

**Cour
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**International
Criminal
Court**

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

Date: **10 September 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 “Prosecution’s response to Defence’s request for leave to appeal the “Decision on Three Defence Requests for the Submission of Evidence from the Bar Table (ICC-01/14-01/21-966; ICC-01/14-01/21-973; ICC-01/14-01/21-989)” (ICC-01/14-01/21-1011)”, ICC-01/14-01/21-1023-Conf, dated 4 September 2025

Source: Office of the Prosecutor

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I. INTRODUCTION

1. The Office of the Prosecutor (the “Prosecution”) respectfully requests Trial Chamber VI (the “Chamber”) to reject the Defence’s request (the “Request”)¹ for leave to appeal the Decision on Three Defence Requests for the Submission of Evidence from the Bar Table (ICC-01/14-01/21-966; ICC-01/14-01/21-973; ICC-01/14-01/21-989)” (the “Decision”).²
2. The Prosecution submits that neither of the two issues proposed for certification constitutes an “appealable issue” or satisfy the cumulative criteria for leave to appeal under article 82(1)(d) of the Rome Statute of the International Criminal Court (the “Statute”).

II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, this filing is filed as confidential since it responds to a request filed confidentially. A public redacted version will be filed as soon as practicable.

III. PROCEDURAL HISTORY

4. On 13 February 2024, the Chamber issued the “Decision on the Prosecution’s Applications for Submission of Documents from the Bar Table” (the “Prosecution Bar Table Decision”).³
5. On 8 October 2024, the Chamber issued the “Third Directions on the Conduct of proceedings”.⁴ Therein, the Chamber ordered the Defence to file any application

¹ Demande d'autorisation d'interjeter appel de la “Decision on Three Defence Requests for the Submission of Evidence from the Bar Table (ICC-01/14-01/21-966; ICC-01/14-01/21-973; ICC-01/14-01/21-989)” of 1 September 2025, ICC-01/14-01/21-1018-Conf.

² ICC-01/14-01/21-1011-Conf.

³ Decision on the Prosecution’s Applications for Submission of Documents from the Bar Table, 13 February 2024, ICC-01/14-01/21-694, with two public annexes.

⁴ Third Directions on the Conduct of Proceedings, 8 October 2024, ICC-01/14-01/21-873.

for the submission of evidence via the bar table no later than one week after the last Defence witness has finished testifying.⁵

6. On 15 November 2024, the Prosecution formally closed the presentation of its evidence.⁶
7. On 5 March 2025, the Chamber issued the “Fourth Directions on the Conduct of Proceedings”, instructing the Defence to file any application for the submission of evidence from the Bar Table one week after the first block of witness(es) and to make further requests to file additional evidence as soon as feasible.⁷
8. On 12 March 2025, the Defence filed a request for an extension of time to file its Bar Table Motion,⁸ which the Chamber granted on 20 March 2025, ordering the Defence to file its Bar Table Motion on 17 April 2025.⁹
9. On 1 April 2025, the Chamber issued the “Decision on the Defence’s Request for Additional Time to Complete Its Investigation”, in which it, *inter alia*, ordered the Defence to file a further Bar Table motion relating to outstanding evidence no later than 2 May 2025.¹⁰
10. On 17 April 2025, the Defence filed its first request to submit evidence from the Bar Table (the “First Request”).¹¹ On 25 April 2025, the Prosecution filed its response to the First Request (the “First Response”).¹²

⁵ Third Directions on the Conduct of Proceedings, 8 October 2024, ICC-01/14-01/21-873, para. 19.

⁶ Notification of the Conclusion of the Prosecution’s Presentation of Evidence, 15 November 2024, ICC-01/14-01/21-895.

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 2024, ICC-01/14-01/21-936-Red. A confidential ex parte version was filed simultaneously (ICC-01/14-01/21-936-Conf-Exp).

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

¹¹ 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, with one confidential annex (ICC-01/14-01/21-966-Conf-AnxA).

¹² Prosecution’s response to “Requête de la Défense afin de soumettre des éléments de preuve par le biais d’une Bar Table” (ICC-01/14-01/21-966), 25 April 2025, ICC-01/14-01/21-970, with one confidential annex (ICC-01/14-01/21-970-Conf-Anx A).

11. On 2 May 2025, the Defence filed its second request to submit evidence from the Bar Table (the "Second Request").¹³ On 9 May 2025, the Prosecution responded to the Second Request (the "Second Response").¹⁴
12. On 23 June 2025, the Chamber issued the "Decision Setting Final Deadlines for the Defence's Presentation of Evidence and Related Directions", in which it set deadlines for a number of final motions for the introduction of Defence evidence.¹⁵
13. On 30 June 2025, the Defence filed a third request to introduce evidence from the Bar Table (the "Third Request").¹⁶
14. On 2 July 2025, the Prosecution indicated, via email, that "[w]hile [it] does not agree with the justification of relevance of CAR-D33-0014-3508, as put forward by the Defence in [the Third Request], it does not object to the Defence's request for admission of this document through the bar table."¹⁷
15. The Common Legal Representative of Victims (the "CLRV") did not file responses to the First, Second or Third Request.
16. On 30 July 2025, the Defence filed additional submissions in respect of a number of items produced by a member of the Defence team, Mr Florian François-Jacquemin, contained in the First Request.¹⁸

¹³ 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, with one confidential annex (ICC-01/14-01/21-973-Conf-AnxA). A confidential version was filed on 2 May 2025 (ICC-01/14-01/21-973-Conf).

¹⁴ Public redacted version of "Prosecution's response to "Deuxième Requête de la Défense afin de soumettre des éléments de preuve par le biais d'une Bar Table" (ICC-01/14-01/21-973-Conf)", ICC01/14-01/21-978-Conf, dated 9 May 2025, 15 May 2025, ICC-01/14-01/21-978-Red, with one confidential annex (ICC-01/14-01/21-978-Conf-AnxA). A confidential version was filed on 9 May 2025 (ICC-01/14-01/21-978-Conf).

¹⁵ Decision Setting Final Deadlines for the Defence's Presentation of Evidence and Related Directions, 23 June 2025, ICC-01/14-01/21-986-Red. A confidential ex parte and confidential redacted version were filed simultaneously (ICC-01/14-01/21-986-Conf-Exp; ICC-01/14-01/21-986-Conf-Red).

¹⁶ Version publique expurgée de la « Troisième requête de la Défense afin de soumettre un élément de preuve par le biais d'une Bar Table », 7 July 2025, ICC-01/14-01/21-989-Red, with one confidential annex (ICC-01/14-01/21-989-Conf-AnxA). A confidential version was notified on 30 June 2025 (ICC01/14-01/21-989-Conf).

¹⁷ Email from the Prosecution to the Chamber, dated 2 July 2025, at 14:43.

¹⁸ Version publique expurgée de la « Demande visant à obtenir des clarifications calendaires concernant le moment où la Défense pourra être fixée sur la demande pendante du 17 avril 2025 (ICC-01/14-01/21-966) spécifiquement concernant la soumission par Bar Table du rapport CAR-D33-0015-0742 et des éléments y afférents afin que la Défense puisse en tirer les conséquences procédurales dans les délais impartis », 13 August 2025, ICC-01/14-01/21-1004-Red. A confidential version was filed on 30 July 2025 (ICC-01/14-01/21-1004-Red).

17. On 22 August 2025, the Chamber issued its Decision, granting the First and Second Requests in part and granting the Third Request.

IV. SUBMISSIONS

A. The issues raised by the Defence are not appealable issues within the terms of article 82(1)(d) of the Statute.

18. For the purposes of article 82(1)(d) of the Statute,¹⁹ an issue constitutes “an identifiable subject or topic requiring a decision for its resolution, not merely a question over which there is disagreement or conflicting opinion.”²⁰ No appealable issue arises if a party misreads or misrepresents the decision or record.²¹ Moreover, the resolution of the issue must be “essential for the determination of matters arising under the judicial cause under examination”.²²

19. The Defence identifies two issues (collectively referred to as the “Issues”) for which it seeks leave to appeal: (i) *la Chambre a-t-elle erré en droit en refusant la soumission par Bar Table du rapport CAR-D33-0015-0742 et des éléments y afférents, et en interdisant au membre de l’équipe de Défense de témoigner*; and (ii) *la Chambre a-t-elle commis une erreur de droit en refusant d’admettre 11 documents résiduels liés à des témoins viva voce ou relevant de la Règle 68(3)*.

20. As set forth below, the Defence fails to identify any appealable issue arising from the Decision. Instead, the Defence reiterates arguments presented in its bar table motions, and merely disagrees with the Decision. Considering that the requirements of article 82(1)(d) of the Statute are cumulative and that a failure to

¹⁹ ICC-01/04-168 OA3, paras. 9-10. *See also* ICC-01/04-01/06-1433 OA11, Dissenting Opinion of Judge Song, para. 4, specifying that “[a] decision “involves” an issue if the question of law or fact constituting the issue was essential for the determination or ruling that was made.”

²⁰ ICC-01/04-168 OA3, para. 9.

²¹ *See e.g.*, ICC-01/04-01/10-487, paras. 32-33; ICC-01/05-01/13-1489, paras. 9-10; ICC-01/05-01/08-75, para. 32.

²² ICC-01/04-168 OA3, 13 July 2006, para. 9.

fulfil one of the requirements is fatal to an application for leave to appeal,²³ the Prosecution respectfully submits that the Request can be rejected on this basis alone. In any event, the Defence also fails to satisfy the other criteria in article 82(1)(d) of the Statute.

i. The First Issue - *La Chambre a-t-elle erré en droit en refusant la soumission par Bar Table du rapport CAR-D33-0015-0742 et des éléments y afférents, et en interdisant au membre de l'équipe de Défense de témoigner ?*

21. The First Issue should be rejected since the Defence merely expresses its disagreement or conflicting opinion with the Decision. To state its disagreement with the Decision, the Defence raises several points of contention.
22. The Defence contends that there is no reason why items collected by a member of a legal team (*albeit* the Prosecution or Defence) cannot be introduced via a Bar Table motion, if this member of the team will not testify.²⁴ The Defence compares the submission of the report signed by Mr François Jacquemin²⁵ (the “Report”) and associated materials²⁶ with the material submitted through Prosecution Witnesses P-3112 and P-3114, [REDACTED].²⁷ Further, it contends that the Chamber allowed the submission of several items by the Prosecution through Bar Table motions, as well as open source items, without calling the investigators who collected these items or without identifying the authors of these items, who could have testified about them.²⁸ In the same vein, the Defence submits that the Chamber has treated the Prosecution and the Defence differently by delving into the probative value and

²³ ICC-01/05-01/08-3273, para. 8; ICC-02/11-01/15-117, para. 26; ICC-02/11-01/15-132, para. 5.

²⁴ Request, para. 23.

²⁵ CAR-D33-0015-0742.

²⁶ CAR-D33-0015-0725; CAR-D33-0015-0726; CAR-D33-0015-0727; CAR-D33-0015-0728; CAR-D33-0015-0729; CAR-D33-0015-0730; CAR-D33-0015-0731; CAR-D33-0015-0732; CAR-D33-0015-0733; CAR-D33-0015-0734; CAR-D33-0015-0735; CAR-D33-0015-0736; CAR-D33-0015-0737; CAR-D33-0015-0738; CAR-D33-0015-0739; CAR-D33-0015-0740; CAR-D33-0015-0741.

²⁷ Request, paras. 22-23.

²⁸ Request, para. 24.

relevance of items submitted by the Defence through Bar Table motion, as opposed to applying the standard evidentiary criterion for a Prosecution Bar Table motion.²⁹

23. The Prosecution respectfully submits that the Chamber based its Decision on the nature of the Report and associated materials impartially and irrespective of the Party which submitted them. The Chamber duly reviewed the Report and the associated materials before ruling that it “has concerns regarding methodology employed during the mission.”³⁰ The Chamber considered that the Report comprises hearsay evidence from an advocate on the Defence team in relation to the PK9 barrier in 2025,³¹ and includes hearsay evidence from unnamed individuals.³² It also observed that certain associated material taken on Mr François-Jacquemin’s mobile phone are of poor quality and the methodology and quality control in relation to the information recorded are unclear.³³
24. Regarding Mr François-Jacquemin’s standing, the Chamber clearly distinguished in the Decision,³⁴ between the status and nature of the involvement of the Prosecution investigators, and Mr François-Jacquemin.³⁵ It noted that Mr François-Jacquemin is a Counsel in Mr SAID’s Defence team, and was involved in questioning of witnesses. It held that “it would be inappropriate for and undermine public confidence in the administration of justice for it to evaluate and weigh the evidence of an advocate in relation to matters which witnesses have also given evidence on”.³⁶ Mr François-Jacquemin, as Counsel in the *Said* Defence team, is bound by the Code of Professional Conduct for Counsel (the “Code”) and is ethically obliged to maintain his independence in the representation of Mr SAID’s interests, to avoid conflicts of interests, by virtue of Article 6 of the Code.

²⁹ Request, para. 28.

³⁰ Decision, para. 86.

³¹ Decision, para. 86.

³² See fn 144 of the Decision.

³³ See fn 143 of the Decision.

³⁴ Decision, paras. 87-88.

³⁵ Decision, para. 90.

³⁶ Decision, para. 88; See also 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. 42.

25. In view of the particular nature of the evidence at hand, the Chamber deemed it fit to assess the admissibility and probative value of the Report and associated materials at this stage. In doing so, the Chamber acted within the scope of its Directions on the Conduct of Proceedings,³⁷ whereby it retained the discretion to decide to rule on any specific objection in advance of the judgment, particularly when it deemed it necessary for a fair and expeditious trial as mandated by Article 64(2) of the Statute.
26. The Prosecution submits that the Chamber took into account relevant considerations before deciding on the Report and associated materials. The Defence merely disagrees with the Decision.
27. The Defence further argues that given the Decision was delivered after the Defence had already called its witnesses, this causes prejudice to the Defence, thereby violating the principle of equality of arms since the Defence has no means to submit the Report and associated materials as part of its List of Evidence.³⁸ The Defence contends that it could not have anticipated the criteria regarding the admissibility of the Report and its associated materials.³⁹ The Prosecution notes that equality of arms is an indivisible element of a fair trial which is designed to, among other things, afford the same opportunities to the Prosecution and the Defence in confronting one another's case.⁴⁰ However, as several Chambers have held, the principle does not require absolute parity.⁴¹ Rather, the principle demands that each party has a reasonable opportunity to adequately prepare for and present its

³⁷ ICC-01/14-01/21-251, paras. 19-21.

³⁸ Request, para. 27.

³⁹ Request para. 29.

⁴⁰ See Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, Separate Opinion of Judge Georgios Pikis to the Decision on the Prosecutor's "Application for Leave to Reply to 'Conclusions de la défense en réponse au mémoire d'appel du Procureur'", 12 September 2006, ICC-01/04-01/06-424, pp. 8-10; see also *inter alia* European Court of Human Rights, Case of *Rowe and Davis v. The United Kingdom*, Judgment, Application no. 28901/95, 16 February 2000, paras 59-61; European Court of Human Rights, Case of *Laukkanen and Manninen v Finland*, Judgment, Application no. 50230/99, 3 February 2004, para. 34.

⁴¹ Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), Decision on Defence requests and procedural challenges, 21 May 2021, ICC-02/05-01/20-402, para. 45.

case, without being placed at a substantial disadvantage *vis-à-vis* the opposing party.⁴²

28. The Prosecution respectfully submits that this issue has already been rejected in the Decision. The Chamber reiterated that the Defence has had ample opportunity and resources to carry out its investigative missions, and "the Defence elected to carry out the mission in February 2025 after the Prosecution witnesses had already testified and had it been conducted earlier the Defence would have been able to put the information gathered to P-2573 and P-0529 in cross-examination, to clarify any issues deemed relevant."⁴³ Moreover, in its Decision on the Prosecution's Request for an Order to Exclude Defence Counsel from the Defence's List of Witnesses and Evidence⁴⁴, the Chamber referred to the Court's Legal Aid Policy and the resources the Defence could avail itself of to carry out investigative work. Also, Regulation 139(2) of the Regulations of the Registry sets out the requirements to be met by resource persons engaged by the Defence team for the purposes of investigations, including that they are not related to the person entitled to legal assistance, to the counsel or any person assisting him or her. The Defence contention about prejudice and equality of arms is therefore unfounded and illustrates its mere disagreement or conflicting opinion with the Decision.

ii. The Second Issue - *La Chambre a-t-elle commis une erreur de droit en refusant d'admettre 11 documents résiduels liés à des témoins viva voce ou relevant de la Règle 68(3) ?*

29. The Second Issue should also be rejected given that the Defence expresses its mere disagreement or conflicting opinion with the Decision.

⁴² Pre-Trial Chamber I, *Prosecutor v. Thomas Dyilo Lubanga*, Decision on the Defence request for leave to appeal regarding the transmission of applications for victim participation, 6 November 2006, ICC-01/04-01/06-672-tEN, p. 7; Pre-Trial Chamber II, Situation in Uganda, Decision on Prosecutor's Application for leave to Appeal in Part Pre-Trial Chamber II's Decision on the Prosecutor's Applications for Warrants of Arrest under Article 58, 19 August 2005, ICC-02/04-01/05-20, para. 30.

⁴³ Decision, para. 92.

⁴⁴ ICC-01/14-01/21-935, para. 52.

30. The Defence refers to paragraph 67 of the Decision to submit that the Chamber erred in law in rejecting the formal submission of eleven items of evidence linked to the testimony of certain witnesses.⁴⁵ The Defence contends that the Chamber relied on irrelevant criteria in its assessment of the formal submission of these items of evidence.⁴⁶ The Defence further argues that it could not use and formally submit these items of evidence during the testimony of the related witnesses due to the time constraints imposed by the Chamber for their cross-examination.⁴⁷
31. With regard to the contention that the Chamber relied on irrelevant criteria, the Prosecution submits that the Defence merely disagrees with the Decision and fails to identify any error of law. The Decision clearly identifies the factors the Chamber considered in its assessment of the formal submission of items of evidence. In this regard, the Prosecution recalls that the Chamber clearly informed the Parties, during the Prosecution case, that it could disallow the introduction of an item of evidence via the Bar Table if it were of the view that a witness who can meaningfully comment on the relevance, authenticity, and probative value of an item of evidence had been identified.⁴⁸ As a result and in full conformity with the jurisprudence,⁴⁹ the evidence presented by the Parties was assessed in the same manner, thereby raising no issue of inequality of arms.
32. Concerning the Defence's alleged inability to tender the items through the related witnesses, the Defence fails to identify any error of law and rather, expresses its mere disagreement with prior decisions of the Chamber on time allocation for cross-examination of witnesses, and additionally fails to point to specific examples. In light of these considerations, the Second Issue is not an appealable issue arising from the Decision.

⁴⁵ Request, paras. 32-37.

⁴⁶ Request, para. 33.

⁴⁷ Request, para. 35.

⁴⁸ Decision on the Prosecution's Applications for Submission of Documents from the Bar Table, 13 February 2024, ICC-01/14-01/21-694, para. 40.

⁴⁹ *The Prosecutor v. Bosco Ntaganda*, Judgment on the appeals of Mr Bosco Ntaganda and the Prosecutor against the decision of Trial Chamber VI of 8 July 2019 entitled 'Judgment', 30 March 2021, ICC-01/04-02/06-2666-Red, para. 587.

B. The Issues do not significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial.

33. Even if the Chamber were to consider that the Issues identified by the Defence are appealable, the Defence fails to substantiate how any of the Issues impacts the fair and expeditious conduct of the proceedings or the outcome of the trial.
34. With regard to fairness, the Defence contends that “[la] décision attaquée, en ce qu’elle interdit à une personne qui exerce les fonctions d’enquête de témoigner sur les résultats de ses enquêtes”⁵⁰, which affects the principle of equality of arms and overall, the fairness of the proceedings. In doing so, it reiterates its previous arguments and thereby merely disagrees with the Decision.⁵¹ The Prosecution notes that the Defence does not address explicitly the issue of the expeditious conduct of the proceedings.
35. In addition, the Defence argues that “[l]a Chambre, en interdisant à la Défense de soumettre des éléments utiles au dossier, prive la Défense de son droit de présenter une Défense complète, sur la base de critères qui créent, en sus, une inégalité des armes entre Défense et Accusation, affectant l’équité de la procédure dans son ensemble”.⁵² With regard to the utility of these items to the Defence case, the Prosecution notes that the Chamber observed that the Defence: (i) “chose not to use said items during their cross-examination, although some appeared to be on the Defence’s Lists of Material for those witnesses” and ii) “has not advanced any reason as to why these items were not sought to be introduced through the concerned witnesses”.⁵³ Hence, the Defence’s argument reflects a mere disagreement with the Decision. The Prosecution further notes that the Defence could have filed its Bar Table motion at the beginning of its case, and more particularly one week after the first block of witness(es) as instructed by the Chamber on 5 March 2024.⁵⁴ However, the Defence

⁵⁰ Request, para. 38.

⁵¹ Decision, paras. 89-90.

⁵² Request, para. 39.

⁵³ Decision, paras. 68-69.

⁵⁴ Fourth Directions on the Conduct of Proceedings, para. 17.

requested several extensions of that deadline on 12 March 2025,⁵⁵ 21 March 2025,⁵⁶ and 2 May 2025.⁵⁷ Unlike the Prosecution, which elected to file its Bar Table motions at the beginning of the case by 23 May 2022 in compliance with the Chamber's instructions,⁵⁸ the Defence chose to file its Bar Table motions towards the end of its case. This undermines its present claim of unfairness.

36. Both contentions, as formulated, are broad and fall short of distinctly linking these criteria to the specific Issues, as required by the jurisprudence.⁵⁹

C. The immediate resolution of the Issues by the Appeals Chamber will not materially advance the proceedings.

37. Finally, the Prosecution respectfully submits that the immediate resolution of the Issues by the Appeals Chamber will not materially advance the proceedings. The Defence argues that issuing a Judgment without providing the Defence with an opportunity to present the findings from its own investigations could affect the fundamental rights of the Accused, including his right to a fair trial.⁶⁰ This contention is unfounded and based on a mischaracterisation of the Decision. As previously discussed, the Decision duly considered the fairness of the proceedings. Further, the Chamber, in its prior rulings, provided the Defence with adequate time

⁵⁵ Request for extension of deadlines of 12 March 2024.

⁵⁶ 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).

⁵⁷ 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.

⁵⁸ Decision Setting the Commencement Date of the Trial and Related Deadlines, 21 February 2022, ICC-01/14-01/21-243, p.13.

⁵⁹ *Prosecutor v. Gbagbo & Blé Goudé*, Decision on request for leave to appeal the 'Fourth decision on matters related to disclosure and amendments to the List of Evidence' and other issues related to the presentation of evidence by the Office of the Prosecutor, ICC-02/11-01/15-524, 13 May 2016, para. 16 ("It is not the duty of the Chamber to identify specific issues to appeal from broadly formulated requests. A broad reference to the fundamental rights of the accused and how the alleged violation necessarily has an impact on the fairness of the proceedings, without more, cannot satisfy the leave to appeal.").

⁶⁰ Request, paras. 40-41.

to present the findings of its investigations. The Defence's arguments on the need for an immediate appellate resolution of the Issues should be rejected.

V. CONCLUSION

38. In light of the foregoing, the Prosecution respectfully requests the Chamber to deny the Request.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', with a large, stylized initial 'M' on the left.

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 10th day of September 2025
At The Hague, The Netherlands