



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 thirteenth Registry report on the implementation of
the restrictions on contacts of Mr Yekatom**

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**
Trial Chamber V

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 “Thirteenth Registry Report on the Implementation of the Restrictions on Contacts of Mr Yekatom” of 2 March 2026 (ICC-01/14-01/18-2888-Conf-Exp),

Renders, pursuant to regulations 99(1)(h) and (i), 100 (1) and 101(2) of the Regulations of the Court, as well as regulations 173(5), 174 and 175, 179(1) and 180(1) 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, as established in the “Decision on restrictions to Mr Yekatom’s contacts and communications in detention” of 16 September 2025 (ICC-01/14-01/18-2811) and the “Decision on Prosecutor’s request to modify conditions of detention” of 17 February 2026 (ICC-01/14-01/18-2882-Conf-Exp), are maintained.
2. The Registry is directed to ensure, until further instructions, that Mr Yekatom’s non-privileged calls, whether by telephone or by video, are actively monitored, and that the duration of non-privileged calls is limited to 90 minutes per week.
3. The measure of the active monitoring of Mr Yekatom’s non-privileged calls applies equally to non-privileged video calls, and no additional minutes are allocated for such communication.
4. All future reports, concerns, or requests relating to Mr Yekatom’s contact restrictions shall henceforth be addressed to Trial Chamber V.
5. The Prosecutor is directed to file the public redacted versions or seek reclassification of documents ICC-01/14-01/18-2865-Conf-Exp, ICC-01/14-

01/18-2870-Conf-Exp, ICC-01/14-01/18-2877-Conf-Exp-Corr and ICC-01/14-01/18-2890-Conf-Exp by Friday, 24 April 2026.

6. The Defence for Mr Yekatom is directed to file the public redacted versions or seek reclassification of documents ICC-01/14-01/18-2868-Conf-Exp, ICC-01/14-01/18-2871-Conf-Exp and ICC-01/14-01/18-2891-Conf-Exp by Friday, 24 April 2026.

7. The Registry is directed to file the public redacted versions or seek reclassification of documents ICC-01/14-01/18-2869-Conf-Exp, ICC-01/14-01/18-2878-Conf-Exp and ICC-01/14-01/18-2888-Conf-Exp by Friday, 24 April 2026.

REASONS

I. PROCEDURAL HISTORY

1. On 24 July 2025, Trial Chamber V (hereinafter: “Trial Chamber”) rendered the “Judgment”.¹

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, (ii) maintained the remaining restrictions, and (iii) directed the Registry to continue submitting its reports on the implementation of the contact restrictions every six months (hereinafter: “Decision of 16 September 2025”).³

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

² [Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions](#), 25 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.

3. On 23 January 2026, the Deputy Prosecutor (hereinafter: “Prosecutor”) filed a request seeking the modification of Mr Yekatom’s conditions of detention on an interim basis.⁴

4. On 17 February 2026, the Appeals Chamber rendered its decision (hereinafter: “Decision of 17 February 2026”), in which it found that Mr Yekatom had breached his detention conditions and directed the Registry, on an interim basis and until further instructions, 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 (hereinafter: “Interim Measures”).⁵

5. On 2 March 2026, the Registry filed its biannual report on the implementation of contact restrictions for Mr Yekatom (hereinafter: “Registry’s Report”).⁶

6. On 6 March 2026, the Prosecutor filed his observations on the Registry’s Report (hereinafter: “Prosecutor’s Observations on the Report”).⁷

7. On 13 March 2026, the Yekatom Defence filed its observations on the Registry’s Report (hereinafter: “Yekatom Defence’s Observations on the Report”).⁸

II. MERITS

8. The Registry submits that the following restrictions are currently in place for Mr Yekatom:

(i) non-privileged calls are actively monitored and limited to 90 minutes per week; (ii) non-privileged calls and visits are limited to individuals on his non-privileged contact list; (iii) written correspondence is restricted to individuals on that list; (iv) non-privileged communications are limited to the languages of French and Sango; and (v) discussing or revealing in clear or coded language [...] any identifying information about victims and witnesses and their family

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 Decision on Prosecutor’s request to modify conditions of detention, ICC-01/14-01/18-2882-Conf-Exp, paras 26-28.

⁶ Thirteenth Registry Report on the Implementation of the Restrictions on Contacts of Mr Yekatom, ICC-01/14-01/18-2888-Conf-Exp, with a confidential *ex parte* Annex.

⁷ 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.

⁸ 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.

members, such as names, pseudonyms, references to their work, or family links; and [...] whereabouts of victims and witnesses and their family members is prohibited.⁹

9. The Registry submits that, since 28 August 2025, and apart from the two calls of potential concern previously identified, it has “no additional calls of potential concern to report”.¹⁰ The Registry further requests clarification as to “whether non-privileged video calls fall within the scope of the active monitoring procedure” ordered in the Decision of 17 February 2026.¹¹

10. The Prosecutor submits that the restrictions on Mr Yekatom’s contacts should remain in place, noting that the “mere two week interval” between the Decision of 17 February 2026 and the Registry’s Report does not provide “grounds to vacate or reduce the interim restriction”.¹² He argues that Mr Yekatom’s prior violation, together with the Registry’s further confirmation of an additional violation during “a non-privileged conversation on 3 January 2026”, demonstrate the continued need for “stringent restrictions”.¹³ The Prosecutor adds that any unauthorised contact inherently engages “an identifiable risk to witnesses, participants, and the integrity of the proceedings”, irrespective of “whether the harm envisioned materialises”.¹⁴ He further submits that there is no basis to [REDACTED] from the scope of the Decision of 17 February 2026, noting that the decision contains no express or implied limitation excluding such communications from [REDACTED],¹⁵ and therefore requests that the Registry maintain the existing conditions of detention, applying active monitoring to any future non-privileged [REDACTED].¹⁶

11. The Yekatom Defence requests that the Interim Measures set out in the Decision of 17 February 2026 be lifted, arguing that maintaining “such restrictive measures for a prospectively indefinite period” is “neither necessary nor proportionate and would unjustifiably infringe upon Mr Yekatom’s fundamental rights as a detainee”.¹⁷ The

⁹ Registry’s Report, para. 17.

¹⁰ Registry’s Report, para. 19.

¹¹ Registry’s Report, para. 28.

¹² Prosecutor’s Observations on the Report, paras 3, 10.

¹³ Prosecutor’s Observations on the Report, paras 3, 4, 10.

¹⁴ Prosecutor’s Observations on the Report, paras 7-8.

¹⁵ Prosecutor’s Observations on the Report, para. 12.

¹⁶ Prosecutor’s Observations on the Report, para. 13.

¹⁷ Yekatom Defence’s Observations on the Report, paras 9, 13, 18.

Yekatom Defence reiterates that the two incidents of non-compliance were “regrettable and ill-advised”,¹⁸ but maintains that the Decision of 17 February 2026 [REDACTED], and that the Prosecutor “has not established that an ‘identifiable risk’ is ‘inherent’ in Mr Yekatom’s conduct or that a discernible risk is likely to materialise”.¹⁹

12. The Yekatom Defence further submits that the Decision of 17 February 2026 “cannot be construed as extending the interim active-monitoring direction to a separate and independently established monthly video-conferencing regime”, arguing that, in the absence of express wording to that effect, the Appeals Chamber’s decision is framed in terms of telephone calls.²⁰ It therefore requests that, should the Appeals Chamber maintain the Interim Measures, the current schedule of one 90-minute non-privileged video call per month be maintained in addition to the “90 minutes of regular calls”.²¹

13. 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 [...] [is] prohibited during non-privileged communications. 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.²²

14. The Appeals Chamber further recalls that Mr Yekatom 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, [...]; and (2) whereabouts of victims and witnesses and their family members”.²³

15. In addition to the foregoing restrictions, the Appeals Chamber imposed, on an interim basis, the active monitoring of Mr Yekatom’s non-privileged calls and limited their duration to 90 minutes per week.²⁴

¹⁸ Yekatom Defence’s Observations on the Report, para. 10.

¹⁹ Yekatom Defence’s Observations on the Report, para. 12.

²⁰ Yekatom Defence’s Observations on the Report, para. 21.

²¹ Yekatom Defence’s Observations on the Report, para. 21.

²² Decision of 17 February 2026, para. 18; [Decision of 16 September 2025](#), para. 20.

²³ Decision of 17 February 2026, para. 19.

²⁴ Decision of 17 February 2026, para. 27.

16. In the present case, the Appeals Chamber notes the Registry’s indication that it has identified “no additional calls of potential concern”, and “has no concerns to report in relation to non-privileged visits or written correspondence”.²⁵ It also notes the Prosecutor’s related observation that [REDACTED].²⁶ The Appeals Chamber also notes the Yekatom Defence’s assertion that in view of the Registry’s report indicating no new incident, “the basis for maintaining such stringent restrictions prospectively has materially weakened”.²⁷

17. In this regard, the Appeals Chamber recalls that the “absence of concerns reported by the Registry during the present monitoring period may not, in itself, be determinative of whether the underlying risks identified [...] have abated”.²⁸ Although no new breach has been identified since the Decision of 17 February 2026, the Appeals Chamber considers that the earlier incidents, namely, the two calls of potential concern previously reported,²⁹ together with the Registry’s inability to confirm the identity of the unauthorised person with whom Mr Yekatom communicated on 3 January 2026 during a non-privileged telephone call,³⁰ remain relevant factors in assessing the ongoing risks and underscores the continued need for vigilance. Taken together, these circumstances indicate that the safeguards in place prior to the Decision of 17 February 2026 are, at present, insufficient on their own to mitigate the ongoing risks associated with Mr Yekatom’s non-privileged communications.

18. The Appeals Chamber also notes the Yekatom Defence’s proposal that the contact restrictions previously applicable to Mr Yekatom pursuant to the Decision of 16 September 2025 “constitute sufficient and proportionate safeguards to mitigate the risks envisioned in Regulation 101(2) [of the Regulations]”.³¹ In the Appeals Chamber’s view, however, the circumstances giving rise to the Decision of 17 February 2026, including the unauthorised communication of 3 January 2026 and the manner in which it occurred, underscore the limitations of those earlier safeguards. Accordingly, in view of the current circumstances, the Appeals Chamber considers that the measures

²⁵ Registry’s Report, para. 19.

²⁶ Prosecutor’s Observations on the Report, para. 8.

²⁷ Yekatom Defence’s Observations on the Report, paras 11, 16.

²⁸ Appeals Chamber, [Decision on fourteenth Registry report on the implementation of the restrictions on contacts of Mr Ngaïssona](#), 5 February 2026, ICC-01/14-01/18-2872, para. 15.

²⁹ See Registry’s Report, paras 20-21.

³⁰ Registry’s Report, paras 21-24.

³¹ Yekatom Defence’s Observations on the Report, para. 17.

contained in the Decision of 16 September 2025 may no longer be adequate on their own to address the potential risks that may arise.

19. In light of the foregoing, the Appeals Chamber considers that the absence of newly identified concerns is attributable to the effectiveness of the Interim Measures, rather than evidence that the underlying risks have dissipated. This reinforces, rather than undermines, the necessity of maintaining the current restrictions and extending the application of the Interim Measures. The Appeals Chamber therefore finds that, in the present circumstances, the restrictions on Mr Yekatom's contact as established in the Decision of 16 September 2025 and the Decision of 17 February 2026 are to remain in place until the decision in relation to the next biannual reporting period of the Registry.

20. The Appeals Chamber emphasises, however, that should it become necessary or appropriate to lift or modify any of the contact restrictions before that time in light of intervening developments, such a change may be communicated to the competent Chamber. The Appeals Chamber is satisfied that the measures, as currently applied, continue to strike an appropriate balance between protecting the integrity of the proceedings and respecting Mr Yekatom's rights as a detainee, including his rights to privacy and family life.³²

21. With respect to the Registry's request for clarification,³³ the Appeals Chamber agrees with the Prosecutor's submission that the Decision of 17 February 2026 "does not expressly or impliedly [REDACTED] from active monitoring".³⁴ The Appeals Chamber notes that the wording of the Decision of 17 February 2026, which regulates Mr Yekatom's non-privileged calls without distinguishing between telephone and video formats necessarily implies that non-privileged video calls are included within its scope. That decision was framed in terms of the nature of the communication (non-privileged calls) rather than the technology used, and nothing in its language suggests that different modalities of calling were intended to be treated differently.

³² 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. 101. See also [Decision of 16 September 2025](#), para. 23.

³³ Registry's Report, para. 28.

³⁴ Prosecutor's Observations on the Report, paras 11-12.

22. In this regard, contrary to the Yekatom Defence's alternative request,³⁵ the Appeals Chamber considers that the 90-minute allocation applies to all non-privileged communication, irrespective of whether it is conducted by telephone or by video. It remains for Mr Yekatom to determine how to use his 90-minute allocation, whether by telephone calls, video calls, or through any combination of the two. This ensures a consistent and coherent application of the measure in question and avoids introducing a distinction between communication formats that the Decision of 17 February 2026 did not provide for.

23. The Appeals Chamber directs that all future reports or requests, as well as any issues arising thereto relating to Mr Yekatom's contact restrictions, shall henceforth be addressed to the Trial Chamber, which will assume responsibility for their continued oversight and, where necessary, modification. In this regard, the Appeals Chamber recalls that once a decision on conviction or acquittal has been appealed against, it "has jurisdiction to address not only the appeal itself, but also, within the legal framework of the Court, any matter related to that case".³⁶ However, certain matters would more appropriately be dealt with by the relevant trial chamber, for instance where that chamber already deals with related issues³⁷ or in order to preserve possible recourse to appellate review.³⁸ The Appeals Chamber therefore finds that it would be more appropriate for the Trial Chamber to deal with further matters related to restrictions to Mr Yekatom's contact.

24. The Appeals Chamber notes that the Prosecutor's Observations on the Report as well as Yekatom Defence's Observations on the Report were filed confidentially *ex parte* in accordance with the classification of the Registry's Report. The Appeals Chamber therefore directs the Prosecutor and the Yekatom Defence to file the public redacted versions of these documents or seek their reclassification, by Friday 24 April 2026, as well as to do the same for ICC-01/14-01/18-2865-Conf-Exp, ICC-01/14-

³⁵ Yekatom Defence's Observations on the Report, para. 21.

³⁶ *The Prosecutor v. Mathieu Ngudjolo Chui*, [Order on the implementation of the cooperation agreement between the Court and the Democratic Republic of the Congo concluded pursuant article 93 \(7\) of the Statute](#), 20 January 2014, ICC-01/04-02/12-158 (A), para. 19.

³⁷ *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision on Mr Bemba's request for measures concerning the availability of funds](#), 4 September 2017, ICC-01/05-01/08-3560 (A), para. 8.

³⁸ *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, [Decision on counsel for Mr Gbagbo's requests \(ICC-02/11-01/15-1408-tENG and ICC-02/11-01/15-1410-tENG\)](#), 15 October 2021, ICC-02/11-01/15-1422 (A), para. 18.

01/18-2868-Conf-Exp, ICC-01/14-01/18-2870-Conf-Exp, ICC-01/14-01/18-2871-Conf-Exp, and ICC-01/14-01/18-2877-Conf-Exp-Corr.

25. The Registry is also directed to file the public redacted versions or seek reclassification of documents ICC-01/14-01/18-2869-Conf-Exp, ICC-01/14-01/18-2878-Conf-Exp and ICC-01/14-01/18-2888-Conf-Exp by Friday, 24 April 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