

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No.: ICC-01/14-01/21
Date: 1 May 2026**

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***

Confidential Redacted

**Decision Regarding Ms Naouri's Temporary Suspension of her Right to Practise
before the Court following a decision of the Disciplinary Appeals Board**

Decision 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
Disciplinary Appeals Board of the
International Criminal Court

TRIAL CHAMBER VI of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64(2), 67(1)(b) and (d) of the Rome Statute (the 'Statute'), rules 20 to 22 of the Rules of Procedure and Evidence (the 'Rules'), regulations 75, 76 and 78 of the Regulations of the Court (the 'Regulations'), and articles 15(2), 39, 41 and 42 of the Code of Professional Conduct for counsel (the 'Code of Conduct') issues this 'Decision Regarding Ms Naouri's Temporary Suspension of her Right to Practise before the Court following a decision of the Disciplinary Appeals Board'.

I. PROCEDURAL HISTORY & SUBMISSIONS

1. On 26 February 2021, Ms Jennifer Naouri was appointed as Lead Counsel for Mr Said.¹
2. On 9 April 2021, Mr Dov Jacobs was appointed as associate counsel for Mr Said.²
3. On 26 November 2025, Closing Statements in the case concluded and the Chamber retired to deliberate on its judgment pursuant to article 74 of the Statute.³
4. On 24 April 2026, the Disciplinary Appeals Board of the International Criminal Court (the 'Disciplinary Appeals Board') issued the '*Décision relative à l'appel interjeté par Mme Jennifer Naouri contre la décision du Comité de discipline en date du 11 avril 2025 (SDO-2025-099)*' (the 'Misconduct Decision').⁴ Therein, the Disciplinary Appeals Board dismissed, in part, the appeal of Ms Naouri against the decision of the Disciplinary Board, and confirmed the latter's findings that she had committed professional misconduct in violation of the Code of Conduct, and

¹ Notification of the Appointment of Ms Jennifer Naouri as Counsel for Mr Mahamat Said Abdel Kani, 26 February 2021, [ICC-01/14-01/21-24](#) (the 'Appointment of Ms Naouri') with public annexes I and II and confidential annex III.

² Notification of the Appointment of Mr Dov Jacobs as Associate Counsel for Mr Mahamat Said Abdel Kani, 9 April 2021, [ICC-01/14-01/21-52](#) (the 'Appointment of Mr Jacobs') with confidential annex I and public annex II.

³ Transcript of hearing, 26 November 2025, ICC-01/14-01/21-T-141-CONF-ENG, pp. 47-48.

⁴ Disciplinary Appeals Board of the International Criminal Court, *Décision relative à l'appel interjeté par Mme Jennifer Naouri contre la décision du Comité de discipline en date du 11 avril 2025 (SDO-2025-099)*, 24 April 2026, SDO-2026-038.

sanctioning her with a suspension of the right to practise before the Court for a period of 18 months.⁵

5. The Disciplinary Appeals Board ordered that, in implementing the Misconduct Decision, the Registrar must, *inter alia*, consult with the chambers of the Court before which Ms Naouri is currently exercising functions before taking the necessary steps to implement the decision,⁶ and that, unless otherwise ordered by a chamber, the sanction against Ms Naouri would take effect from 4 May 2026.⁷

6. On 28 April 2026, the Registry formally transmitted the Misconduct Decision to the Chamber and informed it that, as a consequence, Ms Naouri 'will be unable to act in that capacity for the duration of the suspension period' (the 'Registry Transmission').⁸ In addition, the Registry, acting pursuant to the Misconduct Decision, sought to engage in consultation with the Chamber on, *inter alia*, the implementation of the Misconduct Decision.⁹

7. On the same day, the Defence filed an *ex parte* request regarding the Misconduct Decision, requesting, *inter alia*, that the sanction imposed against Ms Naouri be postponed (the 'Request').¹⁰

8. In the Request, the Defence submits that Ms Naouri, in her capacity as Lead Counsel, has consulted Mr Said and [REDACTED],¹¹ appending to the Request a letter from Mr Said in this regard.¹² The Defence avers, *inter alia*, that the timing for the implementation of a disciplinary sanction can have an impact on the fair conduct of ongoing proceedings and the accused's right to benefit from the assistance of counsel of his choice.¹³ The Defence argues that, given the current stage of proceedings, it is crucial to guarantee the continuity of Mr Said's defence given the

⁵ Misconduct Decision, SDO-2026-038, para. 129(i)-(iii).

⁶ Misconduct Decision, SDO-2026-038, para. 129(vii).

⁷ Misconduct Decision, SDO-2026-038, para. 129(ix).

⁸ Email from the Registry to the Chamber, dated 28 April 2026, at 16:55.

⁹ Email from the Registry to the Chamber, dated 28 April 2026, at 16:55.

¹⁰ Soumissions de la Défense à la suite de la décision SDO-2026-038, 28 April 2026, ICC-01/14-01/21-1047-Conf-Exp, with one confidential *ex parte* Defence and Registry only annex (ICC-01/14-01/21-1047-Conf-Exp-Anx).

¹¹ Request, ICC-01/14-01/21-1047-Conf-Exp, paras 3-4.

¹² See Annex to the Request, ICC-01/14-01/21-1047-Conf-Exp-Anx.

¹³ Request, ICC-01/14-01/21-1047-Conf-Exp, para. 5.

substantive steps still to be taken in the proceedings, such as the issuance of the judgment, a possible hearing on the sentence and a possible appeal.¹⁴ The Defence submits that Mr Said [REDACTED].¹⁵ The Defence accordingly requests that these circumstances justify postponing the start date of Lead Counsel's suspension so that Mr Said can enjoy all his rights at this most important moment of the proceedings.¹⁶

9. On 29 April 2026, the Chamber, taking note of the Registry Transmission, informed the Registry that it had received the Request from the Defence and requested observations from the Registry regarding its plans for ensuring Mr Said's effective representation in light of the Misconduct Decision.¹⁷

10. On 30 April 2026, the Registry submitted observations on the actions taken following the Misconduct Decision and its prospective plans for Mr Said's representation.¹⁸

II. ANALYSIS

11. The Chamber recalls that, pursuant to article 64(2) of the Statute, it has the obligation to ensure that this trial is fair and expeditious, and conducted with full respect for the rights of the accused. In the same vein, the Chamber attaches the utmost importance to the disciplinary regime and to the implementation of decisions taken by the relevant bodies in the context of that regime.¹⁹ The Chamber finds that it must assess whether the imminent implementation of the disciplinary sanction against Ms Naouri will undermine the fairness and expeditiousness of the proceedings, taking into consideration Mr Said's rights to legal assistance pursuant to articles 67(1)(b) and

¹⁴ Request, ICC-01/14-01/21-1047-Conf-Exp, paras 7-10.

¹⁵ Request, ICC-01/14-01/21-1047-Conf-Exp, paras 9-11.

¹⁶ Request, ICC-01/14-01/21-1047-Conf-Exp, para. 12.

¹⁷ Email from the Chamber to the Registry, dated 29 April 2026, at 11:12.

¹⁸ Email from the Registry to the Chamber, dated 30 April 2026, at 16:23.

¹⁹ See Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision on the legal representation of Mr Al Hassan following the decision of the Disciplinary Appeals Board on sanctions to be imposed upon Ms Melinda Taylor, 9 March 2026, [ICC-01/12-01/18-2778](#), (the 'Al Hassan Misconduct Decision'), para. 5.

(d) of the Statute,²⁰ and consider whether a delay in the implementation of that sanction is therefore justified.²¹

12. At the outset, the Chamber notes that, in the Request, the Defence makes a number of submissions regarding the need for postponing the implementation of the sanction against Ms Naouri in order to preserve Mr Said's rights in the proceedings.²² In light of the current stage of proceedings, the Chamber considers that there is no need to delay the implementation of the Misconduct Decision and rejects these submissions.

13. Specifically, the Chamber recalls that the evidentiary phase of the case is closed,²³ the Parties and Participants have made their closing submissions, and the Chamber is currently deliberating on its judgment pursuant to article 74 of the Statute. The Chamber further observes that there are no imminent hearings presently scheduled, nor any deadlines or urgent steps which have to be taken by the Parties and Participants in advance of the judgment's delivery.²⁴ In this respect, the Chamber also notes that, as per the Court's Legal Aid Policy, the Defence is currently in a period of 'reduced activity'.²⁵

14. In addition to the foregoing, the Chamber observes that, as well as being represented by Ms Naouri, Mr Said is also presently represented by associate counsel,

²⁰ The Chamber notes that an accused's right to counsel of his or her choice is not absolute (see Appeals Chamber, *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, Judgment on the appeal of Maxime Jeoffroy Eli Mokom Gawaka against the decision of Pre-Trial Chamber II of 25 March 2022 entitled "Order to the Registry concerning the appointment of Mr Nicholas Kaufman as counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka", 19 July 2022, [ICC-01/14-01/22-70-Red](#), para. 58; Appeals Chamber, *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, Judgment on the appeal of Maxime Jeoffroy Eli Mokom Gawaka against the decision of Pre-Trial Chamber II of 19 August 2022 entitled "Decision on legal representation further to the Appeals Chamber's judgment of 19 July 2022", 19 December 2022, [ICC-01/14-01/22-124-Red](#), para. 41) and the Court's legal framework sets limits in this regard (see, for example, regulation 75 of the Regulations).

²¹ See *Al Hassan* Misconduct Decision, [ICC-01/12-01/18-2778](#), para. 5.

²² See Request, ICC-01/14-01/21-1047-Conf-Exp, paras 7-11.

²³ Declaration on the Closure of the Presentation of Evidence, 9 September 2025, [ICC-01/14-01/21-1025](#).

²⁴ The Chamber notes that as per the Chambers Practice Manual it has 10 months from the date of the Closing Statements (in the present case, 26 November 2025) to issue its judgment pursuant to article 74 of the Statute and no scheduling order in that regard has been issued at present. See [Chambers Practice Manual](#), Eighth Edition, 21 October 2024, p. 19, para. 88.

²⁵ See Legal Aid Policy of the International Criminal Court, [ICC-ASP/22/9](#), paras 29, 35, adopted effective 1 January 2024 by Assembly of States Parties Resolution ICC-ASP/22/20. See also Email from the Registry to the Chamber, dated 30 April 2026, at 16:23.

Mr Jacobs. The Chamber recalls that Mr Jacobs was appointed as associate counsel on 9 April 2021,²⁶ less than two months after Ms Naouri's appointment,²⁷ has represented Mr Said since the confirmation stage of the proceedings,²⁸ and has played an active role in his defence.²⁹ In this regard, the Chamber notes that when Ms Naouri's suspension takes effect, Mr Said will continue to have legal representation.

15. Accordingly, the Chamber considers that, in these circumstances, a delay to the implementation of the Misconduct Decision is not necessary to safeguard the rights of the accused and the fairness and expeditiousness of the proceedings, and therefore rejects the Request.

16. As a consequence, the Chamber observes that, as per the Misconduct Decision, Ms Naouri's temporary suspension of her right to practise before the Court for a period of 18 months will take effect from 4 May 2026. The Chamber instructs the Registry to inform Mr Said of the present decision and the consequences thereof.

17. In respect of the Registry's observations regarding Mr Said's representation going forward, the Chamber orders the Registry to finalise matters as soon as possible and inform the Chamber accordingly.

18. Last, the Chamber notes that the Misconduct Decision is currently classified as confidential, pending redactions.³⁰ Accordingly, the Chamber will issue a public redacted version of the present decision once a public redacted version of the Misconduct Decision is notified by the Disciplinary Appeals Board. In respect of the

²⁶ Appointment of Mr Jacobs, [ICC-01/14-01/21-52](#), para. 1. The Chamber observes that, prior to his appointment as associate counsel, Mr Jacobs appears to have already been a member of the Defence team for Mr Said. See Annex I to the Appointment of Mr Jacobs, ICC-01/14-01/21-52-Conf-AnxI, p. 2.

²⁷ Appointment of Ms Naouri, [ICC-01/14-01/21-24](#).

²⁸ See, for example, transcript of hearing, 13 October 2021, ICC-01/14-01/21-T-005-CONF-ENG, p. 28 *et seq.* See also Decision on the confirmation of charges against Mahamat Said Abdel Kani, 9 December 2021, [ICC-01/14-01/21-218-Red](#), p. 2.

²⁹ See, for example, 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. 38. The Chamber further notes that the Defence's Closing Brief was signed by both Ms Naouri and Mr Jacobs. See Version publique moins expurgée du Mémoire final de la Défense, 12 March 2026, [ICC-01/14-01/21-1039-Red](#), p. 177. A confidential version was filed on 11 November 2025 (ICC-01/14-01/21-1039-Conf).

³⁰ See Misconduct Decision, SDO-2026-038, para. 128.

Request, the Chamber notes that it is currently classified as confidential *ex parte* (Defence and Registry only). The Chamber orders the Defence to file a confidential redacted version of the Request as soon as practicable, and no later than 15 May 2026, with a public redacted version to follow thereafter.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Request;

CONFIRMS that the disciplinary sanction against Ms Naouri, Lead Counsel for Mr Said, as decided by the Disciplinary Appeals Board on 24 April 2026, shall take effect from 4 May 2026;

INSTRUCTS the Registry to proceed in line with paragraph 17 above; and

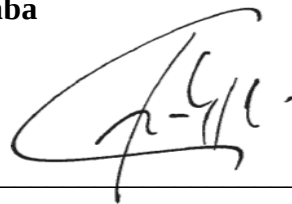
ORDERS the Defence to file a confidential redacted version of the Request as soon as practicable, and no later than 15 May 2026, with a public redacted version to follow thereafter.



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 1 May 2026

At The Hague, The Netherlands