

Pursuant to Trial Chamber VI's decision ICC-01/14-01/21-667-Red, dated 15 December 2023, this document is reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **24 August 2023**

Date of SECRET Redacted Version: **29 August 2023**

Date of corrigendum: **5 September 2023**

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

**Corrected version of
SECRET redacted version of**

**Decision Concerning Access of Experts to Mr Said's Medical Records, 29 August
2023, ICC-01/14-01/21-634-SECRET-Red**

Decision 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 the Defence

Ms Jennifer Naouri
Mr Dov Jacobs

Legal Representatives of Victims

Ms Sarah Pellet

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**The Office of Public Counsel
for Victims**

**The Office of Public Counsel
for the Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Mr Harry Tjonk

**Victims Participation and
Reparations Section**

Other

Dr Michel Haddad
Dr Robertus Franciscus Maria Bevers

TRIAL CHAMBER VI of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64(2) and 67(1) of the Rome Statute (the ‘Statute’), rule 135 of the Rules of Procedure and Evidence (the ‘Rules’), regulation 92 of the Regulations of the Court and regulations 156 and 189 of the Regulations of the Registry, issues this ‘Decision Concerning Access of Experts to Mr Said’s Medical Records’.

I. PROCEDURAL HISTORY

1. On 14 August 2023, the Chamber appointed a panel of experts (the ‘Panel’) to examine Mr Said for the purposes of rule 135 of the Rules (the ‘Decision Appointing Experts’).¹ In the Decision Appointing Experts, the Chamber ordered, *inter alia*, the Defence to seek Mr Said’s consent for the disclosure of his medical record, detention record and reports by the Medical Officer to the Panel no later than 21 August 2023.

2. On 21 August 2023, the Defence notified Mr Said’s qualified consent to disclosure of the abovementioned information to the Panel.² In relation to the medical record, Mr Said limited his consent to items which he himself had received.³ The Defence further annexed a letter from Mr Said to the Registry [REDACTED].⁴

II. ANALYSIS

3. The Chamber has taken note of Mr Said’s qualified consent. It understands from this that he wishes [REDACTED] and that he has no principled objection to the disclosure of information to the Panel for the purposes of facilitating its examination.

¹ 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. A public redacted version was filed on 24 August 2023.

² Notification par la Défense du consentement écrit de Monsieur Mahamat Said Abdel Kani à la communication des dossiers médicaux de l’hôpital civil et de la détention dont il dispose aux docteurs Michel Haddad et Robertus Franciscus Maria Bevers et information à la Chambre sur les éléments médicaux communiqués à Monsieur Said à ce jour et ceux non communiqués, 21 August 2023, ICC-01/14-01/21-632-SECRET-exp (‘Mr Said’s Consent’).

³ Consentement écrit de Monsieur Said en date du 17 août 2023 en application de la décision de la Chambre du 14 août 2023 (ICC-01/14-01/21-630-SECRET-Exp), 21 August 2023, ICC-01/14-01/21-632-SECRET-Exp-AnxA.

⁴ Lettre de Monsieur Said du 17 août 2023 adressée au Greffier, au Directeur du centre de détention et au médecin du quartier pénitentiaire et son annexe, 21 August 2023, ICC-01/14-01/21-632-SECRET-Exp-AnxB.

Accordingly, the Chamber instructs the Registry to provide all currently available medical information to the Panel.

4. Should the Panel require further information, it must inform the Registry accordingly. The Registry must then liaise with [REDACTION] in order to seek to obtain the information.

5. In respect of Mr Said's requests to the Registry for additional information, the Chamber encourages the Registry to continue to engage cooperatively with Mr Said on this matter.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the Registry to provide the Panel with all currently available information relating to Mr Said's medical condition; and

INSTRUCTS the Registry to assist the panel of experts in obtaining additional information, as outlined in paragraph 4 above.

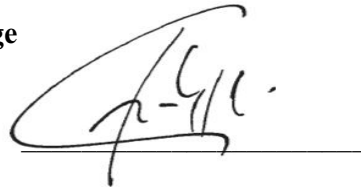
Done in both English and French, the English version being authoritative.



Judge Miatta Maria Samba
Presiding Judge



Judge María del Socorro Flores Liera



Judge Sergio Gerardo Ugalde Godínez

Dated 24 August 2023

At The Hague, The Netherlands