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No.: **ICC-01/14-01/18**
Date: **20 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 Observations on the “Eleventh Registry
Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona
Ordered by Trial Chamber V” (ICC-01/14-01/18-2724-Conf)”,
21 October 2024, ICC-01/14-01/18-2730-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

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

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Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) provides its observations on the Eleventh Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V (“Eleventh Report”).¹ The Chamber should maintain the current conditions of detention.

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, this document is classified as “*Confidential*” because it responds to a filing of the same designation. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

The Current Restrictions Should be Maintained

3. The Prosecution notes the absence of any new incident as indicated in the Tenth Report.² However, contact restrictions serve an important function in the institution and in this case. They are essential 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).

4. The current conditions of detention should remain in place. The prevailing circumstances have not materially changed favourably to the Accused since the Chamber issued its Ninth Decision on NGAISSONA’s contact restrictions in detention,³ notwithstanding the Registry’s observation in this particular period that there is “no incident to report”⁴ — to the contrary.

¹ ICC-01/14-01/18-2724-Conf (“Tenth Report”).

² ICC-01/14-01/18-2724-Conf.

³ ICC-01/14-01/18-2475-Conf, para. 5 (“Order”).

⁴ ICC-01/14-01/18-2724-Conf, paras. 5-6.

5. The Prosecution thus recalls and incorporates by reference its submissions regarding [REDACTED] — and the evidence demonstrating improper contact he had with Prosecution witnesses during the course of trial, in violation of the Contact Protocol.⁵

6. Further to the above, it is incontestable that NGAISSONA has a significant history of violating his conditions of detention.⁶ His numerous breaches of the restriction regime underscore the necessity of maintaining and vigilantly enforcing the Chamber's Order. Moreover, NGAISSONA continues to have at his disposal a network of supporters – including through [REDACTED] – demonstrably prepared to exercise influence in the Central African Republic ("CAR") – where the majority of witnesses in this case reside, and to interfere with the integrity of the proceedings.⁷

7. Apart, as outlined in the Registry's 26 August 2024 report,⁸ the volatile political and security situation in CAR, creates fertile conditions for witness interference in part because it impedes the CAR authorities' capacity to provide adequate protection against potential intimidation and interference. The result is an increased risk of retaliation against witnesses, victims and their relatives, and of other corrupt conduct aimed at perverting the course of justice in this case.⁹ It bears underscoring that, while the evidence has been declared closed, these risks patently remain beyond the present phase of the case and should not be underestimated.

8. Finally, while the passage of time absent a violation of the conditions of detention is a factor to be taken into account when assessing risk, this does not mean

⁵ See ICC-01/14-01/18-2657-Conf; *see also* the Ngaissona Defence response ICC-01/14-01/18-2670-Conf, para. 14 (conceding "that the [REDACTED] show that contacts appear to have occurred between [REDACTED] and Prosecution witnesses, against the terms of the Contact Protocol").

⁶ See ICC-01/14-01/18-474-Conf, para. 22 (noting that, "In the Chamber's view, these incidents demonstrate his willingness to disregard the restrictions and to conceal conversations from the Registry and ultimately the Chamber"). *See also*, ICC-01/14-01/18-357-Red2, para. 49, ICC-01/14-01/18-1536-Conf-Red.

⁷ ICC-01/12-01/18-2100-Conf, para. 15.

⁸ See Annex to Seventeenth Periodic Report of the Registry on the Political and Security Situation in the Central African Republic, ICC-01/14-01/18-2656-Conf-Anx.

⁹ See *e.g.*, ICC-01/14-01/18-1575-Conf, para. 26 (noting that "[REDACTED]") (citations omitted).

that it is lessened, as the Chamber has acknowledged.¹⁰ Thus, while the Registry has not identified any particular infringements in this reporting period,¹¹ the corollary is not necessarily that the Accused has been compliant with the restrictions regime. Definitively, his Defence has not been so observant of the Court's authority. As to the Accused himself, the Chamber has previously pointed out that refraining from prohibited conduct should be the norm.¹² Thus, even if NGAISSONA may have complied with the Chamber's Order in the recent period, this merely tends to point to the effectiveness of the current restrictions and the need for their continuation.

IV. CONCLUSION

9. For the reasons above, the Chamber should direct the Registry to maintain the current conditions of NGAISSONA's detention.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 20th day of February 2026
At The Hague, The Netherlands

¹⁰ ICC-01/14-01/18-2177-Conf, para. 30.

¹¹ ICC-01/14-01/18-2724-Conf, paras. 5-6.

¹² ICC-01/14-01/18-484-Red2, para. 24.