

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 July 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 II

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

PUBLIC

Public Redacted Version of “Second Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Trial Chamber V”,
filed on 5 October 2020, ICC-01/14-01/18-673-Conf-Exp

Source: Registry

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

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☒ Counsel for the Defence

D29

D30

☒ 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 “Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention” (“First Decision”)¹ issued by Trial Chamber V (“Trial Chamber” or “Chamber”) on 17 April 2020, the Registry is ordered to report on the implementation of the restrictions on contact of Alfred Yekatom (“Mr Yekatom”) every three months and immediately inform the Chamber of any violation of the applicable restrictions or other significant development. The Registry hereby submits, in advance, its report on the monitoring of Mr Yekatom’s non-privileged telephone calls, visits and mail since 17 July 2020, and informs the Chamber of communications of concern during the active monitoring of non-privileged telephone conversations.
2. On 15 September 2020,² the Registry informed the Chamber *via* email of potential incidents of concern during monitoring, and its intention to submit a filing as soon as formal transcripts from the Language Services Section (“LSS”) were ready.
3. Following an oral consultation with the Chamber on 16 September 2020, the Registry confirms that this advanced report takes the place of the regular monitoring report following the First Decision, thus the applicable timelines for responses from the Defence and the Prosecution apply.

II. Procedural history

4. On 17 April 2020, the Chamber issued its First Decision,³ deciding, *inter alia*, to maintain the restrictions on Mr Yekatom’s contacts put in place by the Pre-Trial Chamber.⁴ The Chamber also ordered the Registry to submit reports on the

¹ Trial Chamber V, “Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention” (“First Decision”), 17 April 2020, ICC-01/14-01/18-485-Conf-Exp, para. 32.

² Email from the Registry to Trial Chamber V Communications, 15 September 2020, at 13:39.

³ First Decision.

⁴ First Decision, paras. 13, 23, 31. The restrictions in place are enumerated in paragraph 13.

implementation of the restrictions and any violation thereof, together with confidential redacted versions of said reports, every three months.⁵

5. On 5 May 2020, the Chamber issued its “Decision on the Yekatom Defence’s Request to Modify the Active Monitoring Restriction”,⁶ rejecting a Defence request to modify the restrictions on contact for Mr Yekatom.⁷
6. On 1 June 2020, the Chamber issued its “Decision Recalling the Reporting Procedure for the Review of Restrictions”, recalling that the Registry shall file reports every three months on the implementation of the restrictive measures for Mr Yekatom, and immediately inform the Chamber of any violation of the applicable restrictions or other significant development.⁸
7. On 17 July 2020, the Registry submitted its “First Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Chamber Trial V” (“First Registry Report”),⁹ reporting one incident.
8. On 21 August 2020, the Chamber submitted its “Second Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention” (“Second Decision”)¹⁰ deciding, *inter alia*, to maintain the current restrictions on contacts and communications.

III. Classification

9. In accordance with regulation 23 *bis*(2) of the Regulations of the Court (“RoC”), the present report and its annexes are classified as confidential *ex parte* only

⁵ *Ibid.*, paras. 22-23, and 32.

⁶ Trial Chamber V, “Decision on the Yekatom Defence’s Request to Modify the Active Monitoring Restriction”, 5 May 2020, ICC-01/14-01/18-507-Conf-Exp.

⁷ *Ibid.*, paras. 10-11.

⁸ Trial Chamber V, “Decision Recalling the Reporting Procedure for the Review of Restrictions”, 1 June 2020, ICC-01/14-01/18-540-Conf, para. 13.

⁹ Registry, “First Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Chamber Trial V”, 17 July 2020, ICC-01/14-01/18-592-Conf-Exp.

¹⁰ 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-Conf.

available to the Registry and the Yekatom Defence, as it contains third-party and private information on Mr Yekatom's private life. A confidential redacted version of the present report will be filed simultaneously.

IV. Applicable law

10. For the purpose of the present submission, the Registry has considered regulations 99(1)(h), (i) and 101 of the RoC, and regulations 168, 169, 170, 173, 174, 175, 179, 180, 183 and 185 of the Regulations of the Registry ("RoR").

V. Submissions

Non-privileged telephone calls

11. As ordered by the Chamber,¹¹ the Registry offers Mr Yekatom two 90-minute time periods a week for his non-privileged telephone calls. In implementing the restrictions on contact, the Registry actively monitors Mr Yekatom's telephone calls at random, as frequently as possible. The Registry would like to draw the Chamber's attention to the following conversations which raise concern:

Potential Incidents during active monitoring

- *In relation to the vetting and hiring of lawyers and/or [REDACTED]*

12. Pursuant to the relevant orders of the Chamber, Mr Yekatom is to refrain from using obscure or coded language or mentioning the present case. During several telephone conversations, it appears that Mr Yekatom may be using non-privileged telephone contacts to assist him in potentially vetting and hiring lawyers and/or [REDACTED] to work for him on his case. The conversations do not, however, appear to be on the *substance* of the case.

¹¹ First Decision, para. 30; Second Decision, paras. 18, 24.

13. The cumulative effect of recent conversations between Mr Yekatom and his interlocutors on these subjects has raised the concern of the Chief Custody Officer (“CCO”), as these conversations appear to be case related. Mr Yekatom appears to be using his interlocutors to hire individuals, yet the context is not clear. The Registry provides below the relevant excerpts of the conversations, and provides in annex to the present report the relevant transcript excerpts.

- a. During a conversation with [REDACTED] dated on 4 May 2020, Mr Yekatom informed [REDACTED] that “[REDACTED]”, “[REDACTED]” and “[REDACTED]”.¹²
- b. During a conversation with [REDACTED] dated 25 June 2020, Mr Yekatom said: “[REDACTED]”.¹³
- c. During a conversation with [REDACTED] dated 6 August 2020, Mr Yekatom said “[REDACTED]”.¹⁴
- d. During a conversation with [REDACTED] dated 10 August 2020, Mr Yekatom was discussing a lawyer and said “[REDACTED]”.¹⁵
- e. During a conversation with [REDACTED] dated on 13 August 2020, Mr Yekatom said “[REDACTED] [...] [REDACTED]” and “[REDACTED]”.¹⁶
- f. During a conversation with [REDACTED] dated on 7 September 2020, Mr Yekatom said “[REDACTED]”.¹⁷
- g. During a conversation with [REDACTED] dated 7 September 2020, the interlocutor informed Mr Yekatom that “[REDACTED]”. Mr Yekatom told him “[REDACTED] ”.¹⁸

¹² Annex I, page 1, lines 7, 13; page 2, line 23.

¹³ Annex I, page 3, lines 10, 12; page 5, line 62.

¹⁴ Annex I, page 6, lines 5, 22.

¹⁵ Annex I, page 7, line 5.

¹⁶ Annex I, page 8, lines 5, 23; page 9, line 31.

¹⁷ Annex I, page 10, lines 5, 11.

¹⁸ Annex I, page 11, lines 8, 11, 29.

14. The Registry informs the Chamber that it cannot concretely verify the identity of “[REDACTED]”. “[REDACTED]” is a name that is mentioned frequently in Mr Yekatom’s communications, and the Registry considers that Mr Yekatom may be referring to the [REDACTED].

15. The Registry recalls that on 11 January 2019, in the early stages of this case, the Pre-Trial Chamber issued its “Decision on Language Proficiency of Alfred Yekatom for the Purposes of the Proceedings”,¹⁹ granting “the interpreter” to have privileged visits to Mr Yekatom without the presence of privileged counsel.²⁰ Following that decision, on 31 May 2019, the Defence requested clarification on the scope of privileged visits with “the language assistant provided by the Registry”,²¹ and the Pre-Trial Chamber clarified that such “language assistant provided by the Registry” may have privileged visits without the presence of privileged counsel.²² The Defence identified [REDACTED] as the language assistant provided by the Registry, who was therefore added to the list of privileged visitors. [REDACTED] was appointed as the language assistant of the Defence team on [REDACTED] and is not affiliated with the Registry. Furthermore, after consultation with the Counsel Support Section, [REDACTED] is paid from the legal aid budget.

¹⁹ Pre-Trial Chamber II, “Decision on Language Proficiency of Alfred Yekatom for the Purposes of the Proceedings”, 11 January 2019, ICC-01/14-01/18-56-Conf, para. 21.

²⁰ *Ibid.*, para. 21, “With regard to the Defence request that the interpreter be allowed to visit Yekatom “unsupervised” in the ICC Detention Centre, the Single Judge is of the view that the interpreter will provide the assistance in the context of Yekatom’s preparation of his defence. In this regard, the visiting rules applicable to counsel and Defence team members apply equally to the interpreter, regardless of whether counsel is present during the visit”.

²¹ Annex II, Email from the Defence for Mr Yekatom to Pre-Trial Chamber II on 31 May 2019 at 17:51, “[R]equest confirmation from Pre-Trial Chamber II that pursuant to the Language Decision, the language assistant provided by the Registry may visit Mr. Yekatom - to provide translation/interpretation assistance - accompanied by a non-privileged defence team member”.

²² Annex II, Email from Associate Legal Officer on behalf of the Pre-Trial Chamber II to Counsel for Yekatom and the Detention Section on 3 June 2019 at 15:47, “[T]he Chamber clarifies that the French-Sango interpreter is permitted to have privileged visits with Mr. Yekatom when accompanied by a non-privileged defence team member”.

16. As a result of his inclusion onto the list of privilege Defence team members, [REDACTED] has privileged visits with non-privileged defence team members, such as interns or consultants, without the presence of privileged counsel or assistants to counsel. As of March 2020, however, all visits were stopped to the DC due to COVID-19 measures. However, [REDACTED] is not on Mr Yekatom's privileged telephone call list and therefore has not had privileged telephone calls.

17. The Registry takes this opportunity to express its opposition to this exception to legal privilege for the Defence team language assistant, as privilege is articulated in the ICC legal texts as limited to counsel and assistants to counsel.²³ The Registry therefore requests that [REDACTED] is removed from Mr Yekatom's list of privileged visitors, so that privileged Defence visits with the Defence language assistant must take place only in the presence of privileged counsel or assistants to counsel. The Registry is available to make further submissions on this matter, and incorporates by reference its recent observations on the same issue.²⁴

- *In relation to the purchase of security equipment for the security company in the Central African Republic*

18. During the course of recent monitored telephone conversations, Mr Yekatom has placed orders to provide equipment for his security company in the Central African Republic. The arrangements linked to the order of equipment happened during the period of [REDACTED], and were discussed during several conversations with two primary interlocutors. The CCO considers that this is a

²³ Article 67(1)(b) of the Rome Statute, rule 73 of the Rules of Procedure and Evidence, regulations 68, 97 and 100 of the RoC and regulations 124 – 127, 174(1), 175(2), 178 – 180, and 187 of the RoR.

²⁴ Registry, "Registry Observations on "Ngaïssona Defence Request on the scope of privileged telephone calls between Mr Ngaïssona and Defence team members", ICC-01/14-01/18-657-Conf", 29 September 2020, ICC-01/14-01/18-669-Conf.

significant development and warrants informing the Chamber. The Registry hereby provides a sample of relevant excerpts of the main conversations.

- a. During a conversation with [REDACTED] dated 16 July 2020, Mr Yekatom said “[REDACTED]”.²⁵
- b. During a conversation with [REDACTED] dated 30 July 2020, Mr Yekatom requested his interlocuteur “[REDACTED]”.²⁶
- c. During a conversation with [REDACTED] dated 3 August 2020, Mr Yekatom said “[REDACTED]”.²⁷
- d. During a conversation with [REDACTED] dated 7 September 2020, Mr Yekatom stated “[REDACTED]”.²⁸

Non-privileged Visits, incoming and outgoing mail

19. Pursuant to the restrictions on contact, 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.²⁹ However, following the COVID-19 Temporary Measures in place at the DC,³⁰ all visits to the DC were suspended during the reporting period.

20. Any written correspondence or packages that are sent or received pursuant to regulations 168, 169 and 170 of the RoR shall also be closely monitored in accordance with the Mr Yekatom’s restrictions on contact. Following the Presidency’s approval to resume imports subjected to an interim regime, on 18

²⁵ Annex I, page 12, lines 7; page 13, line 29.

²⁶ Annex I, page 17, line 61.

²⁷ Annex I, page 18, line 12.

²⁸ Annex I, page 11, line 25.

²⁹ First Decision, paras. 13, 23, 31.

³⁰ Registry, “Registry Fourth Update on Detention Centre COVID-19 Measures”, 23 September 2020, ICC-01/14-01/18-665-Conf.

September 2020, all Defence teams have been informed that the import of documents, including correspondence or packages have resumed. From this date, Mr Yekatom did not receive written correspondence or packages.

p.p.



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

Dated this 21 July 2025

At The Hague, the Netherlands