

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 20 August 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

**Fourth 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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(Participation/Reparation)**

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**Victims Participation and Reparations
Section**

I. Introduction

1. Following the “Decision on the Prosecution’s third request for the extension of contact restrictions” (“5 July 2021 Decision”)¹ issued by the Single Judge of Pre-Trial Chamber II (“Single Judge” and “Chamber” respectively) on 5 July 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 20 August 2021 and to immediately inform the Single Judge of any violation of the applicable restrictions on contact, the Registry hereby submits its report.²

II. Procedural history

2. Pursuant to a series of Decisions and Registry Reports,³ 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 four hours for a maximum two times a week⁴; (2) actively monitored non-privileged visits with “a limited number of individuals, such as family members”⁵; (3) written correspondence only with authorized family members and other persons; (4) non-privileged communications are limited to authorized

¹ 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.

² *Ibid.*, para. 37.

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”), 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 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; ICC-01/14-01/21-107-Conf ; Pre-Trial Chamber II, “Decision on the ‘Prosecution’s Second Request for the Extension of Contact Restrictions’”, (“5 May Decision”), 5 May 2021; Registry, “Third Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge”, 23 June 2021, , ICC-01/14-01/21-69-Conf; 5 July 2021 Decision.

⁴ 5 July 2021 Decision, para 35.

⁵ 5 July 2021 Decision, para 36.

individuals “provided that their identities and contact details have been thoroughly verified with the support of the Victims and Witnesses Unit”;⁶ (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.⁷ 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.⁸ 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.⁹

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 decisions 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

⁶ 5 March 2021, para. 35.

⁷ 5 May 2021 Decision, paras. 29-30, 33.

⁸ 3 February 2021 Decision, paras. 22, 24-25.

⁹ 5 July 2021 Decision, para. 37.

5. Pursuant to the Single Judge's restrictions on contact, Mr Said is authorized to make non-privileged telephone calls to authorized individuals whose 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 four hours.¹⁰ Mr Said is offered one 105-minutes time period and another 150-minutes time period each week for his non-privileged telephone calls which are actively monitored.¹¹ The Registry has no incidents to report.

In relation to non-privileged visits

6. The resumption of in-person non-privileged visits at the ICC Detention Centre resumed on 15 July 2021. Pursuant to the Single Judge's restrictions on contact, Mr Said is authorized to receive in-person non-privileged visits from individual whose identity and contact details have been thoroughly verified by the Registry, including with the support of VWU.¹² Pursuant to the 5 July 2021 Decision, the Single Judge "(i) [limited] the language of communication of such visits to French and Sango; and (ii) [ordered] the audio recording and active monitoring of such visits by a Court staff member fluent in French or Sango".¹³ The Registry has no incidents to report regarding in-person non-privileged visits.

In relation to non-privileged incoming and outgoing mail

7. Pursuant to the Single Judge's restrictions on contact, Mr Said is authorized to send or receive non-privileged letters from individuals whose identity and

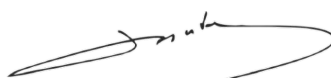
¹⁰ 5 May 2021 Decision, para. 33 and 5 July Decision, para 35.

¹¹ This comprises the ordered minutes per week plus 15 minutes of extra scheduled each week to allow for a reasonable number of set up delays, potential interruptions on the line and dropped calls.

¹² 5 July 2021 Decision, para 36.

¹³ *Ibid.*

contact details have been thoroughly verified.¹⁴ 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.



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

Dated this 20 August 2021

At The Hague, the Netherlands

¹⁴ 5 March 2021 Decision, para. 34.