

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No.: ICC-01/14-01/21
Date: 23 September 2024**

TRIAL CHAMBER VI

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

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**Public Redacted
with one Confidential Annex**

Order in Respect of Contact Restrictions

Order 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
Ms Holo Makwaia

Counsel for the Defence

Ms Jennifer Naouri
Mr Dov Jacobs

Legal Representatives of Victims

Ms Sarah Pellet

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**The Office of Public Counsel
for Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and
Reparations Section**

Other

TRIAL CHAMBER VI of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64, 67(1)(b), 68 of the Rome Statute (the ‘Statute’), regulations 99, 100 and 101 of the Regulations of the Court (the ‘Regulations’), an regulations 173, 174 and 174 of the Regulations of the Registry, issues this ‘Order in Respect of Contact Restrictions’.

I. PROCEDURAL HISTORY

1. On 3 March 2022, the Chamber issued the ‘Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions’ (the ‘First Decision on Contact Restrictions’) in which it, *inter alia*, ordered a number of contact restrictions.¹
2. On 10 June 2024, the Registry filed a report on the implementation of contact restrictions ordered by the Chamber (the ‘Fourth Registry Report’).² Therein, the Registry noted, *inter alia*, that due to violations of the contact restrictions it had removed [REDACTED] from the relevant telephone contact lists.³
3. On 20 June 2024, the Defence filed a response to the Fourth Registry Report, in which it requested the Chamber to partly reconsider the contact restrictions (the ‘Defence’s Submissions’).⁴

¹ Public Redacted Version of Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions, 3 March 2022, ICC-01/14-01/21-247-Red. A confidential version was filed simultaneously (ICC-01/14-01/21-247-Conf).

² Confidential Redacted Version of “Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI” filed on 10 June 2024, 10 June 2024, ICC-01/14-01/21-782-Conf-Red. An *ex parte* (Defence and Registry only) version was filed simultaneously (ICC-01/14-01/21-782-Conf-Exp).

³ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, para. 15.

⁴ Version confidentielle expurgée de « Réponse au « Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI » (ICC-01/14-01/21-782-Conf-Exp) et demande de reconsidération d’un point de la « Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions » (ICC-01/14-01/21-247-Conf) portant sur la teneur autorisée des discussions de Monsieur Said. » (ICC-01/14-01/21-788-Conf-Exp), 26 June 2024, ICC-01/14-01/21-788-Conf-Red. An *ex parte* (Defence and Registry only) version was filed on 20 June 2024 (ICC-01/14-01/21-788-Conf-Exp).

4. On 25 July 2024, the Chamber ordered the Registry to re-add [REDACTED] to the relevant telephone contact lists.⁵

5. On 26 August 2024, the Registry filed its ‘Ninth Periodic Report of the Registry on the Security and Political Situation in the Central African Republic’ covering the period between 16 May and 15 August 2024.⁶

6. The Office of the Prosecutor (the ‘Prosecution’) and the Common Legal Representative of Victims did not file responses in respect of any of the aforementioned filings.

II. ANALYSIS

7. In the Defence’s Submissions, the Defence requests the Chamber to reconsider the general prohibition on Mr Said discussing his case as set out in the First Decision on Contact Restrictions and allow discussions within the framework of Mr Said’s participation in his defence.⁷

8. The Chamber finds that it requires further information before it can rule on this request. In this regard, the Chamber notes from the Registry’s recent security assessment that ‘the political and security situation in the Central African Republic (CAR) has remained unpredictable and complex’.⁸ Furthermore, the Chamber recalls that it has an obligation to take measures to protect the safety and wellbeing of victims and witnesses, pursuant to article 68(1) of the Statute, and that the Prosecution’s case is still ongoing. Accordingly, before considering the relaxation of any contact restrictions at this stage, the Chamber must be provided with the necessary information to make an informed assessment regarding any potential security risks to victims and witnesses.

9. The Chamber observes that the Defence makes specific reference to [REDACTED] and the role he plays with regards to [REDACTED]. The Chamber is

⁵ Email from the Chamber, dated 25 July 2024, at 10:38.

⁶ Ninth Periodic Report of the Registry on the Security and Political Situation in the Central African Republic, 26 August 2024, ICC-01/14-01/21-839-Conf.

⁷ Defence’s Submissions, ICC-01/14-01/21-788-Conf-Red, prayer.

⁸ Ninth Periodic Report of the Registry on the Security and Political Situation in the Central African Republic, 26 August 2024, ICC-01/14-01/21-839-Conf-Anx, para. 2.

contemplating a limited relaxation of contact restrictions in respect of [REDACTED]. However, in order for it to make an informed assessment of any risks associated with the potential relaxation of any contact restrictions, the Chamber finds it necessary for the Registry to [REDACTED].

10. In terms of practicalities for this process, the Chamber has liaised with the Victims and Witnesses Unit (the ‘VWU’) and has been provided with [REDACTED], which is annexed to the present order. The Chamber orders the Defence and Mr Said to complete the annexed form with the relevant details of [REDACTED] and submit it to VWU, [REDACTED]. The VWU may ask the Defence for additional information or supporting material. Furthermore, in line with the Chamber’s original direction in the First Decision on Contact Restrictions,⁹ the VWU is permitted to liaise with the Prosecution if it needs specific information that is only available to the latter. Once the VWU is satisfied that it has sufficient information [REDACTED], it shall report its findings *ex parte* to the Chamber. Thereafter, the Chamber will decide how to proceed further, if at all.

⁹ First Decision on Contact Restrictions, ICC-01/14-01/21-247-Red, para. 45.

FOR THESE REASONS, THE CHAMBER HEREBY

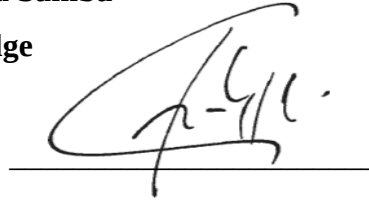
ORDERS the Defence and the VWU to proceed in accordance with paragraph 10 above.



Judge Miatta Maria Samba
Presiding Judge



Judge María del Socorro Flores Liera



Judge Sergio Gerardo Ugalde Godínez

Done in both English and French, the English version being authoritative.

Dated 23 September 2024

At The Hague, The Netherlands