



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 Prosecutor's request to modify conditions of detention**

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 to Modify Conditions of Detention” of 23 January 2026 (ICC-01/14-01/18-2865-Conf-Exp),

Renders, pursuant to regulations 99(1)(i) and 101(2) of the Regulations of the Court, as well as regulations 173(5), 174 and 175 of the Regulations of the Registry, the following

DECISION

1. The conditions for contact between Mr Yekatom and persons on the list of his non-privileged contacts are modified as set out in paragraph 27 of this decision, pending the Appeals Chamber’s decision on the Registry’s next regular report.
2. The remaining restrictions on Mr Yekatom non-privileged contacts, as described in paragraphs 18–19 of this decision, are maintained.
3. The Registry is directed to ensure, until further instructions, 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.

REASONS

I. PROCEDURAL HISTORY

1. On 24 July 2025, Trial Chamber V rendered the “Judgment”.¹

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).

2. On 16 September 2025, the Appeals Chamber (i) granted the request of Defence for Mr Yekatom (hereinafter: “Yekatom Defence”)² for the lifting of one of the restrictions on Mr Yekatom’s contact in detention, namely the prohibition of engaging in case-related discussions during his non-privileged communications, and (ii) maintained the remaining restrictions (hereinafter: “Decision of 16 September 2025”).³
3. 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”).⁴
4. On 28 January 2026, pursuant to the Appeals Chamber’s order,⁵ the Yekatom Defence filed its response to the Request for Interim Measures (hereinafter: “Yekatom Defence’s Response”),⁶ and the Registry filed its observations thereon (hereinafter: “Registry’s Observations”).⁷
5. On 30 January 2026, the Yekatom Defence filed a response to the Registry’s Observations (hereinafter: “Yekatom Defence’s Response to Registry’s Observations”).⁸

² [Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions](#), 31 July 2025, ICC-01/14-01/18-2788.

³ [Decision on restrictions to Mr Yekatom’s contacts and communications in detention](#), ICC-01/14-01/18-2811. See also Registry, [Twelfth Registry Report on the Implementation of the Restrictions on Contacts of Mr Yekatom Ordered by Trial Chamber V](#), 28 August 2025, ICC-01/14-01/18-2804.

⁴ 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.

⁵ Order on the filing of observations, 23 January 2026, ICC-01/14-01/18-2867-Conf-Exp.

⁶ 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.

⁷ 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 the Yekatom Defence; a confidential *ex parte* redacted version only available to the Prosecutor and the Yekatom Defence filed on the same day, ICC-01/14-01/18-2869-Conf-Exp-Red), with confidential *ex parte* Annex.

⁸ 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.

6. On 11 February 2026, the Prosecutor filed, with the Appeals Chamber’s leave,⁹ his reply to the Yekatom Defence’s Response (hereinafter: “Prosecutor’s Reply”).¹⁰

7. On the same day, the Registry filed its additional observations (hereinafter: “Registry’s Additional Observations”).¹¹

II. PRELIMINARY MATTER

8. The Appeals Chamber takes note of the following submission by the Yekatom Defence, included in the Yekatom Defence’s Response to Registry’s Observations: “The [Yekatom] Defence [...] hereby respectfully responds to the [...] [Registry’s Observations] in accordance with Regulation 24(1) of the Regulations of the Court”.¹² The Yekatom Defence notes in this regard that the Registry’s Observations include submissions on a matter that “would ordinarily have been reported” in the upcoming regular report.¹³

9. The Appeals Chamber notes that the Yekatom Defence’s Response to Registry’s Observations is premised on the understanding that the section of those observations concerning an “[a]dditional non-privileged call of potential concern” is in fact part of the upcoming regular report. The Appeals Chamber recalls that the Yekatom Defence may make observations within 10 days of each regular report.¹⁴ However, the Registry’s Observations are not meant to constitute such a report. The Registry refers to the aforementioned “call of potential concern” in advance of its regular report, as it considers it relevant to the Request for Interim Measures.

10. Furthermore, contrary to the title given to it by the Yekatom Defence, its filing cannot constitute a response to the Registry’s Observations pursuant to regulation 24(1) of the Regulations of the Court (hereinafter: “Regulations”). Rather, the Registry’s

⁹ Decision on the Prosecutor’s request for leave to reply, 9 February 2026, ICC-01/14-01/18-2874-Conf-Exp. See also Prosecutor, 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), 30 January 2026, ICC-01/14-01/18-2870-Conf-Exp.

¹⁰ Prosecution’s Reply to Yekatom Defence Observations on ‘Prosecution’s Request to Modify Conditions of Detention’ (ICC-01/14-01/18-2868-Conf-Exp), ICC-01/14-01/18-2877-Conf-Exp-Corr.

¹¹ Addendum to the “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) dated 28 January 2026, ICC-01/14-01/18-2878-Conf-Exp.

¹² Yekatom Defence’s Response to Registry’s Observations, para. 1.

¹³ Yekatom Defence’s Response to Registry’s Observations, para. 1, fn. 2, referring to Registry’s Observations, para. 15.

¹⁴ [Decision of 16 September 2025](#), para. 31.

Observations were filed pursuant to regulation 24*bis* of the Regulations and should have been considered as such. Finally, the Registry is not a “participant” within the meaning of regulation 24(1) of the Regulations and the Yekatom Defence could not thus file a response to the Registry’s Observations.¹⁵ Any party wishing to respond to such observations ought to have sought leave from the Appeals Chamber, as there is no automatic right to respond to filings made under regulation 24*bis* of the Regulations. This notwithstanding, the Appeals Chamber will exceptionally consider some of the submissions made in the Yekatom Defence’s Response to Registry’s Observations.

III. MERITS

A. Submissions of the parties and observations of the Registry

11. The Prosecutor requests that the conditions of Mr Yekatom’s detention be modified “on an interim basis”, pending the Registry’s investigation of what he describes as an apparent breach of the current contact restrictions order.¹⁶ He submits that his review of the transcript (hereinafter: “Transcript”) of a telephone call which Mr Yekatom had on 20 December 2025 (hereinafter: “Call”) reflects a violation of the existing conditions and “is suggestive of a pattern of circumvention which may have gone undetected”.¹⁷ In light of this, the Prosecutor seeks the imposition of additional interim measures, namely: (i) the suspension of all non-privileged telephone calls and non-family, non-privileged visits; (ii) the suspension of any form of communication with his collocutor; and (iii) the active monitoring of family visits, with discussions limited to strictly personal matters.¹⁸

12. In his Reply, the Prosecutor submits that Mr Yekatom’s unauthorised contact, now identified as [REDACTED], is associated with individuals linked to political movements within the Central African Republic (“CAR”).¹⁹ Given [REDACTED] alleged associations with what he describes as “potential threat-actors”,²⁰ the Prosecutor avers that [REDACTED] is affiliated with the “12 Apôtres”, “a controversial political action group” formed within the members of the CAR diaspora

¹⁵ See Appeals Chamber, [Decision on the Ngaïssona Defence’s request for an extension of time to file the appeal brief](#), 14 November 2025, ICC-01/14-01/18-2842, para. 14.

¹⁶ Request for Interim Measures, paras 1, 6.

¹⁷ Request for Interim Measures, paras 4-5.

¹⁸ Request for Interim Measures, para. 6.

¹⁹ Prosecutor’s Reply, para. 2.

²⁰ Prosecutor’s Reply, para. 5.

in France that openly opposes the government of President Touadéra, accused of engaging in “a strategy of destabilisation”.²¹ He adds that [REDACTED] apparent support for the “*Coalition des patriotes pour le changement*” (hereinafter: “CPC”) is reinforced by social media links to members of President François Bozizé’s “*Kwa na kwa*” political party (hereinafter “KNK”).²² As an example, he notes that [REDACTED], [REDACTED], is linked on Facebook to Kevin Kpefio, the former president of the KNK youth wing, who has previously been implicated in attempts [REDACTED].²³ The Prosecutor submits that Mr Yekatom’s “illicit contacts pose a potential risk to the proceedings”, as [REDACTED] association is not pre-vetted by the Registry and may expose witnesses to consequences that cannot be prevented or ascertained.²⁴

13. The Yekatom Defence concedes that Mr Yekatom engaged in an unauthorised contact, which constitutes “a violation of the restrictions on his non-privileged communications”, for which it offers its apologies.²⁵ However, it submits that the restrictions sought in the Request for Interim Measures be rejected.²⁶ In support of this position, the Yekatom Defence argues that during the Call, the interlocutors discussed “various recent political events”.²⁷ The Yekatom Defence further explains that [REDACTED].²⁸ It further notes that [REDACTED], a point acknowledged during the Call.²⁹

14. Regarding the Prosecutor’s allegation of conspiracy to mislead the Registry as to the relationship between [REDACTED] and Mr Yekatom, the Yekatom Defence submits [REDACTED], emphasising that the [REDACTED].³⁰ It argues that [REDACTED].³¹

²¹ Prosecutor’s Reply, para. 6.

²² Prosecutor’s Reply, paras 2, 8.

²³ Prosecutor’s Reply, para. 9.

²⁴ Prosecutor’s Reply, para. 10.

²⁵ Yekatom Defence’s Response, paras 6-7.

²⁶ Yekatom Defence’s Response, paras 3, 36.

²⁷ Yekatom Defence’s Response, para. 13.

²⁸ Yekatom Defence’s Response, para. 12.

²⁹ Yekatom Defence’s Response, para. 21.

³⁰ Yekatom Defence’s Response, paras 4, 17.

³¹ Yekatom Defence’s Response, para. 17.

15. In its “response” to the Registry’s Observations, the Yekatom Defence partially withdraws the relief sought in its earlier submissions concerning the Prosecutor’s request to investigate all of Mr Yekatom’s non-privileged calls since 28 August 2025.³² It submits that, if additional interim contact restrictions are deemed necessary, they should be limited to [REDACTED] of Mr Yekatom’s telephone communication with non-privilege contacts; and that [REDACTED].³³ Such interim measures, in its view, should be revisited immediately upon completion of the Registry’s investigation and following submissions from the parties.³⁴

16. The Registry notes that, while Mr Yekatom and [REDACTED], the content of the Call suggested a possible connection through [REDACTED], though it lacked sufficient information to verify the nature of their relationship.³⁵ Moreover, the Registry indicates that reviewing all non-privileged calls since 28 August 2025 would require approximately 209 hours of audio analysis, an estimate which does not include calls placed after 23 January 2026.³⁶ Finally, the Registry submits that, recently, a randomly monitored “post facto” non-privileged call revealed Mr Yekatom communicated with an unauthorised person,³⁷ the identity of whom it has not been able to confirm, though “[t]he conversation does not appear to be case-related”.³⁸

17. In its further observations, the Registry submits that it has the operational capacity to implement active monitoring of Mr Yekatom’s non-privileged calls, should the Appeals Chamber so order.³⁹ The Registry further notes that, although it could also actively monitor Mr Yekatom’s non-privileged visits, doing so would affect all detained persons, not only Mr Yekatom.⁴⁰

³² Yekatom Defence’s Response to Registry’s Observations, para. 5, *referring to* Yekatom Defence’s Response, paras 32, 36.

³³ Yekatom Defence’s Response to Registry’s Observations, para. 8.

³⁴ Yekatom Defence’s Response to Registry’s Observations, para. 9.

³⁵ Registry’s Observations, para. 9.

³⁶ Registry’s Observations, para. 10.

³⁷ Registry’s Observations, para. 16.

³⁸ Registry’s Observations, para. 16.

³⁹ Registry’s Additional Observations, paras 15-16.

⁴⁰ Registry’s Additional Observations, paras 17-19.

B. Determination by the Appeals Chamber

18. The Appeals Chamber recalls that specific contact restrictions on Mr Yekatom remain in place as follows:

(i) non-privileged phone calls and visits are limited to individuals on Mr Yekatom's non-privileged contact list; (ii) written correspondence is restricted to individuals on that list; (iii) non-privileged communications are limited to the languages of French and Sango; and (iv) the use of obscure or coded language [...]. In addition, random monitoring of Mr Yekatom's non-privileged telephone calls continues in accordance with regulation 175(1) of the Regulations of the Registry.⁴¹

19. In particular, while Mr Yekatom's prohibition on discussing the present case during his non-privileged communications was lifted, he was directed to

refrain from discussing or revealing in clear or coded language: (1) any identifying information about victims and witnesses and their family members, such as names, pseudonyms, references to their work, or family links; and (2) whereabouts of victims and witnesses and their family members.⁴²

20. The abovementioned restrictions remain in place in light of "Mr Yekatom's undertaking and the Registry's proposed safeguards", which the Appeals Chamber considered "appropriate in mitigating the risks or harms envisaged in regulation 101(2) of the Regulations", while at the same time "ensuring the safety of the victims and witnesses without unduly infringing upon Mr Yekatom's rights to privacy and family life".⁴³

21. In the present request, the Appeals Chamber notes the Prosecutor's allegations regarding "several clear violations of the current restrictions order", which he considers "a breach of the current conditions of detention" applicable to Mr Yekatom.⁴⁴ Having reviewed the Transcript together with the relevant observations of the Registry, the Appeals Chamber notes that Mr Yekatom breached the current restrictions by speaking on the telephone with [REDACTED], who is not on his non-privileged approved contact list.⁴⁵

⁴¹ See [Decision of 16 September 2025](#), paras 20, 26-27.

⁴² See [Decision of 16 September 2025](#), paras 25-26.

⁴³ See [Decision of 16 September 2025](#), para. 26.

⁴⁴ Request for Interim Measures, paras 4-5. See also Prosecutor's Reply, paras 2, 5-10.

⁴⁵ Transcript. See also Registry's Observations, paras 3, 9.

22. While the Yekatom Defence submits that the “administrative delays in the Detention Section’s responses to various requests”, including Mr Yekatom’s request for the addition of [REDACTED] to the list of contacts, might be relevant to Mr Yekatom’s actions,⁴⁶ the Appeals Chamber considers that such delays do not justify non-compliance with a judicially imposed restriction.

23. The Appeals Chamber turns to the Prosecutor’s contention that the interlocutor’s social-media activity and [REDACTED] expressed support for the CPC, as reflected in the Call, show associations with “potential threat actors”, including individuals linked to the CPC and to former President Bozizé’s KNK party.⁴⁷ The Appeals Chamber finds this unpersuasive: no evidence has been presented of any actual contact between [REDACTED] and these individuals, nor of any conduct that could lead to the occurrence of any of the adverse consequences enumerated in regulation 101(2) of the Regulations, including [REDACTED]. The evidence presented by the Prosecutor demonstrates [REDACTED], [REDACTED],⁴⁸ or social-media connections,⁴⁹ which, without more, do not establish proximity to actors capable of interfering with judicial proceedings. Noting that the Call did not concern any action to be taken in relation to judicial proceedings, the Appeals Chamber concludes that the Prosecutor has not substantiated that there are reasonable grounds to believe that witness interference or any of the adverse consequences listed in regulation 101(2) of the Regulations could occur.⁵⁰

24. Furthermore, the Appeals Chamber does not consider the requested investigation of all of Mr Yekatom’s non-privileged calls since 28 August 2025 necessary at this stage.⁵¹ As noted above, the Prosecutor has not shown the likelihood of any adverse consequences under regulation 101(2) of the Regulations. The Appeals Chamber also notes the Registry’s submission regarding the substantial workload such a review would entail.⁵² In this context, the Appeals Chamber recalls that identifying, through

⁴⁶ Yekatom Defence’s Response, paras 5, 8-9.

⁴⁷ Prosecutor’s Reply, paras 2, 8-9.

⁴⁸ Prosecutor’s Reply, para. 6, fn. 8, *referring to* [REDACTED].

⁴⁹ CAR-OTP-2137-0637, p. 7; CAR-OTP-00037722, p. 10.

⁵⁰ See Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Judgment on Mr Bosco Ntaganda’s appeal against the decision reviewing restrictions on contacts of 7 September 2016](#), 8 March 2017, ICC-01/04-02/06-1817-Conf (OA4) (public redacted version filed on the same day, ICC-01/04-02/06-1817-Red (OA4)), para. 60.

⁵¹ Request for Interim Measures, para. 9.

⁵² See Registry’s Observations, paras 10-12.

passive monitoring, the risk of one of the adverse consequences listed in regulation 175(1) of the Regulations of the Registry or a breach of a Chamber's order and addressing them, ordinarily fall within the Registrar's mandate pursuant to regulations 174 and 175 of the Regulations of the Registry.

25. Likewise, the Prosecutor has not demonstrated that the suspension of all non-privileged telephone calls and some visits, the suspension of any form of communication with [REDACTED], and the active monitoring of family visits,⁵³ are justified and necessary in the present circumstances. As discussed above, the risk of adverse consequences has not been sufficiently demonstrated. Therefore, the measures sought by the Prosecutor would unduly interfere with Mr Yekatom's rights.

26. The Appeals Chamber further notes the Yekatom Defence's mention of other interim measures, namely the active monitoring and a limit to the duration of telephone calls with non-privileged contacts.⁵⁴ It also notes the Registry's confirmation of its operational capacity to actively monitor Mr Yekatom's non-privileged calls and to implement a limit to their duration.⁵⁵ These measures would be appropriate to address the risk of further breaches of the contact restrictions in place. Indeed, as discussed above, while there is no apparent risk of any of the aforementioned adverse consequences, Mr Yekatom clearly breached the prohibition of telephone contacts with persons who are not included on the non-privileged contacts list. Given the manner in which Mr Yekatom managed to make the Call, that is through telephone connection with a person from the list, active monitoring would enable an immediate detection of any such breach and prevention of further breaches.

27. The Appeals Chamber takes note of the Yekatom Defence's submission that with the adoption of these measures, "the balance [would continue] to weigh in favour of Mr Yekatom's right to privacy and family life".⁵⁶ Having regard to the above, the Appeals Chamber considers it warranted to modify Mr Yekatom's conditions of detention on an interim basis. In particular, the Appeals Chamber finds that the active monitoring of Mr Yekatom's non-privileged calls, together with reasonable limits on their duration,

⁵³ Request for Interim Measures, para. 6.

⁵⁴ Yekatom Defence's Response to Registry's Observations, para. 8.

⁵⁵ Registry's Additional Observations, paras 15-16.

⁵⁶ Yekatom Defence's Response to Registry's Observations, para. 10.

would not be overly restrictive or unduly interfere with his right to privacy and family life, particularly given the short period for which these measures will apply pending the Chamber's decision on the Registry's upcoming report. The Appeals Chamber therefore directs 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.

28. These additional restrictions shall remain in place pending the Appeals Chamber's decision on the Registry's forthcoming report. The Registry is directed to bring any operational concerns with respect to the implementation of these measures to the Appeals Chamber's attention in its upcoming report.

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