

Initial Appearance

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Pre-Trial Chamber II
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Single Judge Rosario Salvatore Aitala
6 Initial Appearance - Courtroom 1
7 Thursday, 28 January 2021
8 (The hearing starts in open session at 10.04 a.m.)
9 THE COURT USHER: [10:04:26] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 SINGLE JUDGE AITALA: [10:05:00] Good morning, everyone.
13 The hearing for the initial appearance of Mr Said is now open.
14 I would like to welcome everyone inside and outside the courtroom.
15 Before we resort to the subject matter of the initial appearance, I recall that
16 the Chamber has authorised video recording and taking of photographs, and then I
17 kindly ask the court officer to usher photographers and cameramen, if any, into
18 the courtroom.
19 (Pause in proceedings)
20 SINGLE JUDGE AITALA: [10:06:24] Thank you very much, we can proceed.
21 Now I would invite the parties to introduce themselves, starting with the Office of the
22 Prosecutor.
23 I need to remind everybody of the need to observe pauses before intervening and
24 speak very slowly to allow the interpreters to translate properly and
25 the communication to run smoothly.

1 Today this is particularly essential because the suspect and his counsel are connected
2 via video link. And I have been informed that only one line is shared between
3 the two Sango interpreters and the Defence counsel, so this means that they cannot
4 speak at the same time and the pauses and delays will be necessary to switch speakers
5 on the shared line. Interpretation into Sango will be consecutive. So I will make
6 sure to clearly indicate when the floor is to be given to counsel for the Defence, and
7 counsel for the Defence is kindly asked to start his intervention asking if we can hear
8 him, to make sure that everything is running smoothly.

9 This said, I will kindly ask you, Madam Prosecutor, to introduce yourself and your
10 team.

11 MS BENSOU DA: [10:07:53] Thank you, Mr President.

12 The Prosecutor is represented by Mr Eric MacDonald, senior trial lawyer; Leonie von
13 Braun, trial lawyer; Ramu Fatima Bittaye, case manager; and for myself, Fatou
14 Bensouda, Prosecutor.

15 SINGLE JUDGE AITALA: [10:08:16] Thank you very much, Madam Prosecutor.

16 I now turn to the counsel for Mr Said.

17 Counsel, you are invited to take the floor and introduce yourself and the members of
18 your team, if any.

19 MR MADOUKOU: [10:08:47](No interpretation)

20 SINGLE JUDGE AITALA: [10:08:57] Thank you, Mr Counsel.

21 Now, allow me to introduce myself and my colleagues in the Chamber. I am Rosario
22 Salvatore Aitala. I have been designated as Single Judge in this case until otherwise
23 decided by way of a decision of Pre-Trial Chamber II dated 25 January 2021. The
24 two other members of Pre-Trial Chamber II are Judge Antoine Kesia-Mbe Mindua,
25 who is the Presiding Judge, and Judge Tomoko Akane.

1 Now I would like to call on Mr Said to introduce himself. I recall that in light of the
2 measures adopted by the Host State and the Court in relation to the current
3 exceptional circumstances surrounding the COVID-19 pandemic, access to the Court's
4 premises is strictly limited. Safety and sanitary measures have been implemented in
5 relation to detainees at the Court's Detention Centre, on the advice of the Medical
6 Officer, and pursuant to Regulation 155(2) of the Regulations of the Registry, which
7 the Presidency has approved, pursuant to Regulation 96(2) of the Regulations of
8 the Court, additional temporary measures relevant to detention matters.

9 This is why Mr Said is attending the hearing via video link.

10 I would kindly ask you to wait a moment because we have an issue with
11 interpretation, so please hold on a second until the courtroom staff, the Registry staff
12 will resolve the matter.

13 So, court officer, take your time and we will be waiting.

14 THE COURT OFFICER: [10:11:12] Thank you, your Honour.

15 We are currently encountering an issue with the interpretation. It seems that the
16 French booth cannot hear properly the intervention of the parties and the Chamber in
17 the courtroom due to the overlap with the Sango interpretation that they hear mainly.
18 I'm not sure about the English interpretation.

19 I have contacted my colleagues from technical unit and they are all currently working
20 and I will inform, of course, the Chamber and the parties in due course as soon as
21 possible. Hopefully it will be fixed soon. Thank you very much and sorry for
22 the inconvenience caused.

23 SINGLE JUDGE AITALA: [10:11:47] Thank you, Madam court officer. I will be
24 waiting for a few minutes. Should the problem not be resolved, then I will
25 temporarily suspend the hearing. But I will be waiting for a few minutes. Thank

1 you.

2 (Pause in proceedings)

3 THE COURT OFFICER: [10:12:45] I'm going to ask the Sango interpreters to switch
4 off the microphone, I'm hearing him speaking, please. Thank you.

5 (Pause in proceedings)

6 SINGLE JUDGE AITALA: [10:14:10] Well, I understand that the technical matters
7 did not resolve, so I will suspend for a few minutes the hearing until it is sorted.
8 Thank you.

9 THE COURT USHER: [10:14:19] All rise.

10 (Recess taken at 10.14 a.m.)

11 (Upon resuming in open session at 12.26 p.m.)

12 THE COURT OFFICER: [12:26:17] All rise.

13 The International Criminal Court is now in session.

14 SINGLE JUDGE AITALA: [12:26:40] Good afternoon.

15 Madam court officer, would you please call the case.

16 THE COURT OFFICER: [12:26:47] Thank you, your Honour.

17 The situation in the Central African Republic II, in the case of The Prosecutor versus
18 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.

19 And we are in open session.

20 SINGLE JUDGE AITALA: [12:27:03] Thank you very much, Madam court officer.

21 Now, I've been informed that the technical matters regarding the Sango interpretation
22 cannot be solved today.

23 Mr Said has indicated that he understands and speaks Sango and has requested the
24 proceedings to be conducted in Sango.

25 The Chamber considers that in light of Article 67(1)(a), this hearing must be

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- 1 conducted in the language the suspect has indicated, which is Sango again.
- 2 Accordingly, I apologise to the suspect for having made him wait (Overlapping
- 3 speakers) and I adjourn the hearing to tomorrow morning, Friday, at 10 a.m.
- 4 The hearing is adjourned. Thank you.
- 5 THE COURT OFFICER: [12:28:14] All rise.
- 6 (The hearing ends in open session at 12.28 p.m.)