

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/14-01/18**
Date: **6 December 2018**

PRE-TRIAL CHAMBER II

Before: Judge Tomoko Akane, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR v. ALFRED YEKATOM***

**Confidential Redacted version of Registry Report on the Implementation of the
Restrictions on Contact Ordered by the Single Judge, 30 November 2018, ICC-
01/14-01/18-23-Conf-Exp**

With Confidential redacted Annexes I and II

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Counsel for the Defense

Mr Stéphane Bourgon

Legal Representatives of the Victims

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

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

Paddy Craig

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Following the Single Judge's "Decision pursuant to Regulation 101 of the Regulations of the Court" dated 17 November 2018 ("Decision on Restrictions"),¹ directing the Registry to report on the implementation of the restrictions on contact for Mr Alfred Yekatom ("Mr Yekatom") no later than two weeks after his arrival, the Registry hereby submits its report on the monitoring of telephone calls, visits, incoming and outgoing mail until now. By this report, the Registry informs the Chamber that no incident has been reported.

II. Classification

2. In accordance with regulation 23 *bis*(1) of the Regulations of the Court ("RoC"), the present report and its annexes are classified as confidential *ex parte* only available to the Defence and the Registry, as they contain sensitive information concerning identifying information of Mr Yekatom's personal contacts and detention-related matters. Should the Chamber decide so, the Registry stands ready to give the Office of the Prosecutor access to the present report.

III. Applicable Law

3. For the purpose of the present submissions, the Registry has considered regulations 99(1)(i) and (h) and 100 of the RoC and regulations 169, 173(4), 179, 180 and 186(2)(h) of the Regulations of the Registry ("RoR").

¹ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 17 November 2018, ICC-01/14-01/18-11-Conf-Exp.

IV. Submissions

4. On 19 November 2018, in implementing the Decision on Restrictions, the Detention Centre of the International Criminal Court ("DC") notified Mr Yekatom of the restrictions on contact with the outside world ordered by the Single Judge.²
5. On 20 November 2018, the Single Judge appointed the Office of the Public Counsel for the Defence ("OPCD") to represent Mr Yekatom.³ Following this appointment, the Registry notified it of the Decision on Restrictions.⁴

Non-privileged Telephone calls

6. The Registry has, *inter alia*, implemented a system whereby Mr Yekatom's telephone calls to all persons other than those identified in regulation 175(2) of the RoR are actively monitored.
7. On 19 November 2018, Mr Yekatom submitted to the DC staff three Telephone Number Forms in order to seek the authorisation to add three persons to his non-privileged telephone contact list. Mr Yekatom requested to be allowed to speak on the phone with:
 - i. [REDACTED];
 - ii. [REDACTED];

² "Modalités de mise en œuvre de la décision de la Chambre de première instance II en date 17 novembre 2018 intitulée « Decision pursuant to Regulation 101 of the Regulations of the Court » (ICC-01/14-01/18-11-Conf-Exp) ", 19 November 2018.

³ Pre-Trial Chamber II, "Decision concerning the legal representation of Alfred Yekatom", 20 November 2018, ICC-01/14-01/18-16-Conf-Exp, para. 6.

⁴ Email from Registry to OPCD, dated 21 November 2018 at 10:56.

iii. [REDACTED].

8. In addition, Mr Yekatom listed in the forms related to [REDACTED] as additional persons to whom he may speak to on these telephone numbers.
9. The process of prior approval by the Registrar of the proposed names includes a verification process by the DC staff of the available information contained in the duly completed Telephone Number Forms within 14 days of its submission in accordance with regulation 173(4) of the RoR and the said form.⁵ The DC ordinary vetting procedure of telephone contacts consists of calling the telephone number filled in the form and verifying with that person the information provided. The DC staff has been able to reach and verify the identity of the three telephone contacts, who confirmed their relationship with the detained person and the additional information provided. Furthermore, [REDACTED].
10. On 21 November 2018, pursuant to the Single Judge's instruction, the Registry sent the abovementioned three Telephone Number Forms to the Victims and Witnesses Unit ("VWU") for their support in further verifying the identities and contact details of the persons the detained person wished to add.⁶
11. On 23 November 2018 and on 30 November 2018, the VWU sent their reports on the further verification of the identities of [REDACTED] respectively, concluding that although there is insufficient information for VWU to confirm the identities of these individuals, VWU considered [REDACTED]

⁵ Telephone Number Forms A (Main User/owner) and B (Additional person).

⁶ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 17 November 2018, ICC-01/14-01/18-11-Conf-Exp, para. 6; Email from Registry to VWU, dated 21 November 2018 at 12:51.

identity as verified.⁷ In the absence of any concerns brought to the attention of the Chief Custody Officer (“CCO”) with regard to [REDACTED], pursuant to regulation 99(1)(i) of the RoC and regulations 173(4) and 186(2)(h) of the RoR, on 23 November 2018, the CCO informed Mr Yekatom he had approved his request for [REDACTED] to be added to his non-privileged contact list.⁸ In taking this decision the CCO gave specific attention to the detained person’s right to private and family life, including his rights to maintain such relations and inform his family after his arrival at the DC, in accordance with the relevant international human rights standards on detention conditions.

12. In that same notification, Mr Yekatom was reminded of the actively monitored regime ordered by the Single Judge in the Decision on Restrictions, as well as of the time schedule of the telephone calls, which is as of 26 November 2018 every Monday and every Thursday from 15:30 to 16:00.⁹

13. The Registry is able to provide interpretation in Sango at the DC for Mr Yekatom’s telephone calls according to the time schedule abovementioned. Mr Yekatom has had two opportunities to communicate in Sango and French with [REDACTED] to date. During the reporting period, no violations of the Decision on Restrictions occurred.

⁷ Emails from VWU to Registry, dated 23 November 2018 at 10:51, and 30 November 2018 at 12:38; Annex I.

⁸ Annex II “Approbation de votre demande des numéros de téléphone et programme des appels téléphoniques à partir du 26 novembre 2018”, dated 23 November 2018.

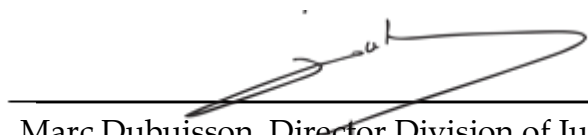
⁹ *Ibid.*

Non-privileged visits

14. The Single Judge has also ordered the active monitoring of non-privileged visits to Mr Yekatom.¹⁰ On 23 November 2018, pursuant to regulation 179 of the RoR, the DC staff received an application form submitted by [REDACTED], for permission to visit the detained person.
15. On 27 November 2018, pursuant to the Single Judge's instruction, the Registry submitted the application form to the VWU with the view to assisting in duly verifying the identity and contact details therein.¹¹
16. On 30 November 2018, the VWU sent their report on the further verification of the identity of the visitor, reaching the same conclusion as for [REDACTED].¹² Therefore, pursuant to regulation 180 of the RoR permission for this visit has been granted by the Registry.

Incoming and outgoing mail

17. Mr Yekatom did not have any opportunities to receive or send written correspondence to date.



Marc Dubuisson, Director Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 6 December 2018
At The Hague, the Netherlands

¹⁰ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 17 November 2018, ICC-01/14-01/18-11-Conf-Exp, para. 9.

¹¹ Email from Registry to VWU, dated 27 November 2018 at 14:11.

¹² Email from VWU to Registry, dated 30 November 2018 at 12:38; Annex I.