

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 October 2026

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 Requests concerning the Sentencing Procedure

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, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 50(2), 67(1)(f) of the Rome Statute (the ‘Statute’), rule 144(2)(b) of the Rules of Procedure and Evidence (the ‘Rules’), regulation 35(2) of the Regulations of the Court (the ‘Regulations’), issues this ‘Decision on the Defence’s Requests concerning the Sentencing Procedure’.

I. PROCEDURAL HISTORY

1. On 26 November 2025, during the closing statements of the case, the Chamber put the parties and the participants on notice that, should there be a conviction, it intends to proceed to sentencing as expeditiously as possible.¹

2. On 23 September 2026, the Chamber delivered its judgment pursuant to article 74 of the Statute and convicted Mahamat Said Al Kani of several crimes against humanity (the ‘Conviction Decision’).² Mr Said received interpretation, in Sango and French, *inter alia*, a summary of the Chamber’s verdict and its main findings concerning his role and the underlying reasons for his guilt.

3. On the same day, the Chamber issued a decision setting *inter alia*, time limits for the parties and participants to file any requests for additional evidence by 7 October 2026 and responses thereto by 14 October 2026 (the ‘Decision on the Sentencing Procedure’).³ The Chamber also provided for the parties and participants to file written submissions relevant to sentencing by 29 October 2026 and scheduled hearings in the week of 9-13 November 2026 for them to respond orally to the written submissions.

4. On 1 October 2026, the Defence filed a request (the ‘Request’) seeking (i) a suspension of time limits for filing any requests for submission of additional evidence before the Chamber until Mr Said is notified of the Conviction Decision, or relevant parts thereof, in French (the ‘Request for Suspension’); (ii) a variation in schedule to allow for sequential filings of request for additional evidence and written submissions from the Prosecution and the Common Legal Representatives for Victims (the ‘Request

¹ Transcript of hearing, ICC-01/14-01/21-T-141, p. 48.

² Trial Judgment, ICC-01/14-01/21-1054-Conf (public redacted version notified the same day, [ICC-01/14-01/21-1054-Red](#), corrigendum of the public redacted version notified on 5 October 2026, ICC-01/14-01/21-1054-Red-Corr).

³ Decision on the Sentencing Procedure, [ICC-01/14-01/21-1055](#), paras 5-7.

for Variation of Schedule’ and the ‘CLRv’, respectively); and, in the alternative, (iii) a postponement by at least three weeks of the various procedural deadlines provided for in the Decision on the Sentencing Procedure (the ‘Request for Postponement’).⁴

5. On 5 October 2026,⁵ the CLRv informed the Chamber that she did not intend to respond to the Request.⁶ On the same day, the Office of the Prosecutor (the ‘Prosecution’) responded that it did not have any objection to the Request.⁷ It requested a ‘reciprocal and proportional extension of time’, if granted to the Defence (the ‘Prosecution Request’).⁸

II. ANALYSIS

A. Request for Suspension

6. The Defence argues that the failure to translate the judgment or the relevant parts thereof deprives Mr Said of the right to effectively participate in his defence. It requests a suspension of time limits for filing any requests for submission of additional evidence before the Chamber until Mr Said is notified of the Conviction Decision, or relevant parts thereof, in French.⁹

7. The Chamber recalls that a convicted person’s right to receive a translation of the conviction decision is not absolute for the purposes of sentencing, as long as the convicted person, assisted by his or her counsel, is sufficiently able to understand the conviction decision for those purposes.¹⁰ A trial chamber may, nonetheless, when

⁴ 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-Conf-Exp (public redacted version notified the same day, [ICC-01/14-01/21-1056-Red](#)), p. 12.

⁵ The Chamber shortened the time limits for responses. See email to the parties and participants, 2 October 2026, at 14:14.

⁶ Email from the CLRv to the Chamber, 5 October 2026, at 10:22.

⁷ Prosecution’s response on Defence request for extension of time and amendment of the Sentencing procedure (ICC-01/14-01/21-1056-Conf), ICC-01/14-01/21-1057-Conf (the ‘Prosecution Response’), paras 1, 6.

⁸ Prosecution Response, ICC-01/14-01/21-1057-Conf, para. 6.

⁹ Request, [ICC-01/14-01/21-1056-Red](#), paras 10-20, p. 12.

¹⁰ Appeals Chamber, *The Prosecutor v. Dominic Ongwen*, Judgment on the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX of 6 May 2021 entitled “Sentence”, 15 December 2022, ICC-02/04-01/15-2023 (the ‘[Ongwen Sentencing Appeal](#)’), paras 59, 61.

circumstances permit, provide that convicted person(s) receive a translation of the relevant parts of the conviction decision in the course of the sentencing proceedings.¹¹

8. The Chamber emphasises that, as early as November 2025, the parties and participants have been on notice of the Chamber's intention to proceed to sentencing as expeditiously as possible.¹²

9. The Chamber notes the Defence's submissions regarding the challenges it faced.¹³ However, the Chamber could not ascertain from its submissions what additional investigative steps concerning sentencing proceedings could only have been taken after a Conviction Decision was rendered.

10. This is especially the case, given that, since the closure of the Prosecution's case, Mr Said has been on notice of, and had adequate opportunity to challenge, the evidence already on the record concerning the extent of the damage caused, in particular the harm caused to the victims and their families, the nature of his unlawful behaviour and the means employed to execute the crime, as well as the degree of his participation and intent. In that respect, the Chamber considers any additional investigative steps to address potential aggravating circumstances to be limited.

11. The Chamber considers that the summary of the Conviction Decision was sufficiently detailed in order for Mr Said's Defence to advise him on what additional evidence to present, if any, relevant to sentencing. Even if the summary did not mention the Chamber's position on each of the incidents individually, it set out its summary of the factual and legal findings on Mr Said's participation and intent as well as the harm suffered by the victims.¹⁴

12. Furthermore, as regards factors that could be considered as mitigating circumstances for Mr Said, the Chamber was of the view that the Defence had adequate time and resources, since the Chamber's direction of 25 November 2025, to prepare and carry out the investigations and analysis it deemed necessary. In that vein, the

¹¹ [Ongwen Sentencing Appeal](#), ICC-02/04-01/15-2023, para. 61.

¹² Transcript of hearing, ICC-01/14-01/21-T-141, p. 48.

¹³ Request, [ICC-01/14-01/21-1056-Red](#), paras 22-24.

¹⁴ *Contra* Request, [ICC-01/14-01/21-1056-Red](#), para. 20.

Chamber notes the Defence's submission that it has already carried out a number of investigative actions to collect relevant testimony and possible evidence specifically for sentencing purposes.¹⁵

13. The Chamber was unpersuaded that the Defence's submissions concerning circumstances that apply to all staff and contractors working with the Court, including the rumours of future sanctions or technical disruptions, constituted good cause within the meaning of regulation 35 of the Regulations. The Chamber was equally unpersuaded by submissions concerning circumstances that apply to most Defence teams at the Court before and after a judgment pursuant to article 74 of the Statute has been rendered. These circumstances include having to transition to the phase of reduced activity, requiring to make requests for additional resources, simultaneously preparing for potential appellate proceedings and management of resources and internal working environment.¹⁶

14. As regards the Defence's submissions concerning the recent change in lead counsel, the Chamber notes the Prosecution's submission that Mr Said's current counsel has represented him since the start of the proceedings in 2021.¹⁷

15. In light of this, the Chamber considers that the Defence has sufficient time and indications to proceed with their investigations relevant to considerations pursuant to rule 145 of the Rules. Even in the circumstances described by the Defence, where it alleges *inter alia* significant workload and limited access to resources in the Request, such time remains more than sufficient for the purpose of making requests for additional evidence.

16. Accordingly, the Chamber rejects the Request for Suspension.

17. It nonetheless considers that Mr Said may benefit from receiving discrete and relevant portions of the Conviction Decision, namely paragraphs 905-1074 (containing the factual findings relevant to events at the OCRB) and paragraphs 1583-1787 (containing the legal findings on the crimes committed and the criminal responsibility

¹⁵ Request, [ICC-01/14-01/21-1056-Red](#), para. 21.

¹⁶ *Contra* Request, [ICC-01/14-01/21-1056-Red](#), paras 26-34.

¹⁷ Prosecution Response, ICC-01/14-01/21-1057-Conf, para. 4.

of Mr Said), excluding footnotes, for the purposes of preparing submissions relevant to sentencing.

18. The Chamber considers it appropriate to direct the Registry to provide Mr Said with a draft translation of the aforementioned portions during the course of the sentencing proceedings on an urgent and rolling basis, latest by 27 October 2026, well in advance of the hearings on sentencing currently scheduled for 9-13 November 2026.

B. Request for Variation of Schedule

19. The Defence asserts that the simultaneous filing of requests for additional evidence deprives the Defence of its right to the last word and would result in heavy workload.¹⁸ It also submits that it would be consistent with Mr Said's rights to allow the Defence to review the Prosecution's and CLRV's arguments regarding sentencing before filing its own submissions so as not to force the Defence to present unnecessary or ineffective arguments in the abstract.¹⁹

20. The Prosecution responds, referring to article 64(3)(a) of the Statute, that the Trial Chamber has inherent authority to regulate its own proceedings and that the Defence's request for variation 'fails to overcome the high threshold of deference commanded by the Trial Chamber's case-management decisions'.²⁰

21. As regards the sequential filing of the requests for additional evidence, in the interest of fairness to Mr Said, the Chamber remains open to the Defence presenting any subsequent request for additional evidence on an exceptional basis, *after* the Prosecution and the CLRV have filed their requests to present additional evidence. Any such requests must be filed as part of the Defence's response, due by 16 October 2026, and must fulfil the requirements previously set out in the Decision on the Sentencing Procedure.²¹ The Defence must also justify why such a request could only have been made after receiving any potential requests for additional evidence by the Prosecution and the CLRV.

¹⁸ Request, [ICC-01/14-01/21-1056-Red](#), paras 35-36.

¹⁹ Request, [ICC-01/14-01/21-1056-Red](#), para. 37.

²⁰ Prosecution Response, ICC-01/14-01/21-1057-Conf, para. 5.

²¹ Decision on the Sentencing Procedure, [ICC-01/14-01/21-1055](#), paras 5-6. If such a request is received, the Chamber will set timelines for the Prosecution and the CLRV to file their responses, if any.

22. The Chamber reiterates that, given the abundance of evidence of potential relevance to sentencing already on the record, as well as the Chamber's relevant findings in the Conviction Decision, the Chamber expects that any additional evidence, especially *viva voce* witnesses, will be very limited.²²

23. As regards the sequential filing of the written submissions on sentencing, Chamber notes that, in the present sentencing procedure envisaged by the Chamber, filing of written submissions by the parties and participants in advance of the sentencing hearing is not obligatory.²³ It is meant as an additional opportunity to bring relevant arguments to the attention of the Chamber in writing and in advance of the hearings scheduled for 9-13 November 2026.²⁴ The Chamber also notes that these hearings are expressly intended for the parties and participants to respond orally to the written submissions made by the other parties and participants.

24. Accordingly, the Defence remains entitled to present submissions relevant to the sentence orally during these hearings and in response to submissions made orally or in writing by the Prosecution and the CLRV. For these reasons, not only is the Defence *not* mandated to file written submissions on sentencing, it also retains the 'right to the last word' as argued by the Defence, as well as sufficient time to review the written submissions by the Prosecution and the CLRV.

25. In these circumstances, the Chamber remains satisfied that no prejudice arises from the envisaged sentencing procedure.

26. Accordingly, the Chamber rejects the Request for Variation of Schedule, save for granting the possibility to the Defence to file a subsequent request for additional evidence on an exceptional basis, *after* the Prosecution and the CLRV have filed their requests to present additional evidence.

²² Decision on the Sentencing Procedure, [ICC-01/14-01/21-1055](#), para. 6.

²³ Decision on the Sentencing Procedure, [ICC-01/14-01/21-1055](#), para. 8.

²⁴ Decision on the Sentencing Procedure, [ICC-01/14-01/21-1055](#), paras 8-9.

C. Request for Postponement

27. The Defence alternatively requests to postpone the various procedural deadlines by at least three weeks based on the same submissions underlying the other two requests above.²⁵ There are no objections from the Prosecution and the CLRV.²⁶

28. The Chamber recalls its determination of the Request for Suspension above. The Chamber finds the requested extension of at least three weeks to be excessive. However, as a matter of courtesy, the Chamber grants two additional days to the Defence to file their requests for additional evidence for sentencing.

29. Further noting the Prosecution's request for a proportionate extension, the Chamber considers it appropriate to vary the time limits also in respect of potential requests by the Prosecution and the CLRV to present additional evidence. The Chamber clarifies that the remaining time limits for receiving written submissions and the oral hearings on sentencing remain unchanged.

30. The Chamber is assured that the provision of the translation of the relevant portions of the Conviction Decision well before the hearings scheduled for 9-13 November 2026 as well as the possibility to file a subsequent request for additional evidence, together with the additional two days of extension adequately safeguard Mr Said's rights to present his submissions on sentencing. The Chamber considers this to be fair in the circumstances of the present case.

31. Accordingly, the Chamber partly grants the Request for Postponement and grants the Prosecution Request.

32. Having regard to the above, the parties and participants shall file by 9 October 2026 any request to present additional evidence, with responses to those requests to be filed by 16 October 2026. The Registry shall file its observations on the requests and responses by the parties and participants, including any subsequent request for additional evidence filed by the Defence in accordance with paragraph 21 above,

²⁵ Request, [ICC-01/14-01/21-1056-Red](#), p. 12.

²⁶ Prosecution Response, ICC-01/14-01/21-1057-Conf, para. 1; Email from the CLRV to the Chamber, 5 October 2026, at 10:22.

relating to protective measures for witnesses proposed to testify *viva voce*, if any, by 19 October 2026.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Request for Suspension;

ORDERS the Registry to provide the Defence with the draft translation of the portions of the Conviction Decision, identified in paragraphs 17-18 above, latest by 27 October 2026;

PARTLY GRANTS the Request for Variation of Schedule and the Request for Postponement;

GRANTS the Prosecution Request;

ALLOWS the Defence to file any subsequent request for additional evidence in accordance with paragraph 21 above;

VARIES the time-limits in accordance with paragraph 32 above; and

DIRECTS the Prosecution to file a public redacted version of the Prosecution Response, ICC-01/14-01/21-1057-Conf, or seek its reclassification to Public.

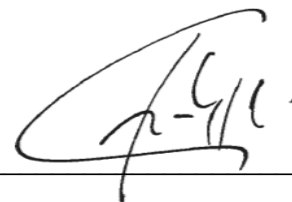
Done in both English and French, the English version being authoritative.



Judge Miatta Maria Samba
Presiding Judge



Judge María del Socorro Flores Liera



Judge Sergio Gerardo Ugalde Godínez

Dated 6 October 2026

At The Hague, The Netherlands