

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/14-01/18
Date: 1 November 2021

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

PUBLIC

**with Confidential *EX PARTE* Annex only available to the Prosecution, Yekatom
Defence and the Registry**

**Public redacted version of "Confidential Redacted Version of "Fourth Registry
Report on the Implementation of the Restrictions on Contact for Mr Alfred
Yekatom Ordered by Trial Chamber V", ICC-01/14-01/18-1130-Conf-Red, filed on
6 October 2021**

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 “Third Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention”¹ issued by Trial Chamber V (“Chamber”) on 11 November 2020, in which 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, visits and written correspondence since 6 April 2021.

II. Procedural history

2. Pursuant to a series of decisions,² the Chamber has ordered the restrictions on Mr Yekatom’s contacts to be: (1) actively monitored at random non-privileged phone calls with authorized family members and other authorized individuals, 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 Unit (“VWU”), for 180 minutes distributed in two 90 minutes periods two times a week; (2) actively monitored visits at random with authorized family members and other authorized individuals, with the exception of visits from his wife and children, whose identity and contact details have also been duly verified beforehand; (3) written correspondence which is limited to the individuals on his non-privileged contact list; (4) non-privileged communication is limited to the languages of French and Sango; and (5) the prohibition of obscure or coded language and discussions related to his case during non-privileged communications. The Chamber also ordered the

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 Trial Chamber V, “Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention” (“17 April 2020 Decision”), 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 Decision”), 21 August 2020, ICC-01/14-01/18-627, paras. 18-19, 24; 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 Decision”), 27 May 2021, ICC-01/14-01/18-1008-Conf, paras. 13, 19, 21-25.

Registry to submit reports on the implementation of the restrictions on contact every six months.³

3. On 3 February 2021, the Chamber ordered the Registry to implement one video-conference session per month of 90 minutes for Mr Yekatom, with his family members and his mother.⁴

III. Classification

4. In accordance with regulation 23 *bis*(1) of the Regulations of the Court ("RoC"), the present report and its annex are classified as confidential *ex parte* only available to the Registry and the Yekatom Defence, as it contains third-party and private information of Mr Yekatom's private life. A confidential redacted version of the present report will be filed simultaneously.

IV. Applicable law

5. For the purpose of the present submission, the Registry has considered regulations 99(1)(i), and 100 of the RoC, and regulations 168, 169, 170, 173, 174, 175, 177, 179, 180, 183 and 184 of the Regulations of the Registry ("RoR").

V. Submissions

In relation to non-privileged telephone calls

6. Pursuant to the Chamber's restrictions on contacts, Mr Yekatom is authorized to make non-privileged telephone phone calls twice a week for a total of 180 minutes per week to authorized family members and other authorized individuals.⁵ The Registry informs the Chamber that following an internal assessment of the capacity to conduct monitoring activities, the Registry offers to Mr Yekatom the possibility to make telephone calls three times a week for a total of 180 minutes, including on full-day trial hearings.

³ 11 November 2020 Decision, para. 33.

⁴ Trial Chamber V, "Decision on Non-Privileged Video-Conferencing at the Detention Centre", 3 February 2021, ICC-01/14-01/18-869-Red, para. 16.

⁵ 11 November 2020 Decision, para. 24.

7. Pursuant to the 17 April 2020 Decision, Mr Yekatom is only allowed to communicate with individuals duly verified by the Registry. Taking this into consideration, the Registry draws the Chamber's attention to the non-privileged telephone call that took place on [REDACTED]. During this call Mr Yekatom asked his interlocutor from his non-privileged telephone contact list [REDACTED] to convey live several questions to a third person, physically located close to the interlocutor, who then conveyed the answers of this third person to Mr Yekatom. The CCO has determined that the third person "[REDACTED]" was not on Mr Yekatom's non-privileged telephone contact list. Thus, exchanging questions and answers to an unauthorised third party through an approved non-privileged contact may appear to undermine the terms of the Chamber's orders on restriction on contacts and communications.
8. Mr Yekatom is aware of his restrictions on contacts and communications, and is responsible for ensuring that his interlocutors comply with these. In order to assist Mr Yekatom, the CCO has reminded him of the restrictions in place through previous internal CCO memorandums. On 1 October 2021, the CCO notified a memorandum to Mr Yekatom reminding him of his restrictions on contacts and noting in particular that he is not allowed to convey messages to third parties and communicate with individuals not approved by the Registry.
9. The Registry provides in annex to the present report the relevant transcript excerpts.

In relation to video-conferencing

10. As ordered by the Chamber,⁶ the Registry has been offering the possibility for Mr Yekatom to benefit from one video-conference per month of 90 minutes, upon his request, organized with the [REDACTED] on a day in which there is

⁶ Trial Chamber V, "Decision on Non-Privileged Video-Conferencing at the Detention Centre", 3 February 2021, ICC-01/14-01/18-869-Conf, para. 16.

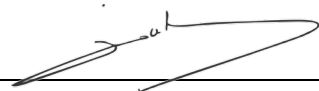
no trial hearing and in lieu of one day of actively monitored telephone calls on the scheduled week. In this regard the Registry has no incidents to report.

In relation to in-person visits

11. Regarding the implementation of non-privileged visits, all in-person visits to the ICC Detention Centre resumed on 15 July 2021.⁷ The Registry has fully implemented the Chamber's restrictions on contact by actively monitoring at random Mr Yekatom's non-privileged visits, with the exception of his wife and children⁸ and has no incidents to report.

In relation to written correspondence

12. Any written correspondence or packages that are sent or received pursuant to regulations 168, 169 and 170 of the RoR are closely monitored in accordance with the relevant regulations and Chamber's decisions.⁹ The Registry does not have any incidents to report in relation to written correspondence.



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

Dated this 1 November 2021

At The Hague, the Netherlands

⁷ Registry, "Thirteenth Registry Update on Detention Centre COVID-19 Measures", 24 June 2021, ICC-01/14-01/18-1036, para. 4.

⁸ 17 April 2020 Decision, para. 13.

⁹ 27 May 2021 Decision, paras. 21-25.