

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 October 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
NGAISSONA**

PUBLIC

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

**Public Redacted Version of "Sixth Registry Report on the Implementation of the
Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V", 12
August 2022, ICC-01/14-01/18-1544-Conf-Red**

Source: Registry

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

The Office of the Prosecutor

Mr Karim A. A. Khan KC
Mr Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Mr Yekatom

Ms Mylène Dimitri
Mr Thomas Hannis
Ms Anta Guissé

Counsel for Mr Ngaïssona

Mr Geert-Jan Alexander Knoops
Mr Richard Omissé-Namkeamaï
Ms Marie-Hélène Proulx

Legal Representatives of the Victims

Mr Dmytro Suprun
Mr Abdou Dangabo Moussa
Ms Elisabeth Rabesandratana
Mr Yaré Fall
Ms Marie-Edith Douzima-Lawson
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of the Public Counsel for
Victims**

**The Office of the Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

I. Introduction

1. Pursuant to the “Decision Recalling the Reporting Procedure for the Review of Restrictions”¹ issued by Trial Chamber V of the International Criminal Court (“Chamber” and “ICC”, respectively) on 1 June 2020, in which the Registry is ordered to, *inter alia*, “inform the Chamber of any violation of the applicable restrictions or other significant developments immediately”,² the Registry hereby submits its report on the monitoring of Mr Alfred Yekatom’s (“Mr Yekatom”) non-privileged telephone calls, visits and written correspondence since 20 May 2022. On this occasion, the Registry has potential concerns to report.
2. The Registry also files this particular report following an email instruction issued by the Chamber on 10 August 2022.³

II. Procedural history

3. Pursuant to a series of decisions,⁴ 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

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

² *Ibid.*, para. 13.

³ Email from the Trial Chamber V to the Registry on 10 August 2022 at 17:34.

⁴ 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, ICC-01/14-01/18-627, paras. 18-19, 24; 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 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, “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.

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 which limited to the individuals on his non-privileged contact list; (4) non-privileged communication 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.⁵

III. Classification

4. 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

5. 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

6. 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.⁶ Mr

⁵ Trial Chamber V, 11 November 2020 Decision, para. 33.

⁶ Trial Chamber V, 11 November 2020 Decision, para. 24.

Yekatom is also prohibited to *inter alia* discuss about his case during non-privileged telephone calls.⁷

7. In implementing the Chamber's orders,⁸ the CCO has at random monitored the non-privileged telephone conversations of Mr Yekatom.
8. On 27 July 2022, Mr Yekatom called a friend, [REDACTED] ("27 July 2022 Call"). From the transcript of the 27 July 2022 Call,⁹ it appears that the interlocutors discussed about a potential and upcoming meeting between [REDACTED] and someone called "[REDACTED]" in [REDACTED].
9. The Registry brings to the Chamber's attention the following extracts from [REDACTED] of the 27 July 2022 Call's transcript : "[REDACTED]".¹⁰ [REDACTED]. The CCO finds that this conversation may be of potential concern and may be case-related.
10. Moreover, on 30 March 2020, the Registry submitted the "Registry Observations on "Yekatom Defence Request to Modify the Restrictions on Contacts and Communications to Eliminate Random Active Monitoring during Coronavirus pandemic", (ICC-01/14-01/18-458-Conf-Exp) and Report on Active Monitoring".¹¹ In its observations, the Registry reported that during a conversation dated 23 March 2020 with another non-privileged contact ("23 March 2020 Call"), "[t]he conversation between Mr Yekatom and his interlocutor appears to be a discussion about Mr Yekatom's case, in obscure language".¹² The Registry notes that during this conversation, the name "[REDACTED]" was mentioned.¹³

⁷ Trial Chamber V, "17 April 2020 Decision", paras. 17 and 30.

⁸ See footnote 4.

⁹ Annex.

¹⁰ Annex, lines 4 and 16.

¹¹ [REDACTED].

¹² *Ibid.*, paras. 25-27.

¹³ [REDACTED].

11. The CCO is not in a position to determine whether the name mentioned in the 23 March 2020 Call designates the same person mentioned in the 27 July 2022 Call. However, the CCO notes that the name “[REDACTED]” mentioned in the 23 March 2022 Call was considered case-related by the Chamber.¹⁴
12. Following this potential concern, the CCO decided to temporarily remove [REDACTED] from Mr Yekatom’s non-privileged telephone which was notified to Mr Yekatom on [REDACTED]. On 4 August 2022, Mr Yekatom sent a reply to the CCO following his decision stating that the person named “[REDACTED]” is allegedly not related to his case and would rather be a [REDACTED].¹⁵

In relation to non-privileged in-person visits

13. 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.¹⁶ No incidents have been reported in this regard.

In relation to written correspondence

14. 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.¹⁷ 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 4 October 2022
 At The Hague, the Netherlands

¹⁴ Trial Chamber V, “17 April 2020 Decision”, para. 22.

¹⁵ Written statement by Mr Yekatom to the CCO on 4 August 2022.

¹⁶ 17 April 2020 Decision, para. 13.

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