

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 August 2022**

TRIAL CHAMBER VI

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

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Public

Public Redacted Version of “Additional Information regarding P-1420”, ICC-01/14-01/21-433-Conf, dated 25 July 2022

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Victims Participation
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I. INTRODUCTION

1. The Prosecution hereby provides additional information regarding P-1420. Pursuant to regulation 28 of the Regulations of the Court (“Regulations”), Trial Chamber VI (“Chamber”) required further information regarding the statement that the Prosecution noticed that P-1420’s health condition had worsened when it met with him on 22 November 2016. In particular, the Prosecution is requested to clarify what information it had in its possession at that time and thereafter regarding the status of P-1420’s medical condition in advance of his death.¹

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(1) of the Regulations, the Prosecution files this submission confidential because it contains information regarding Prosecution evidence, in particular a Prosecution witness. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

3. In its request pursuant to rule 68(2)(c) of the Rules, the Prosecution has summarised as follows:²

P-1420 was interviewed by the Prosecution on 9-12 and 14 November 2016. P-1420 was born in 1961 and was 55 years when he gave his witness statement. At the time, P-1420 indicated that he had undergone surgery for [REDACTED] in 2014 and [REDACTED] medication every day.³ On 22 November 2016, the Prosecution met with P-1420 and noticed his health condition had worsened. P-1420 mentioned that he suffered from [REDACTED] and needed treatment. Afterwards, no further information was provided to the Prosecution. On 13 May 2017, the Prosecution was informed by a neighbour that P-1420 had passed away ten days to two weeks earlier from illness.⁴ P-3100 corroborated that his uncle P-

¹ Email by the Chamber dated 21 July 2022, 11:51.

² ICC-01/14-01/21-290-Conf, para. 41.

³ **Investigation report:** CAR-OTP-2130-6891-R01.

⁴ **Investigation report:** CAR-OTP-2130-6891-R01.

1420 died at the *Hôpital de l'Amitié* in Bangui on [REDACTED] April 2017 due to [REDACTED].⁵

4. Following the Chamber's request, the Prosecution has reviewed its records, [REDACTED], again and can indeed provide additional information on contacts by Prosecution investigators with the witness after 22 November 2016. Insofar, the Prosecution hereby clarifies that following the 22 November meeting, the Prosecution followed up with the witness on several additional occasions, but that no further aggravating information about the witness's health situation was recorded. In particular, the Prosecution was not informed of [REDACTED] issues.

5. During his interview, [REDACTED].⁶

6. On 28 November 2016, two Prosecution investigators met with P-1420 upon his own request. [REDACTED].⁷ [REDACTED]. The witness was well enough to meet in person; the investigators did not note that the health situation of the witness had further worsened; and no concerns about his condition were recorded.

7. On 14 February 2017, a Prosecution investigator recorded that P-1420 had been contacted on several occasions [REDACTED]. The entry does not mention any aggravation in the witness's medical condition.

8. While the entries do not include an additional update as to the witnesses' health condition, it is today - and was at the time - common practice of the Office of the Prosecutor [REDACTED]. Whenever a witness expresses a health issue or an investigator notices an obvious health symptom of a witness, it would be documented, as was the case for P-1420 regarding his health complaints expressed during the interview on 9-12 and 14 November 2016. Thereafter, first measures were taken and

⁵ **P-3100:** CAR-OTP-2135-2611-R01 at 2613, paras. 11-15.

⁶ [REDACTED].

⁷ **P-1420:** CAR-OTP-2040-0811 at 0820, para. 51.

the investigators monitored the situation, as was the case for P-1420 regarding the record of the meeting on 22 November 2016.

9. In light of the additional information provided herein, as described above and as detailed in its submission of 29 April 2022 (ICC-01/14-01/21-290-Conf, para. 41), the Prosecution maintains its position that P-1420's death [REDACTED] could not have been anticipated. Subsequent contacts with the witness – according to the available records – did not show further aggravation of the witness's situation.

A handwritten signature in blue ink, consisting of a stylized initial 'K' followed by a long horizontal line that ends in a small dot.

Karim A. A. Khan QC, Prosecutor

Dated this 4th day of August 2022
At The Hague, The Netherland