

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/14-01/21
Date: 9 February 2026

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

Amended “Public redacted version of Prosecution clarification in respect of Incidents D and K”, dated 21 October 2025, ICC-01/14-01/21-1035-Red

Source: Office of the Prosecutor

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

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☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

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☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

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REGISTRY

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Mr Zavala Giler Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

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Reparations Section

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) hereby clarifies its position in respect of Incidents D and K¹ as instructed by Trial Chamber VI (the “Trial Chamber”) on 16 October 2025 (“Order”).²

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis* (2) of the Regulations of the Court, this filing is filed as confidential because it refers to confidential information. A public redacted version will be filed as soon as practicable.

III. PROCEDURAL HISTORY

3. On 9 December 2021, the Trial Chamber confirmed that Incidents D and K form part of the charges against Mr Mahamat Said Abdel Kani.³
4. On 13 June 2022, the Prosecution indicated at footnote 440 of its Trial Brief that: “[it] 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”.⁴
5. On 16 September 2024, the Prosecution, via e-mail communication, notified the Trial Chamber of its decision not to call Witness P-2172, [REDACTED].⁵
6. On 25 September 2025, the Prosecution filed its Closing Brief whereby it indicated at footnote 526 that: “[...] the Prosecution has not presented evidence in relation to the arrest and detention of P-0645 at the OCRB as P-0645 had [REDACTED]. This

¹ As referenced in the operative part of the Decision on the confirmation of charges against Mahamat Said Abdel Kani, 9 December 2021, ICC-01/14-01/218-Red (“Confirmation Decision”). Incidents D and K pertain to the arrest and detention at the OCRB of P-0645 and P-2172, respectively.

² Order in Respect of Incidents D and K, 16 October 2025, ICC-01/14-01/21-1031.

³ Confirmation Decision (Operative part), para. 29(d) and (k).

⁴ Prosecution’s Trial Brief, 13 June 2022, ICC-01/14-01/21-359-Conf, footnote 440 (“Trial Brief”). A public redacted version was filed on 28 July 2022, ICC-01/14-01/21-359-Red.

⁵ Email from the Prosecution to the Trial Chamber, 16 September 2024 at 15:02 « 240916 – Provision of the schedule of witness appearance ». See also, Prosecution’s Updated List of Evidence, 15 November 2024, ICC-01/14-01/21-893-Conf, para. 24.

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)."⁶

7. On 16 October 2025, the Trial Chamber ordered the Prosecution to clarify its position in respect of Incidents D and K and, in the event that the Prosecution wishes to withdraw the charges in relation to these incidents, to seek leave of the Trial Chamber.

IV. SUBMISSIONS

8. The Prosecution respectfully informs the Trial Chamber that it maintains Incidents D and K as part of the charges for its consideration for the purposes of its judgment pursuant to article 74 of the Statute. The Prosecution, further provides clarifications on related evidence that is on record.
9. The Prosecution clarifies that it presented evidence in support of Incidents D and K during the proceedings. While such evidence was not elicited through Witnesses P-0645 and P-2172, it was adduced through Witnesses P-1429, P-3114, P-2240, P-0338, P-2386, also formally submitted through Witnesses P-0291 and P-2179,⁷ and through bar table applications.⁸
10. Concerning Incident D, evidence on record of Witnesses P-1429, P-3114, P-2240 as well as documentary evidence supports the allegations in this incident, of relevance to Counts 1 and 7.⁹ This evidence is corroborated by the overall evidence on the

⁶ Prosecution's Closing Brief, 25 September 2025, ICC-01/14-01/21-1027-Conf ("Closing Brief").

⁷ Decree No 13.277: CAR-OTP-2005-0384; Arrêté No 005: CAR-OTP-2100-1832; Arrêté No 007: CAR-OTP-2100-1842; Dossier: CAR-OTP-2131-0408.

⁸ For Press article: CAR-OTP-2020-0161; Report: CAR-OTP-2034-0207; Memorandum: CAR-OTP-2004-0890; Press article: CAR-OTP-2074-0366; Report: CAR-OTP-2100-1131, *see* Decision on the Prosecution's Applications for Submission of Documents from the Bar Table, 13 February 2024, ICC-01/14-01/21-694, Annex A. For Memorandum: CAR-OTP-2124-0806, *see* Decision the Duplicates Contained in the Prosecution's Applications for Submission of Documents from the Bar Table, 13 December 2024, ICC-01/14-01/21-905.

⁹ P-1429: CAR-OTP-2043-0317-R02 at 0325, para. 55 (Fr); CAR-OTP-2049-0166-R03 at 0175, para. 55 (Eng). P-3114: T-110-CONF-ENG CT2, 31:7-32:9; T-110-CONF-FRA CT2 30:4-31:4; P-2240: CAR-OTP-2107-8860-R02 at 8867, para. 29 (Eng); CAR-OTP-2110-0780-R02 at 0788, para. 29 (Fr); Annex A: CAR-OTP-00000455 at 000002; Press article: CAR-OTP-2020-0161 at 0162; Report: CAR-OTP-2034-0207.

arrest and detention of individuals, such as Witness P-2692, perceived to be pro-BOZIZE supporters delineated in the Closing Brief.¹⁰

11. For Incident K, evidence on record from Witnesses P-1429, P-0338, P-2386 as well as documentary evidence supports this incident, of relevance to Counts 1 and 7.¹¹ This is corroborated by the overall evidence on the arrest and detention of civilians, such as that of [REDACTED], referred to by Witness P-1289 in the Closing Brief.¹²

12. For clarity of the record, the Prosecution, with the leave of the Trial Chamber, is ready to clarify its Closing Brief.

V. RELIEF SOUGHT

13. For the above reasons, the Prosecution respectfully seeks leave to file an Addendum and a related Corrigendum to its Closing Brief.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 9th day of February 2026
At The Hague, The Netherlands

¹⁰ See eg. Closing Brief, paras. 95—§II.B.a)(ii); 124, 126—§III.B.1; 143 —§III.B.2.c) (corresponds to Incident c of the Operative part of the Confirmation Decision related to P-2692); 261-263—§III.B.3(a)(i)(2).

¹¹ See eg. Closing Brief, para. 178 (corresponds to incident i) of the Operative part of the Confirmation Decision related to P-1429). See also, P-1429: CAR-OTP-2043-0317-R02 at 0325, para. 68 (Fr); CAR-OTP-2049-0166-R03 at 0176, para. 68 (Eng); [REDACTED]; P-2386: CAR-OTP-2135-2792-R03 at 2798, para. 35 (Eng); CAR-OTP-2135-2897-R02 at 2904, para. 35 (Fr); Press article: CAR-OTP-2074-0366 at 0376; Dossier: CAR-OTP-2131-0408 at 0730; Memorandum: CAR-OTP-2124-0806 at 0809; Arrêté No 007: CAR-OTP-2100-1842 at 1846; Arrêté No 005: CAR-OTP-2100-1832 at 1835; Report: CAR-OTP-2100-1131 at 1153 and 1185; Decree No 13.277: CAR-OTP-2004-0890 at 0951 and CAR-OTP-2005-0384 at 0388.

¹² See eg. Closing Brief, paras. 100, 132 (corresponds to Incidents a) of the Operative part of the Confirmation related to P-1289).