

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **5 October 2026**

TRIAL CHAMBER VI

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

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Confidential

**Prosecution's response on Defence request for extension of time and amendment
of the Sentencing procedure (ICC-01/14-01/21-1056-Conf)**

Source: Office of the Prosecutor

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

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| ☒ 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 |

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I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") enters no objection to the Defence's request for extension of time, and amendment of the procedure set out in the Decision on the Sentencing Procedure of 23 September 2026 (ICC-01/14-01/21-1055) (the "Request"),¹ because it is yet to receive the French translation of the Trial Judgment.

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, this filing is filed as confidential since it responds to a request filed confidentially. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

3. Notwithstanding the lack of objection, the Prosecution notes that the determination of sentencing parameters entails reciprocal obligations and analytical complexities for both Parties and the Participants. To maintain procedural parity, the Prosecution respectfully submits that it be afforded equitable temporal parameters.
 - a. Prosecution's observations on change of Lead Counsel and Procedure for the Sentencing: Defence contention regarding the change in Lead Counsel²

¹ Version Publique Expurgée de la « Demande de prorogation des délais et demande d'amendement des étapes du calendrier fixé par la Decision on the Sentencing Procedure du 23 septembre 2026 (ICC-01/14-01/21-1055), ICC-01/14-01/21-1056-Red, 1 October 2026.

² Para. 28, Demande de prorogation des délais et demande d'amendement des étapes du calendrier fixé par la Decision on the Sentencing Procedure du 23 septembre 2026 (ICC-01/14-01/21-1055), 1 October 2026.

4. The Defence contends that the change in Lead Counsel implies catching up on five years of privileged relations between Mahamat Said Abdel Kani ("Mr SAID") and his current Counsel, with regard to the strategy to be implemented, and a consequent adjustment of the Defence team's work. This contention is misplaced. In its Decision on the Prosecution's Request for an Order to Exclude Defence Counsel³, the Trial Chamber found Mr Jacobs was not a mere member of the Defence team, that his appointment in April 2021 clearly states that Mr Jacobs has been appointed as Associate Counsel for Mr SAID to represent him in proceedings before the Court.⁴ The Chamber further noted that Mr Jacobs has carried out a number of activities in furtherance of his mandate as Associate Counsel.⁵ These findings were reiterated in the Chamber's Decision regarding Ms Naouri's temporary suspension of her right to practice before the Court following a decision of the Disciplinary Appeals Board.⁶ From the foregoing, the Prosecution notes Mr. Jacobs has represented the interests and rights of Mr SAID since the start of the proceedings in 2021.

b. Defence's Request to amend procedures set out in the Decision on the Sentencing Procedure of 23 September 2026⁷

5. The Defence contends that the simultaneous filing of requests for the submission of additional evidence deprives the Accused of the exercise of the rights of the Defence.⁸ The Trial Chamber has inherent authority to regulate its own proceedings which the Parties must respect. Under article 64(3)(a) of the

³ Decision on the Prosecution's Request for an Order to Exclude Defence Counsel from the Defence's List of Witnesses and Evidence, ICC-01/14-01/21-935, 11 March 2025.

⁴ Para. 37, ICC-01/14-01/21-935,

⁵ 'including, inter alia: (i) leading the cross-examination of a significant number of Prosecution witnesses in this case; (ii) making regular submissions before the Chamber on a number of procedural and substantive issues throughout the course of this trial; and (iii) standing in for lead counsel on a number of occasions during her absence from the courtroom', Para. 38, ICC-01/14-01/21-935.

⁶ ICC-01/14-01/1048-Red, para. 14.

⁷ ICC-01/14-01/21-1055.

⁸ Paras. 35-38, Demande de prorogation des délais et demande d'amendement des étapes du calendrier fixé par la Decision on the Sentencing Procedure du 23 septembre 2026 (ICC-01/14-01/21-1055), 1 octobre 2026.

Rome Statute, the Trial Chamber is explicitly mandated to "lay down the procedures necessary for the conduct of fair and expeditious proceedings." This statutory framework confers a broad discretionary power upon the Chamber. As the Appeals Chamber established in *Katanga and Ngudjolo*, "the Trial Chamber enjoys a cluster of discretionary powers as to the conduct of the trial, and the Appeals Chamber will not readily interfere with the exercise of this discretion."⁹ Consequently, the Defence's request to amend the ordered procedures fails to overcome the high threshold of deference commanded by the Trial Chamber's case-management decisions.

IV. RELIEF SOUGHT

6. For the above reasons, the Prosecution respectfully requests that, should the Chamber find good cause to grant the Defence Request, a reciprocal and proportional extension of time be varied and granted *mutatis mutandis* to the Prosecution.



Mame Mandiaye Niang, Acting Prosecutor

Dated this 5th day of October 2026
At The Hague, The Netherlands

⁹ *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Judgment on the appeal of the Prosecutor against the "Decision on [the] licence to the Victims and Witnesses Unit to allow them to carry out a witness familiarisation procedure" of 16 May 2008, ICC-01/04-01/07-1136 (OA 4), 13 May 2009, para. 65.