

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 25 May 2022

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

**Public Redacted Version of “Fifth Registry Report on the Implementation of the
Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V”
(ICC-01/14-01/18-1348-Conf-Exp), filed on 6 April 2022**

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, 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, visits and written correspondence since 6 October 2021.²

II. Procedural history

2. Pursuant to a series of decisions,³ the following restrictions on Mr Yekatom’s contacts were put in place: (1) random active monitoring of 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) random active monitoring of visits 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

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, “Fourth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V” (“Fourth Registry Report”), 6 October 2021, ICC-01/14-01/18-Conf-Exp.

³ 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; Trial Chamber V, “Fifth Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention” (“27 October 2021 Decision”), 27 October 2021, ICC-01/14-01/18-1148-Conf, para. 11.

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 Registry to submit reports on the implementation of the restrictions on contact every six months.⁴

III. Classification

3. In accordance with regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), the present report is classified as confidential, *ex parte* only available to the Registry and the Yekatom Defence, as it contains third-party and personal information pertaining to Mr Yekatom’s private life. A confidential redacted version of the present report will be filed simultaneously.

IV. Applicable law

4. For the purpose of the present report, 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

5. Pursuant to the Chamber’s restrictions on contacts, Mr Yekatom is authorized to make non-privileged telephone calls twice a week, for a total of 180 minutes per week, to authorized family members and other authorized individuals.⁵ As previously reported to the Chamber,⁶ the Registry has been offering Mr

⁴ 11 November 2020 Decision, para. 33.

⁵ 11 November 2020 Decision, para. 24.

⁶ Fourth Registry Report, para. 6.

Yekatom the possibility to make telephone calls three times a week for a total of 180 minutes, including on full-day trial hearings.

6. In accordance with the Chamber's restrictions on contacts, Mr Yekatom is only allowed to communicate with individuals duly verified by the Registry. On 4 April 2022, during a non-privileged telephone conversation with [REDACTED], Mr Yekatom talked with a person identified as "[REDACTED]". The CCO has determined that this person called "[REDACTED]" was not on Mr Yekatom's non-privileged telephone contact list. The Registry notes, however, that the substance of the case was not discussed during this conversation which appeared to mainly refer to private matters.
7. 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 memoranda. On 6 April 2022, the CCO notified a memorandum to Mr Yekatom reminding him of his restrictions on contacts, noting in particular that he is not allowed to communicate with individuals not approved by the Registry.

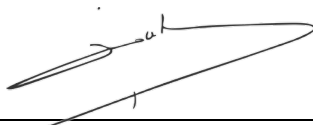
In relation to non-privileged in-person visits

8. Pursuant to the Chamber's restrictions on contacts, Mr Yekatom's non-privileged visits shall be randomly actively monitored as frequently as possible, with the exception of his wife and children.⁷ No incidents have been reported in this regard.

⁷ 17 April 2020 Decision, para. 13.

In relation to written correspondence

9. 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.⁸ No incidents have been reported in relation to written correspondence.



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

Dated this 25 May 2022

At The Hague, the Netherlands

⁸ 27 May 2021 Decision, paras. 21-25; 27 October 2021 Decision, para. 11.