



**Original: English**

**No.: ICC-01/14-01/21  
Date: 3 March 2022**

**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***

**Public Redacted Version of  
Decision on the Defence Application for Interim Release of Mahamat Said Abdel  
Kani and Contact Restrictions**

**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  
Mr Eric MacDonald

**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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

Mr Harry Tjonk

**Victims Participation and  
Reparations Section**

**Other**

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**TRIAL CHAMBER VI** of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to Articles 21, 58, 60, 64 and 68 of the Rome Statute (the ‘Statute’), Regulations 99, 100 and 101 of the Regulations of the Court (the ‘Regulations’) and Regulations 173, 174 and 175 of the Regulations of the Registry, issues this ‘Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions’.

## **I. PROCEDURAL HISTORY**

1. On 7 January 2019, Pre-Trial Chamber II (the ‘Pre-Trial Chamber’) issued the ‘Warrant of arrest for Mr Mahamat Said Abdel Kani’.<sup>1</sup>
2. On 20 January 2021, Mr Said was arrested by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (the ‘CAR’).<sup>2</sup>
3. On 22 January 2021, in response to the Prosecution’s request,<sup>3</sup> the Pre-Trial Chamber ordered the Registry to provisionally apply a number of restrictions to Mr Said’s contacts and separate Mr Said from Messrs Yekatom and Ngaïssona upon the former’s arrival at the Court’s Detention Centre.<sup>4</sup>
4. On 24 January 2021, Mr Said was surrendered to the Court. He arrived at the Court’s Detention Centre on 25 January 2021.<sup>5</sup>
5. On 3 February 2021, the Pre-Trial Chamber issued the ‘Decision on the Prosecution’s Request for Contact Restrictions concerning Mahamat Said Abdel Kani

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<sup>1</sup> Pre-Trial Chamber II, [Warrant of Arrest for Mahamat Said Abdel Kani](#), ICC-01/14-01/21-2-US-Exp. A public redacted version was filed on 17 February 2021, ICC-01/14-01/21-2-Red2.

<sup>2</sup> ICC-01/14-01/21-6-US-Exp. A confidential redacted version of the Request was filed on 19 February 2021, ICC-01/14-01/21-6-Conf-Exp-Red. A corrected version of the confidential redacted version was filed on 24 May 2021, ICC-01/14-01/21-10-Conf-Red2-Corr.

<sup>3</sup> ‘Confidential Redacted Version of “Prosecution’s Request for Contact Restrictions concerning Mahamat Said Abdel Kani in Pre-trial Detention”, ICC-01/14-133-US-Exp, dated 22 January 2021’, 2 February 2021, ICC-01/14-133-Conf-Red.

<sup>4</sup> Confidential Annex A to Pre-Trial Chamber II ‘Decision on the ‘Requête urgente de la Défense’ (ICC-01/14-01/21-26-Conf)’, 2 March 2021, ICC-01/14-01/21-28-Conf-AnxA.

<sup>5</sup> Registry, ‘Redacted Version of the ‘Report of the Registry on the Arrest and Surrender of Mr Mahamat Said Abdel Kani and Request for Guidance’, 27 January 2021, ICC-01/14-01/21-6-US-Exp (first confidential redacted ex parte version notified on 19 February 2021 (ICC-01/14-01/21-6-Conf-Exp-Red); second confidential redacted ex parte version notified on 18 March 2021 (ICC-01/14-01/21-6-Conf-Exp-Red2)).

in Pre-Trial Detention’ imposing a number of restrictions in relation to Mr Said’s contacts for a period of one month (the ‘First Contact Restrictions Decision’).<sup>6</sup>

6. Upon various further requests of the Prosecution,<sup>7</sup> the Pre-Trial Chamber extended the contact restrictions on 5 March 2021 (the ‘Second Contact Restrictions Decision’),<sup>8</sup> 5 May 2021 (the ‘Third Contact Restrictions Decision’),<sup>9</sup> 5 July 2021 (the ‘Fourth Contact Restrictions Decision’),<sup>10</sup> and 3 September 2021 (the ‘Fifth Contact Restrictions Decision’).<sup>11</sup>

7. The Defence requested leave to appeal the Second, Third and Fourth Contact Restrictions Decisions on 15 March 2021,<sup>12</sup> 11 May 2021<sup>13</sup> and 12 July 2021<sup>14</sup>

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<sup>6</sup> ICC-01/14-01/21-9-US-Exp, paras 20-26. A confidential redacted version was filed on 3 February 2021, ICC-01/14-01/21-9-Conf-Red.

<sup>7</sup> See Prosecution’s Request for Extension of Contact Restrictions, 22 February 2021, ICC-01/14-01/21-22-Conf; Prosecution’s Second Request for the Extension of Contact Restrictions, 26 April 2021, ICC-01/14-01/21-61-Conf-Exp (the ‘Prosecution’s Second Request’); Prosecution’s Third Request for the Extension of Contact Restrictions, 25 June 2021, ICC-01/14-01/21-108-Conf-Exp (a confidential redacted version was filed on the same date, ICC-01/14-01/21-108-Conf-Red); Prosecution’s Fourth Request for the Extension of Contact Restrictions, 23 August 2021, ICC-01/14-01/21-148-Conf; *see also* Réponse de la Défense à la « Prosecution’s Request for Extension of Contact Restrictions » (ICC-01/14-01/21-22-conf), déposée le 22 février 2021’, 5 March 2021, ICC-01/14-01/21-29-Conf; Réponse de la Défense à la « Prosecution’s Second Request for the Extension of Contact Restrictions », 29 April 2021, ICC-01/14-01/21-65-Conf; ‘Réponse de la Défense à la « Prosecution’s Third Request for the Extension of Contact Restrictions » dated 25 June 2021 » (ICC-01/14-01/21-108-Conf-Red)’, 30 June 2021, ICC-01/14-01/21-113-Conf.

<sup>8</sup> Pre-Trial Chamber II, Decision on the ‘Prosecutions Request for Extension of Contact Restrictions’, 5 March 2021 ICC-01/14-01/21-31-Conf. The Pre-Trial Chamber also modified some of the contact restrictions in place, *see* para 34.

<sup>9</sup> Pre-Trial Chamber II, ‘Decision on the “Prosecution’s Second Request for the Extension of Contact Restrictions”’, 5 May 2021, ICC-01/14-01/21-69-Conf. The Pre-Trial Chamber also modified some of the contact restrictions in place, *see* para 33.

<sup>10</sup> Pre-Trial Chamber II, ‘Decision on the Prosecution’s third request for extension of contact restrictions’, 5 July 2021, ICC-01/14-01/21-116-Conf. The Pre-Trial Chamber also modified some of the contact restrictions in place, *see* paras 33, 35.

<sup>11</sup> Pre-Trial Chamber II, ‘Decision on the Prosecution’s fourth request for extension of contact restrictions’ 3 September 2021, ICC-01/14-01/21-159-Conf.

<sup>12</sup> Demande d’autorisation d’interjeter appel de la « Decision on the ‘Prosecution’s Request for Extension of Contact Restrictions » » (ICC-01/14-01/21-31-Conf)’, 15 March 2021, ICC-01/14-01/21-39-Conf ; *see also* Prosecution response to Demande d’autorisation d’interjeter appel de la Decision on the ‘Prosecution’s Request for Extension of Contact Restrictions, 19 March 2021, ICC-01/14-01/21-44-Conf.

<sup>13</sup> Demande d’autorisation d’interjeter appel de la « Decision on the Prosecution’s Second Request for the Extension of Contact Restrictions » (ICC-01/14-01/21-69), 11 May 2021, ICC-01/14-01/21-75-Conf; *see also* Prosecution response to “Demande d’autorisation d’interjeter appel de la “Decision on the Prosecution’s Second Request for the Extension of Contact Restrictions” (ICC-01/14-01/21-69)”, 17 May 2021, ICC-01/14-01/21-76-Conf;

<sup>14</sup> ‘Demande d’interjeter appel de la « Decision on the Prosecution’s third request for the extension of contact restrictions » (ICC-01/14-01/21-116-Conf), 12 July 2021, ICC-01/14-01/21-120-Conf; *see also*, Prosecution response to “Demande d’interjeter appel de la “Decision on the Prosecution’s third request

respectively. The Pre-Trial Chamber partially granted the Defence’s request to appeal the Second Contact Restrictions Decision on 12 April 2021,<sup>15</sup> rejecting the requests to appeal the Third and Fourth Contact Restrictions Decisions on 29 July 2021.<sup>16</sup>

8. On 29 June 2021, the Appeals Chamber confirmed the Second Contact Restrictions Decision noting that decisions authorising contact restrictions must sufficiently state the reasons upon which the Chamber based its decision’ and emphasised that ‘[a]ny interference with the rights of the detained person must be justified, the competing interests having been carefully balanced, and must be proportionately tailored to mitigate the risks or harms in regulation 101(2) of the Regulation.’<sup>17</sup>

9. On 9 December 2021, the Pre-Trial Chamber issued its ‘Decision on the confirmation of charges against Mahamat Said Abdel Kani’ (the ‘Confirmation Decision’), in which it partially confirmed the charges brought by the Prosecution against Mr Said.<sup>18</sup>

10. On 14 December 2021, the Presidency issued the ‘Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Mahamat Said Abdel Kani*’.<sup>19</sup>

11. On 11 January 2022, Trial Chamber VI (the ‘Chamber’) notified the parties and participants by email that, pursuant to Rule 118(3) of the Rules of Procedure and Evidence (the ‘Rules’), it would convene the annual review of Mr Said’s detention on 28 January 2022.<sup>20</sup>

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for the extension of contact restrictions” (ICC-01/14-01/21-116)”, 16 July 2021, ICC-01/14-01/21-126-Conf.

<sup>15</sup> See Pre-Trial Chamber II, ‘Decision on the Defence Request for Leave to Appeal the ‘Decision on the “Prosecution’s Request for Extension of Contact Restrictions”’, 12 April 2021, ICC-01/14-01/21-53-Conf.

<sup>16</sup> Pre-Trial Chamber II, Decision on the Defence’s requests for leave to appeal the Third and Fourth Contact Restrictions Decisions, 29 July 2021, ICC-01/14-01/21-133-Conf.

<sup>17</sup> Appeals Chamber, ‘Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II entitled “Decision on the “Prosecution’s Request for Extension of Contact Restrictions”’, 29 June 2021, ICC-01/14-01/21-111-Conf-Red, para. 49.

<sup>18</sup> Pre-Trial Chamber II, [Decision on the confirmation of charges against Mahamat Said Abdel Kani](#), 9 December 2021, ICC-01/14-01/21-218-Red.

<sup>19</sup> Presidency, [Decision constituting Trial Chamber VI and referring to it the case of \*The Prosecutor v. Mahamat Said Abdel Kani\*](#), 14 December 2021, ICC-01/14-01/21-220.

<sup>20</sup> Email from the Chamber, at 17:15 hours.

12. On 24 January 2022, the Registry filed the ‘Registry Report on the Implementation of the Restrictions on Contact Ordered by Trial Chamber VI’ (the ‘Registry Report’).<sup>21</sup>

13. On 25 January 2022, the Defence filed a ‘Demande de mise en liberté provisoire de Mahamat Said Abdel Kani’ (the ‘Defence Request’).<sup>22</sup>

14. At a hearing on 28 January 2022, the Prosecution presented its arguments on the Defence Request for interim release and the contact restrictions.<sup>23</sup>

15. On 4 February 2022, the Prosecution, in response to the Chamber’s invitation,<sup>24</sup> filed the ‘Prosecution’s additional submissions related to the detention and contact restrictions of Mahamat Said Abdel Kani’ (the ‘Prosecution’s Additional Submissions’).<sup>25</sup>

16. On 11 February 2022, the Defence filed its response to the Prosecution’s Additional Submissions (the ‘Defence Response’).<sup>26</sup>

## II. APPLICABLE LAW

### A. Legal Framework Applicable to Continued Detention

17. Pursuant to Article 60(2) of the Statute, a person subject to a warrant of arrest may apply for interim release pending trial. If the Chamber is satisfied that the conditions set forth in Article 58(1) of the Statute remain fulfilled, the person shall continue to be detained; if not, the Chamber shall release the person with or without conditions.<sup>27</sup>

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<sup>21</sup> ICC-01/14-01/21-232-Conf.

<sup>22</sup> [Demande de mise en liberté provisoire de Mahamat Said Abdel Kani](#), ICC-01/14-01/21-233-Conf. A public redacted version was filed on 27 January 2022, ICC-01/14-01/21-233-Red.

<sup>23</sup> Transcript of hearing, 28 January 2022, ICC-01/14-01/21-T-007-CONF-ENG, pp. 62-72.

<sup>24</sup> Transcript of hearing, 28 January 2022, ICC-01/14-01/21-T-007-CONF-ENG, p. 78, lines 12-17.

<sup>25</sup> ICC-01/14-01/21-236-Conf. A public redacted version was filed on the same date, [ICC-01/14-01/21-236-Red](#).

<sup>26</sup> [Réponse de la Défense à la demande de maintien en détention de Monsieur Said et en maintien des mesures de restrictions aux communications de Monsieur Said formulée à l’oral lors de l’audience du 28 janvier 2022 \(ICC-01/14-01/21-T-007-CONF-FRA ET\) et dans les "additional submissions related to the detention and contact restrictions of Mahamat Said Abdel Kani" \(ICC-01/14-01/21-236-Conf\) déposées le 4 février 2022](#), ICC-01/14-01/21-239-Conf-Exp . A public redacted version was filed on the same date, ICC-01/14-01/21-239-Red2.

<sup>27</sup> Article 60(2) of the Statute.

18. A Chamber must be satisfied that there are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court and that the continued detention of the person remains necessary: (i) to ensure the person's appearance at trial; (ii) to ensure that the person does not obstruct or endanger the investigation or the court proceedings; or (iii) where applicable, to prevent the person from continuing with the commission of that crime or a related crime which is within the Court's jurisdiction and which arises out of the same circumstances.<sup>28</sup>

19. The Chamber notes that the Appeals Chamber has held that, in reaching a decision pursuant to Article 60(2) of the Statute, a chamber has to inquire anew into the existence of facts justifying detention, which involves determining whether the Article 58(1) conditions are met.<sup>29</sup>

## **B. Legal Framework Applicable to Contact Restrictions**

20. Under the Court's legal framework, any request to impose or extend contact restrictions must be assessed on the basis of concrete, specific and up-to-date information.<sup>30</sup> It is noted that a detained person is entitled, *inter alia*, to 'receive correspondence, mail and packages', 'communicate by letter or telephone with his or her family and other persons' and 'receive visits'.<sup>31</sup> Additionally, the Chamber observes that the accused's right to privacy and family life is implicitly recognised under the

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<sup>28</sup> Article 58(1) of the Statute.

<sup>29</sup> Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo et al.*, [Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber II of 23 January 2015 entitled "Decision on 'Mr Bemba's Request for provisional release'"](#), 29 May 2015, ICC-01/05-01/13-970 (OA10), para. 24; Appeals Chamber, *The Prosecutor v. Laurent Koudou Gbagbo*, [Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled "Decision on the 'Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo'"](#), 26 October 2012, ICC-02/11-01/11-278-Red (OA), para. 23; Appeals Chamber, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, [Judgment In the Appeal by Mathieu Ngudjolo Chui of 27 March 2008 against the Decision of Pre-Trial Chamber I on the Application of the Appellant for Interim Release](#), 9 June 2008, ICC-01/04-01/07-572 (OA4), para. 10. *See also* Trial Chamber V, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Public redacted version of Decision on the Yekatom Defence Application for Interim Release](#), 24 July 2020, ICC-01/14-01/18-495-Red3, para. 19.

<sup>30</sup> *See e.g.* Second Contact Restrictions Decision, ICC-01/14-01/21-31-Conf, para. 30.

<sup>31</sup> Regulations 99(1)(h)-(i) and 100(1) of the Regulations. *See also* Trial Chamber V, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Public redacted version of Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention](#), 16 February 2021, ICC-01/14-01/18-484-Red2 (the '*Yekatom and Ngaïssona* Decision'), para. 16; *The Prosecutor v. Bosco Ntaganda*, [Public redacted version of Decision on Prosecution requests to impose restrictions on Mr Ntaganda's contacts](#), 18 August 2015, ICC-01/04-02/06-785-Red (the '*Ntaganda* Decision'), para. 39.

Court's statutory framework.<sup>32</sup> It is also recalled that the right to privacy and family life is an internationally recognised human right.<sup>33</sup> Whilst detention inherently entails a limitation of the detainee's private and family life,<sup>34</sup> international and regional human rights bodies emphasise the importance of a detainee's contact with the outside world.<sup>35</sup> For example, the European Court of Human Rights (the 'ECtHR') deems it 'an essential part of a [detainee's] right to respect for family life that the authorities enable him or, if need be, assist him in maintaining contact with his close family'.<sup>36</sup> Pursuant to Article 21(3) of the Statute, internationally recognised human rights also guide a chamber's interpretation of the Court's legal framework.<sup>37</sup>

21. The foregoing entitlements of the accused, however, are not absolute and may be limited subject to any restrictions necessary 'in the interests of the administration of

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<sup>32</sup> See e.g. Regulation 99(1)(i) of the Regulations; Regulations 179(1) and 186(2)(h) of the Regulations of the Registry. See also [Yekatom and Ngaïssona Decision](#), para. 16.

<sup>33</sup> See e.g. Article 17 of the International Covenant on Civil and Political Rights; Article 8 of the European Convention on Human Rights; Article 11 of the American Convention on Human Rights; Principle 5 of the Basic Principles for the Treatment of Prisoners. See also [Yekatom and Ngaïssona Decision](#), para. 16.

<sup>34</sup> European Court of Human Rights ('ECtHR'), *Piechowicz v. Poland*, Application no. 20071/07, 17 April 2012, para. 220; ECtHR, *Kučera v. Slovakia*, Application no. 48666/99, 17 July 2007, para. 127; Inter-American Commission for Human Rights, *Oscar Elías Biscet et al v. Cuba*, Report no. 67/06, case 12.476, 21 October 2006, para. 237. See also UN Human Rights Committee, General Comment 21, Article 10, 10 April 1992, UN Doc. HRI/GEN/1/Rev.1, para. 3.

<sup>35</sup> See e.g. ECtHR, *Khoroshenko v. Russia*, Application no. 41418/04, 30 June 2015, para. 106; Inter-American Commission for Human Rights, *Oscar Elías Biscet et al v. Cuba*, Report no. 67/06, case 12.476, 21 October 2006, para. 237; UN Economic and Social Council, Report of the Special Rapporteur on the question of torture, Theo Van Boven, on his visit to Spain (5-10 October 2003), 6 February 2004, UN Doc. E/CN.4/2004/56/Add.2, para. 51; UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mission to Kazakhstan, Manfred Nowak, 16 December 2009, UN Doc. A/HRC/13/39/Add.3, para. 82(c); Subcommittee on Prevention of Torture, Report on the Visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Maldives, 26 February 2009, UN Doc CAT/OP/MDV/1, para 225; Office of the United Nations High Commissioner for Human Rights, Manual on Human Rights Training for Prison Officials, 2005, pp. 115-117.

<sup>36</sup> ECtHR, *Khoroshenko v. Russia*, Application no. 41418/04, 30 June 2015, para. 106. See also ECtHR, *Messina v. Italy* (no. 2), Application no. 25498/94, 28 September 2000, para. 61; ECtHR, *Lavents v. Latvia*, Application no. 58442/00, 28 November 2002, para. 139; ECtHR, *Estrikh v. Latvia*, Application no. 73819/01, 18 January 2007, para. 166; ECtHR, *Nazarenko v. Latvia*, Application no. 76843/01, 1 February 2007, para. 73; ECtHR, *Trosin v. Ukraine*, Application no. 39758/05, 23 February 2012, para. 39; ECtHR, *Epnens-Gefners v. Latvia*, Application no. 37862/02, 29 May 2012, para. 61.

<sup>37</sup> See e.g. Appeals Chamber, *The Prosecutor v. Mahamat Said Abdel Kani*, Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II entitled 'Decision on the "Prosecution's Request for Extension of Contact Restrictions"', 29 June 2021, ICC-01/14-01/21-111-Conf-Red, para. 42; [Yekatom and Ngaïssona Decision](#), para. 16; [Ntaganda Decision](#), para. 42; Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment on the Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Challenge to the Jurisdiction of the Court pursuant to article 19 \(2\) \(a\) of the Statute of 3 October 2006](#), 14 December 2006, ICC-01/04-01/06-772 (OA4), paras 36-37.

justice or for the maintenance of the security and good order of the detention centre' as set out in the Regulations of the Registry, pursuant to Regulation 99(2) and 100(3) of the Regulations.<sup>38</sup> Further, pursuant to Regulation 101(2) of the Regulations, restrictions may be placed on the detained person's contacts where there are reasonable grounds to believe that such contact could be misused to evade or obstruct justice.

22. The Chamber also observes that both Articles 64(2) and 68(1) of the Statute require the Chamber to balance the accused's rights with ensuring the well-being of witnesses and victims, and its objective to ensure that the trial is conducted fairly and expeditiously.<sup>39</sup> Additionally, the restrictions imposed must be the least restrictive possible to the detained person's rights.<sup>40</sup>

23. The qualified nature of the right to private and family life in the context of detention is also reflected in international human rights law. The ECtHR, for example, has recognised that in cases involving high-security prison regimes where the detained person is charged with 'a serious offence representing a considerable social danger', the application of certain contact restrictions can be justified 'by the prison security needs or the danger that a detainee would communicate with criminal organisations through the family channels'.<sup>41</sup> However, the extended application of such restrictions requires 'a genuine and continuing danger of that kind'.<sup>42</sup> Indeed, it is recognised by international human rights bodies that a restriction must be carefully reviewed,<sup>43</sup> having regard to the passage of time, the stringency of the measure, as well as the general

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<sup>38</sup> See also Chapter 5 of the Regulations of the Registry which details further specific regulations regarding detention matters, including in respect to correspondence, telephone communications and visits.

<sup>39</sup> See also [Yekatom and Ngaïssona Decision](#), para. 17; Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Public redacted Judgment on Mr Bosco Ntaganda's appeal against the decision reviewing restrictions on contacts of 7 September 2016](#), 8 March 2017, ICC-01/04-02/06-1817-Red (the 'Ntaganda Appeals Decision'), paras 44, 72 and 102; Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Public redacted version of Decision on Mr Al Hassan's restrictions and accesses while in detention](#), 21 January 2020, ICC-01/12-01/18-557-Red3 (the 'Al Hassan Decision'), para. 10.

<sup>40</sup> See also [Al Hassan Decision](#), para. 10.

<sup>41</sup> ECtHR, *Horych v. Poland*, Application no. 13621/08, 17 April 2012, para. 129; ECtHR, *Khoroshenko v. Russia*, Application no. 41418/04, 30 June 2015, para. 125. See also ECtHR, *Messina v. Italy* (no. 2), Application no. 25498/94, 28 September 2000, para. 66.

<sup>42</sup> ECtHR, *Horych v. Poland*, Application no. 13621/08, 17 April 2012, para. 129; ECtHR, *Khoroshenko v. Russia*, Application no. 41418/04, 30 June 2015, para. 125.

<sup>43</sup> UN Human Rights Committee, Concluding observations on the fourth periodic report of Portugal, adopted by the Committee at its 106th session (15 October–2 November 2012), 23 November 2012, UN Doc. CCPR/C/PRT/CO/4, para. 6.

obligation to enable the detained person to have contact with their family during detention.<sup>44</sup>

24. Finally, the Chamber recalls that the Appeals Chamber has also previously found that the passage of time is a factor that could become more significant as more time elapses.<sup>45</sup> However, the passage of time does not necessarily mean that the risk in question no longer exists or that the relevant restrictions have become disproportionate.<sup>46</sup>

### III. ANALYSIS

#### A. Request for interim release

##### 1. Article 58(1)(a) of the Statute

25. Since the Pre-Trial Chamber has found substantial grounds to believe that Mr Said has committed the charged crimes<sup>47</sup> and as the Defence has not argued that Article 58(1)(a) of the Statute is no longer satisfied, the Chamber finds that this criterion remains fulfilled.

##### 2. Appearance at trial - Article 58(1)(b)(i) of the Statute

26. In relation to the need to continue Mr Said's detention in order to ensure his appearance at trial, the Prosecution points to the seriousness of the charges against Mr Said as confirmed by the Pre-Trial Chamber. Although Mr Said still benefits from the presumption of innocence, the Chamber agrees that the knowledge of the risk of incurring a lengthy sentence may motivate the accused to abscond if given the opportunity.<sup>48</sup> The Chamber recalls, in this regard, that it has been consistently held that the confirmation of charges increases the risk that an accused may abscond.<sup>49</sup> The

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<sup>44</sup> ECtHR, *Piechowicz v. Poland*, Application no. 20071/07, 17 April 2012, para. 220; *See also* ECtHR, *Bagiński v. Poland*, Application no. 37444/97, 11 October 2005, para. 96.

<sup>45</sup> [Ntaganda Appeals Decision](#), para. 72.

<sup>46</sup> [Ntaganda Appeals Decision](#), para. 72.

<sup>47</sup> [Confirmation Decision](#).

<sup>48</sup> Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision on the Defence request for interim release](#), 29 May 2020, ICC-01/12-01/18-786-Red, para. 58.

<sup>49</sup> *See* Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Judgment on the appeal of the Prosecutor against Pre-Trial Chamber II's "Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic"](#), 2 December 2009, ICC-01/05-01/08-631-Red (OA2), para. 70. *See also* Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, [Third Decision on Bosco Ntaganda's Interim Release](#),

Chamber sees no reason to depart from this jurisprudence. Whereas the Chamber appreciates the commitments expressed by Mr Said in the ‘Attestation’ that was appended to the Defence Response,<sup>50</sup> it is not convinced that these solemn undertakings sufficiently alleviate the risk of absconding.

27. The Prosecution alleges that Mr Said continues to hold a leadership position in the armed group, the *Front Populaire pour la Renaissance de la Centrafrique* (the ‘FPRC’), and therefore has access to a support network which could provide him with the necessary funds and other means to abscond. The Chamber, however, notes the Defence position that the Prosecution has failed to submit sufficient evidence to substantiate this claim. The Chamber has carefully considered all arguments and concludes that, although the Prosecution has not advanced any evidence showing that Mr Said has continued to enjoy a leadership role in any organisation since his arrest and surrender, there is also no indication that Mr Said has broken ranks with the FPRC or has fallen out with its current leadership, former colleagues or subordinates. It is therefore reasonable to conclude that Mr Said can still count on the support of former comrades, some of whom still occupy senior positions.<sup>51</sup>

28. The Chamber is aware of the Registry’s report of 24 January 2022, which suggests that no evidence has been found indicating that the FPRC has, so far, done anything to interfere with the current proceedings. While this may be the case, the Chamber points out that, given the circumstances, this organisation has hitherto not had occasion to assist Mr Said in any effort to abscond. However, this does not show that it would not do so if given the opportunity. Moreover, the Chamber is not only concerned about the possibility that the FPRC as an organisation might offer assistance to Mr Said, but equally that individual members may do so in their private capacity.

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17 July 2014, ICC-01/04-02/06-335, para. 34; Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, [Sixth decision on the review of Laurent Gbagbo’s detention pursuant to article 60\(3\) of the Rome Statute](#), 11 July 2014, ICC-02/11-01/11-668, para. 41; Trial Chamber II, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, [Second Review of the Decision on the Conditions of Detention of Germain Katanga](#), 12 December 2008, ICC-01/04-01/07-794-tENG, paras 9-10; Pre-Trial Chamber I, *The Prosecutor v. Thomas Lubanga Dyilo*, [Review of the “Decision on the Application for the Interim Release of Thomas Lubanga Dyilo”](#), 14 February 2007, ICC-01/04-01/06-826, p. 6.

<sup>50</sup> Annex A to Defence Request, ICC-01/14-01/21-233-Conf-AnxA (the ‘Engagements de Monsieur Said’).

<sup>51</sup> See e.g. CAR-OTP-2001-5739 at 5751-5752; CAR-OTP-2130-2018.

29. When making its analysis, the Chamber cannot ignore the current situation of insecurity and instability in the CAR. The Defence does not contest the foregoing and instead, simply argues that this should not be held against Mr Said. However, the fact that Mr Said bears no responsibility for the political and military situation in the CAR does not diminish the fact that Mr Said might take advantage of this situation to extract himself from the reach of the CAR authorities if he so wished. Indeed, the Chamber is not persuaded that the CAR authorities have the capability to: (i) continuously monitor Mr Said's whereabouts if he were released; or (ii) re-arrest and surrender him in case he refuses to comply with the Chamber's order to return to The Hague for a hearing.

30. Under these circumstances, the Chamber concludes that there is still a significant risk that Mr Said might be able to abscond if he were to be allowed to return to the CAR with or without conditions.

3. *Obstruction of investigation or proceedings – Article 58(1)(b)(ii) of the Statute*

31. In addition to relying on the abovementioned allegations about the existence of a support network for Mr Said, the Prosecution also invokes recent examples of violence by the FPRC and *la Coalition pour les Patriotes et le Changement* (the 'CPC'). In particular, the Prosecution argues that the CPC is targeting 'traitors' which would create an added risk for the Prosecution witnesses. The Chamber notes, however, that the only evidence of such targeting is provided by a single media article which recounts an incident that allegedly took place in the North-West of the CAR, several hundred kilometres removed from both Bria and Bangui.<sup>52</sup> Moreover, the incident involved a militia attacking a group of young motorbike riders who were accused of betraying the militia's positions to the CAR armed forces and Russian mercenaries. There is thus no indication that this incident had anything to do with the ICC's proceedings or the case against Mr Said. The Chamber further observes that the Prosecution has failed to show any link between Mr Said and the 3R militia involved in this incident, other than through the CPC coalition. The Chamber is thus unable to conclude that the incident

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<sup>52</sup> [Prosecution's Additional Submissions](#), para. 24, n. 60.

involving the 3R militia provides an indication that the CPC or 3R militia could be used by Mr Said to interfere with witnesses in this case.

32. The Chamber has also taken note of the Prosecution's argument that a number of witnesses have already faced security threats in the CAR,<sup>53</sup> even though the Prosecution does not claim that these incidents can be attributed to Mr Said.<sup>54</sup> Nevertheless, the Chamber notes that in two of these incidents, a person purporting to be Mr Said's lawyer tried to meet with Prosecution witnesses and apparently revealed their status as witnesses to third persons.<sup>55</sup> Although these allegations are based on uncorroborated hearsay evidence and raise a lot of questions,<sup>56</sup> the Chamber is aware of its duties and is deeply concerned by these incidents, which took place after Mr Said was surrendered to the Court. Indeed, if there are apparently individuals in the CAR who are able to make attempts to intimidate witnesses in this case with impunity, this clearly shows how fragile the security situation is for ICC witnesses residing inside the CAR.

33. The Defence argues that it would be fundamentally unjust to prolong Mr Said's detention solely on the basis of the precarious security situation of witnesses inside the CAR, because he bears no responsibility for this situation or any of the reported security incidents.<sup>57</sup> However, the Chamber cannot simply disregard the existing dire security situation because Mr Said did not create it. Moreover, it is incorrect to suggest that a person can only be detained on the basis of Article 58(1)(b)(ii) of the Statute when there are already concrete indications that the detained person has in the past made attempts to influence witnesses or has specific plans to do so in the future. The Chamber must weigh the magnitude of the overall potential risk of future obstruction of justice if the detained person were to be released with or without conditions. As part of that assessment, the Chamber must take into consideration how easy it would be for the detained person, once released, to interfere with witnesses or otherwise obstruct justice.

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<sup>53</sup> Annex A to the Prosecution's Second Request, ICC-01/14-01/21-61-Conf-Exp-AnxA; CAR-OTP-2127-9453; CAR-OTP-2130-6604; CAR-OTP-2130-8013; CAR-OTP-2127-9780.

<sup>54</sup> [Prosecution's Additional Submissions](#), para. 25.

<sup>55</sup> CAR-OTP-2127-9780, at 9784; Annex A to the Prosecution's Second Request, ICC-01/14-01/21-61-Conf-Exp-AnxA.

<sup>56</sup> For the avoidance of doubt, the Prosecution does not allege and the Chamber does not believe that the Defence of Mr Said is involved in any of these alleged incidents.

<sup>57</sup> [Defence Response](#), para. 35.

The Chamber has taken note, in this regard, of the information provided to it by the Registry indicating that the VWU considers [REDACTED].<sup>58</sup> There are thus indications that Mr Said does still have support in the CAR and that, if he were released, he would be in a favourable position to effectively interfere with ongoing investigations or the proceedings, either personally or through third persons.

34. Based on all the information available to it, the Chamber has come to the conclusion that there would be little to prevent Mr Said from harming or intimidating witnesses in this case if he were to be released to the CAR or to cause others to do so.

35. The Chamber is also of the view that, despite Mr Said's proclamations to the contrary,<sup>59</sup> he may have a strong motive to influence the Prosecution's witnesses before the start of the trial. The Chamber is mindful of the fact that the disclosure process has reached an advanced stage and that Mr Said is now in possession of a lot of confidential information, including the identities of a large number of witnesses.<sup>60</sup>

36. In light of these circumstances, the Chamber concludes that the risk of potential witness interference remains high and that the conditions of Article 58(1)(b)(ii) of the Statute continue to be fulfilled.

#### 4. *Prevention of further crimes – Article 58(1)(b)(iii) of the Statute*

37. The Prosecution claims that there is a risk that Mr Said might continue to commit Article 5 crimes if he were to be released and supports this assertion mainly with reports about crimes allegedly committed by groups with which Mr Said was allegedly affiliated in the past.

38. The Chamber is not persuaded by these arguments. First, it cannot be assumed that Mr Said, who is still presumed innocent, has any intention of committing war crimes or crimes against humanity upon his return to the CAR. Although the Chamber

<sup>58</sup> Annex to Registry Report, ICC-01/14-01/21-232-Conf-Exp-Anx.

<sup>59</sup> Engagements de Monsieur Said, ICC-01/14-01/21-233-Conf-AnxA.

<sup>60</sup> See Appeals Chamber, *The Prosecutor v. Laurent Koudou Gbagbo*, [Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled "Decision on the Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo"](#), 26 October 2012, ICC-02/11-01/11-278-Red (OA), para. 65; Pre-Trial Chamber II, *The Prosecutor vs. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, [Decision on the review of detention](#), 5 July 2021, ICC-02/05-01/20-430, para. 28; Pre-Trial Chamber II, *The Prosecutor v. Jean-Pierre Bemba Gombo et al.*, [Decision on the "Requête urgente de la Défense sollicitant la mise en liberté provisoire de monsieur Fidèle Babala Wandu"](#), 14 March 2014, ICC-01/05-01/13-258, para. 19.

has recognised and relied upon the instability and insecurity in the CAR for its analysis of Article 58(1)(b)(i) and (ii) of the Statute, it would be inappropriate to do so in this context. Indeed, it is one thing to hold that a given context may provide opportunities for an individual to evade the authorities or obstruct justice; it is quite another to suggest that someone is likely to engage in crimes under Article 5 of the Statute because of this context.

## 5. *Conclusion*

39. Based on the above considerations, the Chamber concludes that the conditions under Article 58(1)(a), (b)(i), and (b)(ii) of the Statute continue to be met. The Chamber has considered the possibility of conditional release. It has also concluded that, given the current political and security climate in the CAR, it would be futile to try to impose conditions pursuant to Rule 119 of the Rules through that State. In particular, the Chamber has taken note of reports that large parts of the CAR are controlled by armed groups<sup>61</sup> who are unlikely to comply with cooperation requests addressed to the CAR authorities. Since there was no suggestion that Mr Said could be released to a third State that would be willing and able to enforce the necessary conditions and since no other relevant information is available on this point, the Chamber is unable to consider this possibility.

40. Accordingly, Mr Said shall continue to be remanded in custody. In accordance with the Court's practice,<sup>62</sup> the Chamber will continue to review its ruling on the release or detention of Mr Said in accordance with Article 60(3) of the Statute and Rule 118(2) of the Rules.

## **B. Contact restrictions**

### *1. Restrictions in place*

41. The restrictions currently in place are as follows (the 'Current Restrictions'):

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<sup>61</sup> See e.g. France 24, '[Central African Republic declares state of emergency as rebels surround capital](#)', 21 January 2021, noting that the CAR government 'controls only about one-third' of the country. Al Jazeera, '[Rebels launch attacks on Central African Republic's capital](#)', 13 January 2021, noting that an alliance of six powerful rebel groups 'control two-thirds of the country'.

<sup>62</sup> See Trial Chamber I, *The Prosecutor vs. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, [Decision on the review of detention](#), 1 November 2021, ICC-02/05-01/20-502, para. 33.

*i. Non-privileged telephone calls:*

- Mr Said may make non-privileged telephone calls for up to four hours per week on a maximum of two days;<sup>63</sup>
- Mr Said's non-privileged telephone calls are restricted to those individuals verified by the Registry with the support of the VWU in liaison with the Prosecutor;<sup>64</sup>
- Discussions related to the present case with the individuals referred to above are prohibited, as well as the use of obscure or coded language;<sup>65</sup>
- Languages used in calls are limited to French and Sango;<sup>66</sup> and
- Such calls are actively monitored.<sup>67</sup>

*ii. Non-privileged visits:*

- Mr Said's non-privileged visits are restricted to those individuals verified by the Registry with the support of the VWU in liaison with the Prosecutor;<sup>68</sup>
- Discussions related to the present case with the individuals referred to above are prohibited during visits;<sup>69</sup>
- Languages used during visits are limited to French and Sango;<sup>70</sup> and
- Visits are audio recorded and actively monitored by a Court staff member fluent in French or Sango.<sup>71</sup>

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<sup>63</sup> Fourth Contact Restrictions Decision, ICC-01/14-01/21-116-Conf, para. 35.

<sup>64</sup> Second Contact Restrictions Decision, ICC-01/14-01/21-31-Conf, para. 34; First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 21. *See also* Second Contact Restrictions Decision, ICC-01/14-01/21-31-Conf, paras 35-36.

<sup>65</sup> First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 21.

<sup>66</sup> First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 22.

<sup>67</sup> First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 22.

<sup>68</sup> Fourth Contact Restrictions Decision, ICC-01/14-01/21-116-Conf, para. 36; First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 25. *See also* Second Contact Restrictions Decision, ICC-01/14-01/21-31-Conf, paras 35-36.

<sup>69</sup> Fourth Contact Restrictions Decision, ICC-01/14-01/21-116-Conf, para. 36; First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 25.

<sup>70</sup> Fourth Contact Restrictions Decision, ICC-01/14-01/21-116-Conf, para. 36; First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 25.

<sup>71</sup> Fourth Contact Restrictions Decision, ICC-01/14-01/21-116-Conf, para. 36; First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 25.

iii. *Written correspondence:*

- Mr Said's non-privileged mail communications are restricted to those individuals verified by the Registry with the support of the VWU in liaison with the Prosecutor;<sup>72</sup>
- Mr Said is prohibited from discussing the present case and using obscure or coded language;<sup>73</sup> and
- Language of correspondence is limited to French and Sango.<sup>74</sup>

2. *Need to maintain contact restrictions*

42. At the outset, the Chamber highlights the utmost importance of preserving the proceedings' integrity and the protection of witnesses for the conduct of a fair trial.<sup>75</sup> For this reason, the Chamber's assessment as to whether the Current Restrictions are still necessary and proportionate is guided by: (i) the factors set out in paragraphs 20 to 24 above; (ii) the stage of the proceedings; and (iii) the Chamber's determination to protect the evidence from undue influence, to ensure victims and witnesses' safety and the integrity of the proceedings.<sup>76</sup>

43. The Chamber is cognisant that the active monitoring regime has compromised the timing and frequency of Mr Said's communications with his family. It is also mindful that the longer Mr Said is restricted in his ability to speak to his children, the more difficult it will become to maintain close parental ties. The Chamber is also conscious of the fact that Mr Said has been in the Court's detention for over a year and no security incidents have been reported during this period.

44. Nevertheless, for the reasons outlined above, the Chamber is of the view that the risk that Mr Said could prejudice or otherwise affect the outcome of the proceedings would be unduly augmented if he were allowed to communicate under the regular regime of Regulations 173-175 of the Regulations of the Registry.

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<sup>72</sup> Second Contact Restrictions Decision, ICC-01/14-01/21-31-Conf, para. 34; First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 24. *See also* Second Contact Restrictions Decision, ICC-01/14-01/21-31-Conf, paras 35-36.

<sup>73</sup> First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 24.

<sup>74</sup> First Contact Restrictions Decision, ICC-01/14-01/21-9-Conf-Red, para. 24.

<sup>75</sup> *See also* [Yekatom and Ngaïssona Decision](#), para. 21.

<sup>76</sup> *See also* [Yekatom and Ngaïssona Decision](#), para. 21; [Ntaganda Decision](#), para. 42.

45. Accordingly, noting the requirement that any restrictions on contact ought not to infringe upon a detainee's private and family life in a disproportionate manner, whilst at the same time protecting the integrity of these proceedings,<sup>77</sup> the Chamber determines that the contact restrictions can be relaxed as follows (the 'New Contact Restrictions'):

**(a) Non-privileged telephone calls:**

- Mr Said's non-privileged telephone or video conferencing calls are restricted to those individuals verified by the Registry with the support of the VWU in liaison with the Prosecutor;
- Discussions related to the present case with the individuals referred to above are prohibited, as well as the use of obscure or coded language;
- Languages used in non-privileged calls are limited to French and Sango; and
- All non-privileged calls are to be actively monitored, except for conversations with Mr Said's immediate family.
- Mr Said may make actively monitored non-privileged telephone calls to individuals other than his immediate family members for up to 2 hours per week on a maximum of two days.

**(b) Non-privileged visits:**

- Mr Said's non-privileged visits are restricted to those individuals verified by the Registry with the support of the VWU in liaison with the Prosecutor;
- Discussions related to the present case with the individuals referred to above are prohibited during non-privileged visits, as well as the use of obscure or coded language;
- Languages used during non-privileged visits are limited to French and Sango; and
- All non-privileged visits, except private visits, are to be audio recorded and actively monitored by a Court staff member fluent in French or Sango.

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<sup>77</sup> See Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, [Public redacted version of Decision on restrictions in relation to certain detainees](#), 18 August 2015, ICC-01/04-02/06-786-Red4, para. 41.

(c) **Written correspondence:**

- Mr Said is prohibited from discussing the present case and using obscure or coded language in written correspondence.

46. To facilitate Mr Said's non-privileged telephone calls, the Defence is instructed to file a list before the Chamber, available to the Registry, containing the full names and essential biographical information, including past and present occupation, of all members of Mr Said's immediate family members with whom he wishes to be in regular contact ('List of Family Names') within 10 days of the issuance of the present decision. The Registry will be responsible for vetting the information provided by the Defence and shall make an assessment of whether any of Mr Said's immediate family members have any links with armed groups or other potential threat actors. The Registry may consult with the Prosecution and the Defence on this matter. Any immediate family members who the Registry considers possible vectors for attempts to obstruct the proceedings or to breach confidentiality shall be excluded from the List of Family Names. Thereafter, the Registry is instructed to allow Mr Said to communicate with those on the List of Family Names without being actively monitored.

47. The Chamber also considers it appropriate to remind Mr Said that, pursuant to Regulation 174 of the Regulations of the Registry, telephone calls with his family members shall be passively monitored at all times in the form of recording. Should the Chamber consider it necessary to protect the integrity of the proceedings and the witnesses' safety and wellbeing, it will order the *post factum* review of these calls. Additionally, Mr Said is reminded that, pursuant to Regulation 175 of the Regulations of the Registry, his non-privileged telephone calls may also be subject to active monitoring at random. Any attempt at obstructing the proceedings or breaching confidentiality will lead to the immediate reinstatement of strict restrictions.

48. Additionally, the Chamber notes that the implementation of the New Contact Restrictions is subject to any Covid-19 related measures imposed by the Registry. The Registry shall also immediately inform the Chamber of any violation of the contact restrictions in relation to Mr Said. In this regard, the Chamber expects that the Chief Custody Officer will review all written correspondence falling under (c) above with the

utmost care, in accordance with their obligations under the Regulations of the Registry.<sup>78</sup>

49. Finally, the Chamber is conscious that it has an obligation to regularly review the restrictions in place and will do so where circumstances change and require a reassessment of the restrictions placed on Mr Said.<sup>79</sup> Both the Defence and the Prosecution may also inform the Chamber when they believe that there has been a meaningful change in the security situation in the CAR.

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<sup>78</sup> See Regulation 169 of the Regulations of the Registry.

<sup>79</sup> See also [Yekatom and Ngaïssona Decision](#), para. 26.

**FOR THESE REASONS, THE CHAMBER HEREBY**

**REJECTS** the Defence Request;

**REMANDS** Mr Said in detention;

**ORDERS** the contact restrictions outlined in paragraph 45 of this decision; and

**ORDERS** the Registry to immediately inform the Chamber of any violation of the contact restrictions in relation to Mr Said.

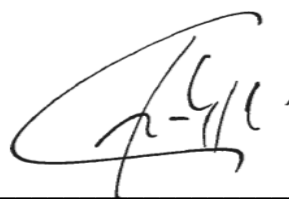
Done in both English and French, the English version being authoritative.



**Judge Miatta Maria Samba,  
Presiding Judge**



**Judge María del Socorro Flores Liera**



**Judge Sergio Gerardo Ugalde Godínez**

Dated 3 March 2022

At The Hague, The Netherlands