

**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 “Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI” (ICC-01/14-01/21-782-Conf-Exp) dated 10 June 2024

Source: Registry

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

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☒ Legal Representatives of the Victims

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☐ Unrepresented Applicants
(Participation/Reparation)

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☐ 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 “Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions” (“3 March 2022 Decision”)¹ issued by Trial Chamber VI of the International Criminal Court (“Chamber” and “Court”, respectively) on 3 March 2022, in which the Registry is ordered to “immediately inform the Chamber of any violation of the contact restrictions”² in relation to Mr Mahamat Said Abdel Kani (“Mr Said”), the Registry has potential concerns to report.

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) actively monitored non-privileged telephone calls with authorized individuals, excluding immediate family members whom the Registry does not consider as “possible vectors for attempts to obstruct the proceedings or to breach confidentiality”, for two hours

¹ 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.

² *Ibid.*, para. 48.

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 Decision 2021”), 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 Decision”), 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 Decision 2021”), 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 Decision”), 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 Decision”), 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+Conf-Exp-Anx; 3 March 2022 Decision; 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.

per week on a maximum of two days;⁴ (2) actively monitored non-privileged visits with authorized individuals;⁵ (3) non-privileged telephone calls and visits are limited to authorized individuals provided that their identities and contact details have been verified by the Registry with the support of the Victims and Witnesses Unit (“VWU”) in liaison with the Prosecutor;⁶ (4) non-privileged telephone calls and visits limited to the French and Sango language;⁷ and (5) the prohibition of using obscure or coded language, or discussing the substantive aspects of his case with his non-privileged contacts.⁸

III. Classification

3. In accordance with regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), the present report and annex are classified as confidential, *ex parte* only available to the Defence for Mr Said and the Registry, as: (1) reference is made to confidential decisions and (2) they contain third-party and personal information pertaining to Mr Said’s private life. A confidential redacted version of the present report will be filed simultaneously.

IV. Applicable law

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

⁴ Trial Chamber VI, 3 March 2022 Decision, paras. 45 (a) and 46.

⁵ *Ibid.*, para. 45 (b).

⁶ *Ibid.*, paras. 45 (a)(b) and 46.

⁷ *Ibid.*, para. 45 (a)(b).

⁸ *Ibid.*, para. 45 (a)(b)(c).

V. Submissions

In relation to non-privileged telephone calls

5. In implementing the restrictions on contacts,⁹ the Registry has actively monitored Mr Said's non-privileged telephone calls with 1) his immediate family members whom the Registry has considered "possible vectors for attempts to obstruct the proceedings or to breach confidentiality" and 2) all other non-privileged contacts ("Monitored Contact List"). The Registry has not actively monitored Mr Said's non-privileged telephone calls with his immediate family members whom the Registry has not considered "possible vectors for attempts to obstruct the proceedings or to breach confidentiality" ("Unmonitored Contact List"). Mr Said's non-privileged telephone calls remain passively monitored in accordance with regulation 174 of the RoR. Passive monitoring only entails the recording and archiving of non-privileged telephone calls, and not the listening of telephone calls.

6. The Acting Chief Custody Officer ("ACCO") has monitored Mr Said's non-privileged telephone calls at random, pursuant to regulation 175(1) of the RoR. The Registry recalls that Mr Said is not allowed to 1) talk to telephone contacts of his Monitored Contact List during non-actively monitored telephone calls with contacts of his Unmonitored Contact List, 2) discuss his case during his non-privileged conversations, and 3) talk to individuals not verified by the Registry.¹⁰ In this context, the Registry reports three potential concerns.

7. *Firstly*, in implementing the 3 March 2022 Decision,¹¹ Mr Said is allowed to talk to contacts of his Monitored Contact List during actively monitored telephone calls only.

⁹ *Ibid.*, paras. 45 (a) and 46.

¹⁰ Trial Chamber VI, 3 March 2022 Decision, paras 45-47.

¹¹ *Ibid.*, para. 45 (a).

8. On 13 May 2024, Mr Said called his [REDACTED]. However, Mr Said's [REDACTED] answered the call ("13 May 2024 call"). Mr Said and his [REDACTED] had a conversation.¹²
9. Mr Said's [REDACTED] was verified by the Registry as per the 3 March 2022 Decision, and added to Mr Said's Unmonitored Contact List on 1 June 2022. As previously reported,¹³ Mr Said's [REDACTED] was verified by the Registry as per the 3 March 2022 Decision, and added to Mr Said's Monitored Contact List on 9 May 2022.
10. The Registry considers that, during the 13 March 2024 call, Mr Said talked to a contact on his Monitored Contact List during a non-actively monitored telephone call to a contact on his Unmonitored Contact List.
11. *Secondly*, pursuant to the 3 March 2022 Decision,¹⁴ Mr Said is not allowed to talk about his case nor use obscure or coded language in his non-privileged conversations.

From the transcript of the 13 May 2024 call,¹⁵ Mr Said's [REDACTED] said to Mr Said: "[REDACTED]".¹⁶ Later in the conversation, Mr Said said "[REDACTED]"¹⁷ to which Mr Said's [REDACTED] replied "[REDACTED]".¹⁸ Mr Said also said "[REDACTED]"¹⁹ to which Mr Said's [REDACTED] replied: "[REDACTED]".²⁰

¹² Annex, transcript, lines 1-65.

¹³ 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, para. 7; Registry, "Third Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI", 8 February 2024, ICC-01/14-01/21-691-Conf-Exp, para. 8.

¹⁴ Trial Chamber VI, 3 March 2022 Decision, para. 45.

¹⁵ Annex, transcript.

¹⁶ *Ibid.*, transcript, line 34.

¹⁷ *Ibid.*, transcript, lines 52, 57.

¹⁸ *Ibid.*, transcript, lines 58, 62.

¹⁹ *Ibid.*, transcript, lines 123-135.

²⁰ *Ibid.*, transcript, lines 136-138.

12. The Registry considers that the 23 May 2024 call could be case related, as Mr Said and his [REDACTED] referred to 1) an upcoming visit of Defence team members in Bangui, 2) to the “[REDACTED]”, and 3) about individuals to contact for a potential meeting.

13. *Thirdly*, pursuant to the 3 March 2022 Decision,²¹ Mr Said is only allowed to talk with non-privileged contacts that are “verified by the Registry with the support of the VWU in liaison with the Prosecutor”.

From the transcript of the 13 May 2024 call,²² Mr Said asked: “[REDACTED]” to which Mr Said’s [REDACTED] replied “[REDACTED]”. Mr Said then said “[REDACTED]” and had a conversation with this individual identified as “[REDACTED]”.²³ The Registry notes that the person identified as “[REDACTED]” has not been verified by the Registry, and is not an approved contact on Mr Said’s non-privileged telephone contact list.

14. From the transcript of the 13 May 2024 call, Mr Said said to the individual identified as “[REDACTED]”: “[REDACTED]”.²⁴ The Registry considers that, from the conversation, Mr Said was talking about his [REDACTED]. Based on the except of the transcript,²⁵ the Registry also considers that Mr Said may have talked to his [REDACTED] through non actively monitored telephone calls placed to his [REDACTED] on other occasions.

15. On 6 June 2024, the Registry issued a memorandum to Mr Said informing him that the Registry would remove Mr Said’s [REDACTED] and his [REDACTED] from his telephone contact lists until further notice, and reminded Mr Said of

²¹ Trial Chamber VI, 3 March 2022 Decision, paras 45 and 46.

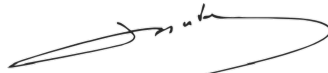
²² Annex, transcript, lines 63-64.

²³ *Ibid.*, transcript, lines 65-109.

²⁴ *Ibid.*, transcript, line 84.

²⁵ Annex, transcript, line 84.

his responsibilities to 1) talk to contacts in his Monitored Contact List only during actively monitored telephone calls, 2) not discuss his case during his non-privileged telephone calls, and 3) talk only with verified contacts who are on his non-privileged telephone contact lists.



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

Dated this 27 August 2026

At The Hague, the Netherlands