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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 'Second Registry
Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona
Ordered by Trial Chamber V'
(ICC-01/14-01/18-645-Conf)", ICC-01/14-01/18-651-Conf, 14 September 2020**

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

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**Unrepresented Applicants
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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) provides its observations on the Registry’s 8 September 2020 report on the implementation of contact restrictions regarding NGAISSONA¹, as ordered by Trial Chamber V (“Chamber”) pursuant to regulation 101 of the Regulations of the Court (“RoC”).²

2. The current restrictions on NGAISSONA’s contacts in detention should be maintained as ordered by the Chamber in its 8 July 2020 Decision.³ This will minimise the risk to the integrity of the proceedings and to witnesses whose identities are known to the Accused. Moreover, these restrictions remain proportionate and minimally necessary given NGAISSONA’s previous violations of the conditions of his detention.

II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(1) of the RoC, this document is filed as “Confidential”, as it refers to filings and decisions of the same classification.

III. SUBMISSIONS

A. NGAISSONA has shown that he is willing to violate the Court’s orders

4. As the Prosecution’s previous filing (incorporated by reference herein) notes, NGAISSONA has a history of willingness to violate the conditions of his detention.⁴ This Chamber took note of NGAISSONA’s prior breach of restrictions in the Second Decision, finding specifically that, “given the seriousness of Mr Ngaissona’s violations

¹ ICC-01/14-01/18-645-Conf (“Second Report”).

² See ICC-01/14-01/18-484-Conf-Exp-Red, p. 17 (“Order”).

³ ICC-01/14-01/18-582-Conf (“Second Decision”).

⁴ See ICC-01/14-01/18-555-Conf, para. 5; ICC-01/14-01/18-453-Conf-Exp, paras. 1-7; ICC-01/14-01/18-413-Conf-Exp-Red, paras. 82-84.

of restrictions during the pre-trial phase, there are reasonable grounds to believe that the lifting of the Current Restrictions could prejudice the outcome of the proceedings, namely by negatively impacting on the Prosecution's ongoing investigations and the protection of victims and witnesses in this case".⁵

5. NGAISSONA's decision to not resume non-privileged telephone contacts which the Registry continues to make available to him,⁶ in no way undermines the continuing propriety or necessity of the Order. Nor, does the absence of reported incidents in the Second Report reduce the *risk* of damage to the integrity of the proceedings, including the undermining of the Court's responsibilities embodied in article 68. NGAISSONA's refusal to engage with the Order to any extent demonstrates only that — not a willingness to abide by the terms and conditions applicable to actual contacts. Even if it did, as this Chamber previously found, "the observance of the restrictions to be the norm and thereby, insufficient in itself to justify lifting of such restrictions".⁷

B. The circumstances justifying the Order continue to prevail

6. There has been no change in circumstances that would require the Chamber to reconsider its determination regarding the contact restrictions currently imposed on NGAISSONA. These restrictions remain proportionate and minimally necessary to attenuate some of the risks posed regarding the integrity of the on-going investigation pursuant to regulation 101(2)(b), and as concerns the protection of witnesses and victims pursuant to regulation 101(2)(c) and (f).

7. The risks found by the Chamber in only July of this year warranting the maintaining of the restrictions continue to prevail. *First*, NGAISSONA continues to

⁵ ICC-01/14-01/18-582-Conf, para. 15.

⁶ ICC-01/14-01/18-645, para. 9.

⁷ ICC-01/14-01/18-582-Conf, para. 13.

have the means to reach out to witnesses in this case, who largely reside in the Central African Republic (“CAR”).⁸ *Second*, the COVID-19 pandemic measures continue to impact the Prosecution and the Registry’s ability to conduct individual risk assessments and implement necessary protection measure.⁹ Finally, the attendant risks to victims and witnesses associated with this case are ongoing. The Anti-Balaka are still active throughout CAR, and together with other armed groups, control significant territory in the country.¹⁰ Notably, both the Accused in this case have ties to individuals from these groups.

8. In addition, the fact that NGAISSONA’s case is moving forward and that he might face a significant sentence in case of a conviction, incentivises him to undertake actions to undermine the proceedings. Thus, reducing the contact restrictions would place the integrity of the proceedings at unnecessary risk.

C. Relaxing the Order would heighten the risk to witnesses

9. In the Second Decision, the Chamber considered NGAISSONA’s awareness of the Preliminary Witness List and knowledge about the anticipated witnesses to be relevant to its assessment.¹¹ Since the Second Decision, NGAISSONA has been provided with a Provisional Witness List, indicating, *inter alia*, the names and type of witnesses, and summaries of their anticipated testimony.¹² NGAISSONA therefore has an increased knowledge of Prosecution witnesses and, in particular, their relative importance to the case against him.

⁸ ICC-01/14-01/18-582-Conf, para. 11.

⁹ ICC-01/14-01/18-582-Conf, para. 14.

¹⁰ ICC-01/14-01/18-478-Conf-AnxII, p. 8, para. 8 [REDACTED].

¹¹ ICC-01/14-01/18-582-Conf, para. 14 and para. 17.

¹² ICC-01/14-01/18-642-Conf.

10. Given NGAISSONA's history of violating the court-ordered contact restrictions¹³, he and his current and former associates, and supporters, continue to present a genuine risk to Prosecution Witnesses. Allowing NGAISSONA to more easily contact supporters and associates by modifying the current restrictions would increase the risk of tampering with witnesses. [REDACTED] Thus, any lesser restrictions than those the Order imposes would not *effectively* ensure the integrity of these proceedings.

11. By contrast, allowing NGAISSONA to maintain contact with his family and others as provided for in the Order is not unfairly restrictive or disproportionate when weighed against the serious risks to this case and the prospect of justice for the victims of the charged crimes, if the current restrictions are reduced.

IV. CONCLUSION

12. For the above reasons, the Prosecution requests that the Chamber continue the contact restriction Order through the next scheduled review period.



Mame Mandiaye Niang, Deputy Prosecutor

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

¹³ See ICC-01/14-01/18-555-Conf, para. 5; ICC-01/14-01/18-453-Conf-Exp, paras. 1-7; ICC-01/14-01/18-413-Conf-Exp-Red, paras. 82-84.