

Annex 16

Public Redacted

From: Trial Chamber VI Communications
Sent: 20 May 2024 14:36
To: D33 Said Defence Team
Cc: OTP CAR IIA Communications; Said LRV Team OPCV; Associate Legal Officer-Court Officer; Office of the Director DJSS; Tjonk, Harry; [REDACTED]
Subject: Chamber Decisions Communication; Trial Chamber VI Communications
 FW: Cancellation of hearings - 20.05.24

[ICC] RESTRICTED

Dear Defence,

The Chamber has taken note of your email dated 19.05 at 17:57 and the Registry's below report regarding Mr Said's medical condition.

As noted in its recent order pursuant to rule 135 of the Rules (ICC-01/14-01/21-761), the Chamber is concerned that time is being lost and hearings are having to be cancelled at short notice. The Chamber further notes that P-0481 and P-3064 are ready to testify and Registry staff members are in the AVL location for the purposes of their testimony. In addition, the Chamber further understands that the AVL location will not be available beyond the currently scheduled days.

In the current circumstances, the Chamber finds it necessary to enquire with the Defence whether Mr Said would consent to waiving his right to be present tomorrow and/or whether he would consider participating via video link from the Detention Centre this week in order for the Chamber to hear these witnesses and ensure that this opportunity is not lost. As noted in ICC-01/14-01/21-761, the Chamber has an obligation to ensure that the proceedings are as expeditious as possible and it is in Mr Said's interests that this trial concludes as soon as practicable. The Chamber does not make this enquiry lightly and is fully cognisant that Mr Said has a right to be present at his trial. In this regard, this enquiry should not be seen as putting pressure on Mr Said to waive his rights. However, the Chamber considers that the present circumstances are exceptional and there is a need to explore whether it is possible to proceed via alternate means. The Defence is encouraged to reassure Mr Said that should he decide to waive his right to be present the Chamber will ensure that his rights and interests are fully respected and it will ensure that the Defence is not put in a position whereby it would have to make submissions which would require further instructions from the accused. Furthermore, the Chamber will endeavour to ensure that the witnesses are available next week should Mr Said have any specific instructions for his counsel regarding the questioning of these witnesses and will further endeavour to ensure that the recordings of any hearings that take place in Mr Said's absence are made available to him.

The Defence is ordered to revert to the Chamber as soon as possible.

Kind regards,
 Trial Chamber VI

From: [REDACTED]
Sent: Monday, May 20, 2024 11:48 AM
To: Trial Chamber VI Communications [REDACTED]
Cc: [REDACTED]
[REDACTED] Associate Legal Officer-Court Officer [REDACTED]
[REDACTED] Tjonk, Harry [REDACTED]; Office of the Director DJSS
<[REDACTED]>
Subject: RE: Cancellation of hearings - 20.05.24

[ICC] RESTRICTED

Dear Trial Chamber VI,

On behalf of the Registry, I kindly bring the following information to the Chamber's attention, in compliance with the Chamber's instruction below.

In accordance with regulation 155 of the Regulations of the Registry, the Medical Officer of the Detention Centre has informed us, based on a medical assessment and Mr Said's current medical condition, that Mr Said will not be able to attend hearings today and tomorrow.

The Medical Officer has further informed the Registry that Mr Said will be re-evaluated Tuesday morning. The Registry will then update the Chamber on Mr Said's ability to attend hearings for the rest of this week.

The Registry remains available should the Chamber have any additional questions or require clarifications.

Best regards,

[REDACTED]
Office of the Director
Division of Judicial Services

From: Trial Chamber VI Communications [REDACTED]
Sent: Monday, May 20, 2024 10:44 AM
To: Associate Legal Officer-Court Officer [REDACTED] Office of the Director DJSS [REDACTED] Dubuisson, Marc [REDACTED]
[REDACTED] Tjonk, Harry [REDACTED]
Cc: [REDACTED]; Trial Chamber VI Communications
[REDACTED] >
Subject: FW: Cancellation of hearings - 20.05.24

[ICC] RESTRICTED

Dear Colleagues,

Further to the below email and the email from the Defence sent yesterday at 17:57 regarding Mr Said's health, the Chamber wishes to receive an update from the Registry and the Medical Officer as soon as possible on Mr Said's medical condition and his ability to attend hearings this week.

Kind regards,

From: Trial Chamber VI Communications <[REDACTED]>
Sent: Sunday, May 19, 2024 6:54 PM
To: OTP CAR IIA Communications [REDACTED]; D33 Said Defence Team <[REDACTED]>
Said LRV Team OPCV <[REDACTED]>;
Associate Legal Officer-Court Officer <[REDACTED]>; [REDACTED]
[REDACTED]
[REDACTED]
Cc: Trial Chamber VI Communications <[REDACTED]>
Subject: Cancellation of hearings - 20.05.24

[ICC] RESTRICTED

Dear Parties and participants,
Dear Registry,

On account of Mr Said's health, the hearings tomorrow are hereby cancelled.

The Chamber will revert with further information regarding the schedule for the rest of the week as soon as possible.

Kind regards,

[REDACTED] (on behalf of the Presiding Judge)