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No.: ICC-01/14-01/18 A

Date: 17 April 2026

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding Judge
Judge Luz del Carmen Ibanez Carranza
Judge Kimberly Prost
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

**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 Request to Modify Conditions of
Detention", ICC-01/14-01/18-2865-Conf-Exp, 22 January 2026**

Source: Office of the Prosecutor

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

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D29, D30

☒ Legal Representatives of the Victims
V44, V45

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

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Registrar
M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) requests that the Appeals Chamber (“Chamber”) modify YEKATOM’s conditions of detention on an interim basis, pending the Registry’s investigation and assessment of an apparent recent violation of the current contract restrictions order.¹

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), this document is filed as “Ex Parte”, as it refers to sensitive information not yet made available to all Parties and Participants. A confidential redacted version will be filed as soon as practicable.

III. SUBMISSIONS

3. On 14 January 2026, the Prosecution received notification of an exchange of communications between the Registry and the Appeals Chamber regarding a 20 December 2025 non-privileged telephone call concerning YEKATOM.² It appears that the Appeals Chamber had been notified by the Registry of its concerns regarding the call on 6 January 2026, and instructed the Registry the following day to share the communication with the participants, and to provide the relevant Call Transcript Extract (“Transcript”).³

4. Having reviewed the redacted Transcript provided, the Prosecution considers that it reflects a breach of the current conditions of detention. Moreover, it is suggestive of a pattern of circumvention which may have gone undetected. At this juncture however, the Prosecution has been provided with no information concerning

¹ See ICC-01/14-01/18-2811, para. 20 *et seq.*

² Email from Registry to Prosecution, copied to the Yekatom Defence, dated 14 January 2026, at 12:14 (“14 January 2026 Registry Email”) (available on request).

³ The Prosecution observes that the 14 January 2026 Registry Email does not appear to have been copied to the Ngaissona Defence.

any measures that have been or will be taken to evaluate and effectively address this disturbing circumstance.

A. The Contact Restrictions order has been violated

5. A cursory review of the Transcript – while heavily redacted – appears to reveal several clear violations of the current restrictions order. These include YEKATOM contacting through a third party an unauthorised individual – an apparent member of [REDACTED] whose affiliation was not disclosed and whose telephone number had not been validated by the Registry;⁴ discussing how [REDACTED] circumvent the Registry’s vetting process;⁵ planning the transmittal of information improperly through a third party [REDACTED];⁶ planning the discussion of witnesses, [REDACTED];⁷ using coded/obscure language; and discussing other matters, yet unclear, which seem to involve certain [REDACTED] concerning issues that YEKATOM indicates cannot be spoken about on the phone.⁸ It is also notable during the conversation that YEKATOM’s collocutor refers to the CPC⁹ - “*Coalition des patriotes pour le changement*”, an armed group in the Central African Republic (“CAR”) which was involved in a previous attempt to subvert the CAR government.¹⁰

⁴ See, Transcript, paras. 33-34; *see also* para. 15.

⁵ See, Transcript, paras. 33-34.

⁶ See, Transcript, paras. 43-45, 105.

⁷ See, Transcript, paras. 58-59.

⁸ See, Transcript, para. 71, and paras. 92-95.

⁹ See, Transcript, para. 10.

¹⁰ See e.g. [Q&A Central African Republic: First ICC Anti-Balaka Trial | Human Rights Watch](#), 7 February 2021 (noting that “[i]n the run-up to and following the elections, a [new rebel coalition](#) has carried out multiple attacks. The Coalition of Patriots for Change (*Coalition des patriotes pour le changement*, CPC) includes the same groups that have committed [war crimes](#) in the last five years, on both sides of the conflict”); *see also* [Centrafrique : un an après, les Centrafricains se souviennent encore du coup d’Etat manqué du 13 janvier 2021 - Radio Ndeke Luka](#), 14 January 2021; and more recently, [Violence between 3R factions in the Central African Republic: recent peace agreements already weakened](#), 18 June 2025.

B. Interim modification of the current order is necessary

6. In light of the seriousness of YEKATOM's deliberate conduct and prospective detention visits,¹¹ the Prosecution considers that his current conditions of detention should be modified as follows, on an interim basis:

- YEKATOM's non-privileged telephone calls and non-family, non-privileged visits are suspended;
- All forms of communication between YEKATOM and his collocutor with whom he has engaged in coded conversation are suspended;
- Visits with family are subject to active monitoring; discussions during family visits are limited to strictly personal matters and no coded or obscure language is permitted.

7. Further, the Chamber should permit the Registry to set time limits as necessary to allow for the effective monitoring of family visits and take all measures necessary to ensure that the effectiveness of the restrictions imposed are not compromised.

8. Given the gravity of the circumstances, the proposed modifications are proportional and the least restrictive, particularly in view of their interim nature.¹²

C. A thorough investigation should be undertaken

9. The Prosecution considers that the Registry should investigate the identity of the third party who communicated [REDACTED] with YEKATOM and to provide its findings forthwith. Moreover, given the content of the Transcript, the Prosecution considers that the Registry should be directed to investigate *all* of YEKATOM's non-

¹¹ See, Transcript, para. 105.

¹² See *e.g.*, ICC-01/14-01/18-357-Red2 (imposing, *inter alia*, an interim suspension on non-privileged calls and non-family, non-privileged visits, as well as of communications between the defendant and the person with whom they engaged in coded conversation).

privileged calls since its 28 August 2025 “Twelfth Registry Report on the Implementation of the Restrictions on Contacts of Mr Yekatom Ordered by Trial Chamber V”,¹³ and to provide the results thereof by 2 March 2026 in its next Report, or as the Chamber may direct.

D. The Transcript should be made available in unredacted form

10. Insofar as the Transcript is redacted, it impedes the Prosecution’s ability to discern whether and to what extent its Article 68(1) obligations to ensure the well-being of victims and witnesses may be implicated. As such, access to the unredacted Transcript in full should be promptly provided.

IV. CONCLUSION

11. For the foregoing reasons, the Prosecution requests that the Chamber grant the present request, subject to the Chamber’s reassessment of any modifications imposed upon receipt of the Registry’s 2 March 2026 Report and the Parties’ observations thereon, or as the Chamber may otherwise deem appropriate.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 17th April 2026
At The Hague, The Netherlands

¹³ ICC-01/14-01/18-2804-Conf.