

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 March 2025

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

Public

**Decision on the Defence's Request for an Extension of Time to File Requests to
Submit Evidence other than through a Witness**

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

TRIAL CHAMBER VI of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64(2) and 67(1)(b) of the Statute and regulation 35 of the Regulations of the Court (the ‘Regulations’) issues this ‘Decision on the Defence’s Request for an Extension of Time to File Requests to Submit Evidence other than through a Witness’.

I. PROCEDURAL HISTORY

1. On 9 March 2022, the Chamber issued the Directions on the Conduct of Proceedings (the ‘Directions on the Conduct of Proceedings’), in which it regulated the process of submitting evidence other than through a witness (via the ‘bar table’).¹
2. On 8 October 2024, the Chamber issued the ‘Third Directions on the Conduct of Proceedings’.² Therein, the Chamber ordered the Defence to file any applications for the submission of evidence via the bar table no later than one week after the last Defence witness has finished testifying.³
3. On 12 December 2024, the Defence notified the Chamber that it would present a case subject to the progress of collecting evidence, including witness testimony.⁴
4. On 30 January 2025, at the Chamber's invitation, the Defence filed observations on the progress of its investigation since the start of the Trial and informed the Chamber of the current situation regarding the finalisation of its list of witnesses.⁵
5. On 21 February 2025, the Defence filed its List of Evidence and List of Witnesses.⁶

¹ Directions on the Conduct of Proceedings, 22 March 2022, [ICC-01/14-01/21-251](#), paras 45-6.

² Third Directions on the Conduct of Proceedings, 8 October 2024, [ICC-01/14-01/21-873](#).

³ Third Directions on the Conduct of Proceedings, 8 October 2024, [ICC-01/14-01/21-873](#), paras 19.

⁴ Notification de la Défense conformément au paragraphe 12 de la « Third Directions on the Conduct of Proceedings » (ICC-01/14-01/21-873) rendue par la Chambre de première instance VI le 8 octobre 2024, 12 December 2024, [ICC-01/14-01/21-904](#), para. 4.

⁵ Observations de la Défense conformément à l’ordonnance rendue par la Chambre le 24 janvier 2025 (ICC-01/14-01/21-909). ICC-01/14-01/21-912-Conf-Exp, 3 February 2025, [ICC-01/14-01/21-912-Red](#).

⁶ Notification de la liste de témoins et de la liste des éléments de preuve de la Défense conformément à la « Third Directions on the Conduct of Proceedings » (ICC-01/14-01/21-873) rendue par la Chambre de première instance VI le 8 octobre 2024, 21 February 2025, [ICC-01/14-01/21-921](#).

6. On 5 March 2025, the Chamber filed the Fourth Directions on the Conduct of Proceedings, instructing the Defence to file any application for the submission of evidence other than through a witness one week after the first block of witness(es) and to make further requests to file additional evidence as soon as feasible.⁷

7. On 12 March 2025, the Defence filed a requested for an extension of time to file its bar table motion by 17 April 2025 (the ‘Request’).⁸ The Prosecution did not oppose the Request but did solicit that reasonable time frames be set, which would provide it with ample time for the review of evidence on a rolling basis.

8. On 17 March 2025, the Defence called one witness, who finished testifying that day. Accordingly, the Defence would have to file its bar table motion(s) by no later than 25 March 2025.

II. ANALYSIS

9. Regulation 35(2) of the Regulations of the Court provides that the Chamber may extend a time limit if good cause is shown.

10. The Defence asserts that there is a ‘good cause’ for granting a reasonable extension of time to file its *Bar Table* motion. It submits that its heavy workload, especially that faced by Mr Said’s counsels,⁹ (i) bars the Defence from finalising the selection of evidence it wishes to submit via the bar table and from assessing its relevance, authenticity, and probative value¹⁰ and (ii) prevents the Defence from furnishing the Prosecution with its list of evidence on time to allow the latter to analyse and indicate its position on it before the stipulated deadline.¹¹

⁷ Fourth Directions on the Conduct of Proceedings, 5 March 2025, [ICC-01/14-01/21-932](#), para. 17.

⁸ Version publique expurgée de la « Demande de prorogation de délai conformément à la Norme 35 du Règlement de la Cour pour déposer la requête Bar Table de la Défense ». ICC-01/14-01/21-936-Conf-Exp, 12 March 2025, [ICC-01/14-01/21-936-Red](#).

⁹ Version publique expurgée de la « Demande de prorogation de délai conformément à la Norme 35 du Règlement de la Cour pour déposer la requête Bar Table de la Défense ». ICC-01/14-01/21-936-Conf-Exp, 12 March 2025, [ICC-01/14-01/21-936-Red](#), para.18.

¹⁰ Version publique expurgée de la « Demande de prorogation de délai conformément à la Norme 35 du Règlement de la Cour pour déposer la requête Bar Table de la Défense ». ICC-01/14-01/21-936-Conf-Exp, 12 March 2025, [ICC-01/14-01/21-936-Red](#), paras 16-7.

¹¹ Version publique expurgée de la « Demande de prorogation de délai conformément à la Norme 35 du Règlement de la Cour pour déposer la requête Bar Table de la Défense ». ICC-01/14-01/21-936-Conf-Exp, 12 March 2025, [ICC-01/14-01/21-936-Red](#), para. 19.

11. The Chamber notes that pursuant to regulation 35(2) of the Regulations of the Court, a chamber may extend a time limit where ‘good cause is shown’. In this regard, the Chamber recalls that other chambers have held that ‘good cause’ may be shown if, *inter alia*, delay is caused by a heavy workload requiring simultaneous preparation of complex filings or where there are significant issues of law and fact.¹² The Chamber accepts that the Defence is currently facing a number of competing and labour-intensive tasks. It will accordingly grant the requested extension of time limit.

12. However, the Chamber expects the Defence to honour its commitment to use this additional time to also give the Prosecution sufficient time to review all the items the Defence wishes to submit via the bar table. In order to expedite the process, the Chamber varies the Directions on the Conduct of Proceedings in that the opposing party’s reasons for objecting to the submission of certain items via the bar table shall be included in the table. This is without prejudice to the opposing party’s right to submit a general response to the Defence’s application in due course.

¹² Appeals Chamber, *The Prosecutor v. Dominic Ongwen*, Decision on the Defence request for extension of time limit for the filing of the notice of appeal and appeal brief, 2 June 2021, [ICC-02/04-01/15-1837](#), A2; Appeals Chamber, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Decision on the requests for time and page extension, 18 September 2015, [ICC-01/09-01/11-1971](#), OA10; Appeals Chamber, *The Prosecutor v. Laurent Koudou Gbagbo*, Decision on the “Requête aux fins de suspension des délais prévus par la Règle 154(1) du Règlement de procédure et de preuve et par la Norme 64(5) du Règlement de la Cour jusqu’à la fin des vacances judiciaires, fixée au lundi 6 août 2012”, ICC-02/11-01/11-189-Conf, 29 October 2012, [ICC-02/11-01/11-189](#), OA.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request; and

EXTENDS the time limit for the Defence to request the submission of evidence other than through a witness until 17 April 2025

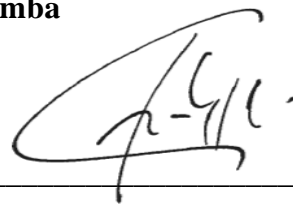


Judge Miatta Maria Samba

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 20 March 2025

At The Hague, The Netherlands