

Annex 17

Public Redacted

From: Trial Chamber VI Communications
Sent: 20 May 2024 16:49
To: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team
 OPCV; Associate Legal Officer-Court Officer; Office of the Director DJSS
Cc: Tjonk, Harry; [REDACTED]
 [REDACTED]; Chamber Decisions Communication; Trial Chamber VI
 Communications
Subject: RE: Cancellation of hearings - 21.05.24

[ICC] RESTRICTED

Dear Parties and participants,
 Dear Registry,

The Chamber has taken note of the Defence's email and Mr Said's position regarding his attendance at trial tomorrow. Accordingly, the hearings tomorrow (21.05.24) are hereby cancelled. The Registry and the Medical Officer are ordered to report to the Chamber tomorrow regarding Mr Said's ability to attend hearings for the rest of the week.

The Chamber further notes the Defence's submissions that it will meet with Mr Said tomorrow. In line with its earlier enquiry, the Chamber encourages the Defence to keep it informed of any relevant developments, as appropriate.

Kind regards,
 Trial Chamber VI

-----Original Message-----

From: Naouri, Jennifer [REDACTED]
 Sent: Monday, May 20, 2024 3:58 PM
 To: Trial Chamber VI Communications <[REDACTED]>
 Cc: D33 Said Defence Team [REDACTED]; OTP CAR IIA Communications
 [REDACTED] Said LRV Team OPCV [REDACTED]
 Associate Legal Officer-Court Officer <[REDACTED]>; Office of the
 Director DJSS <[REDACTED]> Tjonk, Harry [REDACTED]
 [REDACTED]
 [REDACTED] Chamber
 Decisions Communication [REDACTED]
 Subject: RE: Cancellation of hearings - 20.05.24

[ICC] RESTRICTED

[ICC] RESTRICTED

Chère Chambre de première instance VI,

Nous avons bien pris note de ces informations.

Nous avons pris attache avec Monsieur Said pour lui expliquer la situation. Ce dernier est encore fatigué et il n'était pas facile de tenir une discussion aussi technique par téléphone.

Comme il était déjà prévu que nous rencontrions Monsieur Said demain dans la matinée, nous pourrions faire le point avec lui sur cette question et reviendrons vers vous avec toutes les informations utiles à notre sortie du centre de détention.

Nous pouvons d'ores et déjà vous indiquer que Monsieur Said fait son possible pour se reconstituer dans les meilleurs délais; pour que cette convalescence se déroule sans prendre le risque, il ne peut pas la précipiter au détriment de sa santé.

Au vu de son état, Monsieur Said souhaite suivre l'avis médical et ne se sent pas en état de reprendre les audiences demain.

En effet, il souhaite pouvoir évaluer comment ses douleurs et sa fatigue progressent dans les prochaines 24 heures et suivre les prescriptions médicales afin d'avoir une chance de reprendre les audiences dans le courant de la semaine, peut-être dès mercredi. [REDACTED]

[REDACTED]

La situation est en effet exceptionnelle, aussi eu égard à l'état de santé de Monsieur Said qui ne pouvait pas prévoir [REDACTED] et dans ce contexte Monsieur Said continue de faire son maximum pour que son procès se tienne, mais il ne peut pas faire plus au risque de mettre en péril sa santé, et il se peut que cela impacte un tout petit peu le déroulé du procès.

Nous prenons note de ce que la Chambre a indiqué qu'elle "will endeavour to ensure that the witnesses are available next week" par conséquent, selon nos calculs, il apparaît que si nous reprenons les audiences mercredi, les deux témoins qui se trouvent au Cameroun, P-0481 et P-3064, pourront être interrogés cette semaine, avec un léger débordement en début de semaine suivante. Cette hypothèse paraît le meilleur compromis, surtout qu'il ne sera pas soutenable pour Monsieur Said de visionner pendant tout un weekend des heures d'audiences sur plusieurs jours, avec l'assistance de son Conseil, et d'en tirer les conséquences pour le lundi. Dans le même sens, selon nos estimations, basé sur notre préparation en cours, l'interrogatoire P-0884 qui est prévu à La Haye tiendrait quand même dans la semaine du 27 au 31 mai 2024.

Par conséquent, les témoins pour lesquelles des mesures plus spéciales doivent être prises du fait de leur emplacement géographique et initialement prévus pour ce bloc pourront donc être entendus.

A ce stade, la priorité de Monsieur Said est de pouvoir reprendre les audiences dans les meilleurs délais, si possible mercredi, et d'y assister en personne.

Bien à vous,

Jennifer Naouri

De : Trial Chamber VI Communications <[REDACTED]>

Envoyé : lundi 20 mai 2024 14:36

À : 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]

[REDACTED] Decisions Communication; Trial Chamber VI Communications
Objet : 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]>

C [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]
 c [REDACTED]
 Sent: Monday, May 20, 2024 10:44 AM
 To: Associate Legal Officer-Court Officer <[REDACTED]>
 [REDACTED] > Office of the Director DJSS
 [REDACTED] > Dubuisson, Marc
 <[REDACTED]> Tjonk, Harry [REDACTED]
 [REDACTED]
 Cc: [REDACTED] Trial Chamber VI
 Communications [REDACTED]
 [REDACTED]: [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]>
[REDACTED]
Sent: Sunday, May 19, 2024 6:54 PM
To: OTP CAR IIA Communications [REDACTED]
[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]
[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)

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