

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 23 June 2025

TRIAL CHAMBER VI

Before:

**Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez
Judge Keebong Paek, Alternate Judge**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

Public Redacted

**Decision Setting Final Deadlines for the Defence's Presentation of Evidence and
Related Directions**

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ 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
Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☒ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

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), 67(1)(b) and (c) of the Statute, issues this ‘Decision Setting Final Deadlines for the Defence’s Presentation of Evidence and Related Directions’.

I. PROCEDURAL HISTORY

1. On 8 October 2024, the Chamber issued the ‘Third Directions on the Conduct of Proceedings’.¹ Therein, the Chamber ordered the Defence to, *inter alia*: (i) file any applications pursuant to rule 68 of the Rules by 3 March 2025; and (ii) file any applications for the submission of evidence via the Bar Table no later than one week after the last Defence witness has finished testifying.²
2. On 15 November 2024, the Office of the Prosecutor (the ‘Prosecution’) formally closed its presentation of evidence.³
3. On 17 February 2025, the Defence filed a request pursuant to regulation 35 of the Regulations of the Court for an extension of time to conclude its ongoing investigations.⁴
4. On 21 February 2025, the Defence filed its List of Evidence and List of Witnesses.⁵
5. On the same date, the Chamber issued its ‘Decision on the Defence’s Request for an Extension of Time to File its Final List of Witnesses, List of Evidence and Complete

¹ Third Directions on the Conduct of Proceedings, 8 October 2024, [ICC-01/14-01/21-873](#).

² Third Directions on the Conduct of Proceedings, 8 October 2024, [ICC-01/14-01/21-873](#), paras 16, 19.

³ Notification of the Conclusion of the Prosecution’s Presentation of Evidence, 15 November 2024, [ICC-01/14-01/21-895](#).

⁴ Version publique 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), 24 February 2025, [ICC-01/14-01/21-917-Red](#). A confidential *ex parte* version was filed on 17 February 2025 (ICC-01/14-01/21-917-Conf-Exp) and a confidential redacted version was filed on 18 February 2025 (ICC-01/14-01/21-Conf-Red).

⁵ Notification de la liste de témoins et de la liste des éléments de preuve 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, 21 February 2025, [ICC-01/14-01/21-921](#), with 3 confidential annexes (List of Evidence - ICC-01/14-01/21-921-Conf-Anx1; Defence List of Witnesses - ICC-01/14-01/21-921-Conf-Anx2; Summary of Anticipated Testimony - ICC-01/14-01/21-921-Conf-Anx3).

Disclosure’, in which it authorised the Defence to update its List of Witnesses and List of Evidence by 21 March 2025.⁶

6. On 5 March 2025, the Chamber filed the ‘Fourth Directions on the Conduct of Proceedings’, instructing the Defence to file any applications for the submission of evidence via the Bar Table one week after the first block of witness(es) and to make further requests to file additional evidence obtained as a result of its ongoing investigations which it has brought to the Chamber’s attention ‘as soon as feasible’.⁷

7. On 12 March 2025, the Defence filed a request for an extension of time to file its Bar Table motions by 17 April 2025.⁸

8. On 20 March 2025, the Chamber issued its ‘Decision on the Defence’s Request for an Extension of Time to File Requests to Submit Evidence other than through a Witness’, in which it authorised the Defence to file any Bar Table motions by 17 April 2025.⁹

9. On 21 March 2025, the Defence filed its updated List of Witnesses and List of Evidence and informed the Chamber of the progress made in relation to a number of investigatory avenues it was pursuing and asked for additional time to complete its investigation and file related motions.¹⁰

10. On 1 April 2025, the Chamber issued the ‘Decision on the Defence’s Request for Additional Time to Complete Its Investigation’, setting 2 May 2025 as the deadline for:

⁶ Decision on the Defence’s Request for an Extension of Time to File its Final List of Witnesses, List of Evidence and Complete Disclosure, 21 February 2025, [ICC-01/14-01/21-920-Red](#). A confidential *ex parte* version was filed simultaneously (ICC-01/14-01/21-920-Conf-Exp).

⁷ Fourth Directions on the Conduct of Proceedings, 5 March 2025, [ICC-01/14-01/21-932](#), para. 17.

⁸ Version publique expurgée de la « Demande de prorogation de délai conformément à la Norme 35 du Règlement de la Cour pour déposer la requête Bar Table de la Défense », 12 March 2025, [ICC-01/14-01/21-936-Red](#). A confidential *ex parte* version was filed simultaneously (ICC-01/14-01/21-936-Conf-Exp). The Chamber notes that the Chamber heard the Defence’s first oral witness on 17 March 2025 and, accordingly, the Defence would have had to file its Bar Table motion(s) by no later than 25 March 2025.

⁹ Decision on the Defence’s Request for an Extension of Time to File Requests to Submit Evidence other than through a Witness, 20 March 2025, [ICC-01/14-01/21-942](#).

¹⁰ Version publique expurgée des « Soumissions de la Défense conformément à la « Decision on the Defence’s Request for an Extension of Time to File its Final List of Witnesses, List of Evidence and Complete Disclosure » (ICC-01/14-01/21-920-Conf-Exp) rendue par la Chambre de première instance VI le 21 février 2025, 26 March 2025, [ICC-01/14-01/21-948-Red](#), with two confidential annexes. A confidential *ex parte* version (ICC-01/14-01/21-948-Conf-Exp) and a confidential redacted version (ICC-01/14-01/21-948-Conf-Red) were filed on 21 March 2025.

(i) adding new items of evidence obtained as a result of any of the pending cooperation requests to the Defence List of Evidence; (ii) filing requests to introduce such evidence other than through a witness; (iii) adding additional witnesses to the Defence List of Witnesses; and (iv) filing requests to introduce prior recorded testimony pursuant to rule 68 of the Rules.¹¹

11. On 17 April 2025 and 2 May 2025, respectively, the Defence filed two Bar Table motions.¹²

12. On 2 May 2025, the Defence filed a request for additional time to complete a number of investigative steps. Therein, the Defence filed an updated list of evidence and provided updates on several ongoing investigative activities, including the status of a number of outstanding cooperation requests (the ‘First Defence Submissions’).¹³

13. On 15 May 2025, the Prosecution responded to the First Defence Submissions, deferring to the Chamber to set specific timelines for the Defence to complete its investigations.¹⁴ On the same day, the Common Legal Representative of Victims (the ‘CLRv’) indicated to the Chamber that she would not respond to the First Defence Submissions.¹⁵

¹¹ Decision on the Defence’s Request for Additional Time to Complete Its Investigation, 1 April 2025, [ICC-01/14-01/21-955-Red](#), p. 9 (the ‘Decision on the Defence’s Request for Additional Time to Complete Its Investigation’). A confidential version was filed simultaneously (ICC-01/14-01/21-955-Conf).

¹² « Requête de la Défense afin de soumettre des éléments de preuve par le biais d’une Bar Table », 17 April 2025, [ICC-01/14-01/21-966](#) (the ‘First Defence Bar Table Request’), with one confidential annex; Version publique expurgée de la « Deuxième Requête de la Défense afin de soumettre des éléments de preuve par le biais d’une Bar Table », 5 May 2025, [ICC-01/14-01/21-973-Red](#) (the ‘Second Defence Bar Table Request’), with one confidential annex. A confidential version was filed on 2 May 2025 (ICC-01/14-01/21-973-Conf).

¹³ Version publique expurgée des « Soumissions de la Défense conformément à la « Decision on the Defence’s Request for Additional Time to Complete Its Investigation » (ICC-01/14-01/21-955-Conf) rendue par la Chambre de première instance VI le 1er avril 2025 », 9 May 2025, [ICC-01/14-01/21-975-Red](#), with one confidential annex. A confidential *ex parte* version (ICC-01/14-01/21-975-Conf-Exp) and confidential redacted version (ICC-01/14-01/21-975-Conf-Red) were filed on 2 May 2025.

¹⁴ Prosecution’s response to Defence “Soumissions de la Défense conformément à la « Decision on the Defence’s Request for Additional Time to Complete Its Investigation » (ICC-01/14-01/21-955-Conf) rendue par la Chambre de première instance VI le 1er avril 2025” (ICC-01/14-01/21-975-Conf-Red), 15 May 2025, ICC-01/14-01/21-980-Conf, para. 19 (the ‘Prosecution Response’).

¹⁵ Email from CLRv to Chamber, dated 15 May 2025, at 16:05.

14. On 20 May 2025, the Chamber ordered the Defence to provide further information regarding its ongoing investigative steps.¹⁶

15. On 23 May 2025, the Defence filed further submissions pursuant to the Chamber's 20 May 2025 request for information (the 'Second Defence Submissions').¹⁷

16. On 5 and 12 June 2025, respectively, the Chamber held two *ex parte*, Defence and Registry, status conferences.¹⁸

II. ANALYSIS

17. At the outset, the Chamber recalls that, in the 'Decision on the Defence's Request for Additional Time to Complete Its Investigation', in which it set 2 May 2025 as the deadline for the presenting of Defence evidence, the Chamber indicated that this would be the last extension granted to the Defence.¹⁹ The Chamber further recalls that it held that after this date, it would only consider exceptions in relation to specific items of evidence or witnesses if the Defence could show, *inter alia*, that 'there is a realistic prospect that they can be obtained within a short timeframe.'²⁰

18. The Chamber notes that the 2 May 2025 deadline has passed and, in respect of written motions for the introduction of evidence, the Defence has filed one request pursuant to rule 68(2)(b) of the Rules, which the Chamber has adjudicated,²¹ and two Bar Table motions,²² which are currently pending before the Chamber.

¹⁶ Email from Chamber to the Defence, dated 20 May 2025, at 16:53.

¹⁷ « Soumissions de la Défense conformément à l'ordonnance de la Chambre du 20 mai 2025 », 23 May 2025, ICC-01/14-01/21-982-Conf-Exp.

¹⁸ Transcript of hearing, 5 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG; Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG.

¹⁹ Decision on the Defence's Request for Additional Time to Complete Its Investigation, [ICC-01/14-01/21-955-Red](#), para. 27.

²⁰ Decision on the Defence's Request for Additional Time to Complete Its Investigation, [ICC-01/14-01/21-955-Red](#), para. 27.

²¹ Decision on the Defence's Request under Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0015, P-0025, P-2926 and P-0405, 2 April 2025, [ICC-01/14-01/21-957-Red](#) (the 'Decision on the Defence's Request under Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0015, P-0025, P-2926 and P-0405'). A confidential version was filed simultaneously (ICC-01/14-01/21-957-Conf).

²² First Defence Bar Table Request, [ICC-01/14-01/21-966](#); Second Defence Bar Table Request, [ICC-01/14-01/21-973-Red](#).

19. As a result, with the exception of the outstanding matters already identified to the Chamber, as outlined in the present decision and discussed below, the Chamber will not accept any: (i) requests for addition of new items of evidence to its list of evidence; (ii) Bar Table motions; (iii) requests for addition of new witnesses to its list of witnesses; and (iv) requests pursuant to rule 68 of the Rules.

20. Turning to the outstanding items, the Chamber notes that, broadly speaking, there are five matters outstanding in respect of the Defence's presentation of evidence: (i) information collected during the Defence's mission to [REDACTED]; (ii) interviews with two [REDACTED] officials; (iii) documentation comprising [REDACTED]; (iv) documentation received from the [REDACTED]; and (v) certifications relating to two rule 68(2)(b) witnesses provisionally authorised by the Chamber.

21. Before addressing the Defence's request for more time to complete its investigative activities and file related motions, the Chamber finds it pertinent to recall the procedural history in respect of each of the outstanding matters and makes a number of observations accordingly.

A. Information collected during the Defence's mission to [REDACTED]

22. In May 2024, Defence Counsel undertook a mission to [REDACTED], during which they collected information and documents which they intended to submit into evidence.²³

23. On 21 February 2025, the Defence filed its notification of its list of witnesses, including associate counsel, Mr Jacobs, as one of its prospective witnesses.²⁴ The Defence noted that Mr Jacobs would testify about the May 2024 mission and introduce several items of evidence that were collected during that mission.²⁵

24. On 11 March 2025, following submissions from the parties and participants, the Chamber held that the Court's legal framework prevented Mr Jacobs from testifying

²³ See Summary of Anticipated Testimony, ICC-01/14-01/21-921-Conf-Anx3, p. 11; CAR-D33-0015-0711; CAR-D33-0015-0716.

²⁴ See Defence List of Witnesses, ICC-01/14-01/21-921-Conf-Anx2, p. 2.

²⁵ See Summary of Anticipated Testimony, ICC-01/14-01/21-921-Conf-Anx3, p. 11.

and notified the Defence that it must seek alternative means to introduce the relevant items/information collected during the Defence mission.²⁶ This was reiterated by the Chamber on 26 March 2025, when it highlighted that the Defence could ‘propose alternative methods of introducing the same information into the record in a procedurally appropriate manner,’²⁷ with the Chamber ‘even going so far as to outline options for the Defence to do so (be it orally or in writing).’²⁸ In this regard, the Chamber stressed that ‘it is incumbent on the Defence to decide how, and whether, it seeks to avail itself of such an option.’²⁹

25. Following the aforementioned decisions by the Chamber in March 2025, the Defence sought *inter partes* agreement with the Prosecution for submission of the information the Defence had collected during its mission.³⁰ This was not successful³¹ and it would appear that no concrete steps were taken to organise a new mission until the Chamber directly intervened.³² The Chamber regrets the delay in moving this matter forward and the necessity of its intervention.

26. Nevertheless, the Chamber notes that progress has now been made in respect of organising a new Defence mission to [REDACTED] and it is reassured that such a mission should take place [REDACTED].³³

B. Interviews with two [REDACTED] officials

27. In January 2025, the Defence first informed the Chamber that it intended to pursue a number of investigative acts in relation to several [REDACTED] officials (the

²⁶ Decision on the Prosecution’s Request for an Order to Exclude Defence Counsel from the Defence’s List of Witnesses and Evidence, 11 March 2025, [ICC-01/14-01/21-935](#), para. 55.

²⁷ Decision on Defence Request for Leave to Appeal Decision on the Prosecution’s Request for an Order to Exclude Defence Counsel from the Defence’s List of Witnesses and Evidence, 26 March 2025, [ICC-01/14-01/21-952](#) (the ‘Decision on Defence Request for leave to Appeal Decision Regarding Counsel Testifying’), para. 36.

²⁸ Decision on Defence Request for leave to Appeal Decision Regarding Counsel Testifying, [ICC-01/14-01/21-952](#), para. 36.

²⁹ Decision on Defence Request for leave to Appeal Decision Regarding Counsel Testifying, [ICC-01/14-01/21-952](#), para. 36.

³⁰ First Defence Submissions, [ICC-01/14-01/21-975-Red](#), para. 44.

³¹ See First Defence Submissions, [ICC-01/14-01/21-975-Red](#), para. 46; Transcript of hearing, 4 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG, p. 9, line 9 to p. 11, line 9.

³² See Email from the Chamber to the Defence and Registry, dated 28 May 2025, at 14:20; Transcript of hearing, 4 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG, p. 2, line 25 *et seq.*

³³ See Emails from the Registry to the Chamber, dated 16 June 2025, at 09:04, and 18 June 2025, at 12:26, respectively; Email from the Defence to the Chamber, dated 16 June 2025, at 12:02.

‘State officials’), with a view to potentially adding a number of them to its list of witnesses.³⁴

28. At this juncture, the Chamber notes that there is a protocol between the [REDACTED] authorities (the ‘State authorities’) and the Court which [REDACTED] (the ‘Protocol’).³⁵ The Chamber further notes that the Protocol [REDACTED].³⁶ As previously stated, the Chamber finds that, in the present proceedings, the Protocol must be respected unless otherwise specified by the State authorities.³⁷

29. The Chamber notes that since January 2025, the Defence, the Registry and the State authorities have been engaged in ongoing discussions and meetings regarding the interviewing of several State officials for the purpose of the Defence seeking introduction of their testimony onto the record.

30. In terms of the current stage of proceedings with the State authorities, the Chamber notes that the Defence has interviewed two State officials and has indicated to the Chamber that they intend to rely on their testimony.³⁸ The Defence has also indicated to the Chamber that it does not intend to pursue any further interviews with any other officials.³⁹

31. In order to finalise the process and seek the introduction of the testimony of these two State officials onto the record, the Chamber notes that the Defence is still required to complete [REDACTED]. Once this has been completed, the Defence can request introduction of the prior recorded testimony of the two State officials pursuant to rule 68 of the Rules.

³⁴ Version publique expurgée des « Observations de la Défense conformément à l’ordonnance rendue par la Chambre le 24 janvier 2025 (ICC-01/14-01/21-909) » (ICC-01/14-01/21-912-Conf-Exp), 3 February 2025, [ICC-01/14-01/21-912-Red](#), paras 10-12. A confidential *ex parte* version was filed on 30 January 2025 (ICC-01/14-01/21-912-Conf-Exp) and a confidential redacted version was filed on 3 February 2025 (ICC-01/14-01/21-912-Conf-Red).

³⁵ See ICC-01/14-01/21-974-Conf-Exp-AnxA.

³⁶ See ICC-01/14-01/21-974-Conf-Exp-AnxA.

³⁷ See Email from the Chamber to the Defence, dated 28 May 2025, at 14:20; Transcript of hearing, 4 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG, p. 11, lines 15-16.

³⁸ See Second Defence Submissions, ICC-01/14-01/21-982-Conf-Exp, para. 42; Transcript of hearing, 4 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG, p. 11, line 22 to p. 14, line 19; Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG, p. 10, line 17-19; Email from the Defence to the Chamber, dated 10 June 2025, at 15:13.

³⁹ Transcript of hearing, 4 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG, p. 14, lines 22-24.

32. In respect of how long this process will take, the Chamber notes that the Defence and the Registry have indicated that [REDACTED] by mid-July.⁴⁰ In respect of the other State official, the Chamber notes the submissions of the Defence and the Registry that a date for [REDACTED].⁴¹

33. That notwithstanding, the Chamber notes the submissions by the Defence and the Registry that it is hoped that this process can be completed within two months, from the start of the process,⁴² but that they are largely in the hands of the State authorities.

C. [REDACTED]

34. The Chamber recalls that on 1 April 2025 it granted a request for cooperation by the Defence with respect to a number of [REDACTED] from the State authorities.⁴³ The Chamber notes the Defence indicated, on 23 May 2025, that it was in the process of finalising its analysis of the [REDACTED] it had received and was still making a decision as to whether to submit them onto the record or not.⁴⁴

D. Documentation received from the [REDACTED]

35. The Chamber notes that, on 16 June 2025, the Defence received the requested documentation from the [REDACTED], comprising 93 documents and 1,136 pages.⁴⁵ The Chamber further notes the Defence's submissions that it expects to finalise its examination of the documents by 18 July 2025.⁴⁶

E. Certification of rule 68(2)(b) witnesses

36. The Chamber recalls that it has granted requests for two witnesses pursuant to rule 68(2)(b) of the Rules, P-2926 and P-0405,⁴⁷ and the certification and declaration

⁴⁰ Email from the Defence to the Chamber, dated 18 June 2025, at 12:02; Email from the Registry to the Chamber, dated 18 June 2025, at 12:26. *See also* Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG, p. 12, lines 22-25.

⁴¹ Emails from the Registry to the Chamber, dated 18 June 2025, at 12:26 and 12:35, respectively.

⁴² *See* Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG, p. 13, lines 13-23.

⁴³ Decision on a Request for Cooperation by the Defence (ICC-01/14-01/21-949), 1 April 2025, [ICC-01/14-01/21-954-Red](#). A confidential *ex parte* version was filed simultaneously (ICC-01/14-01/21-954-Conf-Exp)

⁴⁴ Second Defence Submissions, ICC-01/14-01/21-982-Conf-Exp, para. 59.

⁴⁵ Email from the Defence to the Chamber dated 18 June 2025, at 12:02.

⁴⁶ Email from the Defence to the Chamber dated 18 June 2025, at 12:02.

⁴⁷ Decision on the Defence's Request under Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0015, P-0025, P-2926 and P-0405, [ICC-01/14-01/21-957-Red](#).

process pursuant to rule 68(2)(b)(ii) and (iii) of the Rules is outstanding for both witnesses.

37. In respect of P-2926, the Chamber notes the Defence's submission that it has now finished the read back session with P-2926 and the declaration and certification process with the Registry should take place at the beginning of July 2025.⁴⁸

38. In respect of P-0405, the Chamber recalls that, on 2 April 2025, in the decision granting the Defence's request pursuant to rule 68(2)(b) of the Rules for P-0405, the Chamber took note of the Defence's submission that it he may be [REDACTED].⁴⁹ On 4 and 12 June 2025, the Chamber followed up with the Defence and Registry regarding the status of P-0405 and expressed concern that insufficient steps had been taken to locate P-0405.⁵⁰ On 13 June 2025, the Chamber ordered the Defence and the Victims and Witnesses Unit (the 'VWU') to liaise with the Prosecution regarding P-0405's location in light of the fact that P-0405 was previously interviewed by the Prosecution during its investigation.⁵¹ On the same day, the Prosecution provided information in its possession regarding P-0405.⁵²

39. Whilst the Chamber reiterates that the Defence should have been more proactive regarding getting into contact with P-0405,⁵³ the Chamber notes recent submissions by the Defence that the situation appears to have moved forward and the Defence and the Registry got in contact with P-0405 [REDACTED].⁵⁴ The Chamber further notes the Defence's submissions in respect of the security situation of P-0405 and the need to exercise caution in light of the personal circumstances of this witness.⁵⁵

⁴⁸ Email from the Defence to the Chamber dated 18 June 2025, at 12:02. *See also* Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG, p. 19, line 22 to p. 20, line 1.

⁴⁹ Decision on the Defence's Request under Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0015, P-0025, P-2926 and P-0405, [ICC-01/14-01/21-957-Red](#), para. 31.

⁵⁰ *See* Transcript of hearing, 5 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG, p. 28, lines 23-25; Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG, p. 22, line 24 to p. 23, line 6, p. 24, lines 9 to 24.

⁵¹ Email from the Chamber to the Defence, Prosecution and Registry, dated 13 June 2025, at 12:32.

⁵² Email from the Prosecution to the Defence, Registry and Chamber, dated 13 June 2025, at 16:15.

⁵³ *See* Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG, p. 22, line 24 to p. 23, lines 6, p. 24, lines 9 to 24.

⁵⁴ Email from the Defence to the Chamber, dated 18 June 2025, at 12:02.

⁵⁵ Email from the Defence to the Chamber, dated 18 June 2025, at 12:02.

F. Determination of Final Deadlines for the Presentation of Defence Evidence and Related Directions

40. At the outset, the Chamber reiterates its earlier findings that the Defence investigation should already have been finalised by now.⁵⁶ Specifically, the Chamber recalls that the Defence has had several years to conduct its investigation, including one full year during which there were no hearings due to Mr Said's medical situation, and the Chamber encouraged the Defence, over three years ago, to begin its investigative work without delay.⁵⁷ The Chamber is also concerned that the Defence appears to have been less than proactive in relation to a number of the outstanding investigative activities and it has required direct intervention by the Chamber in order to progress matters.⁵⁸

41. Nevertheless, in light of the fact that there has been recent, positive progress in relation to all of the outstanding investigative activities, the Chamber is prepared to grant a final extension of time for the Defence to submit evidence obtained as a result of the identified, outstanding investigative activities detailed above. In granting such an extension the Chamber also takes into consideration Mr Said's rights pursuant to article 67(1)(b) of the Statute.

42. In respect of the deadlines to be set for the filing of any motions for the introduction of evidence obtained as a result of these investigative activities, the Chamber finds that they should be staggered. The Chamber finds that this would facilitate the expeditiousness of the proceedings by allowing the Prosecution and CLRV to respond on a rolling basis, which in turn would assist the Chamber's determination on the requests. The Chamber recalls that the Defence's presentation of evidence can only be closed after the Chamber has ruled on all the Defence's requests to introduce evidence through the Bar Table or pursuant to rule 68 of the Rules.⁵⁹ In this regard, the

⁵⁶ See Decision on the Defence's Request for Additional Time to Complete Its Investigation, [ICC-01/14-01/21-955-Red](#), paras 25-26.

⁵⁷ See Decision on the Defence's Request for Additional Time to Complete Its Investigation, [ICC-01/14-01/21-955-Red](#), para. 26.

⁵⁸ See, for example, Email from the Chamber dated 28 May 2025, at 14:20; Email from the Chamber dated 5 June 2025, at 17:27; Emails from the Chamber dated 13 June 2025, at 12:29 and 12:32, respectively.

⁵⁹ Fourth Directions on the Conduct of Proceedings, 5 March 2025, [ICC-01/14-01/21-932](#), para. 18.

Chamber puts all parties and participants on notice that it will not suspend deadlines during the Summer Recess.

43. In setting these deadlines the Chamber has taken into consideration both the progress of the outstanding investigative activities, the submissions by the Defence⁶⁰ and the Registry,⁶¹ and the fact that the Prosecution has not opposed an extension of time.⁶²

44. Accordingly, the Chamber hereby sets the following deadlines and directions.

1. Deadline with respect to information collected during the Defence's mission to [REDACTED]

45. The Chamber observes that the new Defence mission to [REDACTED] will be completed [REDACTED].⁶³ In this regard, the Defence is ordered to file any request to submit evidence obtained as a result of this mission as soon as possible after the mission's conclusion, and no later than [REDACTED].

2. Deadline with respect to the [REDACTED]

46. The Chamber notes that, on 23 May 2025, the Defence indicated that it was finalising its analysis of the [REDACTED] received.⁶⁴ The Chamber orders the Defence to make any Bar Table request in respect of this material as soon as possible, and no later than 30 June 2025.

3. Deadline with respect to material from the [REDACTED]

47. In light of the fact that the Defence has now received all requested documentation from the [REDACTED],⁶⁵ the Chamber finds that any request for introduction of any

⁶⁰ See First Defence Submissions, [ICC-01/14-01/21-975-Red](#); Second Defence Submissions, ICC-01/14-01/21-982-Conf-Exp; Transcript of hearing, 4 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG; Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG; Email from the Defence to the Chamber, dated 18 June 2025, at 12:02.

⁶¹ See Transcript of hearing, 4 June 2025, ICC-01/14-01/21-T-137-CONF-EXP-ENG; Transcript of hearing, 12 June 2025, ICC-01/14-01/21-T-138-CONF-EXP-ENG; Email from the Registry to the Chamber, dated 10 June 2025, at 17:00; Email from the Registry to the Chamber, dated 13 June 2025, at 17:33; Emails from the Registry to the Chamber, dated 16 June 2025, at 09:04 and 09:06, respectively.

⁶² Prosecution Response, ICC-01/14-01/21-980-Conf, para. 19.

⁶³ See Emails from the Registry to the Chamber, dated 16 June 2025, at 09:04, and 18 June 2025, at 12:26, respectively; Email from the Defence to the Chamber, dated 18 June 2025, at 12:02.

⁶⁴ Second Defence Submissions, ICC-01/14-01/21-982-Conf-Exp, para. 59.

⁶⁵ Email from the Defence to the Chamber dated 18 June 2025, at 12:02.

relevant material through the Bar Table should be made as soon as possible, and no later than 18 July 2025.

4. *Deadline with respect to the State officials and related directions*

48. In respect of the completion of the interviews with the State officials, the Chamber notes that the Defence and Registry are still waiting for the State authorities to confirm the [REDACTED].⁶⁶ The Defence and the Registry are ordered to inform the Chamber as soon as the relevant dates are set. The Defence must file its rule 68 requests in respect of the two witnesses no later than three days after [REDACTED], and in any event no later than 22 August 2025.

49. Should it become apparent to the Defence that [REDACTED] will not be received by 22 August 2025, the Defence is ordered to inform the Chamber as soon as possible.

50. Whilst the Chamber has taken note of the Defence's submissions that it intends to submit the prior recorded testimony of the State officials pursuant to rule 68(2)(b) of the Rules, it is for the Chamber to determine whether indeed the prior recorded testimony of these individuals meet the requirements for introduction pursuant to this provision.

51. The Chamber is conscious that there is a risk of delay should it be determined that this prior recorded testimony cannot be introduced pursuant to rule 68(2)(b) of the Rules. Accordingly, in line with its obligation to ensure that the proceedings remain fair and expeditious, and without prejudice to any request that the Defence may make pursuant to rule 68(2)(b) of the Rules, the Chamber orders the Defence to disclose to it [REDACTED] as soon as possible. In this regard, the Chamber notes that this has already been completed for one of the State officials and can already be disclosed.

52. Last, in connection with the foregoing, the Chamber reiterates its order to the Registry that it informs the Chamber as soon as it receives [REDACTED].⁶⁷

⁶⁶ Email from the Defence to the Chamber, dated 18 June 2025, at 12:02; Emails from the Registry to the Chamber, dated 18 June 2025, at 12:26 and 12:35, respectively.

⁶⁷ Email from the Chamber to the Defence and Registry, dated 20 June 2025, at 14:02.

5. *Directions in relation to P-2926*

53. The Registry and the Defence are ordered to inform the Chamber of the date for the certification and declaration of P-2926's prior recorded testimony as soon as it is set. Furthermore, the Registry is ordered to ensure that the relevant certification and declaration are filed on the record as soon as possible after their completion.

6. *Directions in relation to P-0405*

54. The Chamber recalls its earlier direction, issued via email, with respect to P-0405.⁶⁸ As previously ordered, the VWU must provide all necessary assistance to the Defence to facilitate P-0405's read back session.⁶⁹ In addition, the VWU and the relevant sections of the Registry which will conduct the certification and declaration process, should collaborate to ensure the declaration and certification process in respect of P-0405's prior recorded testimony is completed as soon as possible.

55. Furthermore, the Chamber reiterates its earlier order for the Defence to provide weekly updates commencing 25 June 2025 regarding the progress of the relevant steps for the certification and declaration of P-0405's prior recorded testimony.⁷⁰

7. *Residual Directions*

56. The Defence should file a final list of evidence and list of witnesses on the same day as it files its final request for introduction of evidence, as outlined above, and, in any event, no later than 22 August 2025.

57. Last, in line with the Fourth Directions on the Conduct of Proceedings, and as noted above, the Defence presentation of evidence will be closed after the Chamber has ruled on all the Defence's requests to introduce evidence through the Bar Table or pursuant to rule 68 of the Rules.⁷¹ As stated in the Fourth Directions on the Conduct of Proceedings, should the Prosecution wish to seek leave to submit evidence in rebuttal it must do so no later than one week after the Chamber rules on the last Defence request to introduce evidence through the Bar Table.⁷²

⁶⁸ Email from the Chamber to the Defence and Registry, dated 20 June 2025, at 14:02.

⁶⁹ Email from the Chamber to the Defence and Registry, dated 20 June 2025, at 14:02.

⁷⁰ Email from the Chamber to the Defence and Registry, dated 20 June 2025, at 14:02.

⁷¹ Fourth Directions on the Conduct of Proceedings, 5 March 2025, [ICC-01/14-01/21-932](#), para. 18.

⁷² Fourth Directions on the Conduct of Proceedings, 5 March 2025, [ICC-01/14-01/21-932](#), para. 19.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the Defence to file any request to submit any evidence obtained as a result of its forthcoming mission to [REDACTED] as soon as possible after the mission's conclusion, and no later than [REDACTED];

ORDERS the Defence to file any Bar Table request in respect of the [REDACTED] as soon as possible, and no later than 30 June 2025;

ORDERS the Defence to file any Bar Table request in respect of any material received from the [REDACTED] as soon as possible, and no later than 18 July 2025;

ORDERS the Defence and Registry, in line with paragraph 48 above, to inform the Chamber as soon as the dates for the completion of [REDACTED] are set;

ORDERS the Defence to file any request pursuant to rule 68 of the Rules for the State officials no later than three days [REDACTED], and in any event no later than 22 August 2025;

ORDERS the Defence to disclose to the Chamber [REDACTED], as soon as possible;

ORDERS the Registry to inform the Chamber as soon as it receives [REDACTED], in line with paragraph 52 above;

ORDERS the Defence and the Registry to inform the Chamber of the date for the certification and declaration of P-2926's prior recorded testimony as soon as it is set. The Registry is ordered to ensure that the relevant certification and declaration are filed on the record as soon as possible after their completion;

ORDERS the VWU to provide all necessary assistance to the Defence and other relevant sections of the Registry with regards to P-0405 in line with paragraph 54 above;

ORDERS the Defence to provide weekly updates commencing 25 June 2025 regarding the progress of the relevant steps for the certification and declaration of P-0405's prior recorded testimony; and

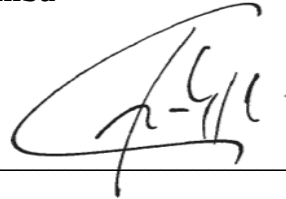
ORDERS the Defence to file a final list of evidence and list of witnesses on the same day as it files its final request for introduction of evidence, as outlined in the present decision, and no later than 22 August 2025.



Judge Miatta Maria Samba
Presiding Judge



Judge María del Socorro Flores Liera



Judge Sergio Gerardo Ugalde Godínez

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

Dated 23 June 2025

At The Hague, The Netherlands