

**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

Public Redacted Version of “Registry Observations on the “Request to amend the current contact restrictions of Mr. Yekatom based on a Proposed agreement between the Prosecution and the Yekatom Defence”, (ICC-01/14-01/18-1587-Conf-Exp)”, filed on 4 October 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. As ordered by the Trial Chamber V (“Chamber”) on 26 September 2022,¹ the Registry hereby submits its observations on the “Request to amend the current contact restrictions of Mr. Yekatom based on a Proposed agreement between the Prosecution and the Yekatom Defence”² (“Defence’s Request”) submitted by the Defence for Mr Alfred Yekatom (respectively “Defence” and “Mr Yekatom”) on 27 September 2022.

II. Procedural history

2. On 17 July 2020, the Registry filed its “First Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Chamber Trial V” where it was reported that the [REDACTED] (“Interlocutor”), was removed by the Chief Custody Officer of the Detention Section (respectively “CCO” and “DS”) from Mr Yekatom’s non-privileged contact list following an incident.³
3. On 15 July 2022, the Chamber issued its “Decision on Mr Yekatom’s Request to Add an Individual to his Non-Privileged Contact List” and rejected the Defence’s request to add the Interlocutor back onto Mr Yekatom’s non-privileged contact list.⁴
4. On 23 September 2022, the Defence presented to the Chamber by way of email a request proposing to amend the current restrictions on contacts of Mr Yekatom.⁵

¹ Email from Trial Chamber V to the Registry and the Defence for Mr Yekatom sent on 26 September 2022 at 11:06.

² Defence for Mr Yekatom, “Request to amend the current contact restrictions of Mr. Yekatom based on a Proposed agreement between the Prosecution and the Yekatom Defence”, (“Defence’s Request”), 27 September 2022, ICC-01/14-01/18-1587-Conf-Exp.

³ The Registry, “Decision on Mr Yekatom’s Request to Add an Individual to his Non-Privileged Contact List”, 17 July 2020, ICC-01/14-01/18-592-Conf-Exp, paras. 15-16.

⁴ Trial Chamber V, 15 June 2022 Decision, para. 6.

⁵ Email from the Defence for Mr Yekatom to the Trial Chamber V sent on 23 September 2022 at 18:36.

5. On 26 September 2022, the Chamber ordered the Defence to file its request on the record and instructed the Registry to provide its observations within one week of notification of the Defence's request.⁶
6. On 27 September 2022, the Defence filed its "Request to amend the current contact restrictions of Mr. Yekatom based on a Proposed agreement between the Prosecution and the Yekatom Defence" and requested the Chamber 1) to grant to Mr Yekatom actively monitored non-privileged calls with the Interlocutor once a month for a duration of 30 minutes, or twice a month for a duration of 15 minutes, and 2) to order the Registry to add the Interlocutor to Mr Yekatom's list of non-privileged contact, on a provisional basis, and subject to certain conditions as discussed with the Prosecution.⁷

III. Classification

7. In accordance with regulation 23 *bis*(2) of the Regulations of the Court, the present submission is classified as confidential *ex parte* only available to the Prosecution, Defence and Registry as it follows submissions with the same designation, and further, as it contains third-party and personal information pertaining to Mr Yekatom's private life. A public redacted version will be filed simultaneously.

IV. Submissions

8. Based on a proposed agreement with the Prosecution, the Defence has requested the Chamber to allow the Interlocutor to have one actively monitored telephone call with Mr Yekatom once a month for a duration of 30 minutes, or two actively monitored telephone calls twice a month for a duration of 15 minutes. Secondly, the Defence proposed to notify the Registry in advance of

⁶ Email from Trial Chamber V to the Registry and Defence for Mr Yekatom sent on 26 September 2022 at 11:06.

⁷ Defence for Mr Yekatom, Defence's Request, para. 12.

the telephone call, in order to ensure the active monitoring of the particular call with a Sango interpreter.⁸

9. To recall, pursuant to a series of Chamber's decisions on restrictions on contacts,⁹ Mr Yekatom is *inter alia* 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.¹⁰

Registry's observations on the modalities of monitoring telephone calls with the Interlocutor

10. The Registry confirms to the Chamber that it would be able to accommodate the Defence's Request for 30 minutes of an active monitored telephone call per month with the Interlocutor, and respectfully requests confirmation that the specified telephone call be scheduled within the existing non-privileged telephone schedule, and within the existing 180 minutes ordered for Mr Yekatom's weekly non-privileged telephone calls.
11. The Registry has carefully programmed Mr Yekatom weekly non-privileged telephone call schedule based on, *inter alia*, availability and staff resources constraints, hearings' schedules, availability of interpreters, daily activities at the Detention Centre. The Registry hereby takes the opportunity to inform the

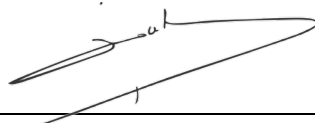
⁸ Defence for Mr Yekatom, Defence's Request, paras. 12-13.

⁹ 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, 24, 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 Decision"), 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.

¹⁰ Trial Chamber V, 17 April 2020 Decision, para. 30; Trial Chamber V, 11 November 2020 Decision, para. 24.

Chamber that, currently, non-privileged telephone calls are able to be accommodated 3 times a week in blocks of approximately 60-75 minutes. Mr Yekatom's non-privileged telephone schedule is shared with him in advance. As such, the Registry respectfully requests that either the Defence or Mr Yekatom inform DS staff two weeks in advance of the proposed day for an actively monitored telephone call, in order to ensure that interpretation can be arranged.

12. Furthermore, the Registry observes that once a telephone call between Mr Yekatom and the Interlocutor has begun, it could continue within the scheduled telephone call block, and thus would not need to be terminated at 30 minutes. In practical terms this is more realistic and easy to accommodate as interpretation has already been arranged. Should the Chamber consider the presented alternative of two calls of 15 minutes per month, the same arrangement would be made, thus the Registry requests to be informed two weeks in advance, and the call could last within the already scheduled non-privileged telephone call block.



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

Dated this 4 October 2022

At The Hague, the Netherlands