

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



*Original: English*

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

Date: 23 June 2021

**PRE-TRIAL CHAMBER II**

**Before: Judge Rosario Salvatore Aitala, Single Judge**

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II**

**IN THE CASE OF**

***THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**CONFIDENTIAL**

**Third Registry Report on the Implementation of the Restrictions on Contact  
Ordered by the Single Judge**

**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**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of the Public Counsel for  
Victims**

**The Office of the Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

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**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
Section**

## I. Introduction

1. Following the "Decision on the 'Prosecution's Second Request for the Extension of Contact Restrictions'" ("5 May 2021 Decision")<sup>1</sup> issued by the Single Judge of Pre-Trial Chamber II ("Single Judge" and "Chamber" respectively) on 5 May 2021, in which the Registry is ordered to submit a report on the implementation of the restrictions on contact for Mr Mahamat Said Abdel Kani ("Mr Said") by no later than 23 June 2021 and immediately inform the Single Judge of any violation of the applicable restrictions on contact, the Registry hereby submits its report.<sup>2</sup>

## II. Procedural history

2. Pursuant to a series of Decisions and Registry Reports,<sup>3</sup> the Single Judge has ordered the restrictions on Mr Said's contacts to be: (1) actively monitored non-privileged telephone calls with authorized family members and other persons for three hours for a maximum two times a week; (2) actively monitored non-privileged visits with "a limited number of individuals, such as family members"; (3) written correspondence only with authorized family members and other persons; (4) non-privileged communications are limited to authorized individuals "provided that their identities and contact details have been thoroughly verified with the support of the Victims and Witnesses

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<sup>1</sup> Pre-Trial Chamber II, "Decision on the 'Prosecution's Second Request for the Extension of Contact Restrictions'" ("5 May 2021 Decision"), 5 May 2021, ICC-01/14-01/21-69-Conf.

<sup>2</sup> *Ibid.*, para. 32.

<sup>3</sup> 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 2021 Decision"), 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 ("First Registry Report"); 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" ("Second Registry Report"), 21 April 2021, ICC-01/14-01/21-57-Conf; 5 May 2021 Decision.

Unit”;<sup>4</sup> (5) non-privileged communications are limited to the French and Sango language; and (6) the prohibition of using obscure or coded language, or discussing the substantive aspects of his case with his non-privileged contacts.<sup>5</sup> The Single Judge ordered the CCO to stop any non-privileged telephone call, visit or intercept any written correspondence violating the Single Judge’s order.<sup>6</sup> The Single Judge also ordered the Registry to submit a report on the implementation of these restrictions and immediately inform the Single Judge of any violation of these restrictions on contact.<sup>7</sup>

### III. Classification

3. In accordance with regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), the present report is classified as confidential, as it refers to a decision with the same level of confidentiality.

### IV. Applicable law

4. For the purpose of the present submission, the Registry has considered regulations 99(1)(i), 100 and 101 of the RoC, and regulations 168, 169, 170, 173, 174, 175, 179 and 180 of the Regulations of the Registry (“RoR”).

### V. Submissions

*In relation to non-privileged telephone calls*

5. Pursuant to the Single Judge’s restrictions on contact, Mr Said is authorized to make non-privileged telephone calls to authorized individuals whose

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<sup>4</sup> 5 March 2021, para. 35.

<sup>5</sup> 5 May 2021 Decision, paras. 29-30, 33.

<sup>6</sup> 3 February 2021 Decision, paras. 22, 24-25.

<sup>7</sup> 5 May 2021 Decision, para. 32.

identities and contact information are thoroughly verified by the Registry including with the support of the Victims and Witnesses Unit (“VWU”), twice a week for a total of three hours.<sup>8</sup> Mr Said is offered two 105-minutes time periods a week<sup>9</sup> for his non-privileged telephone calls which are actively monitored. The Registry has no incidents to report.

*In relation to non-privileged visits*

6. The Registry informs the Single Judge that, following the COVID-19 Temporary Measures in place at the ICC Detention Centre (“DC”), all in-person visits to the DC are currently suspended, therefore no non-privileged visits took place during the reporting period.
7. However, on 21 June 2021, the Presidency approved the last extension of the Temporary Suspension of regulation 100 of the RoC and regulations 177, 178, 179 and 180 of the RoR until 15 July 2021 (exclusive). As such, the resumption of in-person non-privileged visits at the ICC DC are expected to resume on 15 July 2021. Should such in-persons visits take place, the Registry will actively monitor and record Mr Said’s non-privileged visits which the Registry understands to be with a limited number of family members, whose identity and contact details have been thoroughly verified.<sup>10</sup>

*In relation to non-privileged incoming and outgoing mail*

8. Pursuant to the 5 March 2021 Decision, Mr Said’s is authorized to send or receive non-privileged letters from individuals whose identity and contact

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<sup>8</sup> 5 May 2021 Decision, para. 33.

<sup>9</sup> This comprises the ordered 90 minutes per session plus 15 minutes of extra scheduled call time each session to allow for a reasonable number of set up delays, potential interruptions on the line and dropped calls.

<sup>10</sup> 3 February 2021 Decision, para. 25.

details have been thoroughly verified.<sup>11</sup> Any written correspondence or packages that are sent or received pursuant to regulations 168, 169 and 170 of the RoR shall also be closely monitored in accordance with the Mr Said's restrictions on contact. The Registry has no incidents to report regarding written correspondence.

  

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Marc Dubuisson  
Director Division of Judicial Services  
on behalf of Peter Lewis, Registrar

Dated this 23 June 2021

At The Hague, the Netherlands

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<sup>11</sup> 5 March 2021 Decision, para. 34.