



Original: English

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

Date: 8 April 2022

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

**Decision on the Defence's request for reconsideration of deadlines set out in the
"Decision Setting the Commencement Date of the Trial and Related Deadlines"
(ICC-01/14-01/21-243)**

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr Eric MacDonald

Counsel for the Defence

Ms Jennifer Naouri
Mr Dov Jacobs

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**The Office of Public Counsel
for Victims**

Ms Sarah Pellet
Ms Caroline Walters

**The Office of Public Counsel
for the Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

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 Regulations 19bis (2) and 35(2) of the Regulations of the Court, issues this ‘Decision on the Defence’s request for reconsideration of deadlines set out in the “Decision Setting the Commencement Date of the Trial and Related Deadlines (ICC-01/14-01/21-243)”’.

I. PROCEDURAL HISTORY

1. On 21 February 2022, the Chamber issued the Decision Setting the Commencement Date of the Trial and Related Deadlines.¹
2. On 5 April 2022, the Defence filed a request for reconsideration of the deadlines as set out in the Decision Setting the Commencement Date of the Trial and Related Deadlines (the ‘Request’).²
3. On 8 April 2022, the Prosecution and the OPCV informed the Chamber via email that they would not file a response.³

II. SUBMISSIONS

4. The Defence requests the Chamber to reconsider the deadlines imposed on the parties in the run up to the trial. In particular, it submits that the Decision Setting the Commencement Date of Trial and Related Deadlines does not take into account the judicial recess (scheduled from 22 July 2022 to 15 August 2022) as a period of reduced activity during which, the Defence argues, legal teams should generally be able to expect a reduced workload.⁴ In support of its Request, the Defence, *inter alia*, argues that it is important to respect the fundamental rights of those appearing before the Court,

¹ [Decision Setting the Commencement Date of the Trial and Related Deadlines](#), 21 February 2022, ICC-01/14-01/21-243

² Demande de reconsidération de délais posés dans le calendrier procédural menant au procès, dorénavant définitif, tels qu’ils ont été fixés dans la « Decision Setting the Commencement Date of the Trial and Related Deadlines » (ICC-01/14-01/21- 243) rendue le 21 février 2022 visant à ce que soit pris en compte le recess en tant que période d’activité réduite permettant aux membres des équipes juridiques de jouir de leurs droits fondamentaux garantissant ainsi l’égalité des armes entre les Parties et le droit de l’Accusé de bénéficier des moyens nécessaires à sa Défense, 5 April 2022, ICC-01/14-01/21-272-Conf-Exp (a public redacted version was filed on the same date, ICC-01/14-01/21-272-Red2) (the ‘Defence Request’)

³ Email from the Prosecution, 8 April 2022 at 09:52. Email from OPCV, 8 April 2022 at 11:40.

⁴ Defence Request, paras 5-10.

in particular the right to a family and private life.⁵ It also refers to a number of regulations and initiatives of the Court itself regarding conditions of work.⁶

III. APPLICABLE LAW AND ANALYSIS

5. The Chamber notes that the Defence has made a request for reconsideration. Requests for reconsideration are an exceptional procedural remedy to be used only where there is ‘a clear error in reasoning’ or ‘if it is necessary to do so to prevent an injustice’.⁷ In light of the procedure available under Regulation 35(2) of the Regulations, the Defence’s Request clearly does not warrant the use of the exceptional remedy of reconsideration. Accordingly, the Request must be rejected *in limine*.

6. In any event, the Chamber would note that Regulation 19 *bis* (2) of the Regulations is not necessarily intended to provide parties with a period of reduced work load. Indeed, the regulation clearly stipulates that *time limits shall not be suspended* unless the Chamber otherwise determines.⁸ Accordingly, there can be no expectations regarding the work load of counsel during the judicial recess beyond an expectation that hearings will be limited to only urgent issues.

7. The Chamber has a duty under Article 64(2) of the Statute to ensure the proceedings are conducted expeditiously with full respect for the rights of the accused. Accordingly, beyond ensuring that the Defence has adequate time to prepare, the Chamber bears no responsibility to carve out certain periods to allow trial teams to take time off.

⁵ Defence Request, paras 13-14.

⁶ Defence Request, paras 15-30.

⁷ Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision on Defence request for reconsideration, or leave to appeal the ‘Fourth decision on matters related to the conduct of proceedings’](#), 2 March 2021, ICC-01/12-01/18-1330, para. 4

⁸ Trial Chamber I, *The Prosecutor v Laurent Gbagbo and Charles Ble Goude*, [Decision on the Defence request on the suspension of time limits during the judicial recess](#), 14 July 2015, ICC-02/11-01/15-135, para 4.

FOR THESE REASONS, THE CHAMBER HEREBY

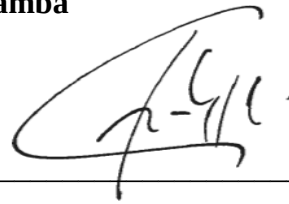
REJECTS the Request.



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 8 April 2022

At The Hague, The Netherlands