

Pursuant to Trial Chamber VI's order ICC-01/14-01/21-761, dated 15 May 2024, this document is reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 May 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

Second 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

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Ms Holo Makwaia

Counsel for Mr Said

Ms Jennifer Naouri
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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**

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I. Introduction

1. On 25 April 2024, Trial Chamber VI ("Chamber") instructed the Medical Officer of the International Criminal Court's Detention Centre ("MO") to report to the Chamber by 13 May 2024 should adjustments to the sitting schedule be required,¹ pursuant to which the Registry submits the following.

II. Procedural history

2. 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.²
3. On 12 January 2024, the Registry reported the advice of the MO on the modalities regarding Mr Said's presence in Court which were, *inter alia*, a maximum four days a week in Court, only half day in Court, preferably in the morning, and a maximum of two Court sessions of maximum 90 minutes with 30-minute break in.³
4. On 25 April 2024, the Chamber instructed the MO "to prepare a fresh, objective, and fully motivated report on Mr Said's ability to participate in the upcoming hearings as currently scheduled [...]. Specifically, the Chamber wishes to be advised as to whether sitting for a full week of hearings (5 days with three sessions) would pose serious medical issues for Mr Said".⁴ The Chamber further instructed the MO to provide the report no later than 13 May 2024.⁵

¹ Email from the Trial Chamber VI to the Registry on 25 April 2024 at 11:18.

² Trial Chamber VI, Decision on Mr Said's Fitness to Stand Trial, paras. 44, 45 and 48.

³ Registry, "Registry Report on the Adjustments to the Sitting Schedule", 12 January 2024, ICC-01/14-01/21-669, para.9.

⁴ Email from the Trial Chamber VI to the Registry on 25 April 2024 at 11:18.

⁵ Email from the Trial Chamber VI to the Registry on 25 April 2024 at 11:18.

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III. Classification

5. 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 previous Chambers' decision.⁶

IV. Applicable law

6. 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

7. As ordered by the Chamber,⁷ the Registry hereby transmits the MO's medical advice on the basis of Mr Said's treatment and recovery plan, and, on that basis, his proposed adjustments to the sitting schedule.

8. Having taken into consideration Mr Said's treatment and recovery plan, and further to the Chamber's instruction,⁸ the MO advises the following modalities regarding Mr Said's presence in court:

- a. Maximum five days a week in court;
- b. Only 2 court sessions per day, both in the morning; and
- c. As previously advised,⁹ a maximum two court sessions of maximum 90 minutes each, with a 30-minute break in between these sessions, during which Mr. Said is able to lie down.

⁶ Trial Chamber VI, Decision on Mr Said's Fitness to Stand Trial.

⁷ *Ibid.*, para. 45.

⁸ See para. 4, *supra*.

⁹ Registry, "Registry Report on the Adjustments to the Sitting Schedule", 12 January 2024, ICC-01/14-01/21-669, para.9.

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9. The MO proposes the above adjustments for the time being. The above-mentioned modalities will be reviewed on a weekly basis and if any change arises, the MO will promptly advise the Chamber accordingly.

10. As regard the specific medical reasons underlying the aforementioned MO's advice, they are explained in a medical report prepared by him. Mr Said has not consented for the purpose of regulation 156 of the RoR, to provide this medical report to the Chamber.



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

Dated this 10 May 2024

At The Hague, the Netherlands