

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/14-01/21

Date: 5 July 2024

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* MAHAMAT SAID ABDEL KANI**

PUBLIC

**Public Redacted Version of “Registry’s Submission following Trial Chamber VI’s
“Order pursuant to rule 135 of the Rules of Procedure and Evidence” (ICC-01/14-
01/21-616-SECRET)”, 20 July 2023, ICC-01/14-01/21-621-SECRET**

Source: Registry

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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

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States' Representatives

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REGISTRY

Registrar

Mr Osvaldo Zavala Giler

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**Victims Participation and Reparations
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I. Introduction

1. On 13 June 2023, Trial Chamber VI (“Chamber”) issued its “Order pursuant to rule 135 of the rules of Procedure and Evidence”(“13 June 2023 Order”)¹ ordering “the Registry to submit to the Chamber, for its consideration, a shortlist of experts who are qualified and in a position to assess: (i) the medical condition of the accused; (ii) his prognosis; (iii) his ability to participate in the proceedings, and (iv) whether any special measures or adjustments are necessary to address any medical condition of the accused during the trial proceedings”² (“Registry’s shortlist of Medical Experts”). On 23 June 2023, the Chamber granted the “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts”³ and extended the deadline to 21 July 2023.⁴ The Registry hereby transmits its shortlist of eight medical experts for the Chamber’s consideration.

II. Procedural history

2. On 13 June 2023, the Chamber ordered the Registry to submit a shortlist of medical experts pursuant to rule 135 of the Rules of Procedure and Evidence (“RPE”).⁵
3. On 22 June 2023, the Registry submitted its “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts” (“22 June 2023

¹ Trial Chamber VI, “Order pursuant to rule 135 of the Rules of Procedure and Evidence” (“13 June 2023 Order”), 13 June 2023, ICC-01/14-01/21-616-SECRET.

² *Ibid.*, para. 7.

³ Registry, “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts”, 22 June 2023, ICC-01/14-01/21-619-SECRET and Registry, “Secret Redacted Version of “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts” filed on 22 June 2023”, 22 June 2023, ICC-01/14-01/21-619-SECRET-Red.

⁴ Email from Trial Chamber VI to the Registry, parties and participants, on 23 June 2023 at 15:22.

⁵ Trial Chamber VI, “Order pursuant to rule 135 of the Rules of Procedure and Evidence”, 13 June 2023, ICC-01/14-01/21-616-SECRET, para 7.

Request”)⁶ requesting the Chamber an extension of the 23 June 2023 deadline in light of the challenges encountered in the implementation of the Chamber’s 13 June 2023 Order.

4. On 23 June 2023,⁷ the Chamber granted the requested extension and extended the deadline to 21 July 2023, encouraging the Registry “to focus its efforts on locating relevant experts in the Netherlands and surrounding areas who can conduct a medical examination of Mr Said as soon as possible”.⁸

III. Classification

5. Pursuant to regulation 24*bis* of the Regulations of the Court (“RoC”) and regulation 14(d) of the Regulations of the Registry (“RoR”), the present submission is classified as secret in accordance with the level of classification of the Chamber’s 13 June 2023 Order.

IV. Applicable law

6. For the purpose of the present submission, the Registry has considered rules 113 and 135 of the RPE, regulation 44 of the RoC, and regulation 56 of the RoR.

V. Submissions

A) Medical Experts from the List of Experts

7. Upon initial review of the List of Experts before the ICC pursuant to regulation 44 of the RoC (“List of Experts”) and as indicated in the Registry’s 22 June 2023 Request, the Registry concluded that there were no areas of expertise currently

⁶ Registry, “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts”, 22 June 2023, ICC-01/14-01/21-619-SECRET and Registry, “Secret Redacted Version of “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts” filed on 22 June 2023”, 22 June 2023, ICC-01/14-01/21-619-SECRET-Red.

⁷ Email from the Trial Chamber VI to the Registry, parties and participants, on 23 June 2023 at 15:22.

⁸ *Ibid.*

on the list of experts (i.e., those areas which included the type of expertise as recommended by the Medical Officer of the ICC Detention Centre (“MO”).⁹

8. However, considering the difficulties encountered in finding experts in the areas recommended by the MO, the Registry reviewed the List of Experts again, in depth, and identified the below four experts in the field of general and/or forensic medicine, for consideration by the Chamber. The Registry considered their location, expertise in general medicine, and their availability for this assessment.
9. Dr Michel Haddad, medical expert in forensic medicine and clinical pathology appointed to the Court of Appeal of Paris (France), Dr Benoit Hucheloup, medical expert in, *inter alia*, general medicine appointed to the Administrative Court of Douai (France), Dr George Adrian Patru, medical expert in general medicine and forensic medicine at *Unite Medico-Judiciaire, Groupe Hospitalier Public du Sud de l’Oise* (France) and Dr Joseph Yildiz, legal medical expert at the Court of Appeal of Paris (France) with experience in general medicine, all confirmed their availability and interest to provide their expertise to the Chamber. The Registry therefore annexes their respective curriculum vitae (Annex I) for the Chamber’s consideration.

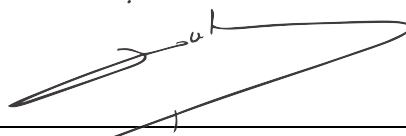
B) Medical Experts outside of the List of Experts

10. In addition to the above efforts to identify suitable experts, and considering the recommendations of the MO, the Registry also reached out to more than 20 potential medical professionals not currently included in the List of Experts and who are in the Kingdom of the Netherlands and in the Kingdom of Belgium.

⁹ Registry, “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts”, 22 June 2023, ICC-01/14-01/21-619-SECRET and Registry, “Secret Redacted Version of “Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts” filed on 22 June 2023”, 22 June 2023, ICC-01/14-01/21-619-SECRET-Red., para. 10.

[REDACTED] and Dr Robertus Franciscus Maria Bevers, Urologist at the LUMC thereafter confirmed their availability and interest to provide their expertise to the Chamber.

11. The Registry is currently taking the relevant administrative steps to process the inclusion of these four experts to the List of Experts. In this regard a preliminary assessment indicates that these medical professionals are all qualified and meet the substantive criteria for their inclusion to the List of Experts. In terms of the timeline, considering further administrative matters and outstanding documentation required for the completeness of their applications, the Registry estimates that the process of inclusion itself will take several weeks.¹⁰ Nevertheless, the Registry hereby provides the Chamber with their respective curriculum vitae (Annex II) should the Chamber find it appropriate to appoint an expert under regulation 44 (1) of the RoC.



Marc Dubuisson, Director Division of Judicial Services
on behalf of Mr Osvaldo Zavala Giler, Registrar

Dated this 5 July 2024

At The Hague, the Netherlands

¹⁰ The process of inclusion will vary depending on the situation of the chosen expert(s) in terms of obtaining their outstanding documentation.