



Original: *English*

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

Date: 17 April 2026

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding
Judge Luz del Carmen Ibáñez 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 Observations on the “*Thirteenth Registry Report on the Implementation of the Restrictions on Contact of Mr Yekatom*”

**(ICC-01/14-01/18-2888-Conf-Exp)”,
ICC-01/14-01/18-2890-Conf-Exp, 6 March 2026**

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

☒ Counsel for the Defence
D29, D30

☒ Legal Representatives of the Victims
V44 and 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

☐ Amicus Curiae

REGISTRY

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”) provides its observations on the ‘Thirteenth Registry Report on the Implementation of the Restrictions on Contact of Mr Yekatom’ (“Thirteenth Report”).¹ As explained below, the Appeals Chamber (“Chamber”) should maintain the interim conditions of detention as set out in its 17 February 2026 ‘Decision on Prosecutor’s request to modify conditions of detention’.²

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(2) of the Regulations of the Court (“RoC”), this document is filed as “Confidential *Ex Parte*” as it refers to filings of the same classification. A confidential redacted version will be filed as soon as practicable.

III. SUBMISSIONS

A. The Interim Restrictions Should be Maintained

3. The Prosecution incorporates by reference its prior submissions, particularly concerning Yekatom’s history and violations of the Court’s previous orders restricting his contacts and communications in detention,³ including this Chamber’s 16 September 2025 Decision.⁴ In the circumstances, the restrictions on Yekatom’s contacts, as modified on an interim basis by the 17 February 2026 Decision, should remain in place.

¹ ICC-01/14-01/18-2804-Conf.

² ICC-01/14-01/18-2882-Conf-Exp, para. 27 [REDACTED] (“17 February 2026 Decision”).

³ ICC-01/14-01/18-2877-Conf-Exp-Corr, para. 5; *see* ICC-01/14-01/18-2807-Conf, para. 5; ICC-01/14-01/18-2668, para. 6; *see also* ICC-01/14-01/18-949-Red, para. 11 (referencing Yekatom’s history of circumventing the Court’s contact restriction orders through improper third party contacts, going back to 2019 as reported in the ‘Third Registry Report on the Implementation of Restrictions on Contact Ordered by the Pre-Trial Chamber II’ - *see* ICC-01/14-01/18-62-Conf-Red, para. 11); ICC-01/14-01/18-673-Conf-Red, paras. 12-13.

⁴ *See* ICC-01/14-01/18-2811, paras. 16, 29-31.

4. Apart from the Chamber's recent determination that Yekatom breached the 16 September 2025 Decision in the course of his 20 December 2025 non-privileged telephone conversation,⁵ the Thirteenth Report also confirms his further violation of the contact restrictions in the course of a non-privileged conversation on 3 January 2026.⁶

5. Notably, despite Yekatom's assertion that his 3 January 2026 contact was had with [REDACTED] ... fully vetted by the Registry [REDACTED],⁷ the Thirteenth Report is clear in that any such vetting does not permit otherwise illicit third-party contact by a detainee. As the Registry observed:

"regardless of whether this person was [REDACTED], whether approved or not, they were not authorised to communicate with Mr Yekatom through a third person, including by [REDACTED]."⁸

As his history attests, and given the several prior admonitions Yekatom has received from the Detention Centre Chief Custody Officer,⁹ it is certain that Yekatom is well aware of this. Presumably, [REDACTED] subjected to vetting by the Registry [REDACTED].

6. The Registry further notes that "[it] has not been able to confirm whether the individual in question was indeed [REDACTED]"¹⁰ To the Prosecution's knowledge no declaration or affidavit has been requested or obtained from [REDACTED] on the matter.

⁵ ICC-01/14-01/18-2882-Conf-Exp, para. 21.

⁶ ICC-01/14-01/18-2888-Conf-Exp, paras. 21-23.

⁷ ICC-01/14-01/18-2868-Conf-Exp, para. 3.

⁸ ICC-01/14-01/18-2888-Conf-Exp, para. 23.

⁹ See e.g. ICC-01/14-01/18-2383-Red, para. 7; ICC-01/14-01/18-592-Conf-Red, para. 15; ICC-01/14-01/18-71-Red, para. 24

¹⁰ ICC-01/14-01/18-2888-Conf-Exp, para. 24.

7. Nevertheless, irrespective of the content of an illicit contact, an identifiable *risk* to witnesses, participants, and the integrity of the proceedings is inherent in conduct deliberately violative of an order of the Court whose purpose is to protect these interests. This is underscored in the circumstances here.

8. In this instance, that Yekatom was caught violating the contact restrictions imposed on him after the fact was [REDACTED]. Yet, other than the 20 December 2025 and 3 January 2026 violations uncovered by the Registry, it remains thoroughly unclear whether or to what extent others [REDACTED] violations have occurred in the intervening period since 28 August 2025 [REDACTED]. Moreover, the Registry's previous indication that "[p]assive monitoring only entails the recording and archiving of non-privileged telephone calls, and not the listening of telephone calls"¹¹ provides little reassurance, particularly since the percentage or number of calls reviewed ex post facto is not known. As such, the Registry's indication that it "has no additional calls of potential concern to report"¹² is of limited value, if any. [REDACTED]. It is critical to recognise that any breach of the contact restrictions imposed on Yekatom in detention constitutes an *actual risk* to the interests they are meant to ensure, regardless of whether the harm envisioned materialises.

9. Yekatom's recidivism demonstrates that the restrictions imposed prior to the Chamber's 17 February 2026 interim modification did not reduce his *propensity or ability* to circumvent them. His conduct has objectively placed at risk the mechanism essential to the Court's [REDACTED] pursuant to regulation 101(2)(c) and (f) of the RoC, and to its safeguarding of the integrity of proceedings pursuant to regulation 101(2)(b).

¹¹ ICC-01/14-01/18-2383-Red, para. 6.

¹² ICC-01/14-01/18-2888-Conf-Exp, para. 19 (emphasis added).

10. Finally, given the mere two week interval between the 17 February 2026 Decision and the Thirteenth Report, the Prosecution considers there is no plausible grounds to vacate or reduce the interim restrictions. On the contrary, as Yekatom's violations show, maintaining stringent restrictions is justified and necessary.

B. The Scope of the 17 February 2026 Decision extends to [REDACTED]

11. Although the Registry seeks clarity on the scope of the [REDACTED] procedure ordered,¹³ the Prosecution considers that the Chamber's directive, namely to [REDACTED]"¹⁴ is not ambiguous, and there is no reason why it should not apply [REDACTED].

12. *First*, the 17 February 2026 Decision does not expressly or impliedly [REDACTED] active monitoring. *Second*, reading the 17 February 2026 Decision as doing so creates an exception [REDACTED] that undermines its purpose. Such an exemption would simply allow Yekatom to do [REDACTED] that which is expressly prohibited from doing [REDACTED], undermining a key rationale for the Chamber's imposition of [REDACTED] in the first place, namely: to "enable an *immediate detection* of any such breach and prevention of further breaches."¹⁵ This is neither mitigated nor cured by the Registry confirming the identity of the approved family member prior to the call. For instance, it should be noted that Yekatom's 20 December 2025 breach of the 16 September 2025 Decision was in fact facilitated by [REDACTED] an 'approved' family member.

¹³ ICC-01/14-01/18-2888-Conf-Exp, para. 28.

¹⁴ ICC-01/14-01/18-2882-Conf-Exp, para. 27.

¹⁵ ICC-01/14-01/18-2882-Conf-Exp, para. 26 (emphasis added) [REDACTED]

IV. CONCLUSION

13. For the reasons above, the Chamber should direct the Registry to maintain the current conditions of Yekatom's detention, applying active monitoring to any prospective [REDACTED] he may have.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 17th April 2026

At The Hague, The Netherlands