

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 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

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

PUBLIC

Public Redacted Version of “Registry Report on the Feasibility, Costs, and Effects of Separating Mr Said within the ICC Detention Centre” (ICC-01/14-01/21-8-US-Exp) dated 2 February 2021

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

Introduction

1. Pursuant to the instruction given by the Single Judge of Pre-Trial Chamber II (“Single Judge” and “Chamber” respectively),¹ the Registry is ordered to provide its observations on the costs and feasibility of separating Mr Mahamat Said Abdel Kani (“Mr Said”) from Mr Patrice-Edouard Ngaïssona and Mr Alfred Yekatom (“Mr Ngaïssona” and “Mr Yekatom” respectively), following the “Request for Contact Restrictions concerning Mahamat Said Abdel Kani in Pre-trial Detention” (“Prosecutor’s Request”).²

I. Procedural history

2. On 22 January 2021, the Prosecutor requested, *inter alia*, that Mr Said be separated from Mr Yekatom and Mr Ngaïssona for an initial period of three months, in order to prevent communication between Mr Said and Mr Yekatom and Mr Ngaïssona, that could lead to witness interference and leaking information on the cases.³
3. On the same day, the Single Judge decided that, upon Mr Said’s arrival at the International Criminal Court’s Detention Centre (“ICC” and “DC” respectively), he would be temporarily separated from Mr Yekatom and Mr Ngaïssona on a provisional basis (“Single Judge’s Order”).⁴
4. On 25 January 2021, Mr Said was transferred to the DC where he is currently held [REDACTED] separate from Mr Yekatom and Mr Ngaïssona.

II. Classification

¹ Email from the Single Judge to the Registry on 1 February 2021 at 14:26.

² Office of the Prosecutor, “Prosecution’s Request for Contact Restrictions concerning Mahamat Said Abdel Kani in Pre-trial Detention”, 22 January 2021, ICC-01/14-133-US-Exp (“Prosecutor’s Request”).

³ Prosecutor’s Request, paras. 14-15.

⁴ Email from the Single Judge to the Registry on 22 January 2021 at 18:41 (“Single Judge’s Order”).

5. In accordance with regulation 23 *bis*(2) of the Regulations of the Court (“RoC”) this report is classified as under seal, *ex parte* only available to the Registry [REDACTED], a redacted version will be simultaneously filed as under seal *ex parte* only available to the Prosecutor and the Registry, as it follows a request from the Prosecutor with the same level of classification, and contains confidential information on the security arrangements and costs of running of the DC.

III. Applicable law

6. For the purpose of the present submissions, the Registry has considered, *inter alia*, regulations 90, 91, 99, 100 and 103 of the RoC, regulations 155, 164, 165, 177, 187 and 201 of the Regulations of the Registry (“RoR”) and the [REDACTED].⁵

V. Submissions

Preliminary matters

7. The Registry respectfully informs the Chamber that, following the advice of the Medical Officer of the DC (“MO”) and in line with the Dutch recommendation for travellers,⁶ Mr Said is currently in COVID-19 quarantine until 3 February 2021. Following the Single Judge’s Order,⁷ after his quarantine, he will continue to be provisionally separated from Mr Yekatom and Mr Ngaïssona.
8. The Registry informs the Chamber that, since 19 March 2020, measures have been in place at the DC in order to protect the health, safety, and lives of detained persons during the ongoing COVID-19 pandemic, by minimizing external contacts to detained persons and thus their risk of exposure to the

⁵ [REDACTED]

⁶ Government of the Netherlands, “Travelling and going on holiday”, 12 January 2021, at <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands/travel-and-holidays> (accessed on 1 February 2021).

⁷ Single Judge’s Order.

COVID-19 virus.⁸ The measures include, *inter alia*, the limitation of in-person contacts, such as all visits, and in person recreational activities. The measures do not affect fresh air entitlements. As it is not yet known how long the COVID-19 temporary measures will be extended, or how long Mr Said may be ordered separated, the Registry provides the following observations irrespective of the current temporary COVID-19 measures at the DC.

9. [REDACTED].

Separation of detained persons [REDACTED]

10. Should the Chamber order the prohibition of any exchange or contact between Mr Said and both Mr Yekatom and Mr Ngaïssona, the options available to the Chief Custody Officer ("CCO") are [REDACTED].

11. The Registry informs the Chamber that, pursuant to [REDACTED].

12. The most cost effective separation for the ICC would be [REDACTED].

13. [REDACTED].

14. [REDACTED].

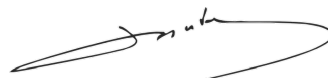
Separation of detained persons [REDACTED]

15. In light of the impact on the daily life of detained persons of the regime described above, the Registry considers that, should separation be ordered, [REDACTED].

⁸ See, e.g., International Criminal Court, "How the Court works?", at <https://www.icc-cpi.int/about/how-the-court-works> (accessed 2 February 2021): "Since 19 March 2020, measures have been in place at the Detention Centre in order to protect the health, safety and lives of the detained persons during the ongoing COVID-19 pandemic, by minimizing contacts to detained persons and thus their risk of exposure to the virus to the extent possible." [. . .] all in-person visits to detained persons, including privileged, recreational and spiritual activities have been suspended and alternative measures have been taken to ensure the respect of the detained persons' rights and to limit the impact on them." [. . .] "Video based instructions are in place and physical materials are provided for language classes. Detained persons continue to benefit from daily fresh air opportunities."

16. The Registry notes, however, that long-term separation as a sole detained person [REDACTED] may be detrimental to the mental and physical health of a detained person, for which the Registrar, the CCO and the MO are responsible under their respective mandates. This may result in Mr Said being considered as *de facto* segregated, and certainly entails the decreased access to meaningful human and social interaction. However, DC custody officers and medical staff would continue to meet daily with Mr Said, and he would have the possibility to participate in recreational activities such as sport, language lessons and other activities as offered at the DC (though currently temporarily suspended due to the COVID-19 measures).

17. The Prosecutor's Request⁹ for an initial period of three months to begin with may have minimal impact, for the reasons above. However, the Registry observes that, from a financial and resource standpoint, the long term segregation of detained persons [REDACTED] results in a substantial increase in financial costs and possible additional resources needed at the DC. Furthermore, the mental well-being of a detained person being separated in the long-term and should also not be discounted.



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

Dated this 27 August 2026

At The Hague, the Netherlands

⁹ Prosecutor's Request, paras. 14-15.