

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 August 2026

TRIAL CHAMBER VI

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

Public redacted version of “Common Legal Representative of Victims’ observations on the ‘Registry’s Submission following Trial Chamber VI’s ‘Order pursuant to rule 135 of the Rules of Procedure and Evidence’ (ICC-01/14-01/21-616-SECRET)’ (ICC-01/14-01/21-621-SECRET)”, dated 28 July 2023

Source: Office of Public Counsel for Victims

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

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☒ Counsel for the Defence
D33

☒ 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. Counsel representing the collective interests of future applicants as well as of applicants in the proceedings and participating victims (the “Common Legal Representative”)¹ hereby submits her observations on the “Registry’s Submission following Trial Chamber VI’s ‘Order pursuant to rule 135 of the Rules of Procedure and Evidence’ (ICC-01/14-01/21-616-SECRET)” (the “Registry Submission”).²

II. PROCEDURAL BACKGROUND

2. On 12 June 2023, the Registry filed a report from the Medical Officer at the Detention Unit indicating that Mahamat Said Abdel Kani (“Mr Saïd” or the “Accused”) had ceased to give his consent for his medical information to be disclosed to Trial Chamber VI (the “Chamber”) (the “Registry Report”).³

3. On 13 June 2023, the Chamber issued an order pursuant to rule 135 of the Rules of Procedure and Evidence, in which it found that a medical examination of Mr Saïd was required, ordered the Registry to submit a shortlist of experts, and invited observations from the parties and participants (the “Order”).⁴

4. On 14 June 2023, the Defence filed a request providing further information on the Registry Report and requested reconsideration of the Order (the “Request for Reconsideration”).⁵

¹ See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG](#) and [No. ICC-01/14-01/21-T-007-Red-ENG](#), p. 47, lines 12-24; the “Decision on matters relating to the participation of victims during the trial” (Trial Chamber VI), [No. ICC-01/14-01/21-278](#), 13 April 2022, para. 29; and the “Decision authorising 20 victims to participate in the proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-331](#), 27 May 2022.

² See the “Registry’s Submission following Trial Chamber VI’s ‘Order pursuant to rule 135 of the Rules of Procedure and Evidence’ (ICC-01/14-01/21-616-SECRET)”, with secret Annex I and II, [No. ICC-01/14-01/21-621-SECRET](#), 21 July 2023 (dated 20 July 2023) (the “Registry Submission”).

³ See the “Annex to the Registry Transmission of the Medical Officer’s Report”, No. ICC-01/14-01/21-615-SECRET-Exp, 12 June 2023.

⁴ See the “Order pursuant to rule 135 of the Rules of Procedure and Evidence”, [No. ICC-01/14-01/21-616-SECRET](#), 13 June 2023.

⁵ See the “Version confidentielle expurgée des ‘Éléments d’informations portant sur la teneur du ‘Medical Officer’s Report’ du 12 juin 2023 (ICC-615-SECRET-Exp) et demande de reconsidération de la décision de la

5. On 16 June 2023, the Chamber issued a decision rejecting the Request for Reconsideration.⁶

6. On 23 June 2023, the Chamber extended the time limit for the Registry to submit its shortlist to 21 July 2023, and for the parties and participants to submit their observations to 28 July 2023,⁷ following a request from the Registry.⁸

7. On 21 July 2023, the Registry filed its Submission.⁹

III. CLASSIFICATION

8. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, the present filing is classified “secret”, since it responds to a filing bearing the same classification.

IV. SUBMISSIONS

9. As a preliminary note, the Common Legal Representative welcomes the Chamber’s decision to proceed with a medical examination of Mr Saïd pursuant to rule 135 of the Rules of Procedure and Evidence, and recalls her oral and written observations on the matter.¹⁰ In this regard, she regrets the precious time lost due to the protracted adjournment of the trial, and its significant impact on the expeditiousness of the proceedings – and in turn on the interests of victims and witnesses, as well as of Mr Saïd.

Chambre du 13 juin 2023 ordonnant une expertise conformément à la Règle 135 du Règlement de Procédure et de preuve.”, [No. ICC-01/14-01/21-617-SECRET-Red](#), 15 June 2023.

⁶ See the “Decision on the Defence Request for Reconsideration of ‘Order pursuant to rule 135 of the Rules of Procedure and Evidence’”, [No. ICC-01/14-01/21-618-SECRET-Red](#), 16 June 2023.

⁷ See the email from Trial Chamber VI to the Registry, parties and participants entitled “Decision on the Registry’s Request for an extension of time (ICC-01/14-01/21-619-SECRET-Red)”, 23 June 2022 at 15:22.

⁸ See the “Secret Redacted Version of ‘Registry’s Request pursuant to regulation 35 of the Regulations of the Court for an Extension of the Time Limit to Transmit the Registry’s shortlist of Medical Experts’”, [No. ICC-01/14-01/21-619-SECRET-Red](#), 23 June 2023 (dated 22 June 2023).

⁹ See the Registry Submission, *supra* note 2.

¹⁰ See the transcript of the status conference held on 7 February 2023, [No. ICC-01/14-01/21-T-047-SECRET-ENG ET](#), p. 8, line 6 - p. 9, line 25; and the “Common Legal Representative of Victims’ observations on the ‘Prosecution’s request for additional information or in the alternative for reclassification’ (ICC-01/14-01/21-597-SECRET)”, [No. ICC-01/14-01/21-599-SECRET](#), 3 March 2023.

10. The Common Legal Representative notes that the Registry identified four experts on the Court's list of experts under regulation 44 of the Regulations of the Court (the "List of Experts" or the "List"), and four more experts among medical professionals not currently included on said List, who all confirmed their availability and interest to provide their expertise to the Chamber.¹¹

11. While the Common Legal Representative is not in possession of information related to Mr Saïd's health situation and prognosis, and is therefore not in a position to comment on the experts' suitability, she observes that the areas of expertise of the experts outside of the List of Experts – [REDACTED] – are very distinct from the field of [REDACTED] in which the experts from the List of Experts are qualified.¹²

12. Finally, the Common Legal Representative notes that the Registry expects the process of inclusion of the experts to the List of Experts to take "*several weeks*",¹³ and posits that such a timeline further compromises the expeditiousness of the proceedings.¹⁴ Indeed, in light of the protracted suspension of the trial, she believes that every effort should be made to avoid any additional unnecessary delays and to allow the trial to resume as swiftly as possible, in the interests not only of the victims and witnesses, but also of the Accused. The Common Legal Representative therefore submits that the Chamber should be minded to instruct the experts outside of the List of Experts before their formal inclusion to the List, especially considering the Registry's preliminary assessment which indicates that they "*are all qualified and meet the substantive criteria for their inclusion*".¹⁵

¹¹ See the Registry Submission, *supra* note 2, paras. 7-10.

¹² *Idem*, paras. 8-10. See also Annex I and Annex II to the Registry Submission.

¹³ *Idem*, para. 11.

¹⁴ See *supra* para. 9.

¹⁵ See the Registry Submission, *supra* note 2, para. 11. The Common Legal Representative notes in this regard that regulation 44 of the Regulations of the Court provides the Chamber with the "*discretion to allow the introduction of expert evidence from persons who are not on the list of experts*".

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Pellet', followed by a period.

Sarah Pellet

Dated this 27th day of August 2026

At The Hague, The Netherlands