

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 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 “Registry’s Submissions under Regulation 24bis of the Regulations of the Court in relation to the Defence’s “Éléments d’information cruciaux pour la Chambre dans le cadre du débat sur l’aptitude à être jugé de Monsieur Said”, 27 November 2023, ICC-01/14-01/21-653-SECRET-Exp” (ICC-01/14-01/21-656-SECRET-Exp) dated 1 December 2023

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. Pursuant to Regulation 24(bis) of the Regulations of the Court, the Registry hereby presents its submissions in relation to the “*Éléments d’information cruciaux pour la Chambre dans le cadre du débat sur l’aptitude à être jugé de Monsieur Said*”, filed on 27 November 2023 (ICC-01/14-01/21-653-SECRET-Exp)¹ (“Defence Submissions”).

II. Procedural history

2. On 14 August 2023, the Chamber issued the “Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence”.²
3. On 27 November 2023, the Defence for Mr Said submitted its “*Éléments d’information cruciaux pour la Chambre dans le cadre du débat sur l’aptitude à être jugé de Monsieur Said*” discussing, *inter alia*, Mr Said’s detention conditions and health situation at the International Criminal Court’s Detention Centre (respectively “ICC” and “DC”).³

III. Classification

4. Pursuant to regulation 24**bis** of the Regulations of the Court (“RoC”) and regulation 14(d) of the Regulations of the Registry (“RoR”), the present submission is classified as Secret confidential *ex parte* only available to the Registry and the Defence for Mr Said, since it refers to sensitive information related to the health condition of the detained person and detention matters and follows the same level of confidentiality of the Defence Submissions.

¹ Defence for Mr Said, “*Éléments d’information cruciaux pour la Chambre dans le cadre du débat sur l’aptitude à être jugé de Monsieur Said*” (“Defence’s Submissions”), 27 November 2023, ICC-01/14-01/21-653-SECRET-Exp.

² Trial Chamber VI, Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence, 14 August 2023, ICC-01/14-01/21-630-SECRET-Exp.

³ *Ibid.*

IV. Applicable law

5. For the purpose of the present submission, the Registry has considered regulations 90, 91, 92, 103, 105 of the RoC, and regulations 155, 156, and 204 of the RoR.

V. Submissions

A) On reporting from the Medical Officer of the ICC DC

6. The Defence's Submissions stated that *"le médecin du quartier pénitentiaire avait informé Monsieur Said, son Conseil, la Chambre et le Greffe de ce qu'il les informerait, par le biais d'un rapport, de tout transfert éventuel de Monsieur Said de l'aile médicale au centre de détention « normal » et ce avant que ce transfert ait lieu"*.⁴ The Registry reports that the previous reports of the Medical Officer of the ICC DC ("MO") contained an intended road map for reporting. A timeline on reporting is a separate matter than medical decisions and movements of detained persons. The timeline of a medical report was not intended to be understood as a prerequisite to a medical decision that Mr Said was fit to return to his regular detention regime and the ICC DC.
7. Nonetheless, the Registry confirms that, on 15 November 2023, the MO prepared the medical report to inform the Chamber on the new developments regarding Mr Said's health situation.
8. On 24 November 2023, the MO received a signed informed consent from Mr Said to release the medical report to the Chamber. On 29 November 2023, the Registry distributed the medical report to the Chamber.

B) On Mr Said's current conditions of detention

⁴ Defence for Mr Said, "Defence Submissions", para. 25.

9. The Defence's Submissions requested, *inter alia*, that “ *les mesures soient prises pour que son état de faiblesse actuel soit bien pris en compte, pour qu'il n'y ait pas de conséquences à long terme sur la santé de Monsieur Said et le succès de sa convalescence*”.⁵

10. The Registry confirms that the MO is aware of the concerns raised in the Defence's Submissions.⁶ Pursuant to regulation 155(1) and (2) of the RoR, the MO will address any medical issues directly with Mr Said. Pursuant to regulation 155 (3) of the RoR, the MO is obliged to raise any of his concerns directly to the Chief Custody Officer (“CCO”) “in writing whenever he or she considers that the physical or mental health of a detained person has been or will be adversely affected by any condition of or treatment in detention.”⁷ The CCO shall then inform the Registrar, who shall take “all action considered necessary and subsequently inform the Presidency and the Chamber in writing”.⁸ In conformity with regulation 155 of the RoR, the Registry informs the Chamber that it does not have anything to report to the Chamber.

11. The Registry further recalls that medical consultations are part of the medical record of detained persons, and, following regulation 156 of the RoR, the Registry is not privy to those medical consultations. The Registry assures the Chamber that any medically required adjustments necessary to Mr Said's conditions of detention will be considered and implemented, in line with regulation 155 (8) of the RoR.

12. Following usual practice, and in respect for medical confidentiality, Mr Said must address any medical concerns related to his conditions of detention directly with the Medical Services of the ICC DC, either in writing using the

⁵ Defence for Mr Said, “Defence Submissions”, paras. 49.

⁶ Defence for Mr Said, “Defence Submissions”, paras. 43-47, 49.

⁷ Regulation 155 (3) of the RoR.

⁸ Regulation 155 (3) of the RoR.

appropriate request form available to him at the ICC DC, or orally to the Medical Services. The Registry informs the Chamber that the Medical Services have always closely followed the medical situation of Mr Said, and continue to do so on a daily basis since his transfer back to the ICC DC.

C) On the transfer of Mr Said to the ICC DC

13. Regarding the Defence's Submissions on Mr Said's transfer back to the DC,⁹ the Registry wishes to provide to the Chamber the following observations:

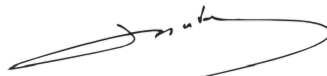
14. On 21 November 2023, the CCO was informed by the medical officer of the ICC DC that the medical team at the prison hospital had determined that there was no longer a medical reason to keep Mr Said in the prison hospital, and that he could therefore be transferred back to the ICC DC. On the same day, the medical officer of the host State prison - *Justitieel Centrum voor Somatische Zorg* - ("JCvSZ") assisted by a French interpreter, informed Mr Said of their determination and that he would return to the ICC DC.

15. Shortly after, Mr Said was transferred from the JCvSZ to the ICC DC. The CCO was present and supervised the transfer. The Registry confirms that [REDACTED] Custody Officers were present, in order to ensure order and security pursuant to regulation 187(1) of the RoR. The situation unfolded as such that the Custody Officers had to resort to the use of minimal force in full compliance with regulation 204 of the RoR.

16. On the same day, pursuant to regulation 204 (3) and (4) of the RoR, an incident report was received by the CCO from the Custody Officers and Mr Said was given the opportunity to be examined by the Deputy Medical Officer of the ICC DC. On 23 November 2023, in accordance with regulation 205(5) of the RoR, Mr Said was also examined by an external medical practitioner. In conformity with

⁹ Defence of Mr Said, "Defence's Submissions", paras. 41-42.

regulation 204(6) of the RoR, the results of the external medical expert were shared with Mr Said, the Registrar and the Presidency on 28 November 2023. The Registry thus confirms that the procedure laid out in regulation 204 of the RoR was followed.



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

Dated this 28 August 2026

At The Hague, the Netherlands