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No.: ICC-01/14-01/18
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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 *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

**Confidential, *EX PARTE*, only available to the Prosecution, Yekatom Defence, the
Registrar, and the Detention Section**

**Prosecution's Observations on the "*Eleventh Registry Report on the Implementation
of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Pre-Trial Chamber
II*"**

(ICC-01/14-01/18-428-Conf-Red)

Source: Office of the Prosecutor

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

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I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") submits its observations on the Eleventh Registry Report on the implementation of contact restrictions concerning Alfred YEKATOM ("YEKATOM"),¹ as directed by Pre-Trial Chamber II ("Chamber").²

2. The current restrictions on YEKATOM's non-privileged telephone conversations and visits in detention³ should be maintained for the remainder of the pre-trial proceedings, as ordered by the Chamber.⁴ These restrictions are proportionate and necessary to minimise the risk to the witnesses and the integrity of the proceedings.

II. CONFIDENTIALITY

3. In accordance with regulation 23 *bis* (1) of the Regulations of the Court, these Observations are filed as "Confidential, *EX PARTE*, only available to the Prosecution, Yekatom Defence, the Registrar, and the Detention Section", as they respond to filings and decisions of the same classification.

III. OBSERVATIONS

4. The restriction regime imposed by the Chamber remains necessary given the confirmation of charges against YEKATOM⁵ and absent any change in circumstances justifying the contact restrictions. Moreover, as noted by the Chamber before,⁶ the volatile security situation in the Central African Republic ("CAR") exacerbates the

¹ ICC-01/14-01/18-428-Conf-Red.

² ICC-01/14-01/18-176-Conf-Red.

³ ICC-01/14-01/18-11-Conf-Exp; ICC-01/14-01/18-137-Conf-Exp; ICC-01/14-01/18-176-Conf-Red; ICC-01/14-01/18-241-Conf-Exp; ICC-01/14-01/18-350-Conf-Exp; ICC-01/14-01/18-402-Conf-Exp; ICC-01/14-01/18-419-Conf-Exp.

⁴ ICC-01/14-01/18-176-Conf-Exp-Red, para. 32.

⁵ ICC-01/14-01/18-403-Conf.

⁶ ICC-01/14-01/18-419-Conf-Exp, para. 16.

risk to the integrity of the proceedings and to the witnesses whose identities are known to the Accused, and whose security in this case remains precarious.

5. Furthermore, the current contact restrictions are not unduly burdensome to YEKATOM, as they allow him to (i) communicate with his family members and others and (ii) receive unmonitored private visits from his wife and children.⁷ In light of the unchanged circumstances and the substantial risk to the witnesses and the integrity of the proceedings, the current restrictions are limited and proportionate to their intended aims.

IV. CONCLUSION

6. For the above reasons, existing contact restrictions concerning YEKATOM should, at a minimum, be maintained and fully implemented for the remainder of the pre-trial proceedings, as ordered by the Chamber.



Fatou Bensouda, Prosecutor

Dated this 24th day of February 2020
At The Hague, The Netherlands

⁷ ICC-01/14-01/18-52-Conf-Exp, para. 18; ICC-01/14-01/18-137-Conf-Exp, paras. 19-20.