

**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

**Public Redacted Version of “Yekatom Defence 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, 2 March 2026”, ICC-01/14-01/18-2891-Conf-
Exp, 13 March 2026**

Source: Defence for Mr. Alfred Rombhot Yekatom

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I. INTRODUCTION

1. The Defence for Mr Alfred Rombhot Yekatom ('Defence') hereby respectfully provides its observations on the 'Thirteenth Registry Report on the Implementation of the Restrictions on Contact of Mr Yekatom' ("Thirteenth Report").¹

II. PROCEDURAL HISTORY

2. On 22 January 2026, the Office of the Prosecutor ("Prosecution") submitted a request for the modification of the detention conditions of Mr Yekatom on an interim basis (hereinafter, "Prosecution's Request")², following the notification by the Registry of a potential concern regarding Mr Yekatom's contact restrictions related to a non-privileged call on 20 December 2025.
3. On 28 January 2026, on the Appeals Chamber's order,³ the Defence and the Registry filed their respective observations on the Prosecution's Request (hereinafter, "Defence Observations" and "Registry Observations").⁴ In its Observations, the Registry reported an additional potential concern with regard to Mr Yekatom's non-privileged call of 3 January 2026.⁵
4. On 30 January 2026, the Defence for Mr Yekatom filed a response to the Registry's Observations.⁶
5. On 12 February 2026, with the Appeals Chamber's leave,⁷ the Prosecution submitted a reply to the Defence's Observations.⁸

¹ ICC-01/14-01/18-2888-Conf-Exp.

² ICC-01/14-01/18-2865-Conf-Exp.

³ ICC-01/14-01/18-2867-Conf-Exp.

⁴ ICC-01/14-01/18-2868-Conf-Exp and ICC-01/14-01/18-2869-Conf-Exp respectively.

⁵ ICC-01/14-01/18-2869-Conf-Exp, para. 16.

⁶ ICC-01/14-01/18-2871-Conf-Exp.

⁷ ICC-01/14-01/18-2874-Conf-Exp.

⁸ ICC-01/14-01/18-2877-Conf-Exp-Corr.

6. On 17 February 2026, the Appeals Chamber issued the “Decision on Prosecutor’s request to modify conditions of detention” (“Decision”) finding that while the risk of adverse consequences listed in Regulation 101(2) of the Regulations of the Court (“RoC”) had not been sufficiently demonstrated, Mr Yekatom breached his detention conditions by communicating with an unauthorised individual during the 20 December 2025 call.⁹ The Appeals Chamber thus ordered, on an interim basis, a modification of Mr Yekatom’s restrictions on contacts by directing the Registry “to ensure that: (i) Mr Yekatom’s non-privileged calls be actively monitored; and (ii) the duration of non-privileged calls be limited to 90 minutes per week” (“Interim Measures”), “pending the Appeals Chamber’s decision on the Registry’s forthcoming report”.¹⁰
7. On 2 March 2026, the Registry submitted the “Thirteenth Registry Report on the Implementation of the Restrictions on Contacts of Mr Yekatom” (“Registry Report”), stating that it had “no additional calls of potential concern to report”, and “no concerns to report in relation to non-privileged visits or written correspondence”.¹¹
8. On 6 March 2026, the Prosecution provided observations on the Registry Report, requesting that the Interim Measures be maintained (“Prosecution Observations”).¹²

⁹ ICC-01/14-01/18-2882-Conf-Exp, paras 21, 23- 26.

¹⁰ *Ibid*, paras 26-28.

¹¹ ICC-01/14-01/18-2888-Conf-Exp, para. 19.

¹² ICC-01/14-01/18-2890-Conf-Exp, para 1.

III. SUBMISSIONS

A. The Interim Measures Should be Lifted

9. The Defence respectfully requests the Appeals Chamber lift the Interim Measures set out in its 17 February 2026 Decision. To maintain such restrictive measures for a prospectively indefinite period, as sought by the Prosecution, is neither necessary nor proportionate and would unjustifiably infringe upon Mr Yekatom's fundamental rights as a detainee.
10. The Defence reiterates that the two incidents of non-compliance with the conditions for contact were regrettable and ill-advised. The Defence also reiterates that it does not contest the unauthorised nature of the phone call or the status of the interlocutor.¹³ Rather, in its response, the Defence intended solely, in the interest of transparency, to provide the Chamber with the information available to it regarding the circumstances in which the phone call occurred and the extent of the Defence's knowledge of the reported call.
11. However, the continued application of the Interim Measures is no longer warranted. The Registry Report having been issued without reporting any new incident, the basis for maintaining such stringent restrictions prospectively has materially weakened.
12. In its Decision, the Appeals Chamber repeatedly found that [REDACTED].¹⁴ Further, the Prosecution has not established that an "identifiable risk" is "inherent" in Mr Yekatom's conduct or that a discernible risk is likely to materialise, despite this being advanced as the basis for the continuation of the Interim Measures.¹⁵ In this respect, the Prosecution overreaches in arguing that 'any breach of the contact restrictions imposed on Yekatom in detention

¹³ ICC-01/14-01/18-2871-Conf-Exp, paras 3-4.

¹⁴ ICC-01/14-01/18-2882-Conf-Exp, paras 23-26.

¹⁵ ICC-01/14-01/18-2890-Conf-Exp, paras 7-8.

constitutes an actual risk to the interests they are meant to ensure [emphasis added],¹⁶ not to mention appears to merely disagree with the Appeals Chamber's repeated findings to the contrary.

13. In these circumstances, maintaining the Interim Measures as requested by the Prosecution would amount to an undue curtailment of Mr Yekatom's fundamental right to privacy and family life.
14. The Defence refers to its prior submissions in this regard,¹⁷ and recalls the Appeal Chamber's holding that, "[a]ny 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)".¹⁸ It also recalls that "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".¹⁹
15. Indeed, implementation of the Interim Measures currently limits Mr Yekatom's ability to call his family members to two sessions per week.²⁰ This fixed schedule, combined with a limited amount of time allocated to the calls, means that Mr Yekatom is not able to call members of his family that are not available during the time window set by the Registry for the active monitoring of his calls. The Defence also recalls that in its Decision ordering the Interim Measures, the Appeal Chamber expressly took into account "[REDACTED]".²¹
16. In light of the foregoing, and with the Registry Report having been issued with "no additional calls of potential concern to report"²², the balance between Mr

¹⁶ ICC-01/14-01/18-2890-Conf-Exp, para. 8; see also, para. 7.

¹⁷ ICC-01/14-01/18-2868-Conf-Exp, para 27.

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

¹⁹ *Ibid.*

²⁰ Email from the Detention Centre to the Defence dated 23 February 2026 18:04 (available upon request). See also ICC-01/14-01/18-2888-Conf-Exp, para. 25-26.

²¹ ICC-01/14-01/18-2882-Conf-Exp, para. 27.

²² ICC-01/14-01/18-2888-Conf-Exp, para 19.

Yekatom's rights to privacy and family life and the less pronounced risks to the integrity of proceedings and the safety of witnesses must once again weigh in Mr Yekatom's favour.²³

17. It is further respectfully submitted that the contact restrictions previously applicable to Mr Yekatom pursuant to the 16 September 2025 Decision constitute sufficient and proportionate safeguards to mitigate the risks envisioned in Regulation 101(2) RoC without unduly interfering with his fundamental rights.²⁴ Reinstating the prior regime would suffice to address any residual concerns in this regard. Mr Yekatom has felt the effects of the Interim Measures since the Appeal Chamber's Decision and is fully cognisant of the importance of avoiding another breach.
18. The Interim Measures should accordingly be lifted as the alternative would be disproportionate and unjustified.

B. Alternative Relief

19. Without prejudice to the above, should the Chamber find that some continuation of the Interim Measures is warranted, it should be strictly circumscribed in time.
20. Moreover, the Defence takes note of the Registry's request for clarification as regards whether the Interim Measures extend to non-privileged video calls,²⁵ as well as the Prosecution's position that it should.²⁶
21. In the absence of express wording to that effect, the Appeals Chamber's Decision – itself triggered by and expressed in terms of telephone calls – cannot

²³ ICC-01/14-01/18-2882-Conf-Exp, paras 25, 27.

²⁴ ICC-01/14-01/18-2811, para 30.

²⁵ ICC-01/14-01/18-2888-Conf-Exp, para. 28.

²⁶ ICC-01/14-01/18-2890-Conf-Exp, paras 11-12.

be construed as extending the interim active-monitoring direction to a separate and independently established monthly video-conferencing regime.

22. Should the Appeals Chamber maintain the Interim Measures and clarify that they equally apply to non-privileged video calls, the Defence requests that: i) the current schedule of non-privileged video calls be maintained (one 90 minute video call per month);²⁷ and (ii) that when a non-privileged video call is scheduled, Mr Yekatom be still granted the ability to use his 90 minutes of regular calls.
23. The Trial Chamber's decision establishing Mr Yekatom's right to have regular video-conferences with his family was envisaged as a distinct monthly contact modality, designed to render his right to family visits effective.²⁸ That regime is separate from and additional to his existing telephone entitlement. The active monitoring of the video calls should not entail a curtailment of Mr Yekatom's right to 90 minutes of telephone calls and 90 minutes of video-calls.²⁹

IV. CONFIDENTIALITY

24. Pursuant to regulation 23 *bis* (2) of the Regulations of the Court, these observations are filed confidentially *ex parte*, available only to the Prosecution and the Registry, in accordance with the classification of the Registry Report.

²⁷ ICC-01/14-01/18-869-Conf, para 16.

²⁸ ICC-01/14-01/18-869-Conf, paras 11-13.

²⁹ Detained persons have a right to both 'communicate by telephone' and 'to receive visits' pursuant to Regulation 99 (h) and 100(1) RoC.

RELIEF SOUGHT

25. For the foregoing reasons the Defence respectfully:

REQUESTS that the Appeals Chamber lift the Interim Measures of contact restriction imposed by the 17 February 2026 Decision;

or, in the event that the Interim Measures are to be maintained,

REQUESTS that the Appeals Chamber establish a concrete date for the Interim Measures to be lifted and determine that active monitoring should not be applied to Mr Yekatom's video calls.

RESPECTFULLY SUBMITTED ON THIS 24TH DAY OF APRIL 2026



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