

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 12 February 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
“Fourth Registry Report on the Implementation of the Restrictions on Contact
Ordered by Pre-Trial Chamber II”, dated 11 February 2019, ICC-01/14-01/18-81-
Conf-Exp**

Source: Registry

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

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Legal Representatives of the Applicants

Legal Representatives of the Victims

Unrepresented Applicants

(Participation/Reparation)

Unrepresented Victims

**The Office of the Public Counsel for
Victims**

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REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Paddy Craig

**Victims Participation and Reparations
Section**

I. Introduction

1. Following the "Fourth Decision pursuant to Regulation 101 of the Regulations of the Court" ("Fourth Decision")¹ issued by Pre-Trial Chamber II ("Chamber") on 1 February 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 11 February 2019, the Registry hereby submits its report on the monitoring of telephone calls, visits, incoming and outgoing mail and packages during the fourth 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".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, "Fourth Decision pursuant to Regulation 101 of the Regulations of the Court", 1 February 2019, ICC-01/14-01/18-75-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".⁶
5. On 10 January 2019, the Single Judge issued the "Third Decision Pursuant to Regulation 101 of the Regulations of the Court" ("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
6. On 23 January 2019, following the Single Judge's orders in the Third Decision, the Registry submitted the "Third Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre-Trial Chamber II".⁹
7. On 1 February 2019, the Chamber issued the Fourth Decision, according to which the measures and conditions of the restrictions as adopted in the Decision on Restrictions and modified in the Third Decision should stay in place provisionally until 15 February 2019.¹⁰

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*.

⁹ "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.

¹⁰ Pre-Trial Chamber II, "Fourth Decision pursuant to Regulation 101 of the Regulations of the Court", 1 February 2019, ICC-01/14-01/18-75-Conf-Exp, para 18.

III. Classification

8. 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.

IV. Applicable law

9. 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

10. During the fourth 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 16:00.¹¹
11. During the fourth reporting period, Mr Yekatom has had five telephone conversations in Sango and French with [REDACTED]:
- i) On 24 January 2019, Mr Yekatom spoke with [REDACTED];
 - ii) On 28 January 2019, Mr Yekatom spoke with [REDACTED];

¹¹ ICC-01/14-01/18-23-Conf-Exp, para 12.

- iii) On 31 January 2019, Mr Yekatom spoke with [REDACTED];
- iv) On 4 February 2019, Mr Yekatom spoke with [REDACTED]; and
- v) On 7 February 2019, Mr Yekatom spoke with [REDACTED].

12. On 7 February 2019, Mr Yekatom submitted a request to have [REDACTED], identified by Mr Yekatom as [REDACTED], added to his non-privileged telephone contact list. On 8 February 2019, following the internal vetting procedure, the DC staff contacted [REDACTED] through the number provided by Mr Yekatom. During this conversation [REDACTED]. In accordance with the Decision on Restrictions in which the Single Judge restricted Mr Yekatom's telephone calls to "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 [emphasis added], the Registry has not taken any further steps regarding Mr Yekatom's request to have [REDACTED] added to his telephone list. Should the Chamber so decide, the Registry stands ready to further process the verification procedure of the identity and contact details of [REDACTED] together with the Victims and Witness Unit in order to determine whether this individual can be added to Mr Yekatom's non-privileged telephone list.

13. The Registry notes that during the active monitoring of Mr Yekatom's telephone calls in the fourth reporting period, no incidents occurred.

Family visits

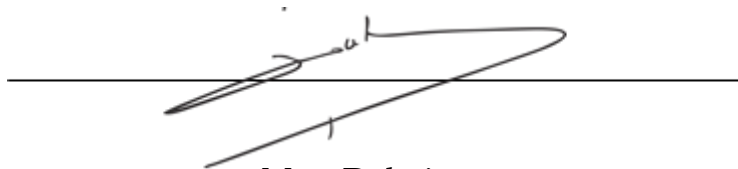
14. From 30 January 2019 to 1 February 2019, Mr Yekatom received three visits from [REDACTED]. Pursuant to the Third Decision the visits were supervised in accordance with regulation 183 of the RoR. On the afternoon of 30 January

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

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

Incoming and outgoing mail and packages

15. To date, Mr Yekatom has not received or sent any written correspondence or packages.¹³

A handwritten signature in dark ink, appearing to read 'Marc Dubuisson', is written over a horizontal line.

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

Dated this 12 February 2019

At The Hague, The Netherlands

¹³ See regulations 169 and 170, respectively, of the RoR.