



Original: English

**No. ICC-01/14-01/21 A
Date: 22 October 2026**

THE APPEALS CHAMBER

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

Public document

**Decision on the Defence's request for an extension of time for filing the notice of
appeal and the appeal brief**

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**

The Appeals Chamber of the International Criminal Court,

Having before it the “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” of 9 October 2026 (ICC-01/14-01/21-1060),

Renders, pursuant to rule 150(2) of the Rules of Procedure and Evidence and regulation 35(2) of the Regulations of the Court, the following

DECISION

The time limits for the filing of any notice of appeal and appeal brief against the “Trial Judgment” of 23 September 2026 (ICC-01/14-01/21-1054-Red-Corr) by the Defence of Mr Said and by the Acting Prosecutor are extended to 16h00 on Friday, 29 January 2027 and to 16h00 on Monday, 3 May 2027, respectively.

REASONS

I. PROCEDURAL HISTORY

1. On 23 September 2026, Trial Chamber VI (hereinafter: “Trial Chamber”) issued the “Trial Judgment” (hereinafter: “Conviction Decision”).¹
2. On the same date, the Trial Chamber issued its “Decision on the Sentencing Procedure” in which it ordered the parties and participants to (i) file any request for additional evidence by 7 October 2026; (ii) respond to these requests by 14 October 2026; and (iii) file their written submissions by 29 October 2026.² The Trial Chamber scheduled the sentencing hearing in the week of 9 to 13 November 2026.³
3. On 6 October 2026, the Trial Chamber partly granted the request of the Defence for Mr Mahamat Said Abdel Kani (hereinafter: “Defence” and “Mr Said” respectively)

¹ ICC-01/14-01/24/1054-Conf (corrected public redacted version filed on 5 October 2026, [ICC-01/14-01/21-1054-Red-Corr](#)).

² ICC-01/14-01/21-1055 (hereinafter: “[Sentencing Procedure Decision](#)”), paras 5, 7-8.

³ [Sentencing Procedure Decision](#), para. 9.

and extended the deadline for the filing of any request for additional evidence to 9 October 2026.⁴

4. On 9 October 2026, the Defence filed a request for an extension of the time limits for the filing of the notice of appeal and the appeal brief against the Conviction Decision (hereinafter: “Request”).⁵

5. On 19 October 2026, following an order from the Appeals Chamber,⁶ the Acting Prosecutor (hereinafter: “Prosecutor”) filed his response to the Request.⁷

II. MERITS

6. The Defence requests a suspension of the applicable time limits for filing the notice of appeal and the appeal brief until Mr Said receives the complete translation of the Conviction Decision into French.⁸ In the alternative, the Defence seeks an extension of the time limits for the filing of the notice of appeal and the appeal brief as follows: “60 days following the conclusion of the sentencing proceedings to file the notice of appeal (taking into account the winter judicial recess and the need to analyse a voluminous and complex [Conviction Decision]) – *i.e.*, 29 January 2027”; and “90 days following the filing of the notice of appeal to submit the appeal brief (given the volume and complexity of the [Conviction Decision]) – *i.e.*, 3 May 2027”.⁹

7. The Defence argues that “good cause” within the meaning of regulation 35 of the Regulations of the Court (hereinafter: “Regulations”) is shown,¹⁰ given that: (i) Mr Said reads and works in French and the absence of the French translation of the Conviction Decision hinders his right to participate effectively in the preparation of his defence on

⁴ [Decision on the Defence’s Requests concerning the Sentencing Procedure](#), ICC-01/14-01/21-1058, para. 32, p. 10.

⁵ [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](#), dated 8 October 2026 and registered on 9 October 2026, ICC-01/14-01/21-1060.

⁶ [Order setting a time limit to respond to the “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”](#), ICC-01/14-01/21-1066.

⁷ [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”](#), ICC-01/14-01/21-1069 (hereinafter: “Response”).

⁸ [Request](#), paras 13, 36, 39, 65.

⁹ [Request](#), paras 57, 65.

¹⁰ [Request](#), para. 13.

appeal;¹¹ the length of the Conviction Decision (678 pages), and, additionally, a separate opinion of Judge María Del Socorro Flores Liera (14 pages);¹² the complexity of the Conviction Decision and the “voluminous” evidential record of “3863 items of evidence submitted”;¹³ the “concurrent demands of the appeal and sentencing processes”, which impose a “significant burden on Mr Said’s Defence team”;¹⁴ and the current timelines risk affecting the efficiency of the working conditions of Defence team members, as they are facing some staffing and technical access issues.¹⁵

8. The Prosecutor submits that he does not oppose the requested extension of time for the filing of the notice of appeal and the appeal brief until 29 January 2027 and 3 May 2027, respectively, but requests an “equivalent extension of time to file any notice of appeal and appeal brief”, should he decide to appeal the Conviction Decision.¹⁶ He submits that the Defence has shown good cause given (i) “the current unavailability of a translation of any part of the [Conviction Decision] into a language fully understood by Mr Said”; (ii) “the length and complexity” of the Conviction Decision; and (iii) “the burden arising from concurrent deadlines in the appeal and sentencing proceedings”.¹⁷ However, the Prosecutor opposes the Defence’s request for a “suspension of the applicable time limits until receipt of the French translation of the [Conviction Decision]” and that these time limits be “conditional upon the conclusion of the sentencing proceedings”.¹⁸

9. The Appeals Chamber recalls that pursuant to rule 150(1) of the Rules of Procedures and Evidence (hereinafter: “Rules”), the notice of appeal against the Conviction Decision “may be filed not later than 30 days” from the notification date of said decision. Furthermore, regulation 58(1) of the Regulations provides that “the appellant shall file an appeal brief within 90 days of notification” of the Conviction Decision. Pursuant to rule 150(2) of the Rules and regulation 35(2) of the Regulations, the Appeals Chamber may extend these time limits if “good cause” is shown.

¹¹ [Request](#), paras 14-39.

¹² [Request](#), paras 14, 41-45, 47.

¹³ [Request](#), paras 14, 41, 46-47.

¹⁴ [Request](#), paras 14, 48-57.

¹⁵ [Request](#), paras 58-64.

¹⁶ [Response](#), paras 1, 5-6.

¹⁷ [Response](#), paras 2, 4-5.

¹⁸ [Response](#), para. 2; *see also* paras 3-4.

10. The Appeals Chamber is not persuaded by the Defence's contention that a suspension of the time limits until a receipt of the complete French translation of the Conviction Decision is warranted. It observes that this request is mainly based on the jurisprudence of pre-trial chambers of the Court regarding the time period for the filing of an application for leave to appeal the confirmation decision which would start running from the date of notification to the Defence of the French translation of said decision.¹⁹ The Appeals Chamber considers that this jurisprudence is not applicable with regard to the filing of a notice of appeal and the appeal brief. Rather, the Appeals Chamber is guided by the aforementioned rule 150(2) of the Rules and regulation 35(2) of the Regulations. The Defence further alleges that the absence of a French translation of the Conviction Decision prevents Mr Said from participating effectively in the preparation of his defence on appeal, and that "Mr. Said's right to receive [the Conviction Decision] in a language he understands cannot be offset by the assumption that his Defence team could describe the content and details of the 678-page [Conviction Decision] to him".²⁰

11. The Appeals Chamber, however, recalls that

[article 67(1)(f) of the Statute] does not, *per se*, require that a full translation of the decision under article 74 of the Statute be provided to a convicted person before filing a notice of appeal. In this regard, the Appeals Chamber considers that it must also take into account the circumstances as a whole and the convicted person's ability to understand the details of his conviction by other means.²¹

¹⁹ [Request](#), paras 22-28, referring, *inter alia*, to Pre-Trial Chamber II, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision Pursuant to Article 61\(7\)\(a\) and \(b\) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo](#), 15 June 2009, ICC-01/05-01/08-424, p. 185; Pre-Trial Chamber I, *The Prosecutor v. Bahar Idriss Abu Garda*, [Decision on the Confirmation of Charges](#), 8 February 2010, ICC-02/05-02/09-243-Red, p. 98; Pre-Trial Chamber I, *The Prosecutor v. Callixte Mbarushimana*, [Decision on the Confirmation of Charges](#), 16 December 2011, ICC-01/04-01/10-465-Red, p. 150. The Appeals Chamber notes that the Defence also refers to two decisions from the pre-trial Chamber Single Judge in the present case. These decisions do not concern the deadline for an application for leave to appeal the confirmation decision. See [Request](#), para. 23, referring to [Decision on matters related to translation](#), 23 April 2021, ICC-01/14-01/21-58-Conf (public redacted version filed on 18 May 2021, ICC-01/14-01/21-58-Red); [Second Decision on matters related to translation](#), 1 June 2021, ICC-01/14-01/21-85.

²⁰ [Request](#), paras 15-37.

²¹ *The Prosecutor v. Dominic Ongwen*, [Decision on Mr Ongwen's request for time extension for the notice of appeal and on translation](#), 24 February 2021, ICC-02/04-01/15-1781 (A), para. 10. See also *The Prosecutor v. Mr Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*, [Decision on the "Defence Application under Article 67\(1\)\(f\) of the Statute, Rule 144\(2\)\(b\) of the Rules of Procedure and Evidence and Regulation 58\(1\) of the Regulations of the Court"](#), 2 December 2025, ICC-02/05-01/20-1277 (A), para. 19; *The Prosecutor v. Alfred Yekatom and Patrice-Édouard Ngaïssona*, [Decision on requests for](#)

12. In light of the foregoing, the Defence’s request for a suspension of the applicable time limits until a receipt of the complete French translation of the Conviction Decision is rejected.

13. Turning to the Defence’s alternative request for an extension of time, the Appeals Chamber observes that the Trial Chamber has ordered the Registry to “provide the Defence with a draft translation of the [relevant] portions of the Conviction Decision” regarding factual and legal findings related to the crimes committed and Mr Said’s criminal responsibility, “for the purposes of preparing submissions relevant to sentencing”.²² The Defence states that it has been in contact with the Language Services Section regarding the progression of said translation of these sections of the Conviction Decision, which amounts to “373 paragraphs/100 pages”.²³ The Defence indicates that it should receive a draft translation of these portions on an “urgent and rolling basis”, and by 27 October 2026 at the latest.²⁴ The Defence adds that at the time of the filing of the Request, it had not yet received any translation.²⁵ It is thus clear that the French translation of the most relevant portions of the Conviction Decision will not be ready before the expiry of the current time limit for the filing of the notice of appeal on 26 October 2026.²⁶

14. The Appeals Chamber further observes that, following the rendering of the Conviction Decision, sentencing proceedings are ongoing, which requires the Defence to prepare and make submissions in these proceedings while simultaneously preparing its notice of appeal and appeal brief. In addition, the Appeals Chamber notes the Defence’s submission on the factual and legal complexity and length (678 pages) of the Conviction Decision.

15. Finally, the Appeals Chamber notes that the Prosecutor does not oppose the Defence’s request for an extension of the time limits for the filing of the notice of appeal

[extension of time limits for notices of appeal and appeal briefs against the decision of Trial Chamber V entitled “Judgment”](#), 1 August 2025, ICC-01/14-01/18-2794 (A), para. 11.

²² [Second Sentencing Procedure Decision](#), para. 17, p. 10.

²³ [Request](#), para. 8.

²⁴ [Request](#), para. 8.

²⁵ [Request](#), para. 36.

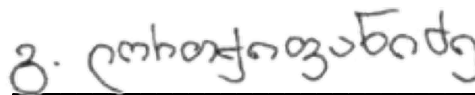
²⁶ See also [Request](#), para. 17.

and the appeal brief and he requests an “equivalent extension of time to file any notice of appeal and appeal brief”, should he decide to appeal the Conviction Decision.²⁷

16. Having considered the reasons advanced by the Defence in support of this request, the Appeals Chamber finds that “good cause” within the meaning of rule 150(2) of the Rules and regulation 35(2) of the Regulations has been demonstrated to justify an extension of the time limits for filing the notice of appeal and the appeal brief. It therefore grants the Defence’s request for an extension of time to file the notice of appeal to 16h00 on Friday, 29 January 2027 and the appeal brief to 16h00 on Monday, 3 May 2027.

17. The Appeals Chamber also considers that it is in the interests of the efficient conduct of the proceedings to grant the request of the Prosecutor for an equal extension of the time limits for the filing of the notice of appeal and the appeal brief, should he decide to appeal the Conviction Decision.

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


Judge Gocha Lordkipanidze
Presiding

Dated this 22th day of October 2026

At The Hague, The Netherlands

²⁷ [Response](#), paras 1, 5-6.