

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21
Date: 25 February 2025

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godinez
Judge Keebong Paek , Alternate Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

Public

Public redacted version of "Victims' Response to the '*Version confidentielle expurgée de la 'Demande d'extension de délais ciblée pour terminer des actes d'enquêtes en cours conformément à la Norme 35 du Règlement de la Cour'*'. ICC-01/14-01/21-917-Conf-Exp' (No. ICC-01/14-01/21-917-Conf-Red)", No. ICC-01/14-01/21-919-Conf, dated 20 February 2025

Source: Office of Public Counsel for Victims

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence
D33

☒ Legal Representatives of the Victims

☐ Legal Representatives of the
Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for
Victims

☐ The Office of Public Counsel for the
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☐ Detention Section

☐ Victims Participation and
Reparations Section

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I. INTRODUCTION

1. Counsel representing the collective interests of applicants in the proceedings and participating victims (the “Common Legal Representative”)¹ hereby submits her response to the “*Version confidentielle expurgée de la ‘Demande d’extension de délais ciblée pour terminer des actes d’enquêtes en cours conformément à la Norme 35 du Règlement de la Cour’* ICC-01/14-01/21-917-Conf-Exp” (the “Request”).²

II. PROCEDURAL BACKGROUND

2. On 8 October 2024, Trial Chamber VI (the “Chamber”) issued the Third Directions on the Conduct of Proceedings,³ instructing the Defence to submit its final lists of witnesses and of evidence by 21 February 2025.⁴

3. On 12 December 2024, the Defence informed the Chamber of its intention to present a case.⁵

4. On 17 January 2025, the Defence submitted a preliminary list of witnesses.⁶

¹ See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG and No. ICC-01/14-01/21-T-007-Red-ENG](#), p. 47, lines 12-24; the “Decision on matters relating to the participation of victims during the trial” (Trial Chamber VI), [No. ICC-01/14-01/21-278](#), 13 April 2022, para. 29; the “Decision authorising 20 victims to participate in the proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-331](#), 27 May 2022; the “Second Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-640-Conf](#) and [No. ICC-01/14-01/21-640-Red](#), 8 November 2023; the “Third Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-695-Conf](#) and [No. ICC-01/14-01/21-695-Red](#), 14 February 2024; the “Fourth Decision Authorising Victims to Participate in Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-812](#), 22 July 2024; and the “Fifth Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-906](#), 13 December 2024.

² See the “*Version confidentielle expurgée de la ‘Demande d’extension de délais ciblée pour terminer des actes d’enquêtes en cours conformément à la Norme 35 du Règlement de la Cour’* ICC-01/14-01/21-917-Conf-Exp”, [No. ICC-01/14-01/21-917-Conf-Red](#), 18 February 2025 (the “Request”).

³ See the “Third Directions on the Conduct of Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-873](#), 8 October 2024.

⁴ *Idem*, paras. 14-15.

⁵ See the “*Notification de la Défense conformément au paragraphe 12 de la ‘Third Directions on the Conduct of Proceedings’ (ICC-01/14-01/21-873) rendue par la Chambre de première instance VI le 8 octobre 2024’*”, [No. ICC-01/14-01/21-904](#), 12 December 2024.

⁶ See the “*Version confidentielle expurgée de la ‘Notification de la Défense conformément à la ‘Third Directions on the Conduct of Proceedings’ (ICC-01/14-01/21-873) rendue par la Chambre de première instance VI le 8 octobre 2024’*”, [No. ICC-01/14-01/21-908-Conf-Red](#) and [No. ICC-01/14-01/21-908-Red](#), 17 January 2025.

5. On 30 January, the Defence submitted observations on a number of issues in relation to its preliminary list of witnesses,⁷ following an order by the Chamber in that regard.⁸

6. On the same day, the Defence submitted a request to obtain the disclosure of elements it deems necessary for the preparation of its case, and the lifting of certain redactions,⁹ to which the Prosecution responded on 7 February 2025.¹⁰

7. On 18 February 2025, the Defence filed its Request.¹¹

8. On the same day, the Chamber instructed the Prosecution and the Common Legal Representative to file any responses to the Request by 20 February 2025 at noon at the latest.¹²

III. CLASSIFICATION

9. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, the present filing is classified as “confidential”, since it refers to a document filed with the same classification.

⁷ See the “*Observations de la Défense conformément à l’ordonnance rendue par la Chambre le 24 janvier 2025* (ICC-01/14-01/21-909)”, [No. ICC-01/14-01/21-912-Conf-Exp](#) and [No. ICC-01/14-01/21-912-Red](#), 30 January 2025.

⁸ See the “*Order in relation to the Defence Notification of its Preliminary List of Witnesses*” (Trial Chamber VI), [No. ICC-01/14-01/21-909](#), 24 January 2025.

⁹ See the “*Demande consolidée de la Défense visant à obtenir la divulgation d’éléments nécessaires à la préparation de la Défense conformément à la Règle 77 du Règlement de procédure et de preuve et visant à obtenir la levée d’un certain nombre d’expurgations*”, [No. ICC-01/14-01/21-913-Conf](#) and [No. ICC-01/14-01/21-913-Red](#), 30 January 2025.

¹⁰ See the “*Prosecution Response to Defence Consolidated Request ‘Demande consolidée de la Défense visant à obtenir la divulgation d’éléments nécessaires à la préparation de la Défense conformément à la Règle 77 du Règlement de procédure et de preuve et visant à obtenir la levée d’un certain nombre d’expurgations’* (ICC-01/14-01/21-913-Conf)”, [No. ICC-01/14-01/21-914](#), 7 February 2025.

¹¹ See the Request, *supra* note 2.

¹² See the email from the Chamber to the parties and participants on 18 February 2025 at 10:25, entitled “*Order to file redacted version and shortening of deadline to respond*”.

IV. SUBMISSIONS

10. The Common Legal Representative regrets that the Request was submitted at the eleventh hour. Like the Chamber,¹³ she is concerned about the potential for unnecessary delay in the present proceedings.

11. In that regard, the Chamber recalled that, in February 2022, *“it urged the Defence [...] to start preparing the necessary cooperation requests and mission plans without delay and not to wait until the Prosecution had completed disclosing all evidence”*, and that, in February 2023, it *“repeated an earlier invitation to seize it as soon as possible if the Defence deemed there was a need to seek a ruling pursuant to article 57(3)(b) of the Statute”*.¹⁴

12. The Common Legal Representative notes, in particular, that the extensions of time requested by the Defence pertain to delays related to cooperation requests,¹⁵ which leads her to believe that the Defence disregarded the Chamber’s instructions.¹⁶ In other words, she fails to understand how, three years later, and three days before it must submit its final lists of witnesses and of evidence, the Defence is still conducting investigations and is therefore not in a position to disclose all relevant information to be used for its case by the deadline imposed by the Chamber.¹⁷

13. In addition, the Common Legal Representative posits that, due to the large number of redactions, she is not in a position to determine whether good cause is shown in accordance with regulation 35 of the Regulations of the Court which may warrant the extensions of time sought by the Defence. As such, she fully defers to the Chamber’s ruling on the matter.

¹³ See the “Order in relation to the Defence Notification of its Preliminary List of Witnesses”, *supra* note 8, para. 6.

¹⁴ *Idem*, para. 5.

¹⁵ [REDACTED].

¹⁶ See *supra* para. 11.

¹⁷ See the Request, *supra* note 2, para. 17.

14. However, she requests the Chamber to be mindful of the potential impact of granting the solicited time extensions on the victims' preparation for the Defence case, with a view to ensuring their effective participation in the present proceedings.

Respectfully submitted,



Sarah Pellet

Dated this 25th day of February 2025

At The Hague, The Netherlands