

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 5 March 2025

TRIAL CHAMBER VI

Before:

**Judge Miatta Maria Samba, Presiding Judge
Judge Maria 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

Confidential

Order in Respect of the Registry's Request for Guidance

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

☒ **Legal Representatives of the Victims**

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☐ **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**

☒ **Detention Section**

☐ **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)(g), 68 of the Rome Statute (the 'Statute'), regulations 99, 101 of the Regulations of the Court, and regulations 173, 174, 175 of the Regulations of the Registry, issues this 'Order in Respect of the Registry's Request for Guidance'.

I. PROCEDURAL HISTORY & SUBMISSIONS

1. On 11 December 2024, the Chamber issued the 'Second Decision on Contact Restrictions'.¹
2. On 25 February 2025, the Registry filed the 'Registry Request for Guidance on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI' (the 'Registry Submission').²
3. In the Registry Submission, the Registry notes that during a call on 2 February 2025 (the '2 February 2025 Call') it appears that Mr Said 'might have (1) talked about confidential case-related matters, (2) used threatening or intimidating language, (3) disclosed the name of a witness, and (4) made references that could be considered prejudicial to the accused.'³
4. The Registry accordingly requests guidance from the Chamber 'as to whether it wishes to receive the transcript of the 2 February 2025 Call in its entirety or whether it would prefer to receive a redacted version of it and, if so, who should decide which information to redact.'⁴

¹ Second Decision on Contact Restrictions, 11 December 2024, [ICC-01/14-01/21-903-Red](#). An *ex parte* Defence and Registry only version was filed simultaneously (ICC-01/14-01/21-903-Conf-Exp).

² Registry Request for Guidance on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI, 25 February 2025, ICC-01/14-01/21-923-Conf-Exp.

³ Registry Submission, ICC-01/14-01/21-923-Conf-Exp, para. 6.

⁴ Registry Submission, ICC-01/14-01/21-923-Conf-Exp, para. 7.

II. ANALYSIS

5. At the outset, the Chamber notes that the Registry Submission is currently classified as 'confidential *ex parte* Registry only'. The Chamber finds that at this stage, the Registry Submission can be reclassified as 'confidential'. Furthermore, the Chamber finds that the Defence should be granted access to the transcript of the 2 February 2025 Call.

6. The Chamber has taken note of the Registry Submission and the issues raised therein, specifically that Mr Said may have violated contact restrictions ordered by the Chamber.⁵ In addition, the Chamber further notes that Mr Said may have made statements which could be considered prejudicial to him and his case.⁶

7. The Chamber finds, in these circumstances, that it is necessary to receive submissions from the parties and participants addressing the matters raised in the Registry Submission before the transcript of the 2 February 2025 Call is transmitted to the Chamber.

8. Accordingly, the Chamber orders the parties and participants to make submissions on matters raised in the Registry Submission no later than 28 March 2025. Specifically, the Chamber wishes the parties and participants to address, *inter alia*: (i) to what extent the Chamber and/or the Office of the Prosecutor should receive an unredacted version of the transcript of the 2 February 2025 Call which may contain prejudicial information to the accused and his case; and (ii) if the transcript of the 2 February 2025 Call should be redacted, who should redact such information.

⁵ Registry Submission, ICC-01/14-01/21-923-Conf-Exp, para. 6.

⁶ Registry Submission, ICC-01/14-01/21-923-Conf-Exp, paras 3, 6.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the Registry to reclassify ICC-01/14-01/21-923-Conf-Exp as ‘confidential’;

ORDERS the Registry to provide the Defence with a copy of the transcript of the 2 February 2025 Call; and

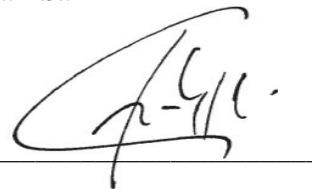
ORDERS the parties and participants to make submissions in line with paragraph 8 above no later than 28 March 2025.



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 5 March 2025

At The Hague, The Netherlands