



Original: **English**

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

Date: **19 August 2026**

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**Public
with Confidential Annex A**

**Public redacted version of “Corrected Version of “Confidential Redacted Version of
“Prosecution’s Request for Contact Restrictions concerning Mahamat Said Abdel
Kani in Pre-trial Detention”, ICC-01/14-01/21-10-Conf-Red, dated 22 January 2021”,
ICC-01/14-01/21-10-Conf-Red2, dated 2 March 2021”, ICC-01/14-01/21-10-Conf-Red2-
Corr, dated 24 May 2021**

Source: Office of the Prosecutor

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

Mr Zavala Giler Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") urgently requests the Chamber to direct the Registry to put in place certain communication and contact restrictions for Mahamat Said Abdel Kani ("Suspect") under regulation 101 of the Regulations of the Court upon his entry into the Detention Centre of the Court ("Request") as it is anticipated that the Suspect will be transferred to the seat of the Court in the coming days. There are reasonable grounds to believe that contacts between the Suspect and his associates in the Central African Republic ("CAR") could substantially affect the outcome of the proceedings against him, especially endanger witnesses and the Prosecution's ongoing investigations.

II. CONFIDENTIALITY

2. The Request is filed *Under Seal* and *Ex Parte*, pursuant to regulation 23bis(1) of the Regulations of the Court, as it relates to decisions and filings of the same designation. A confidential redacted version of the Request will be filed as soon as practicable.

3. This request is filed as *urgent* since the transfer of the Suspect to the seat of the Court is planned to take place in the upcoming days.

III. SUBMISSIONS

A. Contact restrictions are necessary and justified

4. On 20 January 2021, the Suspect was arrested by [REDACTED], upon the request of the CAR authorities and in execution of the Chamber's Warrant of Arrest¹ [REDACTED] and subsequently transferred to Bangui, where he is currently held

¹ ICC-01/14-42-US-Exp.

awaiting his transfer to the seat of the Court as soon as feasible. It is anticipated that the surrender operation will take place in the upcoming days.

5. Articles 21(1)(a) and (3) and 57(3)(a) of the Statute, regulations 97, 98, 99(1)(i) and 101 of the Regulations of the Court and regulation 174(1) of the Regulations of the Registry are relevant to the Prosecution's Request. Article 57(3)(a) permits the Chamber to issue, at the Prosecution's request, such orders as may be required for the purpose of an investigation. Regulation 101 states:

2. The Prosecutor may request the Chamber seized of the case to prohibit, regulate or set conditions for contact between a detained person and any other person, with the exception of counsel, if the Prosecutor has reasonable grounds to believe that such contact [...] (b) [c]ould prejudice or otherwise affect the outcome of the proceedings against a detained person, or any other investigation; (c) [c]ould be harmful to a detained person or any other person; [...] or (f) [i]s a threat to the protection of the rights and freedom of any person.

6. There are reasonable grounds to believe that communications and contacts between the Suspect and his associates could affect the investigation and the outcome of the proceedings against him. Upon his arrest, the Suspect was a high-ranking General within the *Front Populaire pour la Renaissance de la Centrafrique* (FPRC) and [REDACTED].² [REDACTED].³ [REDACTED]. [REDACTED]. [REDACTED].⁴

7. Allowing the Suspect unrestricted contacts to his former associates could irreparably impact the Prosecution's investigation and case against him. There is a serious risk that the Suspect would inform his associates – [REDACTED] - of the scope of the investigation and the nature of the charges. This would substantially impact on any ongoing arrest strategies and investigative enquiries regarding these associates.

² CAR-OTP-2001-2769 at 2795 and Annex A (Investigation Report, 22 January 2021).

³ [REDACTED].

⁴ [REDACTED]; [REDACTED]; [REDACTED] and Annex A.

Further and most importantly, the lives of dozens of witnesses including vulnerable victims would be put in danger if communications would be unchecked.

B. Requested Restrictions on Communications

8. Accordingly, the Prosecution requests that the Suspect's telephone calls be restricted, for an initial period of *three months* upon his arrival at the Court's Detention Centre, to (i) calls to or from the persons identified in regulations 97 and 98 of the Regulations of the Court and regulation 174(1) of the Regulations of the Registry; and (ii) calls to any *immediate* family members, whose identities and contact details will have to be duly verified beforehand with the support of the Victims and Witnesses Unit in liaison with the Prosecution. However, any discussion related to the present case with the individuals referred to above under (ii) should be prohibited. The use of obscure and coded language during such calls should also be prohibited.

9. In order to ensure that these measures are followed, the *active* monitoring of telephone calls is requested. The Chief Custody officer should be ordered to stop any call made in violation of these measures.

10. In addition, the Suspect should be prohibited in written correspondence from using obscure or coded language or discussing the present case. The Chief Custody Officer should be ordered to intercept or confiscate any written correspondence in violation of this measure.

11. For the active monitoring of telephone calls and any written correspondence, the Prosecution also requests the Chamber to (i) limit the language of communication to French and Sango; and (ii) limit the duration of telephone calls to 60 minutes per week, provided that this does not interfere with the management of the Detention Centre. The Suspect should also be prohibited from accessing the telephone facilities at the disposal of the other detainees of the Detention Centre.

12. Moreover, visits for the Suspect at the Detention Centre should also be restricted for an initial period of *three months* with the exception of (i) visits from the persons identified in regulations 97 and 98 of the Regulations of the Court and regulation 174(1) of the Regulations of the Registry; (ii) visits from a limited number of individuals, such as family members, whose identities and contact details will have been duly verified beforehand with the support of the Victims and Witnesses Unit in liaison with the Prosecution. However and as noted in relation to telephone communications (see para. 8), any discussion related to the case should be prohibited. To ensure this order is followed, the language of communication should be limited to French and Sango; and the audio recording and active monitoring of such visits by a Court staff member fluent in French or Sango should be guaranteed.

13. These measures are requested for an initial period of three months upon which a renewed assessment should be conducted to appropriately balance the rights of the Suspect with the outlined risks to the ongoing investigations and proceedings.

C. Separation from Ngaissona & Yekatom

14. The Prosecution also requests that the Suspect be separated from detainees Patrice Eduard NGAISSONA and Alfred YEKATOM (“CARIIB Accused”). As outlined in previous filings⁵, most notably regarding the necessity for non-standard redactions to protect the Seleka Investigation, [REDACTED].⁶ [REDACTED].⁷ [REDACTED].

15. The separation is requested for initially three months upon which a renewed assessment should be conducted to appropriately balance the rights of the Suspect with the outlined risks to the proceedings.

⁵ ICC-01/14-01/18-178; ICC-01/14-01/18-307-Conf.

⁶ See [REDACTED].

⁷ [REDACTED].

D. Exceptional circumstances

16. There are exceptional circumstances that allow for issuing these measures *before* the Suspect is being informed of the Prosecution's request in accordance with regulation 101(3) of the Regulations of the Court. The Prosecution requests these measures to be implemented as soon as the Suspect arrives at the seat of the Court. To do otherwise could cause irreparable prejudice to the proceedings or the investigations, or could endanger the safety and wellbeing of witnesses. This urgency warrants the issuance of a decision before the Suspect is informed of the Request. He will have to be notified of the decision and will have the opportunity to be heard and submit his views thereafter.

17. Finally, the Prosecution recalls that this Chamber has issued similar restrictions orders at the time of the transfer of the CARIIB Accused.⁸

IV. RELIEF SOUGHT

18. For the above reasons, the Prosecution urgently requests the Chamber to order the Registry to implement the communication and contact restrictions as outlined in paras. 8-12 of this request as well as the separation from the CARIIB Accused upon the Suspect's arrival at the Detention Centre of the Court for a duration of three months.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 19th day of August 2026
At The Hague, The Netherlands

⁸ ICC-01/14-01/18-11-Conf-Exp.