



**Original: English**

**No. ICC-01/14-01/18**

**Date of original : 15 August 2023**

**Date of public redacted version: 13 April 2026**

**TRIAL CHAMBER V**

**Before:**

**Judge Bertram Schmitt, Presiding Judge  
Judge Péter Kovács  
Judge Chang-ho Chung**

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II**

**IN THE CASE OF  
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD  
NGAISSONA***

**Public redacted version of**

**Decision on Request to Exceptionally Amend Mr Ngaïssona's Restrictions on  
Contacts and Communications in Detention**

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

**The Office of the Prosecutor**

**Counsel for the Alfred Yekatom**

**Counsel for Patrice-Edouard Ngaïssona**

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**The Office of Public Counsel for Victims**

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

**States Representatives**

*Amicus Curiae*

#### **REGISTRY**

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**Registrar**

Oswaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**TRIAL CHAMBER V** of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64(2) and 68(1) of the Rome Statute (the ‘Statute’), Regulations 99-101 of the Regulations of the Court and Regulations 167-170, 173-175, 177-180, 182-185 and 187 of the Regulations of the Registry, issues this ‘Decision on Request to Exceptionally Amend Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention’.

## **I. Procedural history**

1. The Chamber recalls the procedural history set out in its latest decision on Mr Ngaïssona’s restrictions on contacts and communications in detention (the ‘Seventh Restrictions Decision’), where it decided to modify the restrictions that were being imposed to Mr Ngaïssona by easing some of them (the ‘Current Restrictions’).<sup>1</sup>
2. On 21 July 2023, the Ngaïssona Defence requested a limited and exceptional amendment of the accused’s restrictions on contacts and communications, by lifting the active monitoring on in-person communications between the latter and [REDACTED] [REDACTED] for the duration of their upcoming family visit, which will take place [REDACTED] (the ‘Relatives’ and the ‘Request’). In the alternative, it requests that the active monitoring be lifted in relation to one of the Relatives only (the ‘Alternative Request’).<sup>2</sup>

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<sup>1</sup> Seventh Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 10 May 2023, ICC-01/14-01/18-1863-Conf-Exp, confidential *ex parte*, only available to the Ngaïssona Defence, the Prosecution and the Registry (confidential redacted version notified the same day, ICC-01/14-01/18-1863-Conf-Red), paras 8-10. The restrictions that were being imposed to that date were set out in the Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 17 April 2020, ICC-01/14-01/18-484-Conf-Exp, confidential *ex parte*, only available to the Ngaïssona Defence and the Registry (confidential redacted version notified the same day, ICC-01/14-01/18-484-Conf-Red and public redacted version notified on 16 February 2021, ICC-01/14-01/18-484-Red2), para. 15, with the modification regarding the allotted time for telephone calls as set out in the Third Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 5 October 2020, ICC-01/14-01/18-672-Conf, para. 21, p. 12.

<sup>2</sup> Defence Request to Exceptionally Amend Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, ICC-01/14-01/18-1995-Conf-Exp, confidential *ex parte*, only available to the Detention Section, the Prosecution and the Ngaïssona Defence (confidential redacted version notified the same day, ICC-01/14-01/18-1995-Conf-Red), para. 1, p. 9.

3. On 28 July 2023, the Office of the Prosecutor (the ‘Prosecution’) deferred to the Chamber’s discretion, although it submitted that [REDACTED] and the instances wherein confidentiality has been breached in this case, as well as Mr Ngaïssona’s prior failures to comply with the Court’s restrictions, are ‘factors worthy of the Chamber’s careful consideration’ (the ‘Response’).<sup>3</sup>
4. On 1 August 2023, the Registry filed its eighth report on the implementation of the restrictions on Mr Ngaïssona’s contacts and communications in detention (the ‘Eighth Report’). The Registry reported potential concerns in the context of the active monitoring of two non-privileged telephone calls between Mr Ngaïssona and certain individuals, which took place on [REDACTED] respectively (the ‘Incidents’). The Registry otherwise did not have any incident to report in relation to written correspondence.<sup>4</sup>

## II. Analysis

5. At the outset, the Chamber clarifies that, while it takes into account the information contained in the Eighth Report, it will not address whether the Current Restrictions are to be maintained in the context of this decision. The Chamber’s analysis will thus be limited to the present Request.
6. The Chamber notes the Ngaïssona Defence’s submissions that, should active monitoring be maintained, the daily visiting time would be reduced from eight to three hours, and that visits would most likely not be allowed on the weekend, due to logistical constraints imposed by the limited availability of interpreters. It also takes into account the fact that Mr Ngaïssona has not seen some of the Relatives since his arrest, that the upcoming visit would constitute ‘an unique opportunity for Mr Ngaïssona to have his closest of kin all in the same room for the first time

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<sup>3</sup> Prosecution’s response to “Defence Request to Exceptionally Amend Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention” (ICC-01/14-01/18-1995-Conf-Exp), 21 July 2023, ICC-01/14-01/18-2009-Conf-Exp, confidential *ex parte*, only available to the Prosecution, the Detention Section, and the Ngaïssona Defence, paras 1-2.

<sup>4</sup> Eighth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V, ICC-01/14-01/18-2012-Conf-Exp, confidential *ex parte*, only available to the Ngaïssona Defence and the Registry (with two confidential *ex parte* annexes, only available to the Ngaïssona Defence and the Registry) (confidential redacted version notified the following day, ICC-01/14-01/18-2012-Conf-Red), paras 7-12.

after many years', and the limitations on privacy that active monitoring would entail in such circumstances.<sup>5</sup>

7. Moreover, the Chamber takes note of the Ngaïssona Defence's submissions that the Relatives have been on Mr Ngaïssona's list of contacts since his transfer to the Detention Centre, and that no incidents in this regard have been reported.<sup>6</sup> Furthermore, while the Chamber will assess the appropriateness of the Current Restrictions in due course, it considers as a relevant factor the fact that the Prosecution's presentation of evidence is nearing completion. Lastly, the Chamber has reviewed the information contained in the Eighth Report and does not consider that the Incidents militate against granting the Request.
8. In view of the above, and noting the exceptional nature and limited scope of the Request, the Chamber does not consider that it is necessary that these family visits be actively monitored. It further finds that the temporary lifting of this measure is proportional, bearing in mind the Chamber's obligations under Article 68(1) of the Statute and Mr Ngaïssona's right to preserve his family ties. The Chamber also recalls that, in any event, these visits will be subject to Regulation 183 of the Regulations of the Registry.<sup>7</sup>
9. The Chamber therefore grants the Request. Consequently, there is no need to consider the Alternative Request.

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<sup>5</sup> Request, ICC-01/14-01/18-1995-Conf-Exp, paras 1-2, 10-15.

<sup>6</sup> Request, ICC-01/14-01/18-1995-Conf-Exp, para. 13.

<sup>7</sup> *See also* Request, ICC-01/14-01/18-1995-Conf-Exp, para. 12.

**FOR THESE REASONS, THE CHAMBER HEREBY**

**GRANTS** the Request; and

**ORDERS** the Ngaïssona Defence to file a public redacted version of the Request, ICC-01/14-01/18-1995-Conf-Red, and the Prosecution to file a confidential redacted and a public redacted version of the Response, ICC-01/14-01/18-2009-Conf-Exp, respectively, within one week of notification of this decision.

Done in both English and French, the English version being authoritative.

**/Signed/**

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**Judge Bertram Schmitt**  
**Presiding Judge**

**/Signed/**

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**Judge Péter Kovács**

**/Signed/**

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**Judge Chang-ho Chung**

Dated 13 April 2026

At The Hague, The Netherlands