

**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 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

Order in Respect of Incidents D and K

Order 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 article 61(9) of the Rome Statute (the ‘Statute’), issues this ‘Order in Respect of Incidents D and K’.

I. PROCEDURAL HISTORY

1. On 13 June 2022, the Office of the Prosecutor (the ‘Prosecution’) filed its Trial Brief (the ‘Prosecution’s Trial Brief’).¹ Therein, the Prosecution indicated at footnote 440 that: ‘[t]he Prosecution will not present evidence in relation to the arrest and detention of P-0645 at the OCRB as P-0645 has refused to sign his witness statement and declined cooperation with the Court. This relates to para. 29(d) of the Charges.’²

2. On 25 September 2025, the Prosecution filed its Closing Brief (the ‘Prosecution’s Closing Brief’).³ Therein, the Prosecution stated at footnote 526 that: ‘[t]he particular incidents are set out in paragraph 29 of the Confirmation Decision (Operative Part). However, the Prosecution has not presented evidence in relation to the arrest and detention of P-0645 at the OCRB as P-0645 has refused to sign his witness statement and declined cooperation with the Court. This relates to para. 29 (d) of the Charges. Further, the Prosecution did not call P-2172 as a witness, *see* email to Trial Chamber VI of 16 September 2024. This relates to para. 29(k) of the Confirmation Decision (Operative part).’⁴

II. ANALYSIS

3. Article 61(9) of the Statute provides that, after commencement of the trial, the Prosecution may only withdraw charges with permission of the Trial Chamber. The Chamber recalls that in the ‘Decision on the Scope of the Charges’ it held that ‘the scope of the charged crimes in the present case is limited to the specific incidents

¹ Prosecution’s Trial Brief, 28 July 2022, [ICC-01/14-01/21-359-Red](#). A confidential version was filed on 13 June 2022 (ICC-01/14-01/21-359-Conf).

² Prosecution’s Trial Brief, [ICC-01/14-01/21-359-Red](#), footnote 440.

³ Prosecution’s Closing Brief, 25 September 2025, ICC-01/14-01/21-1027-Conf.

⁴ Prosecution’s Closing Brief, ICC-01/14-01/21-1027-Conf, footnote 526.

listed by the Pre-Trial Chamber in paragraph 29 of the operative part of the Confirmation of Charges Decision.’⁵

4. The Chamber notes that the Prosecution has not sought leave of the Chamber to withdraw any charges in this case and the Chamber considers that the incidents relating to P-0645 and P-2172 (Incidents D and K) still form part of the charges.

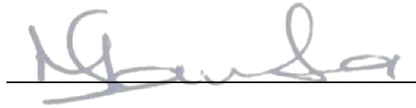
5. The above notwithstanding, the Chamber considers that the aforementioned references in the Prosecution’s Trial Brief and Prosecution’s Closing Brief create unnecessary ambiguity with respect to Incidents D and K. In this regard, the Chamber does not appreciate such issues being placed in footnotes.

6. Accordingly, the Chamber finds it necessary for the Prosecution to clarify its position in respect of the Incidents D and K as soon as possible. In the event that the Prosecution no longer wishes the Chamber to consider these incidents for the purposes of its judgment pursuant to article 74 of the Statute, it should seek leave of the Chamber to withdraw them.

⁵ Decision on the Scope of the Charges, 6 September 2022, [ICC-01/14-01/21-472](#), para. 25. *See also* Decision on Prosecution Notification regarding the Charges (ICC-01/14-01/21-262-Red), 20 April 2022, [ICC-01/14-01/21-282](#), para. 17.

FOR THESE REASONS, THE CHAMBER HEREBY

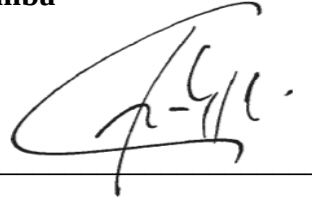
ORDERS the Prosecution to clarify its position in respect of Incidents D and K, no later than Monday 20 October 2025.



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 16 October 2025

At The Hague, The Netherlands