

ANNEX 11

Public Redacted

Version

Fwd: Re: [ICC-01/21-01/25 - Confidential] Order regarding the issues concerning the Accused's fitness to stand trial

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

From: [REDACTED]

To: Julian Nicholls [REDACTED]

CC: Associate Legal Office [REDACTED]

Trial Chamber III

Date: 05/06/2026 16:09 CEST

Subject: Re: [ICC-01/21-01/25 - Confidential] Order regarding the issues concerning the Accused's fitness to stand trial

Dear Counsel,
Dear Colleagues,

The Chamber takes note of the Prosecution's email below (dated 4 June 2026 at 13:15), stating that, in light of [REDACTED] updated availability, its position is that it is no longer necessary to engage another expert pursuant to Rule 135 of the Rules of Procedure and Evidence (the 'Rules'). The Chamber also notes that Prosecution states that it has spoken with the Defence and that both parties have agreed that further submissions are no longer necessary. Additionally, the Chamber observes that, in its email communication (dated 4 June 2026 at 14:50), the CLRVs informed the Chamber that, following the Registry's updated information and the parties' position, they also do not intend to file further submissions.

Given that the Prosecution has made its position clear, the Chamber finds that a written filing reiterating the same position is unnecessary.

For purposes of maintaining a clear and comprehensive case record, the Chamber invites the Defence to provide any additional observations, if any, by way of an email response to this communication. The Chamber will then consider the Prosecution's email communication and any observations from the Defence, as well as the joint submission made by both parties on 3 June 2026 (ICC-01/21-01/25-453), in its decision appointing an expert panel for the purpose of a medical examination pursuant to Rule 135 of the Rules.

For planning purposes, should the availability of any of the experts change, the Chamber informs the Registry that it is still expected to comply with the following instruction the Chamber issued in its order dated 2 June 2026 at 12:09:

- ORDERS the Registry to confirm the availability of the medical experts shortlisted within Annex I to filing ICC-01/21-01/25-324 (the 'Shortlisted Experts') and report to the parties, participants and the Chamber by 8 June 2026.

Kind Regards,
Trial Chamber III

On 04/06/2026 13:15 CEST Julian Nicholls [REDACTED] wrote:

Dear Trial Chamber III,
Dear Colleagues,

In light of updated information regarding [REDACTED] availability on 29 July 2026 or in the third week of August 2026, and the information that he could produce a report "within 14 days maximum" (see Registry's e-mail of 2/6/2026, sent at 12:36), it is the Prosecution's position that engaging a new expert to replace him in the rule 135 panel is no longer necessary.

The Prosecution has spoken with the Defence and we agree that given this updated information regarding [REDACTED] availability submissions by the Prosecution and Defence on 10 June are no longer necessary.

The Prosecution will submit the above position in a filing, should this be required by the Chamber.

Thank you,

Best regards,
Julian Nicholls

On 02/06/2026 12:09 CEST [REDACTED] wrote:

Dear Counsel,
Dear colleagues,

With regard to the issues concerning the Accused's fitness to stand trial, noting the availability of the three Court-appointed medical experts as reported on 29 May 2026 by the Registry to the Chamber pursuant to the Chamber's oral order on 27 May 2026 (Transcript of the First Status Conference, page. 46), the Chamber hereby:

ORDERS the Registry to either reclassify as confidential or file a confidential redacted version of filing ICC-01/21-01/25-324 and its annexes I and II, by 3 June 2026;

ORDERS the Registry to confirm the availability of the medical experts shortlisted within Annex I to filing ICC-01/21-01/25-324 (the 'Shortlisted Experts') and report to the parties, participants and the Chamber by 8 June 2026; and

ORDERS the parties and participants to submit any observations by 10 June 2026.

Thank you and kind regards,
Trial Chamber III