

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 28 February 2025

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

***IN THE CASE OF THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Confidential

**With Confidential *EX PARTE* Annexes I-II available only to the Defence for Mr
Yekatom and the Registry**

**Eleventh Registry Report on the Implementation of the Restrictions on Contacts for
Mr Yekatom Ordered by Trial Chamber V**

Source: Registry

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

D29

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☒ Legal Representatives of the Victims

V44

V45

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Following the "Third Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention"¹ issued by Trial Chamber V on 11 November 2020, whereby the Registry is ordered to report on the implementation of the restrictions on contact for Mr Alfred Yekatom ("Mr Yekatom") every six months, the Registry hereby submits its report on the monitoring of Mr Yekatom's non-privileged telephone calls since 28 August 2024.²

II. Procedural history

2. Pursuant to a series of decisions,³ the following restrictions on Mr Yekatom's contacts are currently in place: (1) non-privileged phone calls and non-privileged visits limited to the individuals on his non-privileged contact list,

¹ Trial Chamber V, "Third Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention" ("11 November 2020 Decision"), 11 November 2020, ICC-01/14-01/18-727-Conf, para. 33.

² Registry, "Tenth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V", 28 August 2024, ICC-01/14-01/18-2658-Conf.

³ Trial Chamber V, "Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 17 April 2020, ICC-01/14-01/18-485-Conf, paras. 13, 30; Trial Chamber V, "Second Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 21 August 2020, ICC-01/14-01/18-627, paras. 18-19, 24; Trial Chamber, 11 November 2020 Decision, paras. 18, 22, 26; Trial Chamber V, "Fourth Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 27 May 2021, ICC-01/14-01/18-1008-Conf, paras. 13, 19, 21-25; Trial Chamber V, "Fifth Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 27 October 2021, ICC-01/14-01/18-1148-Conf, para. 11; Trial Chamber V, "Sixth Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 20 May 2022, ICC-01/14-01/18-1420-Conf-Exp, para. 12; Trial Chamber V, "Decision on Mr Yekatom's Request to Add an Individual to his Non-Privileged Contact List", 15 June 2022, ICC-01/14-01/18-1460-Conf-Exp; Trial Chamber V, "Seventh Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 29 September 2022, ICC-01/14-01/18-1590-Conf-Exp, paras. 10-11; Trial Chamber, "Decision on the Yekatom Defence Request to Amend Mr Yekatom's Contact Restrictions based on a Proposed Agreement with the Prosecution", 18 October 2022, paras. 9-10; Trial Chamber V, "Decision on the Second Yekatom Defence Request to Amend Mr Yekatom's Contact Restrictions based on a Proposed Agreement with the Prosecution", 8 February 2022, ICC-01/14-01/18-1745-Conf-Exp, paras. 5-6; Trial Chamber V, "Decision on the Second Yekatom Defence Request to Amend Mr Yekatom's Contact Restrictions based on a Proposed Agreement with the Prosecution", 8 February 2023, ICC-01/14-01/18-1745-Conf-Exp, paras. 5-6; Trial Chamber V, "Eight Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 5 April 2023, ICC-01/14-01/18-1830-Conf-Exp, paras. 11-12; Trial Chamber V, "Decision on the Implementation of the Eighth Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 29 May 2023, ICC-01/14-01/18-1895-Conf-Exp, para. 10; Trial Chamber V, "Ninth Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 25 October 2023, ICC-01/14-01/18-2165-Conf, paras. 17 and 19; Trial Chamber V, "Tenth Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 18 April 2024, ICC-01/14-01/18-2456-Conf, para. 14; Trial Chamber V, "Eleventh Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention", 3 October 2024, ICC-01/14-01/18-2715-Conf, para. 8.

whose identity and contact details have been duly verified beforehand by the Chief Custody Officer ("CCO"), who may request the support of the Victims and Witnesses Section; (2) written correspondence limited to the individuals on his non-privileged contact list; (3) non-privileged communications limited to the languages of French and Sango; and (4) the prohibition of obscure or coded language and discussions related to his case during non-privileged communications.

III. Classification

3. In accordance with regulation 23 *bis*(1) of the Regulations of the Court ("RoC"), the present report is classified as confidential as it refers to a confidential decision and annexes I-II are classified as confidential, *ex parte* only available to the Yekatom Defence and the Registry, as they contain third-party information and personal details related to Mr Yekatom's private life.

IV. Applicable law

4. For the purpose of the present submission, the Registry has considered regulation 99(1)(i) of the RoC, and regulations 173, 174, and 175 of the Regulations of the Registry ("RoR").

V. Submissions

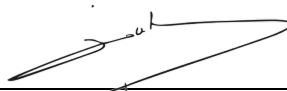
5. Pursuant to regulation 175(1) of the RoR, the acting CCO has monitored at random Mr Yekatom's non-privileged telephone calls.⁴ The Registry recalls that certain contact restrictions remain in place for Mr Yekatom, including that Mr Yekatom is not allowed to talk to unauthorised individuals.⁵ In this context, the Registry reports the following:
6. On 9 November 2024, Mr Yekatom made non-privileged telephone calls to a non-privileged contact ("Interlocutor"). From the transcripts of the calls, it

⁴ See Registry, "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, para. 6.

⁵ See *above*, para. 2.

appears that Mr Yekatom asked his Interlocutor: “Es-tu tranquille pour enregistrer ma voix ?”⁶ and “met sur volume”⁷. Although Mr Yekatom spoke with two other contacts on his non-privileged contact list, the Registry notes that recording telephone conversations and using speakerphones are not allowed in order to, *inter alia*, prevent unauthorised persons to listen to the conversations. However, the Registry finds that the conversation appears to be of private and family matters and has no concerns on the substance.

7. On 14 November 2024, Mr Yekatom called the same Interlocutor. From the transcript of this call, it appears that Mr Yekatom had a conversation with an individual who is not on Mr Yekatom’s non-privileged contact list.⁸ The Registry notes that Mr Yekatom is only allowed to talk with individuals who have been verified by the Registry.⁹ However, the Registry finds that the conversation appears to be of private matters and has no concerns on the substance.
8. On 13 December 2024, the CCO reminded Mr Yekatom, *via* a memorandum, of the restrictions in place and of his responsibility to ensure that he and his interlocutors comply with them.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 28 February 2025

At The Hague, the Netherlands

⁶ Annex I, para. 31, p. 2.

⁷ *Ibid.*, para. 5, p. 3.

⁸ Annex II, paras. 60-78.

⁹ Trial Chamber V, “Eleventh Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention”, 3 October 2024, para. 7, and regulation 173(4) of the RoR.