

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 June 2025

TRIAL CHAMBER VI

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

PUBLIC

**Public Redacted Version of “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**

Source: Registry

Document 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Following the “Second Decision on Contact Restrictions” (“11 December 2024 Decision”)¹ issued by Trial Chamber VI of the International Criminal Court (“Chamber”) on 11 December 2024, in which the Registry is ordered to “continue reporting any incidents, significant developments, or challenges in relation to the implementation of the restrictions as soon as they arise”² in relation to Mr Mahamat Said Abdel Kani (“Mr Said”), the Registry has potential concerns to report and hereby submits a request for guidance regarding the latter.

II. Procedural history

2. Pursuant to a series of decisions and Registry reports,³ the Chamber has ordered the restrictions on Mr Said’s contacts to be: (1) non-privileged telephone calls

¹ Trial Chamber VI, “Second Decision on Contact Restrictions” (“11 December 2024 Decision”), 11 December 2024, ICC-01/14-01/21-903-Conf-Exp.

² *Ibid.*, para. 44.

³ Pre-Trial Chamber II, “Confidential Redacted Version of ‘Decision on the ‘Prosecution’s Request for Contact Restrictions concerning Mahamat Said Abdel Kani in Pre-trial Detention’”, 3 February 2021, ICC-01/14-01/21-9-Conf-Red; Registry, “Confidential Redacted Version of ‘Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge’”, filed on 24 February.”, 24 February 2021, ICC-01/14-01/21-23-Conf-Red; Pre-Trial Chamber II, “Decision on the ‘Prosecution’s Request for Extension of Contact Restrictions’”, 5 March 2021, ICC-01/14-01/21-31-Conf; Registry, “Second Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge”, 21 April 2021, ICC-01/14-01/21-57-Conf; Pre-Trial Chamber II, “Decision on the ‘Prosecution’s Second Request for the Extension of Contact Restrictions’”, 5 May 2021, ICC-01/14-01/21-69-Conf; Registry, “Third Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge”, 23 June 2021, ICC-01/14-01/21-107-Conf; Pre-Trial Chamber II, “Decision on the Prosecution’s third request for the extension of contact restrictions”, 5 July 2021, ICC-01/14-01/21-116-Conf; Registry, “Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge”, 20 August 2021, ICC-01/14-01/21-147-Conf; Pre-Trial Chamber II, “Decision on the Prosecution’s fourth request for the extension of contact restrictions”, 3 September 2021, ICC-01/14-01/21-159-Conf; Registry, “Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI”, 24 January 2022, ICC-01/14-01/21-232-Conf; Trial Chamber VI, “Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions” (“3 March 2022 Decision”), 3 March 2022, ICC-01/14-01/21-247-Conf, paras. 45-46; Registry, “Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI”, 26 January 2024, ICC-01/14-01/21-677-Conf-Exp; Registry, “Third Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI”, 9 February 2024, ICC-01/14-01/21-691-Conf-Exp; Registry, “Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI”, 10 June 2024, CC-01/14-01/21-782-Conf-Exp; Trial Chamber VI, 11 December 2024 Decision, paras. 40-42.

and visits limited to authorized individuals who have been verified by the Registry with the support of the Victims and Witnesses Unit in liaison with the Prosecutor; (2) randomly actively monitor at least one non-privileged telephone call every week with authorized individuals; (3) non-privileged telephone calls and visits limited to the French and Sango language; and (4) the prohibition of using obscure or coded language, including the use of nicknames or otherwise unidentified individuals, or discussing any confidential information related to the case or mentioning or discussing anything that could be identifying for protected Prosecution witnesses and/or victims with his non-privileged contacts.⁴

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 the Registry, (1) since it contains third-party and personal information pertaining to Mr Said's private life, and (2) it refers to case-related matters that could be prejudicial to the accused.

IV. Applicable law

4. For the purpose of the present report, the Registry has considered regulation 99(1)(i) of the RoC, and regulations 173, 174, and 175 of the Regulations of the Registry ("RoR").

V. Submissions

Request for guidance on provision of transcript of non-privileged communications

5. In implementing the 11 December 2024 Decision and in accordance with regulation 175(1) of the RoR,⁵ the Registry has monitored at random at least one of Mr Said's non-privileged telephone calls every week.

⁴ Trial Chamber VI, 11 December 2024 Decision, paras. 40-42.

⁵ *Ibid.*, paras. 40 and 42.

6. On 2 February 2025, Mr Said called his [REDACTED] ("2 February 2025 Call"). From the transcript of the 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.
7. In this regard, the Registry respectfully requests the guidance of 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.



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

Dated this 12 June 2025

At The Hague, Netherlands