

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/14-01/18
Date: 26 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 AND PATRICE-EDOUARD
NGAISSONA**

**Confidential Redacted version of
“Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr
Alfred Yekatom Ordered by Pre-Trial Chamber II”, dated 25 February 2019, ICC-
01/14-01/18-124-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 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

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 "Fifth Decision pursuant to Regulation 101 of the Regulations of the Court" ("Fifth Decision")¹ issued by Pre-Trial Chamber II ("Chamber") on 15 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 25 February 2019, the Registry hereby submits its report on the monitoring of telephone calls, visits, incoming and outgoing mail and packages during the fifth 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, "Fifth Decision pursuant to Regulation 101 of the Regulations of the Court", 15 February 2019, ICC-01/14-01/18-86-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 pursuant to Regulation 101 of the Regulations of the Court" ("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 Pre-Trial Chamber II, Second Decision Pursuant to Regulation 101 of the Regulations of the Court, ICC-01/14-01/18-25-Conf-Exp, 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.

8. On 11 February 2019, following the Chamber's orders in the Fourth Decision, the Registry submitted the "Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre-Trial Chamber II".¹¹
9. On 15 February 2019, the Chamber issued the Fifth 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 1 March 2019.¹²

III. Classification

10. 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

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

¹¹ "Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II", 11 February 2019, ICC-01/14-01/18-81-Conf-Exp.

¹² ICC-01/14-01/18-86-Conf-Exp, para. 18.

V. Submissions

Non-privileged telephone calls

12. During the fifth reporting period, Mr Yekatom has made actively monitored non-privileged telephone calls to the individuals on his non-privileged telephone contact list according to the implemented time schedule, which is as of 26 November 2018, every Monday and Thursday, from 15:30 to 16:00.¹³

13. Mr Yekatom currently has three individuals on his non-privileged telephone contact list. During the fifth reporting period, Mr Yekatom has had three telephone conversations in Sango and French with [REDACTED] as specified below. These persons and their respective relationship to Mr Yekatom are as follows:

- a. [REDACTED];
 - b. [REDACTED];
 - c. [REDACTED].
-
- i) On 11 February 2019, Mr Yekatom spoke with [REDACTED];
 - ii) on 18 February 2019, Mr Yekatom spoke with [REDACTED] and
 - iii) on 21 February 2019, Mr Yekatom spoke with [REDACTED].

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

15. On 19 February 2019, Mr Yekatom submitted a Telephone Number Form to request permission to have [REDACTED], added to his non-privileged telephone contact list. To date, the DC staff has not been able to reach

¹³ ICC-01/14-01/18-23-Conf-Exp, para 12.

[REDACTED] on the telephone number provided by Mr Yekatom due to network-related issues. [REDACTED] is a visitor who has been granted permission to visit Mr Yekatom.

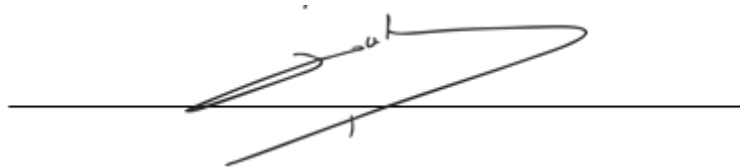
Non-privileged visits

16. The Registry notes that whilst the telephone calls with [REDACTED] are still actively monitored in accordance with the Decision on Restrictions, pursuant to the Third Decision [REDACTED] visits to Mr Yekatom are supervised in accordance with regulation 183 of the RoR, and therefore not subject to active monitoring. Mr Yekatom has received visits from [REDACTED] from 11 to 15 February 2019 and from 19 to 20 February 2019. On 12 February 2019, 13 February 2019, 19 February 2019 and 20 February 2019, Mr Yekatom was granted a private visit with [REDACTED] in accordance with regulation 185 of the RoR.

17. On 18 February 2019, Mr Yekatom received an actively monitored visit from [REDACTED]. The Registry notes that during the abovementioned visits, no incidents occurred.

Incoming and outgoing mail and packages

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

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 26 February 2019

At The Hague, The Netherlands