

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No.: ICC-01/14-01/21
Date: 11 December 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 Version

Second Decision on Contact Restrictions

Decision 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), and 68 of the Rome Statute (the ‘Statute’), regulations 99, 100 and 101 of the Regulations of the Court (the ‘Regulations’), and regulations 169, 173, 174, 175 and 184 of the Regulations of the Registry, issues this ‘Second Decision on 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 26 January 2024, the Registry filed a report on the implementation of contact restrictions ordered by the Chamber (the ‘First Registry Report’).²
3. On the same day, the Defence filed observations on the First Registry Report (the ‘Defence’s First Submissions’).³
4. On 8 February 2024, the Registry filed a further report on the implementation of contact restrictions ordered by the Chamber (the ‘Third Registry Report’).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 “Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI” filed on 26 January 2024, 26 January 2024, ICC-01/14-01/21-677-Conf-Red. An *ex parte* (Defence and Registry only) version was filed simultaneously (ICC-01/14-01/21-677-Conf-Exp).

³ Version confidentielle expurgée des « Éléments d’information à la suite du « Registry Report on the implementation of the Restrictions on Contact Ordered by Trial Chamber VI » (ICC-01/14-01/21-677-Conf-Exp) », 26 January 2024, ICC-01/14-01/21-679-Conf-Red. An *ex parte* (Defence and Registry only) version was filed simultaneously (ICC-01/14-01/21-679-Conf-Exp).

⁴ Confidential Redacted Version of “Third Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI” filed on 8 February 2024, 8 February 2024, ICC-01/14-01/21-691-Conf-Red. An *ex parte* (Defence and Registry only) version was filed simultaneously (ICC-01/14-01/21-691-Conf-Exp). The Chamber notes that, although the Registry formally referred to its report as the ‘third’ report, it was in fact only the second report that was formally filed on the record.

5. On 28 May 2024, the Defence filed an updated list of individuals who Mr Said wished to communicate with.⁵
6. On 10 June 2024, the Registry filed an additional report on the implementation of contact restrictions ordered by the Chamber (the ‘Fourth Registry Report’).⁶ Therein, the Registry noted, *inter alia*, that, due to violations of the contact restrictions, it had removed [REDACTED] from the relevant telephone contact lists.⁷
7. 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 Second Submissions’).⁸
8. On 25 July 2024, the Chamber ordered the Registry to re-add [REDACTED] to the relevant telephone contact lists.⁹
9. 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.
10. On 23 September 2024, the Chamber issued an order in which it instructed the Defence to provide the Victims and Witnesses Unit (the ‘VWU’) with additional

⁵ Communication conformément au paragraphe 46 de la décision ICC-01/14-01/21- 247-Red de la liste actualisée des personnes avec lesquelles Monsieur Said souhaite être en contact régulier dans le cadre des appels téléphoniques non- privilégiés dont il peut bénéficier, 28 May 2024, [ICC-01/14-01/21-775](#).

⁶ 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).

⁷ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, para. 15.

⁸ 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).

⁹ Email from the Chamber, dated 25 July 2024, at 10:38.

information and ordered the VWU to update its security assessment in relation to particular individuals (the ‘Order’).¹⁰

11. On 15 November 2024, the Prosecution formally concluded the presentation of its evidence.¹¹

12. On 18 November 2024, the Chamber invited the parties and participants to make submissions regarding the continued need for maintaining the regime of contact restrictions and instructed the Defence to provide the VWU with the information and documents listed in the Confidential Annex to the Order.¹²

13. On 21 November 2024, the Prosecution filed its submissions in support of maintaining the current regime of contact restrictions (the ‘Prosecution’s Submissions’).¹³

14. On 25 November 2024, the Registry filed an updated report on the security and political situation in the CAR (the ‘Tenth Report’)¹⁴ and the Common Legal Representative of the Victims informed the Chamber that she did not want to make submissions.¹⁵

15. On the same day, the Defence filed its submissions in support of relaxing the contact restrictions for Mr Said (the ‘Third Defence Submissions’).¹⁶

¹⁰ Public Redacted Version of Order in Respect of Contact Restrictions, 23 September 2024, [ICC-01/14-01/21-859-Red](#).

¹¹ Notice of the Conclusion of the Prosecution’s Presentation of Evidence, 15 November 2024, [ICC-01/14-01/21-895](#).

¹² Email from the Chamber, dated 18 November 2024, at 13:40.

¹³ Prosecution’s submissions in support of maintaining the current regime of contact restrictions for Mahamat Said Abdel Kani, 21 November 2024, ICC-01/14-01/21-898-Conf.

¹⁴ Tenth Periodic Report of the Registry on the Security and Political Situation in the Central African Republic, 25 November 2024, ICC-01/14-01/21-899-Conf (with one confidential annex).

¹⁵ Email from the Common Legal Representative, dated 25 November 2024, at 13:51.

¹⁶ Soumissions de la Défense portant sur le besoin de réévaluer le régime actuel des restrictions aux communications de Monsieur Said afin de lui permettre de jouir de son droit de participer effectivement à sa Défense et de respecter son droit à une vie privée et familiale normale, 25 November 2024, ICC-01/14-01/21-900-Conf-Exp.

II. SUBMISSIONS

A. First Registry Report

16. In the First Registry Report, the Registry makes reference to a call in January 2024 in which Mr Said called [REDACTED].¹⁷ During the conversation reference is made by Mr Said's interlocutor to a message that the latter had given to Lead Counsel for Mr Said, which she had passed on to Mr Said.¹⁸ The Registry further submits that Mr Said's interlocutor 'could be considered as a possible vector for attempts to obstruct the proceedings or to breach confidentiality.'¹⁹

B. Defence's First Submissions

17. In the Defence's First Submissions, the Defence notes that [REDACTED].²⁰ In this regard, since Mr Said's transfer to The Hague, [REDACTED] has been assisting with many administrative issues in the Central African Republic and helping to coordinate humanitarian visits.²¹ Accordingly, the Defence notes that it is normal for it to have contact with family members.²²

C. Third Registry Report

18. In the Third Registry Report, the Registry makes reference to a further call that Mr Said had with [REDACTED].²³ The Registry notes that it appears that, during the call, Mr Said may have used 'obscure or coded' language in violation of the First Decision on Contact Restrictions.²⁴

D. Fourth Registry Report

19. In the Fourth Registry Report, the Registry notes the following:

5. In implementing the restrictions on contacts, the Registry has actively monitored Mr Said's non-privileged telephone calls with 1) his immediate family members whom the Registry has considered "possible vectors for attempts to obstruct the proceedings or to breach confidentiality" and 2) all other non-privileged contacts ("Monitored Contact List"). The Registry has not actively

¹⁷ First Registry Report, ICC-01/14-01/21-677-Conf-Red, para. 6.

¹⁸ First Registry Report, ICC-01/14-01/21-677-Conf-Red, para. 6.

¹⁹ First Registry Report, ICC-01/14-01/21-677-Conf-Red, para. 7.

²⁰ Defence's First Submissions, ICC-01/14-01/21-679-Conf-Red, para. 5.

²¹ Defence's First Submissions, ICC-01/14-01/21-679-Conf-Red, paras 7-8.

²² Defence's First Submissions, ICC-01/14-01/21-679-Conf-Red, para. 9.

²³ Third Registry Report, ICC-01/14-01/21-691-Conf-Red, para. 6.

²⁴ Third Registry Report, ICC-01/14-01/21-691-Conf-Red, para. 7.

monitored Mr Said's non-privileged telephone calls with his immediate family members whom the Registry has not considered "possible vectors for attempts to obstruct the proceedings or to breach confidentiality" ("Unmonitored Contact List"). Mr Said's non-privileged telephone calls remain passively monitored in accordance with regulation 174 of the [Regulations of the Registry]. Passive monitoring only entails the recording and archiving of non-privileged telephone calls, and not the listening of telephone calls.

6. The Acting Chief Custody Officer ("ACCO") has monitored Mr Said's non-privileged telephone calls at random, pursuant to regulation 175(1) of the RoR. The Registry recalls that Mr Said is not allowed to 1) talk to telephone contacts of his Monitored Contact List during non-actively monitored telephone calls with contacts of his Unmonitored Contact List, 2) discuss his case during his non-privileged conversations, and 3) talk to individuals not verified by the Registry. In this context, the Registry reports three potential concerns.²⁵

20. During the random monitoring of one of Mr Said's conversations with a person on the Unmonitored Contact List, the Registry observed the following:

21. First, the Registry notes that in May 2024, Mr Said called [REDACTED] (who is on the Unmonitored Contact List), however, [REDACTED] (who is on the Monitored Contact List) answered and they had a conversation.²⁶ As a result, the Registry submits that Mr Said spoke to a contact on his Monitored Contact List during a non-actively monitored telephone call.²⁷

22. Second, the Registry observes that, during the same conversation, Mr Said may have violated the prohibition to talk about his case, as Mr Said and [REDACTED] referred to 1) an upcoming visit of Defence team members in Bangui, 2) to the [REDACTED], and 3) about individuals to contact for a potential meeting.²⁸

23. Third, the Registry notes that, during the same call, Mr Said had a conversation with yet another individual who has 'not been verified by the Registry, nor is an approved contact on Mr Said's non-privileged telephone contact list.'²⁹

24. As a result, the Registry submits that it has 'issued a memorandum to Mr Said informing him that the Registry would remove [REDACTED] from his telephone

²⁵ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, paras 5-6.

²⁶ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, paras 8-9.

²⁷ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, para. 10.

²⁸ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, para. 12. *See also* para. 11.

²⁹ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, para. 13.

contact lists until further notice, and reminded Mr Said of his responsibilities to 1) talk to contacts in his Monitored Contact List only during actively monitored telephone calls, 2) not discuss his case during his non-privileged telephone calls, and 3) talk only with verified contacts who are on his non-privileged telephone contact lists.³⁰

E. Defence's Second Submissions

25. In the Defence's Second Submissions, the Defence notes that Mr Said has been subject to limitations on communications with his family for a long period of time. The Defence submits that the current contact restrictions affect his right to private and family life and that forbidding Mr Said from talking in a general way about his case is tantamount to prohibiting him from discussing his life.³¹ In respect of [REDACTED] specifically, the Defence reiterates that to cut off contact between Mr Said and [REDACTED] is tantamount to cutting him off from his dependents.³²

26. In respect of Mr Said's ability to participate in his defence, the Defence avers that the generic prohibition on discussing his case creates obstacles to the implementation of this right pursuant to article 67(1)(b) of the Statute.³³ The Defence submits that, if themes relating to his case have been addressed by Mr Said, they are related to the Defence investigations and not the Prosecution's case, which is a fundamental distinction.³⁴ In other words, the Defence avers that there is absolutely no risk to the proceedings, the Prosecution's investigations, or the Prosecution's witnesses.³⁵

27. In short, the Defence submits that it is fundamental for the emotional well-being of Mr Said that he maintains links with his family, in particular the main person of trust, [REDACTED], noting the fact that the longer the restrictions last, the more the relationship between Mr Said and his family are affected.³⁶ Accordingly, the Defence requests that the Chamber reconsider the general prohibition on Mr Said to discuss his

³⁰ Fourth Registry Report, ICC-01/14-01/21-782-Conf-Red, para. 15.

³¹ Defence's Second Submissions, ICC-01/14-01/21-788-Conf-Red, paras 3-4.

³² Defence's Second Submissions, ICC-01/14-01/21-788-Conf-Red, paras 32-34.

³³ Defence's Second Submissions, ICC-01/14-01/21-788-Conf-Red, para. 36.

³⁴ Defence's Second Submissions, ICC-01/14-01/21-788-Conf-Red, para. 37.

³⁵ Defence's Second Submissions, ICC-01/14-01/21-788-Conf-Red, para. 39.

³⁶ Defence's Second Submissions, ICC-01/14-01/21-788-Conf-Red, paras 55-56.

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.³⁷

F. Prosecution's Submissions

28. Following the closing of its evidence, the Prosecution requests that the current regime of contact restrictions should remain in place, as there has been no meaningful change in circumstances and that the restrictions are required to protect witnesses, victims and ongoing investigations, including those that relate to former associates of Mr Said, such as Nouradine Adam. More specifically, the Prosecution claims that: (i) Mr Said used to communicate with other former Seleka members, including Mr Adam, and that there would be a greater risk that he would resume such communications if the restrictions were relaxed;³⁸ (ii) relaxing contact restrictions would place the lives of witnesses and victims at significant risk, given the prevailing security situation in the CAR, as illustrated by P-0342's testimony.³⁹ Mr Said's violations of the current restrictions regime further demonstrate his unwillingness or inability to responsibly manage his communications and that there is thus an increased likelihood of future violations if the contact restrictions were to be relaxed.⁴⁰ The Prosecution further argues that the current regime is not disproportionate and effectively balances the various competing interests.⁴¹

G. Defence's Third Submissions

29. First, the Defence claims that every accused person has the right to participate actively in his or her defence and that the current restrictions prejudice this right.⁴² The Defence further avers that, during 2023, Mr Said was restricted in his ability to work on preparing his defence.⁴³

30. According to the Defence, it is essential for Mr Said to be able to discuss the content of the Defence investigations with local trusted persons whom he has known for a long time, who can help with: (i) providing important information; (ii) follow a

³⁷ Defence's Second Submissions, ICC-01/14-01/21-788-Conf-Red, prayer.

³⁸ Prosecution's Submissions, ICC-01/14-01/21-898-Conf, paras 7-8.

³⁹ Prosecution's Submissions, ICC-01/14-01/21-898-Conf, paras 9-10.

⁴⁰ Prosecution's Submissions, ICC-01/14-01/21-898-Conf, paras 11-14.

⁴¹ Prosecution's Submissions, ICC-01/14-01/21-898-Conf, paras 15-17.

⁴² Defence's Third Submission, ICC-01/14-01/21-900-Conf, paras 12-13.

⁴³ Defence's Third Submission, ICC-01/14-01/21-900-Conf, para. 16.

particular investigative trail; (iii) locate particular Defence witnesses; (iv) conduct topographical verifications; etc.⁴⁴ Concretely, the Defence argues that Mr Said must be able to discuss: (i) the factual narrative he wishes to present; (ii) potential witnesses he may wish to call; (iii) incidents that were mentioned in the context of the case against him; (iv) the role of certain individuals who played a role in the government of Djotodia; (v) the prevailing context during Bozize's reign; etc.⁴⁵

31. Second, the Defence emphasises the need for Mr Said to maintain family ties and claims that the current restrictions make this all but impossible because he is not even allowed to mention that the Prosecution's case is now over or what the next phases of the proceedings are.⁴⁶ In order to be able to reassure his loved ones, Mr Said must be allowed to be spontaneous when he speaks with his family and tell them what is occurring in his life, which is largely related to the case.⁴⁷

32. In relation to the Prosecution's Submissions, the Defence argues that Mr Said's right to prepare his defence may not be restricted on account of the fact that the Prosecution may be investigating other persons in the same situation and that the only remaining justification for imposing restrictions is the protection of Prosecution witnesses who are the subject of protective measures.⁴⁸ The Defence further points out that the factual contours of the present case are limited by the confirmation decision, and are known by the public. There is therefore no risk that Mr Said's investigation would prejudice Prosecution witnesses or other investigations.⁴⁹

33. Accordingly, the Defence claims that maintaining the current regime would be disproportionate in light of the competing interests and that a readjustment is necessary and justified. In particular, the Defence asks the Chamber to: (i) lift the general prohibition to discuss his case with his family and friends; (ii) authorise Mr Said to discuss his case insofar as it is known publicly; (iii) authorise Mr Said to participate

⁴⁴ Defence's Third Submission, ICC-01/14-01/21-900-Conf, para. 9.

⁴⁵ Defence's Third Submission, ICC-01/14-01/21-900-Conf, para. 27.

⁴⁶ Defence's Third Submission, ICC-01/14-01/21-900-Conf, paras 33-36.

⁴⁷ Defence's Third Submission, ICC-01/14-01/21-900-Conf, para. 46.

⁴⁸ Defence's Third Submission, ICC-01/14-01/21-900-Conf, para. 18.

⁴⁹ Defence's Third Submission, ICC-01/14-01/21-900-Conf, paras 21-22.

effectively in the Defence investigations; and (iv) indicate which subjects he is not allowed to discuss and provide a justification therefore.

III. APPLICABLE LAW

34. The Chamber recalls that in the First Decision on Contact Restrictions it set out the legal framework applicable to contact restrictions.⁵⁰ The Chamber sees no reason to depart from its findings in that decision and adopts them for the purposes of the present decision.

IV. ANALYSIS

35. At the outset, the Chamber recalls its earlier decision wherein it noted that Mr Said had violated the contact restrictions ordered by the Chamber in the First Decision on Contact Restrictions.⁵¹ The Chamber notes that the Tenth Report indicates that the political and security situation in the CAR remains complex and highly unstable.⁵² It is therefore of the utmost importance that Mr Said and the Defence strictly abide by all the Chamber's protective orders, including the imposed contact restrictions.

36. Nevertheless, as set out in the First Decision on Contact Restrictions, the Chamber has an obligation to keep contact restrictions under review and will do so where circumstances change and require reassessment.⁵³ In particular, contact restrictions must be carefully reviewed in light of the passage of time and when there are significant procedural and other developments. The Chamber further has an obligation to enable the detained person to have contact with his or her family during detention⁵⁴ and to ensure that he or she can meaningfully exercise his or her right to have adequate time and facilities to participate in his or her defence.⁵⁵

37. Taking the foregoing into consideration, the Chamber finds that circumstances have changed since the contact restrictions were first ordered. In this regard, the Chamber notes that the Prosecution's case is now closed. The Chamber accepts the Defence's submissions that, given the stage of the case, there is a need to reassess

⁵⁰ First Decision on Contact Restriction, ICC-01/14-01/21-247, paras 20-24.

⁵¹ Email from the Chamber, dated 25 July 2024, at 10:38.

⁵² Tenth Registry Report, ICC-01/14-01/21-899-Conf-Anx.

⁵³ First Decision on Contact Restriction, ICC-01/14-01/21-247, para. 49.

⁵⁴ See First Decision on Contact Restriction, [ICC-01/14-01/21-247](#), para. 23 and references therein.

⁵⁵ See article 67(1)(b) of the Statute.

whether the contact restrictions do not interfere with Mr Said's right to participate in his defence pursuant to article 67(1)(b) of the Statute. Moreover, Mr Said has been in detention for over three years, during which time he has experienced challenges to maintain regular contact with his family.

38. The Chamber has considered the Prosecution's argument that relaxing the contact restrictions at this stage could jeopardise ongoing investigations in other cases, especially in light of the fact that he has previously violated the applicable restrictions. While the Chamber recognises that the Prosecution has a legitimate interest in protecting its ongoing investigations, it cannot fail to observe that the Prosecutor announced the conclusion of investigations in the CAR on 16 December 2022.⁵⁶ The Chamber understands that the Prosecution may still be investigating pending cases but this in itself does not warrant imposing blanket restrictions that may prejudice the rights of a defendant who is before the court. The Chamber also finds that the infractions of the current regime that were brought to its attention by the Registry are not of a nature to suggest that Mr Said made a conscious effort to evade the restrictions or to exercise influence on or cause harm to Prosecution witnesses. Furthermore, the Chamber is not aware of any alleged security incidents involving Mr Said in respect of any of the Prosecution witnesses in this or any other case from the CAR.

39. The above notwithstanding, the Chamber finds that there is still a need to ensure the integrity of the proceedings and especially to prevent the falsification, forging, or corruption of evidence. Moreover, the Chamber has an ongoing obligation pursuant to article 68(1) of the Statute to ensure the safety and well-being of victims and witnesses. The Chamber must therefore ensure that the protective measures it ordered in relation to Prosecution witnesses remain effective.

40. Based on the foregoing, the Chamber decides to amend the restrictions on Mr Said's non-privileged communications. In particular, the Chamber finds that is no longer necessary or proportionate to actively monitor non-privileged communications. These conversations will still be subject to an enhanced regime of passive monitoring

⁵⁶ Press release, The Prosecutor of the International Criminal Court, Karim A.A. Khan KC, announces the conclusion of the investigation phase in the Situation in the Central African Republic, 16 December 2022.

in accordance with regulations 174 and 175 of the Regulations of the Registry. This will hopefully allow more frequent and more flexible communication between Mr Said and his family.

41. In addition, in order to enable Mr Said to take an active part in the preparation of his defence, he is henceforth allowed to talk about his case with persons on his list of contacts who have been vetted by the Registry. However, he is not allowed to disclose any confidential information or to mention or discuss anything that could be identifying for protected Prosecution witnesses and/or victims. The Chamber also reminds Mr Said of prohibited conduct pursuant to article 70 of the Statute. This includes using threatening language or other means of coercion or intimidation. Accordingly, the Registry is instructed to be vigilant when conducting random monitoring for any utterances that may indicate an attempt by Mr Said or his listed contacts to threaten, coerce, or influence persons. The Registry is further instructed to compile a list of all the names, including nicknames, of individuals who are discussed during actively monitored conversations and to transmit this to the Chamber for review.

42. Accordingly, taking the foregoing together, the Chamber finds that the contact restrictions can be amended as follows:

Non-privileged telephone calls

- Mr Said's non-privileged telephone or video conferencing calls are restricted to those individuals verified by the Registry with the support of the VWU in liaison with the Prosecution;
- Languages used in non-privileged calls are limited to French and Sango;
- The use of obscure or coded language is prohibited, including the use of nicknames of otherwise unidentified individuals;
- Mr Said is permitted to discuss the present case insofar as he does not reveal the identity of protected persons or other confidential information;
- The Registry is ordered to randomly monitor at least one of Mr Said's conversations every week and to transmit the list of persons named in the

monitored conversation(s) to the Chamber. If the Registry suspects that Mr Said may have engaged in behaviour that is prohibited by article 70 of the Statute, it shall immediately inform the VWU and the Chamber.

Non-privileged visits

- Mr Said's non-privileged visits are restricted to those individuals verified by the Registry with the support of the VWU in liaison with the Prosecution;
- Languages used during non-privileged visits are limited to French and Sango;
- The use of obscure or coded language is prohibited, including the use of nicknames of otherwise unidentified individuals;
- Mr Said is permitted to discuss the present case insofar as he does not reveal the identity of protected persons or other confidential information;
- Non-privileged visits by persons other than immediate family members are to be audio-recorded and randomly monitored.

Written correspondence

- Mr Said is permitted to discuss the present case insofar as he does not reveal the identity of protected persons or other confidential information;
- The use of obscure or coded language is prohibited, including the use of nicknames of otherwise unidentified individuals.

43. The Defence is ordered to explain the amended contact restrictions to Mr Said in order to ensure that he fully understands their scope.

44. Last, the Chamber stresses that, should Mr Said make any attempt at obstructing the proceedings or breaching confidentiality, then it will lead to an immediate reinstatement of strict restrictions. Furthermore, in line with the First Decision on Contact Restrictions, in order to allow the Chamber to take prompt action if and where necessary, the Registry is instructed to continue reporting any incidents, significant developments, or challenges in relation to the implementation of the restrictions as soon as they arise.

FOR THESE REASONS, THE CHAMBER HEREBY

AMENDS the contact restrictions as outlined in paragraph 42 above;

ORDERS the Defence to explain the scope of the amended contact restrictions to Mr Said; and

ORDERS the Registry to immediately inform the Chamber of any violation of the contact restrictions in relation to Mr Said.

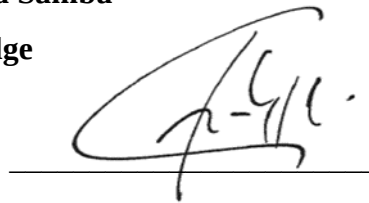


Judge Miatta Maria Samba

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 11 December 2024

At The Hague, The Netherlands