

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21
Date: 16 October 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

Victims' Response to the *“Demande de reconsidération de l’instruction donnée par la Chambre dans la décision ICC-01/14-01/21-932 de procéder au double référencement du mémoire de la Défense dans les deux langues de travail de la Cour”*
(No. ICC-01/14-01/21-1030)

Source: Office of Public Counsel for Victims

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D33

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(Participation/Reparation)

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I. INTRODUCTION

1. Counsel representing the participating victims (the “Common Legal Representative”)¹ hereby submits her response to the “*Demande de reconsidération de l’instruction donnée par la Chambre dans la décision ICC-01/14-01/21-932 de procéder au double référencement du mémoire de la Défense dans les deux langues de travail de la Cour*” (the “Request”).²

2. The Defence fails to meet the specific requirements for reconsideration of a judicial decision and the Request should therefore be rejected. In particular, the Defence fails to demonstrate a clear error of reasoning in Trial Chamber VI’s (the “Chamber”) “Fourth Directions on the Conduct of Proceedings” (the “Fourth Directions”),³ or the need to reconsider it in order to prevent an injustice. In addition, the Defence’s arguments do not introduce new facts or information that were not available at the time the Chamber issued the Fourth Directions.

II. PROCEDURAL BACKGROUND

3. On 5 March 2025, the Chamber issued the Fourth Directions,⁴ instructing, *inter alia*: (i) the Prosecution and the Common Legal Representative to submit their closing briefs two weeks after the closure of the evidentiary phase of the proceedings;⁵ (ii) the

¹ See 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; the “Fifth Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-906](#), 13 December 2024; and the “Sixth Decision on Victims’ Participation” (Trial Chamber VI), [No. ICC-01/14-01/21-960](#), 9 April 2025.

² See the “*Demande de reconsidération de l’instruction donnée par la Chambre dans la décision ICC-01/14-01/21-932 de procéder au double référencement du mémoire de la Défense dans les deux langues de travail de la Cour*”, No. ICC-01/14-01/21-1030, 15 October 2025 (the “Request”).

³ See the “Fourth Directions on the Conduct of Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-932](#), 5 March 2025 (the “Fourth Directions”).

⁴ *Ibid.*

⁵ *Idem*, para. 21.

Defence to submit its closing brief no later than two weeks after Mr Saïd has received a non-revised French translation of the Prosecution brief;⁶ and (iii) the parties and participants to make reference to both the English and the French versions of any transcripts and prior recorded testimony they rely on in their closing briefs.⁷

4. On 25 September 2025, the Prosecution and the Common Legal Representative filed their closing briefs in line with the Chamber's Fourth Directions, fully complying with its instructions.⁸

5. On 15 October 2025, the Defence submitted its Request.⁹

III. SUBMISSIONS

6. Chambers of this Court have consistently underlined the "*exceptional*" nature of reconsideration, explaining that "[t]he threshold for granting a request for reconsideration is high, requiring demonstration of a clear error of reasoning, or that doing so is necessary to prevent an injustice. New facts and arguments arising since the decision was rendered may be relevant to this assessment".¹⁰

7. The Defence argues that the Chamber's instruction to make reference to both the English and the French versions of any transcripts and prior recorded testimony it intends to rely on in its closing brief "*requiert un travail humain colossal et prend un temps déraisonnable au vu des moyens de l'équipe de Défense et des délais de la procédure*".¹¹ After

⁶ *Idem*, para. 22.

⁷ *Idem*, para. 26.

⁸ See the "Prosecution's Closing Brief", [No. ICC-01/14-01/21-1027-Conf](#), 25 September 2025; and the "Closing brief on behalf of the Victims", [No. ICC-01/14-01/21-1028-Conf](#) and [No. ICC-01/14-01/21-1028-Red](#), 25 September 2025.

⁹ See the Request, *supra* note 2.

¹⁰ See the "Decision on the Defence request for reconsideration of the 'Decision on the criteria for holding confirmation of charges proceedings in absentia' (ICC-02/04-01/05-532)" (Pre-Trial Chamber III), [No. ICC-02/04-01/05-608](#), 28 May 2025, paras. 18-19. See also *e.g.* the "Decision on Defence request for reconsideration of Decision on requests related to the submission into evidence of Mr Al Hassan's statements" (Trial Chamber X), [No. ICC-01/12-01/18-2414](#), 23 November 2022, para. 7; the "Decision on the Legal Representative Request for Reconsideration of the Decision on Witnesses to be Called by the Victims Representatives" (Trial Chamber IX), [No. ICC-02/04-01/15-1210](#), 26 March 2018, para. 6; and the "Decision on the Defence request for reconsideration and clarification" (Trial Chamber VI), [No. ICC-01/04-02/06-483](#), 27 February 2015, para. 13.

¹¹ See the Request, *supra* note 2, para. 6.

providing some examples of the time-consuming nature of this exercise,¹² the Defence concludes that, given the existing deadlines and its limited staffing, it is simply not feasible to produce a well-structured and substantiated closing brief while also undertaking the required double referencing.¹³ It therefore requests the Chamber to reconsider its instruction requiring citations to both language versions, noting that if the requirement were upheld, it may need to seek an extension of time for filling its closing brief, or, alternatively, be permitted to supplement English references post-submission.¹⁴

8. The Common Legal Representative submits that the Defence has not identified any clear error of reasoning in the Chamber's Fourth Directions. In this regard, the Common Legal Representative recalls that the Chamber's instruction was issued in order to facilitate the work of the parties and participants, since they "*are working in different working languages of the Court*".¹⁵ Indeed, the Prosecution and the Common Legal Representative have diligently complied with the Chamber's instruction by providing references in both working languages in their respective closing briefs. Although drafted in English, their submissions include citations to the French versions of the transcripts and prior recorded testimonies. This practice directly benefits the Defence, whose work is conducted primarily in French,¹⁶ by allowing it to verify and contextualise the cited evidence in its working language without having to locate the corresponding passages independently.

9. The Defence also fails to demonstrate that reconsideration is necessary to prevent an injustice, relying solely on arguments focusing on the workload and time constraints associated with the dual-referencing exercise.¹⁷ However, these considerations do not amount to an injustice warranting reconsideration of a procedural instruction that applies equally to all parties and participants. On the

¹² *Idem*, paras. 7-13.

¹³ *Idem*, paras. 14-16.

¹⁴ *Idem*, paras. 17-18.

¹⁵ See the Fourth Directions, *supra* note 3, para. 26.

¹⁶ See the Request, *supra* note 2, para. 5.

¹⁷ See *supra* para. 7.

contrary, the instruction ensures parity of treatment and facilitates the Chamber's ability to assess the submissions of all parties and participants on an equal footing, irrespective of the drafting language. Granting the Request would not prevent an injustice but rather create one, by exempting the Defence from an obligation already fulfilled by the Prosecution and the Common Legal Representative, thereby undermining the fairness and consistency of the proceedings.

10. Furthermore, the Defence does not rely on any new facts or developments that have arisen since the issuance of the Fourth Directions. The circumstances it describes – such as the Defence team composition,¹⁸ its working language,¹⁹ and the nature of the evidence²⁰ – were all known and/or foreseeable at the time the Directions were issued. The Defence did not seek leave to appeal these Directions and cannot now remedy that omission by introducing a request for reconsideration that fails to satisfy the strict requirements for such relief. Likewise, the Defence cannot claim that the instruction came as an unforeseen development, given that *“the Parties have been on notice since March 2025 regarding the modalities and overall timeline for the Closing Briefs”*.²¹

11. In light of the foregoing, the Defence has not met the high threshold required for reconsideration. It has identified no clear error of reasoning in the Chamber's Fourth Directions, demonstrated no risk of injustice warranting intervention, and presented no new facts or changed circumstances that would justify revisiting the Chamber's prior determination. The Request amounts to a mere disagreement with the Chamber's procedural ruling and, in effect, an attempt to reopen a matter long settled. Moreover, by indicating that, should its Request be denied, it would “[TRANSLATION] *very likely be obliged to request additional time*” to finalise its closing brief,²² the Defence appears to use the present Request as a pre-emptive attempt to seek

¹⁸ See the Request, *supra* note 2, para. 5.

¹⁹ *Ibid.*

²⁰ *Idem*, para. 4.

²¹ See the “Further Directions in Relation to the Closing Briefs” (Trial Chamber VI), [No. ICC-01/14-01/21-1026](#), 19 September 2025, para. 8.

²² See the Request, *supra* note 2, para. 18: “[...] *si cette demande de double référencement devait être maintenu, la Défense sera très probablement dans l'obligation de demander des délais supplémentaires au moment de la*

an extension of time. However, the Chamber has already made clear that it “*will not entertain any request for an extension of time for the filing of the Defence’s Closing Brief*”.²³

FOR THESE REASONS, the Common Legal Representative respectfully requests the Chamber to dismiss the Request in its entirety.



Sarah Pellet

Dated this 16th day of October 2025

At The Hague, The Netherlands

finalisation du mémoire final pour se conformer à la décision de la Chambre, avec les moyens limités dont elle dispose, malgré tous ses efforts pour éviter une telle situation”.

²³ See the “Further Directions in Relation to the Closing Briefs”, *supra* note 21, para. 13.