

Pursuant to Trial Chamber V's instruction dated 20.04.2023, this document is reclassified as Public Redacted.

**Cour  
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Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/14-01/18  
Date: 13 February 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 YEKATOM AND PATRICE-EDOUARD  
NGAÏSSONA**

**CONFIDENTIAL**

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

**Confidential Redacted Version of "Seventh Registry Report on the  
Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by  
Trial Chamber V", filed on 13 February 2023**

**Source: Registry**

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

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**REGISTRY**

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**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
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## I. Introduction

1. Following the “Third Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention”<sup>1</sup> 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 12 August 2022.<sup>2</sup> The Registry does not have incident to report, however, the Registry has a potential concern to report.

## II. Procedural history

2. Pursuant to a series of decisions,<sup>3</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> Registry, “Sixth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V”, ICC-01/14-01/18-1544-Conf-Exp, 12 August 2022.

<sup>3</sup> 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, 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, 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, “Sixth Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention”, 20 May 2022, ICC-01/14-01/18-1420-Conf-Exp, para. 12; 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; Trial Chamber V, “Seventh Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention” (“29 September 2022 Decision”), 29 September 2022, ICC-01/14-01/18-1590-Conf-Exp, paras. 10-11; Trial Chamber, “Decision on the Yekatom Defence Request to Amend Mr Yekatom’s Contact Restrictions based on a Proposed Agreement with the Prosecution” (“18 October 2022 Decision”), 18 October 2022, paras. 9-10; Trial Chamber V, “Decision on the Second Yekatom Defence Request to Amend Mr Yekatom’s Contact Restrictions based on a Proposed Agreement with the Prosecution” (“8 February 2023 Decision”), 8 February 2022, ICC-01/14-01/18-1745-Conf-Exp, paras. 5-6; Trial Chamber V, “Decision on the Second Yekatom Defence Request to Amend Mr Yekatom’s Contact Restrictions based on a Proposed Agreement with the Prosecution”, 8 February 2023, ICC-01/14-01/18-1745-Conf-Exp, paras. 5-6.

Chief Custody Officer (“CCO”), who may request the support of the Victims and Witnesses Section (“VWS”), 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 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.<sup>4</sup>

### 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 Yekatom Defence and the Registry, as (1) it refers to decisions of the same level of confidentiality and (2) 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*

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<sup>4</sup> Trial Chamber V, 11 November 2020 Decision, para. 33.

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5. Pursuant to the Chamber's restrictions on contacts, Mr Yekatom is authorized to make non-privileged telephone calls for a total of 180 minutes per week to authorized family members and other authorized individuals.<sup>5</sup> All non-privileged telephone calls are subjected to random active monitoring,<sup>6</sup> with increased monitoring for some contacts<sup>7</sup> and all telephone calls with [REDACTED] are to be actively monitored.<sup>8</sup> Pursuant to the 8 February 2023 Decision,<sup>9</sup> Mr Yekatom is allowed to make two actively monitored non-privileged telephone calls of 30 minutes, once every two weeks, for a total duration of one hour per month with [REDACTED] and to be scheduled within the existing non-privileged telephone schedule of Mr Yekatom and within the existing 180 minutes weekly ordered for Mr Yekatom's non-privileged telephone calls.
6. In implementing the Chamber's orders,<sup>10</sup> the Registry has actively monitored Mr Yekatom's telephone calls at random, as frequently as possible and has actively monitored each scheduled telephone calls with [REDACTED].
7. On 1 February 2023, Mr Yekatom called his [REDACTED], [REDACTED] ("1 February 2023 Call"). From the transcript of the 1 February 2023 Call,<sup>11</sup> it appears that the telephone of [REDACTED] was on speakerphone and that the voice of [REDACTED] was heard. The Registry notes that the conversation was related to private and family matters and do not have concern on the substance. However, the Registry further notes that 1) [REDACTED] is not registered as

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<sup>5</sup> Trial Chamber V, 17 April 2020 Decision, paras. 13, 30; Trial Chamber V, 11 November 2020 Decision, para. 24; Trial Chamber V, 29 September 2022 Decision, para. 11; Trial Chamber, 18 October 2022 Decision, paras. 9-10.

<sup>6</sup> Trial Chamber V, 17 April 2020 Decision, para. 13.

<sup>7</sup> Trial Chamber V, 17 April 2020 Decision, para. 13 (ii); (iii).

<sup>8</sup> Trial Chamber V, 18 October 2022 Decision, para. 8; Trial Chamber V, "Decision on the Second Yekatom Defence Request to Amend Mr Yekatom's Contact Restrictions based on a Proposed Agreement with the Prosecution", 8 February 2023, ICC-01/14-01/18-1745-Conf-Exp, paras. 5-6.

<sup>9</sup> *Ibid.*

<sup>10</sup> See footnote 5.

<sup>11</sup> Annex.

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an additional contact under the phone of [REDACTED] and is therefore not allowed to talk to Mr Yekatom under the telephone number of [REDACTED],<sup>12</sup> 2) speakerphones are not allowed in order to prevent unauthorised persons to listen to the conversations, and 3) the monthly scheduled call with [REDACTED] already took place on 30 February 2023, in implementing the 18 October 2002 Decision.

8. On 9 February 2023, the CCO notified a memorandum to Mr Yekatom reminding him that during non-privileged telephone conversations 1) his interlocutors are not allowed to put their phone on speakerphone, 2) his interlocutors can only talk to Mr Yekatom under the telephone number which they are registered and 3) that he is allowed to talk to [REDACTED] only on scheduled days. The memorandum also reminded Mr Yekatom of his responsibility to inform his contacts of the restrictions and ensure their compliance.

*In relation to non-privileged in-person visits*

9. 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.<sup>13</sup> The Registry has no incident to report in relation to his non-privileged visits.

*In relation to written correspondence*

10. 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

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<sup>12</sup> According to the DC rules on non-privileged telephone contacts, each non-privileged contact is registered under a telephone number, and detained persons and their contacts are allowed to talk only through the registered telephone number. This is to allow, *inter alia*, the Language Service Section Language Assistant to be informed of which contact the detained person is talking with and is able to follow the conversation in order to implement the restrictions on contacts in place.

<sup>13</sup> Trial Chamber V, 17 April 2020 Decision, para. 13.

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with the relevant regulations and Chamber's decisions.<sup>14</sup> The Registry has no incident to report in relation to written correspondence.



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

Dated this 13 February 2023

At The Hague, the Netherlands

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<sup>14</sup> Trial Chamber V, 27 May 2021 Decision, paras. 21-25; Trial Chamber V, 27 October 2021 Decision, para. 11.