

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **24 April 2026**

THE APPEALS CHAMBER

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

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR v.*
*ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public
with confidential *ex parte* Annexes A and B (Prosecution and Registry only)

**Public Redacted Version of the “Yekatom Defence Observations on
‘Prosecution’s Request to Modify Conditions of Detention’”, ICC-01/14-
01/18-2868-Conf-Exp, 28 January 2026**

Source: Defence for Mr. Alfred Rombhot Yekatom

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

☐ 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

INTRODUCTION

1. Pursuant to the Appeals Chamber's 'Order on the filing of observations' ('Order'),¹ the Defence for Mr Alfred Rombhot Yekatom ('Defence') hereby respectfully submits these observations on the 'Prosecution's Request to Modify Conditions of Detention' ('Request').²
2. On 20 December 2025, Mr Yekatom contacted an individual in respect of whom a request for addition to his non-privileged contact list remained pending before the Registry. This constituted a violation of Mr Yekatom's contact restrictions. It was ill-advised and regrettable.
3. The Request is ill-founded and warrants dismissal notwithstanding. The remaining Prosecution allegations of contact restriction violations therein are incorrect and unsubstantiated, the apparent result of the Prosecution's lack of access to key contextual information necessary to understand the content and tenor of the conversation in question. In the circumstances, the drastic and sweeping 'interim' restrictions sought in the Request would constitute a unjustified and disproportionate curtailment of Mr Yekatom's fundamental rights as a detainee.

OBSERVATIONS

A. Mr Yekatom's contact was unauthorised.

4. The individual with whom Mr Yekatom engaged in unauthorised contact on 20 December 2025 is [REDACTED].³ [REDACTED].

¹ ICC-01/14-01/18-2867-Conf-Exp.

² ICC-01/14-01/18-2865-Conf-Exp ('Request').

³ See unredacted transcript of 20 December 2025 conversation ('Unredacted Transcript'), p. 1. See also, Email from Registry to Appeals Chamber, 6 January 2026 at 16:53. See also, Annex A, Request for the addition of [REDACTED] phone number to Mr Yekatom's list of non-privileged contacts ('Request Form').

5. On 8 December 2025, Mr Yekatom submitted a formal request for the addition of [REDACTED] phone number to his list of non-privileged contacts.⁴ On 20 December 2025, while this request was still pending, Mr Yekatom contacted and spoke to [REDACTED] through an (authorised) third party.
6. The Defence concedes that Mr Yekatom's contact with [REDACTED] was unauthorised, and thus constitutes a violation of the restrictions on his non-privileged communications adopted by the Appeals Chamber in its 'Decision on restrictions to Mr Yekatom's contacts and communications in detention'.⁵
7. It reiterates that Mr Yekatom's lapse of judgment in this regard was ill-advised and regrettable. Mr Yekatom apologises for this transgression.
8. With the aim of providing a degree of insight into – though not excusing – Mr Yekatom's actions, the Defence respectfully notes that his transgression comes against the backdrop of a long-running contestation, and consequent source of tension, between Mr Yekatom and the Detention Section: namely, the administrative delays in the Detention Section's responses to various requests that he has made, including his requests for addition of individuals to Mr Yekatom's non-privileged contact list.⁶ These recurring delays had been raised with the Director of Judicial Services, most recently during a discussion at the Detention Centre that occurred days prior to the 2025 winter judicial recess.⁷
9. It is stressed that this information is not provided with the aim of diverting blame for Mr Yekatom's transgression to the Detention Section. Administrative delays do not excuse Mr Yekatom's failure to await the approval of his request vis-à-vis [REDACTED] before contacting [REDACTED].

⁴ See Annex A.

⁵ ICC-01/14-01/18-2811.

⁶ Most recently, on 6 January 2026, Mr Yekatom filed a formal request with the Detention Section, reminding the latter of two pending requests for addition to his non-privileged contact list that had not been addressed within the applicable 14-day period (available on request).

⁷ [REDACTED]

10. Rather, it is provided only to convey to the Appeals Chamber that Mr Yekatom's conduct did not stem from mere indifference towards the applicable contact restriction regime; still less from any lack of respect towards the Appeals Chamber itself. Nor does it arise from any disregard for the relevant interests that these contact restrictions act to protect;⁸ and in this respect, as is discussed further below, the Defence emphasises that Mr Yekatom's contact with [REDACTED] in no way affected, let alone jeopardised, these protected interests, nor those enshrined in regulation 101(2) of the Regulations of the Court ('RoC'). Rather, this impulsive transgression was spurred solely by Mr Yekatom's frustration vis-à-vis perceived administrative delays.

B. The allegations in the Request are incorrect and unsubstantiated.

11. Prior to addressing the Prosecution's claim that 'several clear violations' of the applicable contact restrictions were committed in the 20 December 2025 conversation,⁹ the Defence provides the following clarifying information in respect of Mr Yekatom's interlocutor therein.
12. [REDACTED].¹⁰ [REDACTED].¹¹ [REDACTED].¹² [REDACTED],¹³ [REDACTED].¹⁴
13. This key contextual information is necessary for any meaningful assessment and understanding of the 20 December 2025 conversation, wherein Mr Yekatom and [REDACTED] discussed various recent political events, including

⁸ See ICC-01/14-01/18-2811, paras 24-30, and in particular para. 30 (wherein the Appeals Chamber found that the applicable contact restrictions were in place to mitigate 'risks of prejudice to the outcome of the ongoing proceedings and to the safety of victims and witnesses').

⁹ Request, para. 5.

¹⁰ See Annex B, pp 1-4.

¹¹ See Annex B, pp 1, 6.

¹² See e.g., [REDACTED]

¹³ See e.g., [REDACTED]. See also ICC-01/14-01/18-2777-Conf-Anx, paras 15-21.

¹⁴ [REDACTED]. See also Email 'Bulletin médiatique quotidien – République centrafricaine- 26 JANVIER 2026', 26 January 2026 at 10:51 (available on request).

[REDACTED],¹⁵ and [REDACTED].¹⁶ They referred therein to an array of public figures and actors [REDACTED],¹⁷ [REDACTED].¹⁸

14. However, the Defence understands that the Prosecution only has access to a 'heavily redacted' version of the transcript, wherein the identities of Mr Yekatom's interlocutors [REDACTED], and of individuals discussed therein, are redacted.¹⁹ When the Request was prepared and filed therefore, the Prosecution was not aware of the identity of [REDACTED], or of [REDACTED] activities as a [REDACTED]. Neither could it have appreciated the political tenor of the subject-matter discussed; nor, given the prevailing political climate in CAR, its necessarily sensitive nature, as reflected in the conversation itself: for instance, Mr Yekatom's repeated insistence that [REDACTED];²⁰ or where, [REDACTED].²¹
15. It thus comes as a natural consequence of this Prosecution lack of critical contextual information regarding the 20 December 2025 conversation, that its claims that the ('heavily redacted') transcript thereof 'reveal[s] several clear violations' of Mr Yekatom's contact restrictions.²²
16. First and foremost, the Prosecution erroneously implies that Mr Yekatom and [REDACTED] conspired to mislead the Registry vis-à-vis their relationship, 'to circumvent the Registry's vetting process'.²³

¹⁵ See, Unredacted Transcript, paras 40-42.

¹⁶ See, Unredacted Transcript, para 67-109; [REDACTED].

¹⁷ See [REDACTED]; see Unredacted Transcript, para. 42.

¹⁸ See, Unredacted Transcript, paras 36, 53-54, 57-58.

¹⁹ See Email from Registry to Prosecution, 14 January 2026 at 12:14 (available on request). See also Request, paras 5, 9 (wherein the Prosecution complains that the transcript of the conversation is 'heavily redacted' and requests that the Registry 'investigate the identity of the third party who communicated' with Mr Yekatom).

²⁰ See, e.g. Unredacted Transcript, paras 37, 45, 51-53, 61, 67, 105; see also para. 123. See also Annex B, pp 1-3, 6-7.

²¹ See, Unredacted Transcript, paras 67-75, 83-109 (in particular, paras 69-71, 93-96). See below, fn. 39, for detailed discussion of their conversation regarding this subject including Mr Yekatom's source of information.

²² Request, para. 5.

²³ Request, para. 5.

17. On the request form for the addition of [REDACTED] to his contact list ('Request Form'), Mr Yekatom specified that the 'nature of [their] relationship' was that [REDACTED].²⁴ As noted above, [REDACTED]. Their [REDACTED] is duly and repeatedly evoked during the 20 December 2025 conversation.²⁵ It is well established before the Court that the concept of [REDACTED].²⁶ In the same vein, [REDACTED].
18. Moreover, the Prosecution claim that during the conversation, Mr Yekatom and [REDACTED] 'discuss[ed] how to present their relationship' is inaccurate.²⁷ Rather, the transcript evidences that, prior to the conversation taking place, Mr Yekatom and [REDACTED] had separately specified to the Registry that [REDACTED].²⁸
19. Similarly ill-founded is the implication that Mr Yekatom misled the Registry in [REDACTED].²⁹ Notably, the Prosecution appears to be labouring under the misconception that [REDACTED].³⁰ On the contrary: per Mr Yekatom's understanding, [REDACTED].³¹ The Prosecution thus effectively seeks to fault Mr Yekatom for not specifying [REDACTED], dating back nearly a decade – despite the fact that nowhere on the Request Form is it indicated that such information was sought, let alone necessary.³²
20. The Prosecution's claim that Mr Yekatom sought to 'circumvent the Registry's vetting process' is thus ill-conceived. To the extent that [REDACTED] – and not Mr Yekatom – manifested a reluctance to [REDACTED] with the Registry,³³

²⁴ See Annex A, under '*Nature du lien entre le détenu et l'appelant/appelé*'.

²⁵ See Unredacted Transcript, paras 39, 65-67, 111 (where they reference [REDACTED]); and see Annex A, where Mr Yekatom specifies '[REDACTED]' ('[REDACTED]'). See also Unredacted Transcript 117, 125 (where in speaking with [REDACTED] ('[REDACTED]')).

²⁶ See e.g. ICC-01/04-01/06-3129-AnxA, para. 7; ICC-01/04-02/06-2630, para. 53.

²⁷ See Request, para. 5.

²⁸ See Unredacted Transcript, paras 33-34.

²⁹ See Request, para. 5.

³⁰ See Request, para. 5.

³¹ The Defence notes that per [REDACTED] social media activity, [REDACTED]; see Annex B, p. 4.

³² See Annex A, in particular '*Profession de l'appelant / appelé*' ('Profession of caller / called person').

³³ See Unredacted Transcript, para. 34.

[REDACTED] personal motivations in this regard are unknown and irrelevant to Mr Yekatom. While the Defence does not wish to speculate thereon, it does note the fact that, to many in CAR society, the Court and its work is closely associated with CAR's troubled history of conflict and instability.

21. Lastly on this point, the logic underpinning the Prosecution allegation is deficient. In [REDACTED] public social media activity, which the Registry would reasonably be expected to examine during [REDACTED] vetting process, [REDACTED] makes no secret of [REDACTED].³⁴ Moreover, during the conversation itself, both Mr Yekatom and [REDACTED]; with Mr Yekatom expressly at one point referring to [REDACTED].³⁵ The Prosecution also fails to articulate any discernible motive underlying this alleged conspiracy, mindful that there is no suggestion that disclosure of [REDACTED] would somehow compromise [REDACTED] pending addition as a non-privileged contact, or that Mr Yekatom would have any reason to believe as much.
22. The further claim that Mr Yekatom planned to transmit information 'improperly' through a third party is unsubstantiated.³⁶ The passages of the conversation cited in support of this accusation are entirely unrelated to Mr Yekatom's proceedings; rather, they relate to [REDACTED],³⁷ and to Mr Yekatom's undertaking to put [REDACTED] – itself a highly sensitive matter, given the [REDACTED]³⁸ – giving rise to his justifiable and reasonable reluctance to discuss it on the phone.³⁹

³⁴ See e.g. Annex B, p. 5.

³⁵ See e.g. Unredacted Transcript, paras 36, 39, 59 (where they refer to [REDACTED]); 94 (where [REDACTED]); para. 125 (where Mr Yekatom repeatedly refers to the fact that [REDACTED] while speaking to [REDACTED]).

³⁶ Contra Request, para. 5.

³⁷ See Unredacted Transcript, paras 42-45; cf. Request, para. 5, fn. 6.

³⁸ See above, para. 12.

³⁹ See Unredacted Transcript, paras 99-105; cf. Request, para. 5, fn. 6. In prior passages of the Unredacted Transcript, Mr Yekatom and [REDACTED] (see Unredacted Transcript, paras 67-73); Mr Yekatom then informs [REDACTED] (see Unredacted Transcript, paras 83-105). Regarding [REDACTED], see above, para 13.

23. More broadly, it is unclear as to why ‘the transmittal of information [...] through a third party’, or ‘planning the discussion of witnesses’ would, without more, constitute a violation of Mr Yekatom’s contact restrictions,⁴⁰ under which he is permitted to discuss his case, including witness testimonies, insofar as he does not reveal identifying information about victims and witnesses.⁴¹ The suggestion that Mr Yekatom planned to transmit or discuss such information is totally unsubstantiated and in any event utterly false. In this regard, the Defence notes that testimony of Catherine Samba-Panza – herself the former Transitional President of CAR – in Mr Yekatom’s trial proceedings is a matter of public record, as is the fact that falsified testimonial and documentary evidence was brought against Mr Yekatom during his trial.⁴²
24. The Prosecution provides no support whatsoever for its claim that Mr Yekatom used ‘coded/obscure language’ during the conversation.⁴³ In any event, the Defence submits that mere apprehensiveness towards discussing matters on a monitored phone call does not, without more, comprise use of ‘obscure language’ within the meaning of the applicable contact restrictions.⁴⁴ It also submits that, as discussed above, any ‘obscurity’ discernable within the 20 December 2025 conversation arises solely from the politically sensitive nature of the subjects and events discussed therein (and the public nature of [REDACTED]) and not from any threat to the interests that the contact restrictions act to protect.
25. Lastly: the Prosecution’s tellingly vague, conspiratorial reference to the discussion of [REDACTED].⁴⁵ As discussed above, the passages cited by the

⁴⁰ Contra Request, para. 5.

⁴¹ ICC-01/14-01/18-2811, paras 24-26.

⁴² See e.g. ICC-01/14-01/18-2784-Red, paras 506-520, 542-601 (regarding the evidence of P-2475, V45-0001, and V45-0002); 671 (regarding Samba-Panza’s public testimony). Cf. Request, para. 5, fn. 7. See Unredacted Transcript, para. 58.

⁴³ Contra Request, para. 5.

⁴⁴ See ICC-01/14-01/18-2811, para. 20. Cf. Email from Registry to Appeals Chamber of 6 January 2026 at 16:53.

⁴⁵ Request, para. 5.

Prosecution in support do not relate to [REDACTED].⁴⁶ As the Prosecution is aware, the term [REDACTED] refers to reliable information;⁴⁷ and while the term's origins appear to be [REDACTED], the term is part of Central African parlance and, notably, finds common usage by Central African political commentators on social media platforms.⁴⁸

26. In sum therefore, the Prosecution accusations in the Request are variously ill-informed, ill-conceived, and/or ill-founded. The Prosecution has fundamentally misappreciated the content and tenor of the 'heavily redacted' transcript of the 20 December 2025 conversation, and therein sees a conspiracy – or at least, seeks to depict one for the Appeals Chamber – where none exists.

C. The sought additional contact restrictions and measures are unjustified and disproportionate.

27. As the Appeals Chamber has previously held, 'any interference with the rights of the detained person must be justified, the competing interests having been carefully balanced, and must be proportionately tailored to mitigate the risks or harms in regulation 101(2) of the Regulations'.⁴⁹ Moreover, 'while contact restrictions are needed to preserve the integrity of the proceedings, these must be weighed against the accused's right to privacy and family life'.⁵⁰
28. In the Request, the Prosecution seeks the suspension of all non-privileged phone calls with Mr Yekatom's family and acquaintances; the suspension of all non-family visits; and the active monitoring of any visits with family, as well as the imposition of unspecified time limits thereon.⁵¹

⁴⁶ See above, fn. 39. Cf. Request, para. 5, fn. 8.

⁴⁷ See e.g. CAR-OTP-2079-0993; see also CAR-OTP-2008-0923 (where the [REDACTED])

⁴⁸ See Annex B, pp 8-9.

⁴⁹ ICC-01/14-01/18-2811, para. 23 and references cited therein.

⁵⁰ Ibid.

⁵¹ Request, paras 6-8.

29. In light of the demonstrably ill-founded accusations that make up the Request, the Prosecution falls far short of justifying this draconian, sweeping curtailment of Mr Yekatom's fundamental human rights as detainee under the authority of the Court.
30. Strikingly absent from the Request is any meaningful reference to the interests that the applicable contact restrictions seek to protect, or otherwise to those enshrined in regulation 101(2) RoC; let alone any argument as to whether there exist reasonable grounds to believe that Mr Yekatom's contact(s) harmed or otherwise risks prejudice to any such interests.⁵² It goes without saying that merely peppering its submissions with empty descriptors evoking the 'disturbing circumstance', the 'seriousness' of Mr Yekatom's conduct, or 'the gravity of the circumstances', is insufficient to meet this burden, or to otherwise affect the requisite careful balancing of the relevant competing interests. On this non-showing alone, the Request should fail.
31. Nor does the Prosecution meaningfully articulate how the draconian restrictions it seeks to have imposed constitute 'proportionately tailored' interference with Mr Yekatom's rights.⁵³ Again, the Prosecution's failure to identify any risk of prejudice to the relevant protected interests should be fatal to the Request.⁵⁴ Moreover, the Prosecution's reliance on previous case law is misplaced.⁵⁵ In the cited decision, interim contact restrictions akin to those sought by the Prosecution were imposed following an investigation into past calls which revealed a detainee's 'repeated use of coded language', which was

⁵² Regulation 101(2) RoC states that 'The Prosecutor may request the Chamber seized of the case to prohibit, regulate or set conditions for contact between a detained person and any other person, with the exception of counsel, if the Prosecutor has reasonable grounds to believe that such contact: (a) Is for the purposes of attempting to arrange the escape of a detained person from the detention centre; (b) Could prejudice or otherwise affect the outcome of the proceedings against a detained person, or any other investigation; (c) Could be harmful to a detained person or any other person; (d) Could be used by a detained person to breach an order for non-disclosure made by a judge; (e) Is against the interests of public safety; or (f) Is a threat to the protection of the rights and freedom of any person.'

⁵³ Cf. Request, para. 8.

⁵⁴ See ICC-01/14-01/18-2811, paras 29-30.

⁵⁵ Request, para. 8, fn. 12, citing ICC-01/14-01/18-357-Conf-Red.

found to have been ‘intended to circumvent the restrictions imposed’; and further to findings that said detainee engaged in ‘a pattern of coded conversations’, and that there was a ‘high likelihood’ that said detainee ‘may engage in further attempts to circumvent the restrictive measures in place’; and concerns expressed as to multiple references to [REDACTED] in the coded conversations.⁵⁶ The Prosecution fails to establish any comparable circumstances here. Symptomatic in this regard is its total failure to substantiate its grave allegation that the 20 December 2025 conversation is ‘suggestive of a pattern of circumvention which may have gone unnoticed’.⁵⁷

32. For the same reasons, the Prosecution’s request that the Registry be directed to [REDACTED] constitutes an unnecessary, unjustified and grossly disproportionate interference with Mr Yekatom’s right to privacy and family life.
33. Lastly, given that the ill-conceived nature of the Request appears to be a consequence of the Prosecution’s non-access to the unredacted transcript, the Defence cannot but note that questions remain as to why the Prosecution did not immediately raise its concerns as to potential prejudice to any relevant protected interests with the Defence, and to seek to inform itself so as to be in a position to correctly assess the subject-matter and tenor of the 20 December 2025 conversation, which the Defence would have supplied in the spirit of *inter partes* cooperation. (To that end, as a gesture of goodwill and to assuage any Prosecution concerns arising therefrom, the Defence notes that it would not oppose the disclosure to the Prosecution of an unredacted version of the transcript in question should the Appeals Chamber deem it necessary and appropriate). Instead, the Prosecution opted to level accusations of a sweeping conspiracy against Mr Yekatom in submissions before the Appeals Chamber,

⁵⁶ ICC-01/14-01/18-357-Conf-Red, paras 49-52.

⁵⁷ Request, para. 8.

on the basis of a heavily redacted transcript which, on any reasonable reading, obviously would not allow for any meaningful understanding or analysis of the nature and content of the conversation in question.

34. The Prosecution's choice in this regard, as well as the unfounded claims in the Request, thus appears to be a continuation of a strategic pattern whereby the Prosecution seeks to instrumentalise regulation 101(2) litigation to unfairly influence the Appeals Chamber's perception of Mr Yekatom while his appeal against his conviction is pending.⁵⁸ The Prosecution's reference to [REDACTED] – an unsubtle dog-whistle of sorts – is a particularly regrettable case in point.⁵⁹

CONFIDENTIALITY

35. Pursuant to regulation 23 *bis* (2) of the RoC, these observations are filed confidentially *ex parte*, available only to the Prosecution and the Registry, in accordance with the classification of the Order and the Request.

RELIEF SOUGHT

36. For the foregoing reasons, the Defence respectfully requests that the Appeals Chamber:

REJECT the Request.

RESPECTFULLY SUBMITTED ON THIS 24TH DAY OF APRIL 2026



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

⁵⁸ See ICC-01/14-01/18-2809, paras 3, 14-18.

⁵⁹ Request, para. 5.

The Hague, the Netherlands