

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **25 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 the "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)", ICC-01/14-01/21-0980-Conf, dated 15 May 2025

Source: Office of the Prosecutor

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

☒ 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 Zavala Giler Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) does not oppose the Defence request for further extension of time to complete its investigation, but provides clarifications to some of the Defence assertions.

II. CONFIDENTIALITY

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

III. PROCEDURAL HISTORY

3. On 15 November 2024, the Prosecution formally closed the presentation of its evidence.¹
4. On 12 December 2024, the Defence notified the Chamber that it would present a case subject to the progress of the collection of evidence, including witness testimony.² On 17 January 2025, the Defence provided a preliminary list of seven witnesses.
5. On 30 January 2025, at the Chamber’s invitation, the Defence filed observations on the progress of its investigation since the start of the trial, and informed the Chamber of the current situation regarding the finalisation of its list of witnesses.³

¹ Notification of the Conclusion of the Prosecution’s Presentation of Evidence, 15 November 2024, ICC-01/14-01/21-895

² 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, 12 December 2024, ICC-01/14-01/21-904, para. 4.

³ 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.

6. On 17 February 2025, the Defence filed a request pursuant to regulation 35 of the Regulations for an extension of time to conclude its ongoing investigations.⁴
7. On 21 February 2025, the Defence filed its List of Evidence and List of Witnesses.⁵ On the same date, the Chamber issued its Decision on the Defence Request for an Extension of Time to File its Final List of Witnesses, List of Evidence and Complete Disclosure, in which it authorised the Defence to update its List of Witnesses and List of Evidence by 21 March 2025.⁶
8. On 25 February 2025, the Defence filed a revised request for cooperation (“the Revised Request”).⁷
9. 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 other than through a witness one week after the first block of witness(es) and to make further requests to file additional evidence as soon as feasible.⁸
10. On 7 March 2025, the Defence informed the Chamber of the progress in its efforts to obtain the cooperation [REDACTED] to interview [REDACTED] and appended a protocol regulating the interviewing [REDACTED].⁹
11. On 12 March 2025, the Defence filed a request for an extension of time to file its

⁴ Demande d’extension de délais ciblée pour terminer des actes d’enquêtes en cours conformément à la Norme 35 du Règlement de la Cour, 17 February 2025 (ICC-01/14-01/21-917-Conf-Exp), 24 March 2025, ICC-01/14-01/21-917-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.

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-Conf-Exp, ICC-01/14-01/21-920-Red.

⁷ Demande visant à obtenir la coopération de [REDACTED] avec l’équipe de Défense de Monsieur Said, 25 February 2025, ICC-01/14-01/21-926-Conf-Exp (a public redacted version was filed on 26 February 2025, ICC-01/14-01/21-926-Red).

⁸ Fourth Directions on the Conduct of Proceedings, 5 March 2025, ICC-01/14-01/21-932, para. 17.

⁹ Email from the Defence to Trial Chamber VI, dated 7 March 2025 at 14:46

bar table motion by 17 April 2025.¹⁰ The Prosecution did not oppose the request but solicited that reasonable time frames be set, providing it with ample time for the review of evidence as it was to be disclosed on a rolling basis.

12. On 17 March 2025, the Defence called its first witness, who finished testifying that day.

13. On 20 March 2025, the Chamber issued its Decision on the Defence 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 2025.¹¹

14. 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 investigative avenues it was pursuing and asked for additional time to complete its investigation.¹²

15. On 1 April 2025, the Chamber granted the Request and set 2 May 2025 as the deadline for (i) adding new items of evidence obtained as a result from any of the pending 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 the prior recorded testimony pursuant to rule 68 of the Rules.¹³

¹⁰ 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 » (ICC-01/14-01/21-936-ConfExp), 12 March 2025, ICC-01/14-01/21-936-Red.

¹¹ 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.

¹² 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 (ICC-01/14-01/21-948-Conf-Exp), 26 March 2025, ICC-01/14-01/21-948-Red, with two confidential annexes.

¹³ Decision on the Defence's Request for Additional Time to Complete Its Investigation, 1 April 2025 (ICC-01/14-01/21-955).

16. On 2 May 2025, the Defence filed a request pursuant to regulation 35 of the Regulations for a further extension of time to conclude its ongoing investigations (the 'Request') without stating the timeframe within which such investigations will be completed.¹⁴

IV. SUBMISSIONS

17. Regulation 35(2) of the Regulations of the Court provides that the Chamber may extend a time limit if 'good cause' is shown. The Prosecution does not oppose the Defence Request for an extension of time to conclude its investigations, noting that the Chamber has consistently granted requested extensions thus preserving the rights of Mr. SAID to have adequate time and facilities to prepare his Defence. Never the less, the Prosecution respectfully notes the following:

(a) The Request does not lay down any specific items of evidence or witnesses that are demonstrably material to central issues in the case nor does it show that there is a realistic prospect that they can be obtained within a short timeframe, contrary to what the Chamber ordered in paragraph 27 of its Decision of 01 April 2025¹⁵;

(b) On Defence's assertion at paragraph 29 of the Request, the Prosecution submits that while the Defence's investigation is limited to the SAID case, the 10 years' of investigation by the Prosecution entailed investigating the entire Central African Republic "CAR II" situation and led to the prosecution of several other cases, including but not limited to the SAID, YEKATOM and NGAISSONA cases. Thus the Defence assertion is misplaced.

¹⁴ Version confidentielle 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 », 2 May 2025 (ICC-01/14-01/21-975-Conf-Red).

¹⁵ Decision on the Defence's Request for Additional Time to Complete Its Investigation, 1 April 2025 (ICC-01/14-01/21-955).

(c) Furthermore, in its Decision of 21 February 2022,¹⁶ the Chamber encouraged the Defence, over three years ago, to begin its investigative work without delay, highlighting that, at that time, the Defence was already in possession of the core of the Prosecution's evidence and was therefore in a position to begin preparing its main investigative steps. This was further reiterated by the Chamber in its Decision of 01 April 2025;¹⁷ and

(d) Regarding the elements in the Defence's reports CAR-D33-0015-0711 and CAR-D33-0015-0716, the Prosecution notified the Defence of the explicit reasons for not agreeing to the proposed facts set out by the Defence in its communication on "agreed facts" to the Prosecution. The Prosecution further informed the Defence it could formally submit these items through a witness or other means, such as a bar table motion as instructed by the Chamber through its decision dated 11 March 2025, where it also directed the Defence 'to propose alternative means to authenticate the relevant items/information collected at the TGI and/or the OCRB currently contained in the reports prepared by counsel.'¹⁸

18. The Prosecution does not oppose the Defence request for an extension of time. The Chamber has the discretion and inherent powers to determine and set a specific timeframe within which the Defence should complete its investigations, taking into account the rights of the Accused and the need for an expeditious conduct of the proceedings.

¹⁶ 3 Decision Setting the Commencement Date of the Trial and Related Deadlines, 21 February 2022, ICC1/14-01/21-243, para. 19.

¹⁷ Decision on the Defence's Request for Additional Time to Complete Its Investigation, 1 April 2025 (ICC-01/14-01/21-955), para. 26.

¹⁸ ICC-01/14-01/21-935 at paragraph 55.

V. Relief sought

19. In view of the foregoing, the Prosecution humbly defers to the Chamber to set specific timelines within which the Defence should complete its investigations.

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 25th day of September 2025

At The Hague, The Netherlands