

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **14 September 2021**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**Confidential
with Confidential Annex A**

Prosecution's notice that Mr SAID has exercised his right to remain silent

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

Mr Karim A.A. Khan QC

Mr James Stewart

Mr Eric MacDonald

Counsel for Defence

Ms Jennifer Naouri

Mr Dov Jacobs

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel
for Victims**

Ms Sarah Pellet

Ms Caroline Walter

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation
and Reparations Section**

Other

I. INTRODUCTION

1. This submission is for information only. The Prosecution hereby submits on the record of the case that Mr SAID, in response of a formal request to be interviewed, has decided to exercise his right to remain silent.

II. CONFIDENTIALITY

2. This notice is filed as confidential in accordance with regulation 23*bis*(1) of the Regulations of the Court ("Regulations") as it relates to *inter partes* discussions and the Prosecution's request to interview Mr SAID on the charges filed against him. In due course, the Prosecution may seek to have this submission reclassified as public.¹

III. NOTICE

3. On 16 August 2021, Mr SAID was notified of the Document Containing the Charges and on 30 August of the Pre-Confirmation Brief.²

4. On 9 September 2021, the Prosecution requested to interview Mr SAID pursuant to article 55(2) of the Rome Statute on the said charges.³

5. On 10 September 2021, the Defence responded that "Monsieur Said décline respectueusement, comme c'est son droit, l'invitation de l'Accusation".⁴



Karim A. A. Khan QC, Prosecutor

Dated this 14th day of September 2021

At The Hague, The Netherlands

¹ See comments of Trial Chamber II in the *Ngudjolo* case, ICC-01/04-02/12-3, para. 120.

² ICC-01/14-01/21-144-Conf+Conf-Anxs and ICC-01/14-01/21-155-Conf + Conf-Anxs.

³ See confidential Annex A. Letter sent by way of email to the Defence of Mr SAID.

⁴ Defence email received on 10 September 2021 at 16:19.