

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 25 January 2019

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM***

**Confidential redacted version of
“Third Registry Report on the Implementation of the Restrictions on Contact
Ordered by the Pre-Trial Chamber II”, 23 January 2019, ICC-01/14-01/18-62-Conf-
Exp
With Confidential *EX PARTE* Annexes I and III, only available to Defence and
Registry and Confidential Redacted Annexes II and IV**

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 Defence

Stéphane Bourgon

Mylène Dimitri

Legal Representatives of the Victims**Legal Representatives of the Applicants****Unrepresented Victims****Unrepresented Applicants
(Participation/Reparation)****The Office of the Public Counsel for
Victims****The Office of the 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**

I. Introduction

1. Following the “Third Decision pursuant to Regulation 101 of the Regulations of the Court” (“Third Decision”)¹ issued by the Single Judge on 10 January 2019, in which the Registry is ordered to report on the implementation of the restrictions on contact for Mr Alfred Yekatom (“Mr Yekatom”) no later than 23 January 2019, the Registry hereby submits its report on the monitoring of telephone calls, visits, incoming and outgoing mail and packages during the third reporting period.

II. Procedural history

2. On 17 November 2018, the Single Judge issued the “Decision pursuant to Regulation 101 of the Regulations of the Court” (“Decision on Restrictions”) directing the Registrar to put in place the measures to restrict Mr Yekatom’s contact with the outside world.² In the Decision on Restrictions, the Single Judge directed the Registrar, *inter alia*, to submit to the Chamber a report on the implementation of the restrictions on contact ordered therein.³ On 30 November 2018, the Registry submitted the “Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge” (“First Registry Report”).⁴
3. On 4 December 2018, the Chamber issued the “Second Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Second Decision”), in which it provisionally extended the measures on Mr Yekatom’s communication

¹ Pre-Trial Chamber II, “Third Decision pursuant to Regulation 101 of the Regulations of the Court”, 10 January 2019, ICC-01/14-01/18-52-Conf-Exp.

² 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.

³ *Ibid.*, para. 6.

⁴ “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.

restrictions ordered in the Decision on Restrictions until 11 January 2019, unless otherwise decided.⁵

4. On 14 December 2018, following Chamber's orders in the Second Decision, the Registry submitted the "Second Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre-Trial Chamber II" ("Second Registry Report").⁶
5. On 10 January 2019, the Single Judge issued the Third Decision, according to which Mr Yekatom may have "private family visits, namely from his partner and children, without any monitoring or the use of 'sensitive listening devices'".⁷ With regard to all other communications of Mr Yekatom, the Chamber further decided that measures and conditions as adopted in Decision on Restrictions should stay in place provisionally until 1 February 2019.⁸

III. Classification

6. In accordance with regulation 23 *bis* (1) of the Regulations of the Court ("RoC"), the present report is classified as confidential *ex parte* only available to the Defence and the Registry, as it contains sensitive information concerning identifying information of Mr Yekatom's personal contacts and detention-related matters.

⁵ *Ibid*, para. 8.

⁶ "Second Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre-trial Chamber II", 14 December 2018, ICC-01/14-01/18-23-Conf-Exp.

⁷ ICC-01/14-01/18-52-Conf-Exp, para. 18.

⁸ *Ibid*.

IV. Applicable law

7. For the purpose of the present submission, the Registry has considered regulations 99(1)(h) and (i) and 100 of the Regulations of the Court ("RoC"), and regulations 173, 175, 183 and 185 of the Regulations of the Registry ("RoR").

V. Submissions

Non-privileged telephone calls

8. During the third reporting period, Mr Yekatom has made actively monitored non-privileged telephone calls to [REDACTED] according to the implemented time schedule, which is as of 26 November 2018 every Monday and Thursday, from 15:30 to 16:00.⁹
9. Since the Second Registry Report¹⁰ was submitted, Mr Yekatom has had ten telephone conversations in Sango and French with [REDACTED] :
- i) On 17 December 2018, Mr Yekatom spoke with [REDACTED];
 - ii) On 20 December 2018, Mr Yekatom spoke with [REDACTED];
 - iii) On 24 December 2018, Mr Yekatom spoke with [REDACTED];
 - iv) On 31 December 2018, Mr Yekatom spoke with [REDACTED];
 - v) On 3 January 2019, Mr Yekatom spoke with [REDACTED];
 - vi) On 7 January 2019, spoke with [REDACTED];
 - vii) On 10 January 2019, Mr Yekatom spoke with [REDACTED];
 - viii) On 14 January 2019, Mr Yekatom spoke with [REDACTED];
 - ix) On 17 January 2019, Mr Yekatom spoke with [REDACTED]; and

⁹ ICC-01/14-01/18-23-Conf-Exp, para 12.

¹⁰ "Second Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre-trial Chamber II", 14 December 2018, ICC-01/14-01/18-23-Conf-Exp.

x) On 21 January 2019, Mr Yekatom spoke with [REDACTED].

10. On 11 January 2019, following the review by the Detention Section staff of the report of the active monitoring of Mr Yekatom's telephone calls made by the interpreter, the Chief Custody Officer ("CCO") was made aware of an incident that occurred on 10 January 2019 during the telephone call to [REDACTED] which may be considered as constituting a violation of the Decision on Restrictions. The Registry has subsequently been provided with the full transcript of the said telephone call.¹¹

11. The transcript from the Language Services Section shows that in the said telephone conversation, Mr Yekatom asked [REDACTED] to put the telephone on speaker, which [REDACTED] did, so that [REDACTED] could listen to the conversation and take notes. The content of said telephone call concerns private matters; however, pursuant to the Decision on Restrictions, Mr Yekatom is only allowed to call "a limited number of individuals, such as family members, whose identities and contact details will have to be duly verified beforehand with the support of the Victims and Witness Unit".¹² [REDACTED] is not on Mr Yekatom's non-privileged telephone contact list. This incident should have led to a termination of the telephone call. The matter has been discussed with the interpreters who actively monitor the telephone calls and it has been clarified that the telephone of the person with whom Mr Yekatom is speaking cannot be put on speaker, as it cannot be determined who may be listening on the other end. A similar situation in the future, if any, should therefore lead to the termination of the telephone call pursuant to the Third Decision.

¹¹ Annex I.

¹² ICC-01/14-01/18-11-Conf-Exp, para. 6.

12. In addition, on 14 January 2019, Mr Yekatom was given a written notification of the finding of the above-mentioned incident;¹³ a copy of this notification was given to his Defence Team, which was asked to provide additional information on [REDACTED]. On 15 January 2019, Mr Yekatom's Defence Team informed the Detention Section staff that, "there was no intent on [Mr Yekatom's] part to violate the restrictions imposed", and that [REDACTED].¹⁴

13. During the third reporting period, Mr Yekatom requested to include the [REDACTED] number of [REDACTED], who had previously been added to the list, as [REDACTED]. This request was granted pursuant to the Third Decision.

Family visits

14. On 18 December 2018, [REDACTED] visited him in the Detention Centre.

15. From 7 January 2019 to 11 January 2019, Mr Yekatom received 5 visits from [REDACTED]. On the first three days, these visits were actively monitored. On 10 January 2019, pursuant to the Third Decision,¹⁵ the Detention Centre staff ceased the active monitoring of Mr Yekatom's visit and implemented the normal supervision of visits in accordance with regulation 183 of the RoR. Mr Yekatom was subsequently informed by the CCO of this change in the restrictions on his communication.¹⁶

16. On 11 January 2019, Mr Yekatom was granted a private visit with [REDACTED] in accordance with regulation 185 of the RoR.

¹³ Annex II.

¹⁴ Annex III.

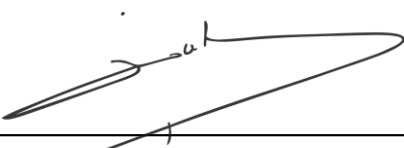
¹⁵ Specifically, pursuant to the Single Judge having granted Mr Yekatom's visits from his partner and children "without any monitoring or use of 'sensitive listening devices'". ICC-01/14-01/18-52-Conf-Exp, para. 18.

¹⁶ Annex IV.

17. During the visiting period between 7 and 11 January 2019, no violations of the Decision on Restrictions occurred. Mr Yekatom has a second visit scheduled with [REDACTED], on 23 January 2019.

Incoming and outgoing mail and packages

18. To date, Mr Yekatom has not received or sent any written correspondence or packages.¹⁷



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

Dated this 25 January 2019

At The Hague, The Netherlands

¹⁷ See regulations 169 and 170, respectively, of the RoR.