

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **28 August 2026**

TRIAL CHAMBER VI

Before:

**Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

Public

Public redacted version of “Victims’ observations on the ‘Registry Submission on the parameters for the organisation of a judicial site visit’ (ICC-01/14-01/21-241-Conf)”

No. ICC-01/14-01/21-245-Conf, dated 28 February 2022

Source: Office of Public Counsel for Victims

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

D33

☒ 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. PROCEDURAL BACKGROUND¹

1. On 9 December 2021, Pre-Trial Chamber II issued the “Decision on the confirmation of charges against Mahamat Said Abdel Kani”.²
2. On 10 December 2021, the Registrar transmitted the record of the proceedings to the Presidency, including the Decision on the confirmation of charges against Mahamat Said Abdel Kani.³
3. On 14 December 2021, the Presidency referred the case to the newly constituted Trial Chamber VI (the “Chamber”).⁴ The following day, the Chamber elected its Presiding Judge and its Single Judge.⁵
4. On 21 December 2021, the Registrar transmitted the record of the proceedings to the Chamber.⁶
5. On 14 January 2022, the Chamber issued an order convening the first Status Conference, and instructing the parties, participants and the Registry to file submissions on listed items in preparation of the trial.⁷

¹ The procedural background included in these submissions is non-exhaustive and primarily focuses on the procedure relevant to these submissions.

² See the “Decision on the confirmation of charges against Mahamat Said Abdel Kani” (Pre-Trial Chamber II), [No. ICC-01/14-01/21-218-Conf](#) and [No. ICC-01/14-01/21-218-Red](#), 9 December 2021.

³ See the “Transmission to the Presidency of the record of the proceedings, including the Decision on the confirmation of charges against Mahamat Said Abdel Kani, ICC-01/14-01/21-218-Conf, dated 09 December 2021”, [No. ICC-01/14-01/21-219-Conf](#), 10 December 2021.

⁴ See the “Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Mahamat Said Abdel Kani*” (Presidency), [No. ICC-01/14-01/21-220](#), 14 December 2021.

⁵ See the “Decision notifying the election of the Presiding Judge and Single Judge” (Trial Chamber VI), [No. ICC-01/14-01/21-221](#), 15 December 2021.

⁶ See the “Transmission to Trial Chamber VI of the record of the proceedings, including the Decision on the confirmation of charges against Mahamat Said Abdel Kani, ICC-01/14-01/21-218-Conf, dated 09 December 2021”, [No. ICC-01/14-01/21-223-Conf](#), 21 December 2021.

⁷ See the “Order Scheduling the First Status Conference” (Trial Chamber VI), [No. ICC-01/14-01/21-226](#), 14 January 2022.

6. On 21 January 2022, the Prosecution,⁸ the Defence,⁹ the Legal Representative of victims,¹⁰ and the Registry¹¹ filed their respective submissions on the items identified by the Chamber.

7. On 28 January 2022, the first Status Conference was held,¹² during which the Chamber, *inter alia*: (i) appointed the OPCV to represent the collective interests of future applicants in the proceedings until one or more common legal representatives is appointed for the trial proceedings;¹³ and (ii) instructed the Registry to submit the parameters to be considered by the Chamber to allow for the subsequent Registry's feasibility assessment on the organisation of a judicial site visit, if ordered by the Chamber.¹⁴

8. On 17 February 2022, the Registry filed its submission on the parameters for the organisation of a judicial site visit (the "Registry Submission").¹⁵

9. On 21 February 2022, the Chamber issued a "Decision Setting the Commencement Date of the Trial and Related Deadlines",¹⁶ and notably decided that it would not be opportune to organise hearings *in situ* at this point and that it will keep the possibility of conducting a site visit later in the proceedings under review (*i.e.* after the start of the trial).¹⁷

10. In accordance with regulations 24(2) and 34(b) of the Regulations of the Court (the "Regulations"), Counsel representing the collective interests of future victims

⁸ See the "Prosecution's submissions pursuant to the 'Order scheduling first status conference'", [No. ICC-01/14-01/21-230-Conf](#) and [No. ICC-01/14-01/21-230-Red](#), 21 January 2022.

⁹ See the "*Version confidentielle expurgée des 'Observations de la Défense de Monsieur Saïd en application de l' 'Order Scheduling the First Status Conference' (ICC01/14-01/21-226)'*", [No. ICC-01/14-01/21-231-Conf-Red](#) and [No. ICC-01/14-01/21-231-Red2](#), 21 January 2022.

¹⁰ See the "Submissions on behalf of victims on the matters identified in the 'Order Scheduling the First Status Conference' (ICC-01/14-01/21-226)", [No. ICC-01/14-01/21-228](#), 21 January 2022.

¹¹ See the "Registry Submissions in view of the 28 January 2022 Status Conference", [No. ICC-01/14-01/21-229](#), 21 January 2022.

¹² See the transcripts of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG](#).

¹³ *Idem*, p. 47, lines 1 to 13.

¹⁴ *Idem*, p. 42, lines 2 to 11.

¹⁵ See the "Registry Submission on the parameters for the organisation of a judicial site visit", [No. ICC-01/14-01/21-241-Conf](#), 17 February 2022.

¹⁶ See the "Decision Setting the Commencement Date of the Trial and Related Deadlines" (Trial Chamber VI), [No. ICC-01/14-01/21-243](#), 21 February 2022.

¹⁷ *Idem*, paras. 31-33.

participating in the proceedings (the “Legal Representative”),¹⁸ hereby submits her observations on the Registry Submission.

II. CLASSIFICATION

11. The present submission is filed confidential in accordance with regulation 23bis (2) of the Regulations, since it refers to a submission bearing the same level of classification.

III. SUBMISSIONS

12. The Legal Representative welcomes the comprehensive nature of the Registry Submission on the parameters which are to be pre-determined for the purpose of the Registry’s further analysis and feasibility assessment to organise a judicial site visit in the Central African Republic, and on the aspects which such an assessment may cover.

13. Nevertheless, the Legal Representative already notes the challenges identified by the Registry with regard to a possible presence of Mr Saïd (the “Accused”) during the site visit and its consequences [REDACTED]; as well as the necessary arrangements entailed with third parties.¹⁹ She respectfully submits that, in assessing the feasibility of the physical presence of the Accused during a possible site visit, it is also crucial to consider the impact of said presence on the well-being, safety and security of the witnesses and victims.

14. Indeed, the Legal Representative recalls that, based on her interactions with victims, and as explained during the confirmation of the charges hearings, victims “*are terrorised. They live in constant fear of being arrested in the streets in Bangui or to be recognised by their torturers [...], some of whom, continue to serve within the internal security*

¹⁸ See the transcripts of the hearing held on 28 January 2022, *supra* note 12, p. 47, lines 1-13.

¹⁹ See the “Registry Submission on the parameters for the organisation of a judicial site visit”, *supra* note 15, para. 8.

*forces or within the Central African Armed Forces, while others hold high offices within the Central African administration”.*²⁰

15. The Legal Representative submits that the physical presence of the Accused during the judicial site visit would defeat the aim of bringing the Court closer to the affected communities and victims.²¹ Indeed, the latter have already been demonstrating a lack of trust in the Court,²² and it is reasonable to foresee that the presence of the Accused during a site visit would discourage victims and their communities to make use of the enhanced access to the Court and its proceedings.

16. Pursuant to rule 86 of the Rules of Procedure and Evidence, “[a] *Chamber in making any direction or order, and other organs of the Court in performing their functions under the Statute or the Rules, shall take into account the needs of all victims and witnesses in accordance with article 68 [of the Rome Statute]*”. The Legal Representative submits that, if the Chamber were to decide to organise a judicial site visit and/or proceedings *in situ* with the Accused present, it would have a detrimental impact on the effective participation of victims in the proceedings insofar as they will feel that their security concerns are not duly taken into account.

17. Lastly, taking into consideration the decision of the Chamber to eventually organise a site visit after the start of the trial, the Legal Representative stands ready to participate in further consultations in preparation of the feasibility assessment of such a visit, and, should the circumstances change,²³ of the possibility to hold *in situ* hearings.

²⁰ See the transcripts of the hearing held on 12 October 2021, [No. ICC-01/14-01/21-T-004-Red2-ENG](#), p. 23, lines 20-23.

²¹ See the “Submissions on behalf of victims on the matters identified in the ‘Order Scheduling the First Status Conference’ (ICC-01/14-01/21-226)”, *supra* note 10, paras. 46-48.

²² See the transcripts of the hearing held on 28 January 2022, *supra* note 12, p. 41, lines 16-25.

²³ See the “Decision Setting the Commencement Date of the Trial and Related Deadlines”, *supra* note 16, para. 33.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sarah Pellet', followed by a period.

Sarah Pellet

Dated this 28th day of August 2026

At The Hague, The Netherlands