

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/14-01/18

Date: 17 June 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 *EX PARTE* only available to the Defence for Alfred Yekatom, Office
of the Prosecutor, and Registry**

**Confidential Redacted Version of "Seventh Registry Report on the
implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by
Pre-Trial Chamber II", dated on 17 June 2019**

With Confidential *EX PARTE* Redacted Annex I

Source: Registry

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

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I. Introduction

1. Following the "Decision pursuant to Regulation 101 of the Regulations of the Court" ("Seventh Decision")¹ issued by Pre-Trial Chamber II ("Chamber") on 15 April 2019, in which the Registry is ordered to report on the implementation of the restrictions on contact of Alfred Yekatom ("Mr Yekatom") every two months, the Registry hereby submits its report on the monitoring of Mr Yekatom's non-privileged telephone calls, visits and incoming and outgoing mail since 8 April 2019. By this report, the Registry informs the Chamber that no incident has been reported.

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"), *inter alia* directing the Registrar to put in place measures to restrict Mr Yekatom's contact with the outside world.² In the Decision on Restrictions, the Single Judge directed the Registrar 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 *inter alia* it provisionally extended the measures on Mr Yekatom's

¹ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 15 April 2019, ICC-01/14-01/18-176-Conf-Red.

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.

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

4. On 14 December 2018, following the 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 the 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 pursuant to Regulation 101 of the Regulations of the Court" ("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
10. On 25 February 2019, the Registry submitted the "Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom".¹³
11. On 1 March 2019, the Chamber issued the Sixth Decision in which it decided that "Mr Yekatom's [...] non-privileged telephone conversations and visits (apart from private family visit) shall henceforth be actively monitored *at random* [...] as frequently as possible".¹⁴
12. On 8 April 2019, the Registry submitted the "Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom".¹⁵
13. On 15 April 2019, the Chamber issued the Seventh Decision in which it decided to extend the restrictive measures for the remainder of the pre-trial

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.

¹³ "Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Pre-Trial Chamber II, ICC-01/14-01/18-124-Conf-Exp, 25 February 2019.

¹⁴ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp, para. 19.

¹⁵ "Sixth Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre Trial Chamber II", 8 April 2019, ICC-01/14-01/18-167-Conf-Exp.

proceedings and requested the Registry to submit a report every two months on the restrictions currently in place.¹⁶

II. Classification

14. 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 including identifying information on Mr Yekatom's personal contacts and detention-related matters. The Registry gives the Office of the Prosecutor access to a redacted version of the present report as so ordered by the Chamber.¹⁷

IV. Applicable law

15. For the purpose of the present submission, the Registry has considered regulations 99(1)(i) and 100 of the RoC, and regulations 173, 174, 175, 179, 180, 183, and 185 of the Regulations of the Registry ("RoR").

V. Submissions

Non-privileged telephone calls

16. During the reporting period starting on 8 April 2019 until the present filing, Mr Yekatom has made telephone calls to the individuals on his non-privileged telephone contact list according to the implemented time schedule. Since March 2019, considering the reasonable demands of the daily schedule at the DC and the availability of the interpreter, Mr Yekatom is able to make non-

¹⁶ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 15 April 2019, ICC-01/14-01/18-176-Conf-Red.

¹⁷ *Ibid.*, p.14.

privileged telephone calls for one and a half hours every week, on Mondays and Thursdays, from 15:30 to 16:15.

17. In implementing the Chamber's Decision, during the reporting period the DC actively monitored [REDACTED] of the scheduled telephone calls made by Mr Yekatom at random, taking into account that on 10 June 2019 Mr Yekatom did not make any telephone calls. No incidents occurred during the actively monitored telephone calls.

18. Mr Yekatom currently has eight individuals on his non-privileged telephone contact list out of the 25 allowed by the DC policy on telephone contacts. During the reporting period, Mr Yekatom has had 20 opportunities to communicate with the persons listed below. These persons and their respective relationship to Mr Yekatom are as follows, as identified by him:

- a. [REDACTED];
 - b. [REDACTED];
 - c. [REDACTED];
 - d. [REDACTED];
 - e. [REDACTED];
 - f. [REDACTED];
 - g. [REDACTED];
 - h. [REDACTED].
-
- i) On 8 April 2019, Mr Yekatom spoke with [REDACTED];
 - ii) On 11 April 2019, Mr Yekatom spoke with [REDACTED];
 - iii) On 15 April 2019, Mr Yekatom spoke with [REDACTED];
 - iv) On 18 April 2019, Mr Yekatom spoke with [REDACTED];
 - v) On 22 April 2019, Mr Yekatom spoke with [REDACTED];
 - vi) On 25 April 2019, Mr Yekatom spoke with [REDACTED];
 - vii) On 29 April 2019, Mr Yekatom spoke with [REDACTED];

- viii) On 2 May 2019, Mr Yekatom spoke with [REDACTED];
- ix) On 6 May 2019, Mr Yekatom spoke with [REDACTED];
- x) On 9 May 2019, Mr Yekatom spoke with [REDACTED];
- xi) On 13 May 2019, Mr Yekatom spoke with [REDACTED];
- xii) On 16 May 2019, Mr Yekatom spoke with [REDACTED];
- xiii) On 20 May 2019, Mr Yekatom spoke with [REDACTED];
- xiv) On 23 May 2019, Mr Yekatom spoke with [REDACTED];
- xv) On 27 May 2019, Mr Yekatom spoke with [REDACTED];
- xvi) On 30 May 2019, Mr Yekatom spoke with [REDACTED];
- xvii) On 3 June 2019, Mr Yekatom spoke with [REDACTED];
- xviii) On 6 June 2019, Mr Yekatom spoke with [REDACTED];
- xix) On 10 June 2019, Mr Yekatom did not make telephone calls.
- xx) On 13 June 2019, Mr Yekatom spoke with [REDACTED].

19. On 21 March 2019, Mr Yekatom submitted a completed Telephone Number Form to DC staff seeking authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm the relationship with Mr Yekatom and the additional information provided by the latter. On 29 March 2019, pursuant to the Fourth Decision,¹⁸ the CCO requested the support of the VWU to further verify the identity and contact details of this individual in order to determine whether [REDACTED] could be added to Mr Yekatom's non-privileged telephone contact list. On 1 May 2019, the VWU submitted its report, concluding that there is insufficient information for VWU to confirm [REDACTED] identity and [REDACTED] relationship with Mr Yekatom.¹⁹ In absence of any concerns brought to the attention of the CCO, this individual has been added to Mr Yekatom's non-privileged telephone contact list.

¹⁸ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

¹⁹ Annex I, VWU Report. 1 May 2019.

20. On 9 April 2019, Mr Yekatom submitted an additional completed Telephone Number Form to DC staff seeking authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Yekatom and the additional information provided by the latter. On 1 May 2019, pursuant to the Fourth Decision,²⁰ the CCO requested the support of the VWU to further verify the identity and contact details of this individual in order to determine whether [REDACTED] could be added to Mr Yekatom's non-privileged telephone contact list. On 1 May 2019, the VWU submitted its report, concluding that there is insufficient information for VWU to identify this individual.²¹ In absence of any concerns brought to the attention of the CCO, this individual has been added to Mr Yekatom's non-privileged telephone contact list.

21. On 10 May 2019, Mr Yekatom submitted an additional completed Telephone Number form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Yekatom, and that of [REDACTED], and the additional information provided by Mr Yekatom. On 13 June 2019, pursuant to the "Fourth Decision"²², the CCO requested the support of the VWU to further verify the identity and contact details of these individuals in order to determine whether they could be added to Mr Yekatom's non-privileged telephone contact list. As of the present filing, the VWU has not yet concluded the verification process concerning these individuals, as a result of which they have not been included, to date, on the said form.

²⁰ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

²¹ Annex I, VWU Report. 1 May 2019.

²² Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

22. Pursuant to the Seventh Decision, the Registry has ensured that any time required to set, connect, reconnect or get a telephone call answered does not affect the time allocated to Mr Yekatom or Mr Ngaïssona to speak on the telephone.²³ On 7 June 2019, the Defence Team of Mr Ngaïssona brought to the attention of the CCO that of the 45 minutes allocated to Mr Ngaïssona to make telephone calls, he could only speak for approximately 30 to 35 minutes. This issue is due to external difficulties with the telephone system, as telephones sometimes do not connect, cut out or just continuing to ring without answer. To overcome this issue, the daily schedule has been modified to ensure that Mr Ngaïssona will be able to speak 45 minutes on the telephone as an interpreter will now be present for one hour.²⁴ In the interest of fairness, this new schedule for telephone calls has also been applied to Mr Yekatom and has been communicated to Mr Yekatom and Mr Ngaïssona, respectively.

Non-privileged Visits

23. Pursuant to the Seventh Decision, Mr Yekatom's non-privileged visits shall be actively monitored at random as frequently as possible, with the exception of family visits from his wife and children only. Accordingly, Mr Yekatom's wife and children are supervised in accordance with regulation 183 of the RoR.

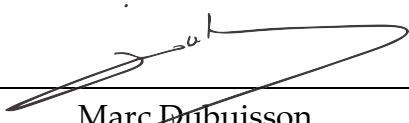
24. During the reporting period, Mr Yekatom received visits from [REDACTED], on 3, 4, 20, 21, 22, 23, 24, 25, 31 May 2019, and on 1, 10, 11 and 12 June 2019. Mr Yekatom was granted [REDACTED].

Incoming and outgoing mail

²³ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 15 April 2019, ICC-01/14-01/18-176-Conf-Red, p.16.

²⁴ Annex II.

25. To date, Mr Yekatom has not received or sent any written correspondence or packages pursuant to regulations 168, 169 and 170 of the RoR, respectively..



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

Dated this 17 June 2019

At The Hague, The Netherlands