

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18 A3

Date: 04 May 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 THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-ÉDOUARD NGAÏSSONA**

**Public redacted version of
Decision on the Prosecutor's request for leave to reply**

Decision 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
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☒ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

The Appeals Chamber of the International Criminal Court,

In the appeals of the Deputy Prosecutor, Mr Alfred Yekatom and Mr Patrice-Édouard Ngaïssona against the decision of Trial Chamber V entitled “Judgment” of 24 July 2025 (ICC-01/14-01/18-2784-Red),

Having before it the “Prosecution’s Request for Leave to Reply to *Yekatom Defence Observations on ‘Prosecution’s Request to Modify Conditions of Detention’* (ICC-01/14-01/18-2868-Conf-Exp)” of 30 January 2026 (ICC-01/14-01/18-2870-Conf-Exp),

Renders, pursuant to regulations 24(5), 24bis and 34(c) of the Regulations of the Court, the following

DECISION

1. The Prosecutor may file a reply to the “Yekatom Defence Observations on ‘Prosecution’s Request to Modify Conditions of Detention’” (ICC-01/14-01/18-2868-Conf-Exp) by Wednesday, 11 February 2026. The reply shall not exceed 5 pages and shall be limited to the issue identified in paragraph 11 below.
2. The Registry is directed to file written observations on the issue identified at paragraph 13 below by Wednesday, 11 February 2026.
3. The Registry is also directed to notify the Prosecutor of the unredacted version of the transcript of 20 December 2025 (ICC-01/14-01/18-2869-Conf-Exp-Anx) no later than Tuesday, 10 February 2026.

REASONS

I. PROCEDURAL HISTORY

1. On 24 July 2025, the Trial Chamber rendered the “Judgment”.¹
2. On 22 January 2026, the Deputy Prosecutor (hereinafter: “Prosecutor”) filed a request for the modification of the conditions of detention for Mr Yekatom on an interim basis (hereinafter: “Request for Interim Measures”), alleging a breach of the conditions of

¹ [Judgment](#), ICC-01/14-01/18-2784-Conf, with Annexes A, B (public redacted version filed on the same day, ICC-01/14-01/18-2784-Red).

detention during a telephone call which Mr Yekatom had on 20 December 2025 (hereinafter: “Call”).²

3. On 23 January 2026, the Appeals Chamber invited the Defence for Mr Yekatom (hereinafter: “Yekatom Defence”) and the Registry to submit written observations on the Request for Interim Measures by 28 January 2026.³

4. On 28 January 2026, the Yekatom Defence filed its response to the Request for Interim Measures (hereinafter: “Yekatom Defence’s Response”).⁴

5. On the same day, the Registry filed its observations on the Request for Interim Measures (hereinafter: “Registry’s Observations”) together with an Annex, containing the transcript of the Call (hereinafter: “Transcript of 20 December 2025”).⁵

6. On 30 January 2026, the Prosecutor filed a request for leave to reply to the Yekatom Defence’s Response (hereinafter: “Request for Leave to Reply”).⁶

7. On the same day, the Yekatom Defence filed a response to the Registry’s Observations (hereinafter: “Yekatom Defence’s Response to Registry’s Observations”).⁷

II. MERITS

8. The Prosecutor seeks leave to reply to the Yekatom Defence’s Response, on the basis that he has identified information which, in his view, “will further contextualise” the concerns raised in the Request for Interim Measures.⁸ The Prosecutor submits that he

² Prosecution’s Request to Modify Conditions of Detention, dated 22 January 2026 and registered on 23 January 2026, ICC-01/14-01/18-2865-Conf-Exp.

³ Order on the filing of observations, ICC-01/14-01/18-2867-Conf-Exp.

⁴ Yekatom Defence Observations on ‘Prosecution’s Request to Modify Conditions of Detention’, ICC-01/14-01/18-2868-Conf-Exp, with confidential *ex parte* Annexes A and B.

⁵ Registry Observations on the “Prosecution’s Request to Modify Conditions of Detention” (ICC-01/14-01/18-2865-Conf-Exp) dated 22 January 2026, ICC-01/14-01/18-2869-Conf-Exp (only available to Yekatom Defence; a confidential *ex parte* redacted version only available to the Prosecution and the Yekatom Defence filed on the same day, ICC-01/14-01/18-2869-Conf-Exp-Red), with confidential *ex parte* Annex.

⁶ Prosecution’s Request for Leave to Reply to *Yekatom Defence Observations on ‘Prosecution’s Request to Modify Conditions of Detention’* (ICC-01/14-01/18-2868-Conf-Exp), ICC-01/14-01/18-2870-Conf-Exp.

⁷ Yekatom Defence Response to ‘Registry Observations on the “Prosecution’s Request to Modify Conditions of Detention” (ICC-01/14-01/18-2865-Conf-Exp) dated 22 January 2026’, ICC-01/14-01/18-2869-Conf-Exp, 28 January 2026, ICC-01/14-01/18-2871-Conf-Exp.

⁸ Request for Leave to Reply, paras 2, 6-7.

learned of the name of Mr Yekatom's interlocutor in the Call from the aforementioned response.⁹

9. Regulation 24(5) of the Regulations of the Court provides:

Participants may only reply to a response with the leave of the Chamber, unless otherwise provided in these Regulations. Unless otherwise permitted by the Chamber, a reply must be limited to new issues raised in the response which the replying participant could not reasonably have anticipated.

10. In the present request, the Prosecutor seeks leave to reply on the basis that the name of Mr Yekatom's "unauthorised contact" is redacted from the version of the transcript of 20 December 2025 available to him.¹⁰ He submits that this prevented him from fully presenting "the extent and nature of the risks" arising from the "now admitted [...] circumvention of the [Appeals] Chamber's order".¹¹

11. The Appeals Chamber considers that the mention of the unauthorised collocutor's name in the Yekatom Defence's Response may constitute a "new issue" that the Prosecutor could not have reasonably anticipated, thus justifying the granting of the request for leave to reply. Given that the Request for Interim Measures concerns an interim modification of Mr Yekatom's conditions of detention, the information the Prosecutor seeks to provide regarding "the collocutor, [REDACTED] activities, and/or associations",¹² and which he submits "give rise to further concerns",¹³ may be relevant to the Appeals Chamber's overall assessment. In the present circumstances, a reply limited to this issue would assist the Appeals Chamber in its determination.¹⁴ The reply shall not repeat submissions already made in the Request for Interim Measures. In light of the urgency of the matter under consideration, the Prosecutor shall file his reply by 11 February 2026.

12. Separately, the Appeals Chamber notes the Prosecutor's earlier request for the full unredacted Transcript of 20 December 2025, made in his Request for Interim Measures.¹⁵ The Appeals Chamber considers that access to the full unredacted Transcript of 20 December 2025 may assist the Prosecutor in providing an informed reply on the newly

⁹ Request for Leave to Reply, para. 6.

¹⁰ Request for Leave to Reply, para. 5.

¹¹ Request for Leave to Reply, para. 5.

¹² Request for Leave to Reply, para. 7.

¹³ Request for Leave to Reply, para. 2.

¹⁴ See Request for Interim Measures, paras 1, 11.

¹⁵ Request for Interim Measures, para. 10.

identified issue. In this regard, the Appeals Chamber notes the Yekatom Defence's indication that it does not oppose disclosure.¹⁶ The Appeals Chamber therefore directs the Registry to disclose, to the Prosecutor, the full unredacted version of the Transcript of 20 December 2025 no later than 10 February 2026.

13. The Appeals Chamber also notes that in its observations, the Yekatom Defence makes reference to the [REDACTED] of Mr Yekatom's telephone calls with non-privileged contacts and [REDACTED].¹⁷ The Yekatom Defence submits that these measures "would be proportionately tailored to mitigate risks and assuage any concerns in this regard".¹⁸ Noting that these measures were not listed in the Request for Interim Measures and that they were, therefore, not addressed in the Registry's Observations, the Appeals Chamber considers that it would be assisted by further observations from the Registry on this matter. The Registry shall file its additional observations by 11 February 2026.

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



Judge Solomy Balungi Bossa
Presiding

Dated this 4th day of May 2026

At The Hague, The Netherlands

¹⁶ Yekatom Defence's Response, para. 33.

¹⁷ Yekatom Defence's Response to Registry's Observation, para. 8. The Appeals Chamber takes note of the procedural irregularity of this filing from the Yekatom Defence. It will address it in its decision on the Request for Interim Measures.

¹⁸ Yekatom Defence's Response to Registry's Observation, para. 10.