International Criminal Court

Trial Chamber VI

Situation: Central African Republic II

In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21

Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera, Judge Sergio Gerardo Ugalde Godínez and Judge Keebong Paek

Sentencing Hearing - Courtroom 1

Wednesday, 11 November 2026

(The hearing starts in open session at 9.30 a.m.)

THE COURT USHER: [9:30:46] All rise.

The International Criminal Court is now in session.

Please be seated.

PRESIDING JUDGE SAMBA: [9:31:24] Good morning, everyone. Mr Court Officer, can you please mention the matter.

THE COURT OFFICER: [9:31:31] Situation in the Central African Republic II, in the case of the Prosecutor versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.

And for the record, we are in open session.

PRESIDING JUDGE SAMBA: [9:31:47] Thank you very much.

Can I now ask for representations, starting with the Prosecution, please, Ms Holo.

MS MAKWAIA: [9:31:59] May it please the Court, at the Prosecution counsel table this morning,

Richard Nsanzabaganwa, international cooperation adviser; Sanyu Ndagire, assistant legal officer; Brunhild Le Bailly, Anusha Rawoah, trial lawyers; Thomas Bifwoli, trial lawyer; Thomas Laugel, case manager; and myself, Holo Makwaia, senior trial lawyer.

PRESIDING JUDGE SAMBA: [9:32:26] Thank you very much, Ms Holo.

Ms Pellet for the victims, please.

MS PELLET: [9:32:34](Interpretation) Thank you, Madam President. For the Legal Representatives of the Victims, there's Adeline Bedoucha, Tars Van Litsenborgh, Ana Peña and myself, Sarah Pellet, counsel at the OPCV, thank you.

PRESIDING JUDGE SAMBA: [9:32:47] Thank you very much, Ms Pellet.

And Mr Jacobs for the Defence, please.

MR JACOBS: [9:32:55](Interpretation) Good morning, Madam President, your Honours. To my right, Florian François-Jacquemin, Fiana Gantheret. Then we have Emma Roux Hoock, Emma Conty and Ambre Poyer. And myself, I am Dov Jacobs, counsel for Mr Said.

PRESIDING JUDGE SAMBA: [9:33:15] Thank you very much, Mr Jacobs.

And for the record, I do take note that Mr Said is here in court with us. A very good morning to you, Mr Said. I hope I see you well.

MR SAID: [9:33:30](Interpretation) Yes. Good morning, Madam President.

PRESIDING JUDGE SAMBA: [9:33:35] Good morning.

I welcome everyone in and around the courtroom as well as those following this hearing online, particularly so people in the Central African Republic.

This is the second day of hearings in this case on sentencing under Article 76 of the Rome Statute.

I remind everyone of the importance of speaking slowly for the interpreters and court reporters.

With that, I give the floor to the Defence. You have 60 minutes to make your oral submissions. Thank you.

MR JACOBS: [9:34:33](Interpretation) Thank you, Madam President.

Madam President, your Honours. This hearing on sentencing has an important function;

that is, to determine a fair, proportionate and individualised sentence for Mr Said in accordance with a rigorous procedure on the basis of precise criteria and a standard of evidence that is established and that respects the fairness of the proceedings.

That is the contrary of what the Prosecution and the victims' representatives argued. In particular, the Legal Representatives of Victims explicitly asked to go beyond the individual case of Mr Said, so against the individualisation of the sentence.

She explicitly asked that Mr Said should be punished as a symbol of everything that happened in the Central African Republic in 2013 for, and I quote, "those who lost their lives". And I refer to the French edited transcript, T-143, page 26, lines 19 to 20.

Madam President, your Honours, the legal representative of the victims addressed the wrong courtroom, and she was mistaken about the case file, because there are no allegations of murder in this case, and there was a case of mistaken identity that she used to get that message through.

In fact, even if we accept that the current discussion on the sentencing -- we accept that Mr Said would have been a member of the Seleka, as stated in the judgment, paragraph 84, Mr Said was never specifically shown as being a member of any group making up the Seleka coalition. There is no evidence that Mr Said occupied any leadership role in 2013, apart from the OCRB.

No finding of the judgment makes it possible to state that Mr Said had any role in the decisions of the state at the time, no role in the establishment of a state policy or even the slightest influence on the design or implementation of the general policy of the state.

Mr Said was clearly absent in the discussion on the contextual elements of crimes against humanity and he was absent in the discussion on the march on Bangui.

It should, therefore, be noted that even in the findings of the Chamber concerning the OCRB, Mr Said was an extremely low-ranking subordinate in the hierarchy of the state at the time,

and his role in the general context was peripheral, and this is something that necessarily has to be factored in in the determination of his sentence.

We have to state this clearly. Mr Said must not be offered up as the symbolic scapegoat for everything that is reproached against the Seleka in 2013.

Asking for a heavy sentence, as the Prosecution has done, does not transform this Said case into a cause célèbre. In fact, even the Prosecution does not consider it as a major case because the Deputy Prosecutor, who was present in previous cases, was not even present to plead in the hearings.

The Central Africans know the truth about what happened in the Central African Republic in 2013, Madam President, your Honours. They know that Mr Said was not a high-ranking Seleka. They know that to punish Mr Said symbolically for all the Seleka crimes would not be justice, especially as they can see all the high-ranking leaders of Seleka at the time. And some of them are mentioned in the judgment. They see many of these people still occupying positions of authority in Bangui today without being worried. For example, Djono Ahaba is a minister today in the Touadéra government, even though he was in the Seleka.

Djoubaye Abazène is a minister of justice, and the Prosecution was quite happy to cooperate with him. Crépin Mboli-Goumba and Mahamat Kamoun are also known Seleka leaders, who are today political leaders who are very active in Bangui.

And even if I cannot go into the details publicly, we also know that the Prosecutor interviewed knowledgeable individuals who played a role in Bangui in 2013, and some of whom are still on duty today. They did not call them as witnesses and they did not try to prosecute them.

And even if I cannot go into the details publicly -- well, I will not say anything further here.

So what message are we sending to the Central Africans if we condemn severely Mr Said here in The Hague when the highest individuals responsible for the crimes are still in Bangui?

They are free, and in accordance with the judgment itself, these people appear on the list of Seleka ministers at the time.

The same observation can be made within the context that existed, or that exists, in the OCRB during the period of the charges, but also before and afterwards, as well as the police practices that have always been existing in the CAR in all the police stations of the county.

Contrary to what the Prosecution says, this is an important context. We have brought forward concrete and detailed elements in our written filings which show that all the presidents captured or seized power for personal enrichment on the back of the civilian population. Patassé, Bozizé, Djotodia and, today, Touadéra all acted in the same manner.

In the same vein - and we gave details of that in our filings - there is documented history of difficult detention conditions in the OCRB, which have been existing ever since, well before 2013, even till today. The Russian mercenaries from Wagner are present at the OCRB.

These practices are resorted to not only by the armed groups, and we included details about police gendarmes and judicial administrators who equally perpetrate crimes against human rights. This context is obviously very relevant to determine a fair and proportionate, and individualised sentence for Mr Said. It is a context that informs us on the lesser degree of participation of Mr Said and his reduced degree of his impact on the commission of crimes in the general context of the CAR, which we can denounce, but which we cannot put on the doorstep of Mr Said.

Once this context is in place, it is necessary to look at the reality of the OCRB in 2013. And, once again, I rely on the judgment, Madam President, your Honours.

And, so, even in 2013, as it has always been the case, the OCRB was a police station under the institutional authority of the director general of the police and its line minister -- that is, the minister of the interior and public security.

In 2013, as always - and this is to be found in the judgment - the director of the OCRB was

appointed by decree, just like Mazangue in April 2013, paragraph 929 of the judgment, and Benjamin Mallo in July 2013, still in paragraph 929 of the judgment.

In the same vein, it is noted in the judgment that career policemen continue to play a role at the OCRB, even though that role was more limited. The judgment itself notes that several witnesses said that they were interviewed by police officers in the OCRB. And this is mentioned in the judgment. It was also stated that policemen could, to a certain extent, prepare files to present to the state counsel or to the prosecutor.

There is another relevant element here -- that is, the presence of the prosecutor of the republic at the OCRB.

This person is mentioned more than 60 times in the judgment or in the documents in relation to specific events. Several witnesses stated they were interrogated by Alain Tolmo, that they were placed in detention under his orders, or released by his order as well. That is also the reality of the OCRB in 2013.

Still with regard to the functioning of the OCRB, there are a few additional points, your Honours.

The judgment notes that the prison population of the OCRB was also made up of common-law criminals and Seleka members. The judgment notes that the detained persons were registered upon their arrival at the OCRB.

The note -- the judgment notes that there were family visits in the OCRB. And, contrary to what the Prosecutor said, family visits were allowed in the OCRB and, this is included in the judgment, families could bring food and medicines.

Several witnesses reported what had happened at the end of family visits to detained persons, and this is also in the judgment.

And it also transpires that the OCRB was opened and accessible to MSF, the international -- ICRC, the Red Cross, BINUCA, FIDH, the United Nations and authorities

from other countries, so the list of people who were able to visit the OCRB is long.

All these elements and the observations which are brought out in the judgment show that the OCRB in 2013 was not a secret and inaccessible prison, and it continued to function as a police station under difficult circumstances, and which should be taken into account in the assessment of gravity.

Now, with regard to the gravity of the crimes in this case, I would like to recall that for the criteria to have meaning, the point of departure must necessarily be that all the crimes contained in the Rome Statute are not of equal gravity. And it is the jurisprudence that I am drawing from, and that is in tab 105 of our list. In other words, the exercise necessarily requires the establishment of the hierarchy of crimes.

The Prosecution and the legal representatives, each in their own way, called on the Chamber to not show any interest, any close interest to these issues by saying that we cannot talk about figures and compare. But that is necessary because everything has to be considered in a rigorous manner.

This exercise does not imply denying or minimising the impact of the suffering of the victims in 2013, but the point is to determine a sentence that is fair and proportionate and individualised for Mr Said specifically.

So one cannot overlook the practice of the Court when it comes to the determination of the sentences. We do not intend to ask for a mechanical comparison between the instant case and the previous cases in the Court. But all those other cases cannot also be totally overlooked. That is why we need to have a coherent and predictable judicial system.

This need for coherence was equally noted in several jurisprudence, and I will not quote all of them because of time. There is the Celebici and Jelisic case in TP -- in the ICTY, tab 12, and I will quote: The trust of the public in the integrate -- in the integrity of the administration of criminal law --

THE INTERPRETER: [9:53:18] Counsel did not allow time for this document to be displayed.

MR JACOBS: [9:53:24](Interpretation) -- whether it is international or domestic is important at all times for the follow-up of institutions that are responsible for it.

Once again: "Public confidence in the integrity of the administration of criminal justice ... is a matter of abiding importance to the survival of the institutions which are responsible for that administration. One of the fundamental elements in any rational and fair system of criminal justice is consistency in punishment. This is an important reflection of the notion of equal justice".

I was waiting for interpretation to end on that quote.

In the present case, Mr Said was condemned on a very limited number of charges - that is, four - which is considerably less than in the other cases of the Court. And this concerns eight charges in one case and up to 60 charges in another case.

Mr Said was acquitted for war crimes. The Chamber retains 13 incidents against Mr Said out of the 18 presented by the Prosecution. The Chamber acquitted Mr Said of part of those incidents, and the observation is clear. The conviction is on a limited number of events and charges in comparison to other cases that the Court has prosecuted.

The charges cover a limited period of time -- from April to August 2013. The period of time during which each incident happened is short, sometimes just a few hours, like incident G, and in most cases it covers a limited number of days. The geographical space in which these charges are supposed to have been perpetrated is limited because it was simply a single location in Bangui.

Now, with regard to the nature of the crimes, whatever the Prosecution says, they are not part of the hierarchy of the most serious crimes adopted by this Court in its jurisprudence and in the policy of the Court. They are one of -- it is one of the 16 cases in which there are no

allegations of murder or allegations of sexual assault. All these elements must be taken into account in the determination of the Court on sentencing.

If you dig deeper the analysis of the incidents at the heart of the charges, there is a conclusion to be taken. It does not favour the Prosecution. Mr Said was either absent or he played a peripheral role. And what I'm saying here is not to challenge the judgment; it is on the basis of the judgment itself that I am taking out this observation.

So, out of the 13 incidents against Mr Said, his physical presence is alleged only in eight of those incidents. And even in the incidents in which the presence of Mr Said is mentioned in the judgment, the only direct participation against Mr Said was to have been involved in the detention of individuals in the cells.

And in some cases, the instructions for detention actually came from other people, such as the director of military intelligence or the minister of the interior, or the prosecutor, and not from Mr Said.

The observation is clear. None of the direct victims, not a single one, accuses Mr Said of poor treatment, that he perpetrated such treatment, or even ordered it.

It is extraordinary that once again -- and once again I'm relying on the judgment. After what we heard yesterday from the Prosecution, the Prosecution did not identify a single incident where a direct victim came and testified that Mr Said would have ordered that he or she be beaten or tortured, or that they physically saw Mr Said participating in such actions. No victim came and testified that Mr Said had any discriminatory intention at all.

Now, in answer to the Prosecution, who stated that the practice of arbatachar was systematic -- and this is transcript T-143, page 7, lines 17. And once again I note that there is a disconnection between the general statement and the events themselves which are at the core of the charges in the 13 incidents.

Out of the 13 incidents finally retained by the Chamber, it is two incidents, L and O, in which

direct victims came and testified to say that they were subjected to arbatachar at the OCRB. Two incidents out of 13.

This extremely limited role of Mr Said in the incidents must necessarily be taken into account in the evaluation of the events and the determination of the sentence.

Let me go on, Madam President, your Honours.

I now want to discuss the alleged prejudice to victims, either as an aggravating circumstance or for other purposes, such as the criterion of gravity.

First of all, concerning the issue of vulnerability of victims. The method for gravity also applies here. We cannot on principle consider that all victims of an international crime are necessarily vulnerable, otherwise the discussion would be hollowed of meaning.

In this case, it has to be noted victims in this case are neither women nor children, nor victims of sexual violence, nor are they elderly persons. None of the victims in this case are of the category of victims who are traditionally advanced in the Statute or the Prosecution's policy on prosecution as vulnerable persons, which must be taken into consideration by the Chamber.

Secondly, in spite of what is requested by the LRV and the Prosecution, it has to be noted we have 32 participating victims in this case. The Prosecution and LRV cannot select criteria that suits them. In some cases where there are many victims, the scale of victimisation is cited, but where you have 32 victims, as such, we are told the number of victims does not count. That is not how it works, Madam President, your Honours. We have a strict system. And the fact is that in other cases before the Court -- for instance, we have 1,591 victims in the Abd-Al-Rahman case, which led to a sentence of 20 years; almost a thousand victims in the Yekatom & Ngaïssona case, which led to sentences of 15 and 12 years. We had a nine-year sentence handed down in the Al Hassan case, and 4,095 in the Ongwen case and a sentence of 25 years. Such a gap cannot simply be set aside, Madam President.

Third point, on prejudice to victims. As recalled so kindly by Prosecution yesterday, they have no forensic evidence. But they tell us that is not important. The fact that there is no forensic evidence, the fact that there is no evidence of the financial and material damage to victims -- prejudice of victims, rather, they say that is not material.

Briefly I have two comments on that, Madam President.

When Prosecution tells us that victims could not obtain medical certificates, we find that slightly dismissive towards Central Africans as if they were not in a position to see a doctor in 2013. We know that is not the case, that it is untrue. And I cannot get into the details in public session, but we can cite a number of incidents, such as I and H, whereby persons had connections to the medical field. And I cannot say anything more about that in public, but it is clear those persons could obtain medical certificates. And in another incident I cannot mention in public session either, it is Mr Said himself who took the witness to hospital. And you know which incident I'm referring to.

There is also the excuse by the Prosecution in that that particular excuse masks the fact that they did not carry out investigations, that they did not even ask for medical certificates from their witnesses.

Lastly, we also took note of the content of the judgment on suffering of victims in each incident. Clearly, it is only right that the Chamber -- that we all should acknowledge the suffering of victims, as expressed in the hearings and that that should be reflected in the judgment.

Either -- the Defence respectfully holds that the question today is a different one. Here we're not acknowledging; we are demonstrating. We must prove, and the Prosecution must demonstrate beyond all reasonable doubt, the criterion of an aggravating circumstance. That is a legal requirement. We cannot dispense with it in raising discussion on material evidence to be provided.

Now, a few words on the personal circumstances of Mr Said, Madam President.

First of all, Mr Said was never convicted in the CAR before, during or after the period of the charges. See tab 13.

Secondly, the witnesses we met in Bangui were all unanimous in stating how important Mr Said is to his family. He is its backbone, in fact, and he's also an important member of the community. The persons we spoke to all described Mr Said as a person who is important in his household, his many children, and the immense psychological distress his children are in now. They all described the void created by Mr Said's absence to the social fabric.

One person told us he encouraged people from all walks of life, helped them to work together. As a committed football coach, Mr Said brought the community together and he was a role model for young people.

The people we spoke to all told us Mr Said lived in harmony with people of all religions and all ethnic groups. We were told he lived in symbiosis with his community and that he did not distinguish between various ethnic or religious groups. The people we spoke to spoke at length about the possibility for reintegration of Mr Said. One person told us that his return would cause no problems, it would only make people happy, which echos what another person said, and I quote, "Everyone in Bria, Bangui, Birao, everyone wants Mr Said to come back to live with us. If Mr Said is released, we will be very happy. There will be joy, you will see, if he is released. The community will welcome him with open arms. There will be nothing but joy." And we have included those assertions in our written submissions.

The Chamber, therefore, cannot reasonably find that there would be a lack of reintegration for Mr Said, as the community is only awaiting his return.

Lastly, to conclude, Madam President, your Honours, on the exceptional character or nature of what Mr Said experienced since his arrival in The Hague, and for which we request the

Chamber to take into consideration in determining the sentence.

Clearly, what Mr Said experienced goes well beyond a normal detention. In Prosecution submissions and those of the LRV, there is an attempt to minimise what Mr Said experienced, considering it to be unexceptional. And yet how can you not consider extreme and exceptional the fact that Mr Said, in the custody of the International Criminal Court, nearly died, has undergone several operations, has been in a coma, has also to this day continued to live with the consequences following the many operations he had? And in some cases these effects are irreversible.

Mr Said, during his time in detention, has developed - and indeed this is no opinion, it is a medical fact as documented by medical professionals - daily pain, headaches, nausea, stress, periodically back pain, olfactory, auditory and visual hallucinations, insomnia, nightmares, anxiety and hypervigilance, a syndrome related to reanimation, as documented by an expert called before the Chamber, which may never go away completely, anxiety, depression, and post-traumatic stress disorder.

Mr Said on a daily basis continues to deal with the physical and mental consequences, and in some cases these are irreversible as a result of the trauma he experienced in the detention, which has failed to take sufficient account of his personal circumstances.

Mr Said has never received any physical rehabilitation to speak of. He is not in a position to receive his medical file like other patients in spite of his repeated requests, and even today, not in 2023, show that he has some issues with his kidney which have gone untreated. And without adequate treatment, these problems with his kidneys could affect the one remaining kidney he does have.

Mr Said is in an oppressive and anxiety-inducing detention with the wardens not speaking his language and where he is subjected to pressure, sometimes violence.

I can cite a case contained in our filing 653, tab 71. Following an operation, he was forcibly

transferred by several guards from the medical unit of the detention centre in December 2023 -- rather, in November 2023.

It was determined that this was legal use of force, but that changes nothing in terms of the experience for Mr Said. He was handcuffed, dragged to the extent that his feet no longer touched the ground, and he was dragged by several guards.

There are additional incidents which I will not speak of, which I cannot speak of in public session.

On these points, we believe it is important to respond to the filing 1079 by the Registry filed on 9 November 2026. Regarding treatment of Mr Said, the position of the Registry is somewhat ambiguous. On the one hand, the Registry states that legal issues are not its purview, but on the other, it seeks to discuss the treatment of his medical condition. How can it do that if it has no oversight, if the Registry has no oversight? And that is the issue.

When Mr Said seeks to communicate with his doctors, he is not heard. When he seeks to write on his case, which is his right, that is refused. When he requests written responses, that, too, is refused him. And the interpreters he -- who have been serving him do not have medical qualifications. And I will not say much more on this point.

In fact, Mr Said is left exposed without access to proper treatment. He cannot change his doctors like any other patient because he is in detention. When he speaks to his doctors, he is not heard. When he speaks to the detention centre director, he is told to talk to his doctors and so on and so forth, and in that time his health has deteriorated.

On the other points in the Prosecution's reply, we refer you to our writings on the medical file. I can confirm he did not receive it, contrary to what the Registry said. He did give a detailed list and he received no reply on those documents. So what the Registry states is false.

Still on the filing by the Registry, the assertion that communication is good in the detention centre is unrealistic. The assertion that Mr Said speaks English is also, frankly, absurd and

unrealistic. Mr Said, for a short time, had a one-hour-a-week English lesson. It then suddenly metamorphosed into once a month. But with one lesson per month, one cannot learn English.

And it is not because a person can speak about the weather in English that one is not facing a hostile environment. In moments of tension, when instructions are barked at Mr Said in a language he does not understand and that are then poorly understood, there, again, the position of the Registry is hard to understand, given that even in terms of the English language, one can wonder how well some of the guards speak English. So when you say there is smooth communication in the detention centre, that is something that is yet to be established.

I conclude on the Registry's filing, Madam President, your Honours.

We adopted the principle that the detention centre acts in good faith and that its staff are well trained. But that does not mean that all is well. To assert that everyone is well trained does not equate to nothing going wrong, as is the case in any institution. Errors should be acknowledged and should not be denied.

At this point, I will discuss -- I will now stop on the filing by the Registry given the lack of time.

I just want to respond to what the Prosecution said yesterday to the effect that Mr Said might reveal confidential information. To be perfectly clear, Prosecution omitted to mention that your Chamber actually acknowledged in that isolated case that that particular instance was not done on purpose, it was a genuine mistake. And this is something that you can find in paragraph 24 of decision 984.

Considering what I have stated, Madam President, your Honours, I sincerely and solemnly declare how shocked I am by the virulence of the position expressed by the Prosecution and the LRV from yesterday's hearing and also in their filings. Their intent is to absolutely

minimise the suffering experienced by Mr Said now and in the past.

The LRV spoke of gross misrepresentation; and, yet, that is not the case. It even goes further. It compares Mr Said's detention conditions to those of the victims in 2013 and even asserts that if it could, it would say that the fact that Mr Said refers to his health problems should be considered an aggravating circumstance.

(Counsel confers)

MR JACOBS: [10:23:54](Interpretation) Let us be clear, how can we understand the points made by the LRV in any other context when she states that Mr Said has what he deserves? When we look at the comparisons to victims in this case, international criminal law has high ambitions when it comes to respecting human rights and respecting the rights of the accused, and those innuendos are not worthy of those high ambitions and should be considered by the Chamber. Indeed, those innuendoes should not be taken seriously by the Chamber.

In spite of the trauma and physical suffering, Mr Said has always shown himself to be highly cooperative with the Court.

Mr Said was very active and involved in the proceedings. He was in attendance at all of the hearings in spite of his suffering and fatigue. He has always been in favour of communicating medical information to the Chamber.

His good faith was underscored by the medical staff of the detention unit and hospital. They all describe a man who has maintained a positive attitude in spite of his medical and physical challenges, who was making an effort to get well and to be rehabilitated. Tabs 18 and 19. A calm and courteous patient. Tab 21.

And this even in the face of the news of his mother's death; whereas, the Prosecution had refused to allow her to visit Mr Said in one of his first family visits, which would have been the last time he met her.

So he has undergone many challenges. He has continued to display courage, perseverance,

to cling onto life and to participate in the proceedings, Madam President, your Honours.

(Counsel confers)

MR JACOBS: [10:26:59](Interpretation) Given the circumstances affecting Mr Said's health, he has displayed exceptional cooperation towards the Court in keeping with the requirements, and should, indeed, be seen as a mitigating circumstance, Madam President, your Honours.

I shall conclude, Madam President.

At the end of our debates, as far as we are concerned, the conclusion is clear and unequivocal. The low number of charges retained, the absence of a significantly high role for Mr Said in the structure of the State in general, his extremely limited direct involvement in the incidents that constitute the charges. And I would like to recall that it was the Prosecution itself that questioned -- that called into question the direct action of Mr Said. The absence of direct evidence of any discriminatory intention on the part of Mr Said, the limited number of participating victims, particularly in comparison to the other cases in the Court. The absence of allegations of any crimes considered as the most serious crimes, such as murder and sexual violence. And I insist on that, because it was difficult to understand the LRV yesterday, because there was no allegation of murder in this particular case. Everything militates in favour of a determination of mitigation of the gravity of the crimes within the meaning of the jurisprudence of the Court. Everything militates in favour of a sentence that is not excessive. Under these circumstances, a disproportionate and non-individualised sentence as requested by the Prosecution and the LRV, a sentence that would place on the shoulders of Mr Said - who spent only a few weeks at the OCRB in 2013 - that would place on his shoulders the entire burden of everything reproached against the so-called Seleka coalition in 2013, as well as the totality of the questionable police practices in the Central African Republic from time immemorial. Such a sentence would be highly excessive in light of the real

substance of the case and in light of the practice adopted by the Court in recent cases, which, whether we like it or not, must be relevant.

Justice is not vengeance. Justice cannot be reduced to a decision that is blind and abstract, and that does not take into account the specific circumstances of the instant case.

As at now, Mr Said has been detained for almost six years under circumstances that go well beyond the normal conditions of a provisional detention.

This is a man who has been marked forever and irremediably, physically and mentally, and who has remained dignified in his trials and tribulations.

Madam President, your Honours, the time for judgment is passed and Mr Said has already served his sentence. It is incumbent on the Chamber to take this fully into consideration.

I thank you.

PRESIDING JUDGE SAMBA: [10:32:03] Thank you very much, Mr Jacobs. And thanks to your entire team of Defence lawyers.

Now, in the scheduling decision, the Chamber indicated that replies, if any, would be heard in the second session today.

I do take note of counsel's submission -- the Defence reacted to certain submissions made by counsel for the victims and also for the Prosecution. The Prosecution also had made replies to written submissions by the Defence, so did counsel for the victims.

Nonetheless, I'll ask counsel, the parties and participants, as to whether you wish to make any aspect of submissions by any of your colleagues, appreciating that the Chamber will only consider or tolerate questions that are new, that may have come up, that you would not have anticipated.

Now, Mr Jacobs, do you have any other question for any of your colleagues on the other side of the Bar?

MR JACOBS: [10:33:35](Interpretation) Thank you, Madam President.

As you have noted, we tried to include in our 60 minutes certain answers. So, at this point, we really have nothing else to add, subject to what the Prosecutor and the LRV might say, and we may have certain things to say after that. But for the time being we have nothing further to add.

PRESIDING JUDGE SAMBA: [10:34:07] Counsel for the victims.

MS BEDOUCHA: [10:34:19] Good morning, Madam President, your Honours.

We seek leave to reply on one specific point, and that concerns the necessity to take into account other cases to evaluate the gravity of the crime. It would take us less than two minutes to reply. And we wish to bring to your Honours' attention more relevant case law.

PRESIDING JUDGE SAMBA: [10:34:43] Wasn't that addressed yesterday in your submissions?

MS BEDOUCHA: [10:34:49] Sorry?

PRESIDING JUDGE SAMBA: [10:34:50] Wasn't that addressed yesterday in your submissions?

MS BEDOUCHA: [10:34:56] It was not and we did not anticipate one specific point. And we wish to simply bring to your attention the case law of the Special Criminal Court of the Central African Republic.

PRESIDING JUDGE SAMBA: [10:35:09] But that submission was in the Defence's written submission, wasn't it?

MS BEDOUCHA: [10:35:16] That's fine then.

PRESIDING JUDGE SAMBA: [10:35:17] Thank you very much.

Ms Holo for the Prosecution, please.

MS MAKWAIA: [10:35:24] No rejoinder to the submissions, except just one point of clarification. The absence or presence of a principal, or the Acting Prosecutor or the

Deputy Prosecutor, is irrelevant to the sentencing submissions that we've made and has no bearing on the gravity or the seriousness of the crime. That's all, Madam President.

PRESIDING JUDGE SAMBA: [10:35:45] Thank you very much, Ms Holo. That is well noted.

The Chamber also has no question or reaction to any of the submissions made by counsel. So we wish to thank counsel for the Prosecution, for the Defence, and also for the Victims. This brings us to the end of the oral submissions and for the purposes of the sentencing in this case. So the Chamber will retire to deliberate on the sentence.

That said, speaking on my own behalf as Presiding Judge of this Chamber and on behalf of my colleague judges, I would like to thank the Prosecution again, and the Defence, and the Representatives of the Victims, for your dedication and assistance during this phase of the proceedings. I thank persons here present in the courtroom and those viewing online, especially, as I said, those viewing from the Central African Republic.

In addition, these proceedings would not have been possible without the support of the Registry. I've said it many times before and I will say it again, that we thank the court officers and the court clerk, the interpreters and the court reporters, the Victims and Witness Unit, our abled security officers and all staff behind the scenes. Your skills and professionalism are commended.

Finally, I would like to express our thanks to the Chamber's legal and administrative staff for their invaluable assistance throughout the trial.

I thank you all very much and this matter stands adjourned. Thank you.

THE COURT USHER: [10:37:44] All rise.

(The hearing ends in open session at 10.37 a.m.)