

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 19 October 2026

THE APPEALS CHAMBER

Before: Judge Gocha Lordkipanidze, Presiding Judge
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Erdenebalsuren Damdin
Judge Althea Violet Alexis-Windsor

SITUATION IN CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

Public

**Prosecution response to the Defence “Requête en suspension du délai
conformément à la Règle 150(2) du Règlement de procédure et de preuve et à la
Norme 35(2) du Règlement de la Cour”**

Source: Office of the Prosecutor

Document 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**

I. INTRODUCTION

1. The Prosecution does not oppose the Defence's request for an extension of time until 29 January 2027 to file its notice of appeal and until 3 May 2027 to file its appeal brief,¹ provided that the Prosecution is granted a corresponding and equivalent extension should it decide to appeal. Such an extension for the Prosecution will ensure a streamlined and synchronised appellate briefing schedule.

II. SUBMISSIONS

2. Although the Prosecution does not oppose the Defence request for extension, it does not subscribe to all of the Defence's reasoning.² In particular, it opposes the Defence's request to suspend the applicable time limits until receipt of the French translation of the Judgment,³ and its request to make the applicable time limits conditional upon the conclusion of the sentencing proceedings.⁴ Nonetheless, the Prosecution considers that the Defence has shown good cause for an *extension* of time under rule 150(2) and regulation 35(2).⁵ In particular, due to (i) the current unavailability of a translation of any part of the Judgment into a language fully understood by Mr Said; (ii) the length and complexity of the Judgment; and (iii) the burden arising from concurrent deadlines in the appeal and sentencing proceedings.⁶
3. The Defence's request for the time limits for filing its notice of appeal and appeal brief to start only upon receipt of an official French translation of the entire Judgment is not supported by the Court's legal framework or jurisprudence. Article 67(1)(f) of the Statute and rule 144(2)(b) of the Rules do not support the Defence's submission that the time limits for the filing of a notice of appeal and appeal brief should start running from different points in time than those provided for in the statutory framework.⁷ To the contrary, the Court's legal texts expressly provide for the alternative relief sought by the Defence, by permitting

¹ [ICC-01/14-01/21-1060](#) ("Request").

² For example, the interest in expeditious proceedings is not exclusive to the Defence but also serves the interests of the victims and the broader interests of justice (*Contra Request*, para. 40). See [ICC-01/04-01/07-2259](#) ("Katanga Detention AD"), 12 July 2010, para. 47.

³ E.g., [Request](#), paras. 13, 22-25, 27, 36 («ou d'une suspension jusqu'à réception de la décision dans la langue de l'Accusé»), 39, 65 («la suspension des délais»).

⁴ [Request](#), para. 65 («60 jours suivant la clôture de la procédure sur la peine »).

⁵ [Regulations of the Court](#) ("RoC"), regulation 35(2).

⁶ See generally [Request](#), paras. 8, 30-35, 41, 45-47, 48. See further para. 65 (the Defence took into account the winter judicial recess in making its request).

⁷ [Rules of Procedure and Evidence](#) ("RPE"), rule 150(1); [RoC](#), regulation 58(1).

extensions of the relevant time limits where good cause is shown. There is no reason to depart from this established procedural approach. As the Appeals Chamber observed in *Katanga*, where the Court's legal framework provides for a procedure to extend time limits, that procedure should be followed.⁸ Accordingly, there is no basis for the Appeals Chamber to alter the point at which time begins to run for the purposes of the appeal proceedings.

4. However, the Prosecution does agree that Mr Said has a right to such translations of the Judgment as may be necessary to meet the requirements of fairness.⁹ This requires an assessment of when, and to what extent, translations must be made available, having regard to the circumstances and overall context of the proceedings. The Appeals Chamber has it's a duty to "ensure that [...] appellate proceedings advance both fairly and expeditiously", including by ensuring that the accused has "the opportunity to provide meaningful input in relation to th[e] appeal."¹⁰ However, this does not, in itself, confer an entitlement to a *full* translation of the Judgment before the filing of a notice of appeal.¹¹
5. Accordingly, notwithstanding the framing of the Defence's request, the Prosecution considers that good cause exists to extend the time limits to file the notice of appeal and appeal brief. Furthermore, for some of the same reasons advanced by the Defence, including the length and complexity of the Judgment, the burden arising from concurrent deadlines in the appeal and sentencing proceedings, and especially to ensure fairness and efficiency by having a coordinated appellate briefing schedule,¹² the Prosecution requests that it be given the same extension of time to file any notice of appeal and appeal brief.

⁸ [ICC-01/04-01/07-3454](#) ("Katanga Extension of Time Decision"), para. 11 (for this reason, rejecting the Defence request to "order that notification of the [trial judgment] should be deemed to have taken place only with the notification of the [...] translation of that decision" such that "the time limits for the filing of the notice of appeal [...] and of the document in support of the appeal would commence to run only with such notifications"). See [ICC-02/05-01/20-1277](#) ("Abd-Al-Rahman Extension of Time Decision"), paras. 17-25 (rejecting Mr Abd-Al-Rahman's request for time to run only from the date on which the translation is notified, and declining to treat the request as an application for an extension of time under regulation 35, given that the Abd-Al-Rahman Defence expressly maintained that its request was not one for an extension of time). See also [ICC-01/05-01/13-2046](#) ("Bemba et al. First Extension of Time Decision"), paras. 3, 7, 17-18.

⁹ See [Statute](#), art. 67(1)(f) (providing, materially, that "the accused shall be entitled" to "such translations as are necessary to meet the requirements of fairness"); [ICC RPE](#), rule 144(1) and (2)(b) (further specifying that a "cop[y] of any decision concerning "criminal responsibility of the accused" shall be "provided as soon as possible" to the accused, "in a language he or she fully understands or speaks, if necessary to meet the requirements of fairness under article 67, paragraph 1 (f)").

¹⁰ [ICC-02/11-01/15-1289](#) ("Gbagbo Extension of Time Decision"), para. 23 (emphasis added).

¹¹ *Contra* [Request](#), para. 37; [Abd-Al-Rahman Extension of Time Decision](#), para. 19 (emphasis added); [ICC-02/04-01/15-1781](#) ("Ongwen Extension of Time Decision"), para. 10; [ICC-01/14-01/18-2828-Red](#) ("Yekatom and Ngaïssona Second Extension of Time Decision"), para. 11.

¹² See e.g. [ICC-01/14-01/18-2794](#) ("Yekatom and Ngaïssona First Extension of Time Decision"), para. 13 (see para. 7); [ICC-01/12-01/18-2606](#) ("Al Hassan Extension of Time Decision"), para. 15 (see para. 8). See also *Prosecutor v. Popović et al.*, IT-05-88-A, [Decision on Joint Motion for Extension of Time to File Notice of Appeal](#).

III. CONCLUSION

6. For the reasons set out above, the Prosecution does not object to the Defence's request for extension of time, and respectfully requests an equivalent extension of time to file any notice of appeal and appeal brief so as to ensure a synchronised appellate drafting schedule.



Mame Mandiaye Niang, Acting Prosecutor

Dated this 19th day of October 2026
At The Hague, The Netherlands

[25 June 2010](#), p. 1; *Prosecution v. Prlić et. al*, IT-04-74-A, [Decision on Motions for Extension of Time to File Appeal Briefs and for Authorization to Exceed Word Limit](#), 22 August 2013, para. 15.