

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **17 January 2023**

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 ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

Public Redacted Version of the “Second Request to amend the current contact restrictions of Mr. Yekatom with [REDACTED]”, ICC-01/14-01/18-1725-Conf-Exp, 17 January 2023

Source: Defence for Mr. Alfred Rombhot Yekatom

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

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INTRODUCTION

1. The Yekatom Defence (the “Defence”) hereby respectfully requests the Chamber to modify the current contact restrictions of Mr. Yekatom based on an agreement between the Defence and the Prosecution regarding calls with Mr. Yekatom’s son, [REDACTED].
2. The Defence seeks the Chamber’s leave to modify the current restrictions by allowing non-privileged calls between Mr. Yekatom and his son every two weeks, for a maximum duration of 30 minutes per call.

PROCEDURAL HISTORY

3. On 18 October 2022, the Chamber granted a first Defence request to re-add [REDACTED] to Mr. Yekatom’s non-privileged contact list (“First Decision”) under the following conditions : i) one call of 30 minutes per month; ii) all calls are actively monitored; iii) the Defence informs the Registry two weeks prior to the scheduled call of Mr. Yekatom’s intention to call his son; and, iv) the duration of those calls are deducted from the 180 minutes of non-privileged calls allowed weekly.¹
4. On 9 January 2023, the Defence contacted the Prosecution seeking their position on an increase of the number of calls between Mr. Yekatom and his son.²
5. On 16 January 2023, the Prosecution’s Senior Trial Lawyer informed orally the Defence’s Lead Counsel that they would not object to the increase of calls between Mr. Yekatom and [REDACTED] to one call every two weeks, under the same conditions set out in the First Decision.

¹ ICC-01/14-01/18-1622-Conf-Exp. Public Redacted Version available : [ICC-01/14-01/18-1622-Red](#).

² Email from the Defence to the Prosecution dated 9 January 2023 at 17:24 (available upon request).

SUBMISSIONS

6. Further to the First Decision, [REDACTED], Mr. Yekatom's son, was re-added to Mr. Yekatom's non-privileged list and actively monitored calls of 30 minutes allowed once every month.
7. Since the First Decision, Mr. Yekatom and his son were able to call each other multiple times; to this day the Registry did not report any incident that would have occurred during those calls.
8. In light of the first *inter partes* discussion with the Prosecution, on 20 September 2022, who indicated [REDACTED], of the advancement of the case, of the absence of incidents during the calls, and of Mr. Yekatom's wish to have more communications with his son, the Defence contacted the Prosecution on 9 January 2023 to seek their position on an increase of the frequency of the calls.
9. Further to discussions between the Prosecution's Senior Trial Lawyer and the Defence's Lead Counsel on 16 January, the Prosecution indicated that they would not oppose to an increase of the calls between Mr. Yekatom and [REDACTED] to once every two weeks.
10. Consequently, the Defence respectfully requests the Chamber to amend the current contact restrictions of Mr. Yekatom as follow :
 - Mr. Yekatom and [REDACTED] are allowed to call each other once every two weeks.
11. The following conditions set out in the First Decision remain in effect :
 - The maximum duration of the calls is set to 30 minutes;
 - All of the calls are actively monitored;
 - The Defence will inform Detention Section of the schedule of the call two weeks in advance;

- The duration of the calls between Mr. Yekatom and [REDACTED] are deducted from the 180 minutes of non-privileged calls allowed weekly;
- [REDACTED] will be removed from the non-privileged list should the Detention Section reports a violation of the restrictions.

CONFIDENTIALITY

12. The present request is filed on a confidential *ex parte* basis, only available to the Defence, the Prosecution and the Registry due to references to the identity of Mr. Yekatom's son. A public redacted version is being filed simultaneously.

RELIEF SOUGHT

13. In light of the above, the Defence respectfully requests Trial Chamber V to:
- AMEND** the current contact restrictions of Mr. Yekatom as set out in paragraph 10.

RESPECTFULLY SUBMITTED ON THIS 17th DAY OF JANUARY 2023



Me Mylène Dimitri
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The Hague, the Netherlands