 February 2026

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. PATRICE-EDOUARD NGAÏSSONA***

PUBLIC

Public Redacted Version of “Registry Report on the Feasibility, Costs and Effects of Separating Mr Ngaïssona and Mr Yekatom within the ICC Detention Centre”(ICC-01/14-01/18-102-Conf-Exp), dated 25 January 2019

Source: Registry

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

D30

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☒ **Legal Representatives of the Victims**

V44

V45

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of the Public Counsel for
Victims**

**The Office of the Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

Counsel Support Section

Victims and Witnesses Unit

☒ **Detention Section**

**Victims Participation and Reparations
Section**

I. Introduction

1. The Registry, following directions from the Single Judge,¹ hereby submits its report on the feasibility and direct and indirect costs of separating Mr Ngaïssona and Mr Yekatom within the ICC Detention Centre (“DC”), as well as on the effects that such a measure would entail on the personal lives and rights of Mr Ngaïssona and Mr Yekatom.

II. Procedural history

2. On 23 January 2019, Mr Patrice-Édouard Ngaïssona was transferred to the ICC DC where he is currently held.
3. On 23 January 2019, the Single Judge of Pre-Trial Chamber II (“Single Judge”) issued his “Decision pursuant to Regulation 101 of the Regulations of the Court” (“Decision”), whereby he *inter alia* directs the Registrar to submit a report on “the feasibility and the direct and indirect costs of separating Ngaïssona and Yekatom within the Detention Centre, as well as on the effects that such a measure would entail on the personal lives and the rights of Ngaïssona and Yekatom, no later than 25 January 2019” (“Registry’s Report”).²
4. Pending the submission of the Registry’s Report, the Single Judge provisionally ordered the Registrar to place Mr Ngaïssona and Mr

¹ Pre-Trial Chamber II, “Decision pursuant to Regulation 101 of the Regulations of the Court”, 23 January 2019, ICC-01/14-02/18-11-Conf-Exp; also submitted as Pre-Trial Chamber II, “Decision pursuant to Regulation 101 of the Regulations of the Court”, 23 January 2019, ICC-01/14-01/18-63-Conf-Exp

² *Ibid.*, para. 6.

Yekatom in separate wings of the DC in order to ensure the prohibition of any exchange or contact between them.³

III. Classification

5. In accordance with regulation 23*bis* (2) of the Regulations of the Court ("RoC") the present report is classified as confidential *ex parte*, available to the Prosecutor and the Defence of Mr Ngaïssona and Mr Yekatom to follow the same classification level as the Decision.

IV. Applicable law

6. For the present submissions, the Registry has considered, *inter alia*, regulations 90, 91, 99 and 103 of the RoC , regulations 155, 164, 165, 177, 187 and 201 of the Regulations of the Registry ("RoR"), and the "[REDACTED]".⁴

V. Submissions

Feasibility and direct and indirect costs

7. It is the Registry's view that, in order to ensure the prohibition of any exchange or contact between Mr Yekatom and Mr Ngaïssona in compliance with the Single Judge's Decision, the two detained persons cannot share the same DC facilities and activities at the same time, even under two different detention regimes which would prevent them from being in direct contact with each other. [REDACTED].

³ *Ibid.*

⁴ [REDACTED].

8. Moreover, in the case of detained persons placed in the same wing, the separation of Mr Ngaïssona from all other detained persons would result in a *de facto* segregation. [REDACTED]. This would result in an overall reduction of opportunities offered to all detained persons to access the abovementioned activities if they are to enjoy their entitlements on an equal basis.
9. In light of the severe impact on the daily life of detained persons of the regime described above, Mr Ngaïssona has been provisionally placed in a cell [REDACTED] of the DC [REDACTED] on a temporary basis only. Such separation from all other detained persons, resulting in segregation pursuant to regulation 201 of the RoR, is from a human rights perspective sustainable on a short-term basis only, and from a long-term financial perspective the impact is very significant.
10. From a long-term perspective, in accordance with the [REDACTED].
11. Pursuant to the relevant provisions of the RoR governing segregation, the Chief Custody Officer (“CCO”) may order that a detained person is segregated from all the other detained persons only in order to maintain security and good order of the DC, for the safety of any persons therein,⁵ or in the interests of health.⁶ Such a measure shall not be used as a disciplinary measure, and shall not be deemed to be discriminatory; therefore, Mr Ngaïssona must be given, to the extent possible, equal opportunities to access fresh air, sport and educational activities as

⁵ See Regulation 201,1 of the RoR.

⁶ See Regulation 202*bis* of the RoR.

enjoyed by all the other detained persons, in terms of both frequency and duration. If Mr Ngaïssona will stay in a separate wing, this would entail that [REDACTED].

Effects on personal lives and rights of the detained persons

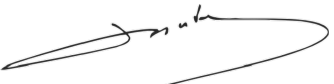
12. [REDACTED].

13. However, the Registry acknowledges that, pursuant to regulation 101 of the RoC, restrictions to contact may be necessary in the interests of the administration of justice when unrestricted access may jeopardize the investigations and the outcome of the proceedings.

14. Nevertheless, the segregation of Mr Ngaïssona would entail a significant lack of meaningful human and social interaction.⁷ This is detrimental to the mental and physical health of the detained person, for which the Registrar, the CCO and the DC Medical officer are generally responsible, under their respective mandates, for the safe and humane treatment of all detained persons and for the safeguarding of their rights. This is the reason why when segregation is ordered by the CCO pursuant to 201 of the RoR, such measure shall be resorted to only when it is absolutely necessary and proportionate, and any extension(s) shall not exceed seven days.

⁷ The Registry recalls regulation 164 of the RoR which establish that “The Registry shall make available within the detention centre an area where detained persons can associate with one another. The communal area shall be equipped in such a way as to enable detained persons to follow social and recreational pursuits”.

15. Finally, the Registry respectfully notes that if other detained persons will be required to be separated within the DC facilities this would not be sustainable.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 20 February 2026

At The Hague