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No.: **ICC-01/14-01/18**
Date: **24 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 ‘First Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Trial Chamber V, (ICC-01/14-01/18-592-Conf-Exp-Red)’”,
ICC-01/14-01/18-599-Conf, 23 July 2020**

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 Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

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Victims and Witnesses Unit

Detention Section

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**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) provides its observations on the Registry’s 17 July 2020 report on the implementation of contact restrictions regarding YEKATOM¹, as ordered by Trial Chamber V (“Chamber”) pursuant to regulation 101 of the Regulations of the Court (“RoC”).² The Chamber should maintain the current Order restricting YEKATOM’s contacts in detention³, and further direct the Registry to *increase* the frequency of random active monitoring of YEKATOM’s non-privileged telephone calls through the next period of review.

2. *First*, YEKATOM has a history of violating the conditions of his detention.⁴ His recent violation of the Chamber’s Order reported in the Registry’s First Report⁵ emphasises, not only the need for the Order, but for its vigilant enforcement. *Second*, YEKATOM continues to have at his disposal a network of supporters prepared to exploit the fragile security situation in the Central African Republic (“CAR”) and interfere with the integrity of the proceedings.⁶ *Third*, reducing the restrictions would increase the risk to witnesses; especially given that YEKATOM has just recently received the Prosecution’s preliminary list of witnesses that it intends to call⁷, and his Defence will receive a “provisional witness list” and “final witness list” further refining these witnesses and their relevance to the charges against him, per the Chamber’s recent order.⁸

3. In respect of the reported violation, the Prosecution requests the Chamber to grant it access to information concerning the identity of the third party to a call made by YEKATOM on 29 June 2020 (“29 June Call”), the telephone number used to

¹ ICC-01/14-01/18-592-Conf-Exp-Red (“First Report”).

² See ICC-01/14-01/18-485-Conf-Exp, p. 16 (“Order”).

³ ICC-01/14-01/18-485-Conf-Exp.

⁴ ICC-01/14-01/18-485-Conf-Exp, para. 22, ICC-01/14-01/18-467-Conf-Exp, para. 26.

⁵ ICC-01/14-01/18-592-Conf-Exp-Red, paras. 10-16.

⁶ ICC-01/14-01/18-465-Conf-Exp, para. 8.

⁷ ICC-01/14-01/18-553.

⁸ ICC-01/14-01/18-589, p. 10.

communicate with them, and to the relevant transcripts. The Prosecution is best placed to determine whether there are any witness security implications to its witnesses, regardless of the ostensible or apparent nature of the 29 June Call.

4. In addition, the Prosecution requests that the Chamber direct the Registry to review YEKATOM's non-privileged telephone calls during the last reporting period to assess whether there have been other breaches of the Order. Should this be the case, or the matter otherwise indeterminate, the Prosecution requests that it be provided with all of the attendant information and/or transcripts to assess potential security risks to its witnesses.

II. SUBMISSIONS

A. The current restrictions on contacts must be maintained and the frequency of random active monitoring should be increased

5. There has been no favourable change in circumstances since this Chamber issued the "Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention"⁹ that warrant any lifting of, or reduction to, the existing contract restrictions. On the contrary, the 29 June Call clearly violated the Chamber's Order. Thus, it is vital that the current restrictions not only remain in full force, but that the frequency of random active monitoring of YEKATOM's non-privileged telephone calls through the next period of review be increased.

6. *First*, as the Prosecution's previous filing (incorporated by reference herein) notes, YEKATOM has a history of willingness to violate the conditions of his detention.¹⁰ This Chamber took note of the YEKATOM's prior breach of restrictions in the Order — specifically, that the transcripts of the conversation between YEKATOM

⁹ ICC-01/14-01/18-485-Conf-Exp.

¹⁰ ICC-01/14-01/18-69-Conf-Exp, para. 11, ICC-01/14-01/18-465-Conf-Exp, para. 9

and the interlocutor were demonstrative of YEKATOM discussing case-related issues and using obscure language.¹¹

7. *Second*, the First Report shows that YEKATOM attempted to circumvent the Order by communicating indirectly with a third person who was not on his non-privileged telephone contact list.¹² YEKATOM's immediate interlocutor told him that he was going to record YEKATOM and send the message to the third person. The interlocutor carried this out and told YEKATOM that he had done so. YEKATOM was fully aware of the restrictions, conditions, and vetting procedures in place. [REDACTED].¹³ At best, YEKATOM knew of, and was complicit in, the reported violation.

8. This incident demonstrates YEKATOM's continued willingness to circumvent the Chamber's Order and justifies *increasing* the frequency of random active monitoring of YEKATOM's telephone calls through the next period of review, to ensure the safety of witnesses and the integrity of the proceedings.

- a. YEKATOM has a network of supporters in CAR and a strong motive to interfere with witnesses

9. As this Chamber found, "[g]iven his position as a member of the parliament during his arrest, the Chamber considers that Mr Yekatom would have the means to continue to exercise influence over the members of the Anti-Balaka in his immediate and extended community."¹⁴ If the contact restrictions are reduced, YEKATOM will have easier access to his network of supporters, increasing the risk of collusion and witness interference.

¹¹ ICC-01/14-01/18-485-Conf-Exp, para. 22.

¹² ICC-01/14-01/18-592-Conf-Exp-Red.

¹³ ICC-01/14-01/18-592-Conf-Exp-Red, paras. 15-16.

¹⁴ ICC-01/14-01/18-485-Conf-Exp, para. 21.

10. In addition, YEKATOM has a strong motive to interfere with the integrity of the proceedings. YEKATOM is now closer to trial, with a definitive trial date having been set. He faces grave charges that may result in multiple convictions *each* potentially carrying a lengthy sentence.

b. Reducing the restrictions would increase the risk to witnesses

11. The Order emphasises the risks of interference and/or security risks faced by Prosecution witnesses residing in CAR, whose identities were disclosed to YEKATOM.¹⁵ That risk is now heightened. Further to its preliminary list of witnesses, the Prosecution will soon provide a “provisional witness list” and a “final witness list” identifying each witness’s anticipated testimony, and indicating its relevance to the charges against the Accused.¹⁶ Allowing YEKATOM to more freely communicate with his supporters by reducing the current restrictions would further augment the already substantial existing risks of witness interference, and to the integrity of the proceedings.

12. In addition, the volatile security situation in CAR has a direct impact on the ability of YEKATOM’s supporters to interfere with witnesses. As the Prosecution’s previous filing (incorporated by reference herein) notes, armed groups control significant territory in CAR¹⁷, and the capacity of Central African law enforcement agencies to intervene to secure witnesses is limited.¹⁸ [REDACTED].

¹⁵ ICC-01/14-01/18-485-Conf-Exp, para. 21.

¹⁶ ICC-01/14-01/18-589, p. 10.

¹⁷ [À la recherche de l’état de droit en République centrafricaine](#), International Crisis Group, 13 mars 2020.

¹⁸ ICC-01/14-01/18-465-Conf-Exp, para. 10, ICC-01/14-01/18-170-Conf-Exp, para. 5.

B. The Chamber should grant access to the 29 June Call to ensure the integrity of trial evidence

13. The Prosecution requests access to information on the identity of the third party involved in the 29 June Call, the telephone number that was used to communicate with them, and the corresponding transcripts.

14. Regardless of the ostensible or apparent nature of the 29 June Call, the Prosecution is best placed to analyse the communication to determine whether there are any risks to witnesses' security and to the integrity of evidence on which it intends to rely at trial, in accordance with its duties under article 68. Access to the identity and telephone number of the third party along with the transcripts may reasonably assist the Prosecution in assessing and implementing responsive measures to protect its witnesses and/or to preserve evidence potentially exposed to a heightened risk, as a result of YEKATOM's violation of the contact restrictions order.

C. The Chamber should direct the Registry to review YEKATOM's non-privileged telephone calls in the last reporting period

15. Presently, the Registry actively monitors YEKATOM's non-privileged calls at random, as frequently as possible. However, given the reported violation, the Prosecution considers it imperative that the Registry reviews the last period of calls to assess whether there have been other security breaches which it did not identify and which may bear on this same interlocutor or others. In such case, the Prosecution requests the provision of all relevant information. This will best enable the Prosecution to assess the potential security risks to and implement relevant measures to protect witnesses and the integrity of the evidence.

III. CONCLUSION

16. For the above reasons, the Prosecution considers that the Chamber should (1) maintain the current restrictions on YEKATOM's contacts in detention; (2) direct the Registry to *increase* the frequency of the random active monitoring of YEKATOM's non-privileged telephone calls; (3) grant the Prosecution access to information regarding the identity of the third party to the 29 June Call, the telephone number used to communicate with them, and to the corresponding transcripts; and (4) direct the Registry to review YEKATOM's non-privileged telephone calls for the last reporting period.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 24th day of February 2026
At The Hague, The Netherlands