

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No. ICC-01/14-01/18

Date: 3 October 2024

TRIAL CHAMBER V

Before:

Judge Bertram Schmitt, Presiding Judge

Judge Péter Kovács

Judge Chang-ho Chung

Judge Beti Hohler, Alternate Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

***THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Confidential

**Eleventh Decision on Mr Yekatom's Restrictions on Contacts and
Communications in Detention**

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

The Office of the Prosecutor Karim A. A. Khan Mame Mandiaye Niang Kweku Vanderpuye	Counsel for Alfred Yekatom Mylène Dimitri Thomas Hannis Anta Guissé Sarah Bafadhel Counsel for Patrice-Edouard Ngaïssona Geert-Jan Alexander Knoop Marie-Hélène Proulx Lauriane Vandeler
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Unrepresented Victims	Unrepresented Applicants for Participation/Reparations
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives	<i>Amicus Curiae</i>
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Victims Participation and Reparations Section	Other

TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64(2) and 68(1) of the Rome Statute (the ‘Statute’), Regulations 99-101 of the Regulations of the Court, and Regulations 167-170, 173-175, 177-180, 182-185 and 187 of the Regulations of the Registry, issues this ‘Eleventh Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention’.

1. The Chamber recalls the procedural history set out in its latest decision on Mr Yekatom’s restrictions on contacts and communications in detention, where it *inter alia* decided to maintain the restrictions on Mr Yekatom, which had previously been eased (the ‘Tenth Decision’ and the ‘Current Restrictions’, respectively).¹
2. On 28 August 2024, the Registry filed its tenth report on the implementation of said restrictions, in which it informs having no incidents to report (the ‘Tenth Report’).²
3. On 3 September 2024, the Office of the Prosecutor (the ‘Prosecution’) submitted that the Current Restrictions should be maintained (the ‘Prosecution Observations’).³
4. On 9 September 2024, the Yekatom Defence filed a response to the Prosecution Observations ‘to clarify the record’ in light of a series of allegations made by the Prosecution, which it considers ‘prejudicial’. It further requested that the Chamber consider its submissions when assessing the Current Restrictions (the ‘Yekatom Defence Response’).⁴

¹ Tenth Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention, 18 April 2024, ICC-01/14-01/18-2456-Conf, paras 1, 14. The Chamber further recalls the Current Restrictions set out in its Ninth Decision on Contacts and Communications in Detention, 25 October 2023, ICC-01/14-01/18-2165-Conf (the ‘Ninth Decision’), paras 17-20.

² Tenth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V, ICC-01/14-01/18-2658-Conf, paras 1, 5-6.

³ Prosecution’s Observations on the “Tenth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V” (ICC-01/14-01/18-2658-Conf), ICC-01/14-01/18-2668-Conf, paras 1, 7.

⁴ Yekatom Defence Response to the “Prosecution’s Observations on the “Tenth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V” (ICC-01/14-01/18-2658-Conf)”, 3 September 2024, ICC-01/14-01/18-2668-Conf, ICC-01/14-01/18-2680-Conf, paras 1-3, 24.

5. On 18 September 2024, the Chamber declared the submission of evidence in this case closed.⁵
6. The Chamber recalls the standard and assessment criteria as previously set out,⁶ as well as the circumstances underlying the Tenth Decision and the findings therein.⁷ It further recalls that it considered it proportionate that the Current Restrictions remain in place ‘until the end of the evidentiary phase of the case’, and that this timeframe would be reviewed upon application, or *proprio motu* if considered necessary.⁸
7. The Chamber notes that it already lifted various restrictions previously imposed on Mr Yekatom, and that the Current Restrictions are limited. As recalled in the Tenth Report, these consist of (i) non-privileged phone calls and visits limited to the individuals on Mr Yekatom’s non-privileged contact list, whose identity and contact details have been duly verified beforehand by the Chief Custody Officer, who may request the support of the Victims and Witnesses Unit; (ii) written correspondence limited to the individuals on Mr Yekatom’s non-privileged contact list; (iii) non-privileged communications limited to French and Sango; and (iv) the prohibition of obscure or coded language and discussions related to the present case during non-privileged communications.⁹
8. Further noting that the Prosecution submits that the Current Restrictions should be maintained,¹⁰ the Chamber does not consider any modifications necessary at this stage.

⁵ Declaration on the Closure of the Submission of Evidence, ICC-01/14-01/18-2697. The Chamber previously decided to render any potential decision on sentencing pursuant to Article 76 of the Statute simultaneously with its judgment under Article 74 of the Statute, adopting a procedural calendar to that effect. See Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings, 18 July 2024, ICC-01/14-01/18-2600.

⁶ See Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention, 17 April 2020, ICC-01/14-01/18-485-Conf (public redacted version notified on 16 February 2021, ICC-01/14-01/18-485-Red), paras 16-18, 20.

⁷ Tenth Decision, ICC-01/14-01/18-2456-Conf, para. 14. See also Ninth Decision, ICC-01/14-01/18-2165-Conf, paras 13-20.

⁸ Ninth Decision, ICC-01/14-01/18-2165-Conf, para. 20, p. 9.

⁹ See Tenth Report, ICC-01/14-01/18-2658-Conf, para. 2.

¹⁰ Prosecution Observations, ICC-01/14-01/18-2688-Conf, paras 3-6.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES to maintain the Current Restrictions; and

ORDERS the Registry, the Prosecution and the Yekatom Defence, respectively, to file public redacted versions of the Tenth Report, ICC-01/14-01/18-2658-Conf; the Prosecution Observations, ICC-01/14-01/18-2668-Conf; and the Yekatom Defence Response, ICC-01/14-01/18-2680-Conf, within two weeks of notification of this decision.

Done in both English and French, the English version being authoritative.

		
_____	Judge Bertram Schmitt	
	Presiding Judge	
		
Judge Péter Kovács		Judge Chang-ho Chung

Dated 3 October 2024

At The Hague, The Netherlands