

Pursuant to TCVI instruction, dated 22 January 2024, this document has been reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21
Date: 12 January 2024

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

CONFIDENTIAL

Registry Report on the Adjustments to the Sitting Schedule

Source: Registry

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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

Ms Holo Makwaia

Counsel for Mr Said

Ms Jennifer Naouri

Mr Dov Jacobs

Legal Representatives of the Victims

Ms Sarah Pellet

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

(Participation/Reparation)

The Office of the Public Counsel for Victims

The Office of the Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

Victims Participation and Reparations Section

I. Introduction

1. Following the "Decision on Mr Said's Fitness to Stand Trial"¹ issued by Trial Chamber VI ("Chamber") on 15 December 2023, in which the Registry and the Medical Officer of the International Criminal Court's Detention Centre (respectively "MO" and "ICC") are ordered to report to the Chamber by 12 January 2024 should adjustments to the sitting schedule be required,² the Registry submits the following.

II. Procedural history

2. On 14 August 2023, the Chamber issued the "Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence".³ The Registry was, *inter alia*, ordered to file, on the case record, the report of the appointed Panel of Experts ("Panel's Report") within 15 days after having finalised the examination of Mr Said.
3. On 30 November 2023, the Registry filed, on the case record, an *ex parte* version (Registry and the Defence for Mr Said) of the Panel's Report.⁴
4. On 11 December 2023, the Office of the Prosecutor, Defence for Mr Said and Common Legal Representative of Victims respectively, submitted their observations on the Panel's Report.⁵

¹ Trial Chamber VI, "Decision on Mr Said's Fitness to Stand Trial" ("Decision on Mr Said's Fitness to Stand Trial"), 15 December 2023, ICC-01/14-01/21-667-Conf.

² *Ibid.*, para. 45.

³ Trial Chamber VI, "Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence", 14 August 2023, ICC-01/14-01/21-630-SECRET-Exp.

⁴ Registry, "Registry Transmission of the Panel of Experts' Report", 30 November 2023, ICC-01/14-01/21-654-SECRET-Exp-AnxII. A Secret redacted version was filed on 4 December 2023 (ICC-01/14-01/21-660-SECRET-Anx).

⁵ Office of the Prosecutor, "Prosecution's Submissions regarding the Panel of Experts' Report concerning the Accused's fitness to stand trial", 11 December 2023, ICC-01/14-01/21-664-SECRET; Defence for Mr Said, "Observations de la Défense portant sur l'inaptitude actuelle de Monsieur Said à être jugé, le rapport des experts ICC-01/14-01/21-660-SECRET-Anx et demande de surseoir à statuer sur l'aptitude future de Monsieur Said en l'absence des éléments utiles pour se prononcer tant sur l'aptitude que sur le besoin d'aménagements.", 11 December 2023, ICC-01/14-01/21-665-SECRET; Common Legal Representative of Victims, "Victims'

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5. On 15 December 2023, the Chamber found Mr Said fit to stand trial, gave notice that it intended to resume hearings on 29 January 2024, and ordered, *inter alia*, the Registry and the MO to report to the Chamber by 12 January 2024, should adjustments to the sitting schedule be required.⁶

III. Classification

6. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court ("RoC"), the present submission is classified as confidential, since it follows the classification of the Chamber's decision.⁷

IV. Applicable law

7. For the purpose of the present submission, the Registry has considered regulations 103 of the RoC and regulations 155 and 156 of the Regulations of the Registry ("RoR").

V. Submissions

8. As order by the Chamber,⁸ the Registry hereby reports on the MO's medical advice, according to Mr Said's treatment and recovery plan, on adjustments to the sitting schedule.
9. The MO recalls that on 21 November 2023, Mr Said returned to the ICC Detention Centre following a long period of recovery, after a surgery with post-surgical complications. Although Mr Said's recovery is going well, the MO notes there are still a few points of interest that, in his opinion, would justify the following modalities regarding Mr Said's presence in Court:

Observations on the Panel of Experts' Report (ICC-01/14-01/21-660-SECRET-Anx)", 11 December 2023, ICC-01/14-01/21-666-SECRET.

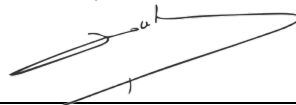
⁶ Trial Chamber VI, Decision on Mr Said's Fitness to Stand Trial, paras. 44, 45 and 48.

⁷ Trial Chamber VI, Decision on Mr Said's Fitness to Stand Trial.

⁸ *Ibid.*, para. 45.

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- a. Maximum four days a week in Court, preferably Monday, Tuesday, Thursday and Friday with the Wednesday as a day of rest and restoration.
 - b. Only half days in Court, preferably in the morning.
 - c. Maximum two Court sessions of maximum 90 minutes with 30-minute break in which Mr. Said is able to lie down.
 - d. Evaluation after two weeks of Court and if necessary, adjustments to the advised modalities.
10. The MO proposes the above adjustments for the initial period of two weeks of Court hearings, as indicated by the Chamber. The MO would thereafter provide a further update on adjustments to his advice.
11. The Registry notes that Mr Said has rehabilitative medical appointments, which can be fit around the Court schedule during those two weeks. Further evaluations regarding the necessity and frequency of those appointments will be ongoing throughout the recovery process and will be updated in the next medical advice.
12. As regards the specific medical reasons underlying the MO's advice, they are explained in a medical report of the MO, to which Mr Said has given his consent, and which will be transferred directly to the Chamber, following the usual procedure under regulations 155 and 156 of the RoR.



Marc Dubuisson, Director Division of Judicial Services
on behalf of Mr Osvaldo Zavala Giler, Registrar

Dated this 12 January 2024

At The Hague, the Netherlands