



Original: **English**

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

Date: **31 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 Under Seal, *EX PARTE*, only available to the Prosecution and Registry
Annex A**

**Public redacted version of “Corrected Version of “Prosecution’s Request for
Contact Restrictions concerning Mahamat Said Abdel Kani in Pre-trial Detention”,
ICC-01/14-133-US-Exp, 22 January 2021”, ICC-01/14-133-US-Exp-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 in Bria and subsequently transferred to Bangui, where he is currently held awaiting

¹ ICC-01/14-42-US-Exp.

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 was based in Bria, CAR.² The Suspect was the right-hand man of the FPRC's leader Nouradine ADAM, against whom the Chamber also issued an Arrest Warrant and who remains currently at large.³ Online investigations and open source monitoring shows that SAID has become one of the main representatives of the FPRC Runga in Bria. He appears to be well respected in the area and has reportedly close family ties with several FPRC leaders in the Eastern part of CAR. Other former Seleka who have been identified during the investigation as cooperating and coordinating with the Suspect, at both the *Office central de répression du banditisme* "OCRB" and the *Comité Extraordinaire pour la Défense des Acquis Démocratiques* ("CEDAD") at the relevant time

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

³ ICC-01/14-41-US-Exp.

of the charges, are also members of the FPRC. These are for example his former deputies at OCRB Mahamat Tahir Babikir, Hissene Damboucha and Yaya Soumayele.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 - especially Nouradine ADAM - 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. 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.

⁴ CAR-OTP-2084-0191 at 0897; CAR-OTP-2068-0244 at 0263; CAR-OTP-2083-0003 at 0008 and Annex A.

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, leaders of the Anti-Balaka and groups formerly part of the Seleka coalition have formed an alliance in recent months.⁶ Under the umbrella of the February 2019 *Accord Politique pour la Paix et la Reconciliation en Republique Centrafricaine* ("APPR-RCA") Nouradine ADAM for the ex-Seleka group FPRC and Maxime MOKOM GAWAKA ("MOKOM") for the Anti-Balaka MOKOM-wing reportedly aligned leading to the realistic prospect that information could be directly relayed between the Anti-Balaka Accused and/ or their Counsel to sources on the ground in contact with the Seleka Suspects. In recent weeks, ahead of the 27 December 2020 Presidential elections, these actors have further cemented their partnership in founding the *Coalition des Patriotes pour le Changement* ("CPC") jointly with other ex-Seleka groups and reportedly with the support of former President Francois Bozize's support, denouncing the APPR-RCA and launching armed attacks jointly in response to the recent election results including on Bangui on 13 January 2021.⁷ Since then the CPC alliance continued carrying out armed attacks. The current security situation is considered extremely tense with fears of further deterioration, leading to the CAR authorities declaring a 15 day state of emergency on 21 January 2021⁸. This CPC alliance has created the concrete risk that members of groups previously at odds with one another may not only communicate, but join efforts to

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

⁶ See CAR-OTP-2110-0620 (*Accord Politique Pour la Paix et la Reconciliation en Republique Centrafricaine*, February 2019). This alliance dates back to April 2015 when the Anti-Balaka and ex-Seleka representatives signed a cease fire agreement in Nairobi.

⁷ CAR-OTP-2130-2018, see also <https://www.aa.com.tr/en/africa/un-condemns-rebel-attack-in-central-african-republic/2109108><https://www.aljazeera.com/gallery/2021/1/14/in-pictures-bangui> (accessed 22 January 2021).

⁸ <https://www.france24.com/en/africa/20210121-central-african-republic-declares-state-of-emergency-as-rebels-surround-capital> (accessed on 22 January 2021).

destabilise the Prosecution's investigations and cases through interfering with witnesses and leaking information.

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.

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.⁹

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

⁹ ICC-01/14-01/18-11-Conf-Exp.

the Suspect's arrival at the Detention Centre of the Court for a duration of three months.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', with a large, stylized flourish on the left side.

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 31st day of August 2026
At The Hague, The Netherlands