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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 SAÏD ABDEL KANI***

Public

Public redacted version of “Victims’ observations on sentencing”

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I. INTRODUCTION

1. Counsel representing participating victims (the “Legal Representative”)¹ hereby submits her observations pursuant to the Trial Chamber VI’s (the “Chamber”) decision on the sentencing procedure (the “Decision on Sentencing Procedure”).² These observations are also submitted on behalf of all victims who were unable to participate, either because they died as a result of the inhumane treatment inflicted during their detention at the *Office Central de Répression du Banditisme* (Central Office for the Repression of Banditry) (the “OCRB”) in the Central African Republic (“CAR”), or simply because Trial Chamber VI’s (the “Chamber”) restrictive approach to victimisation resulted in many victims of Mahamat Saïd Abdel Kani (“Mr Saïd”) actions between 12 April and 30 August 2013 being overlooked despite the Chamber clearly establishing his responsibility regarding the whole period except for a two-week period in its “Trial Judgment”.³

2. The Legal Representative respectfully requests that Mr Saïd be sentenced to 25 years of imprisonment in accordance with articles 77(1)(b), 78(1) and (3) of the Rome Statute (the “Statute”) and rule 145 of the Rules of Procedure and Evidence (the “Rules”). This request is justified by the extreme gravity of the crimes, Mr Saïd’s particularly high degree of participation and intent and the presence of several aggravating circumstances.

3. Mr Saïd’s degree of participation and intent in the commission of the crimes was particularly high. As the *de facto* top-ranking official at the OCRB, he personally ordered the detention of individuals in OCRB cells, including the underground cell. In the same capacity, he was informed of, witnessed, and participated in the mistreatment of detainees. This exceptionally high degree of participation and intent must be duly reflected in the sentence to be imposed.

4. Further, the means and circumstances in which the crimes were committed warrant the imposition of an exemplary sentence. In determining the appropriate sentence, the Chamber should take into account, in particular, the high degree of violence employed, including the use of *arbatachar*; the use of threats; the perpetration of these crimes in front of others, which exacerbated the social stigmatisation and humiliation of the victims; the involvement of multiple perpetrators simultaneously or consecutively; and the repeated victimisation of the victims.

¹ See the “Decision authorising 20 victims to participate in the proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-331](#), 27 May 2022; the “Second Decision Authorising Victims to Participate in the Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-640-Conf](#), 8 November 2023; and the “Fourth Decision Authorising Victims to Participate in Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-812](#), 22 July 2024.

² See the “Decision on the Sentencing Procedure”, [No. ICC-01/14-01/21-1055](#), 23 September 2026.

³ See the “Trial Judgment” (Trial Chamber VI), [No. ICC-01/14-01/21-1054-Conf](#) and [No. ICC-01/14-01/21-1054-Red-Corr](#), 23 September 2026 (the “Trial Judgment”), para. 1595.

5. These factors, together with the extreme physical, psychological, and socio-economic harm inflicted upon the victims and their families, underscore the gravity of the crimes committed. Many victims and their families continue to suffer the lasting consequences of the treatment inflicted upon them by Mr Saïd. The profound and enduring nature of this harm must be duly reflected in the sentence to be imposed, which should adequately capture both the seriousness of the crimes and the extent of the suffering they have caused.

6. Moreover, several aggravating circumstances warrant the imposition of a high sentence, namely the particular vulnerability and defencelessness of the victims, who, by virtue of their unlawful detention were completely unable to extricate themselves from their situation; the discriminatory dimension of the commission of the crimes; and the abusive manner in which Mr Saïd exercised his authority and control over the victims. By virtue of his position of authority and control, he had the ability not only to prevent the crimes from being committed but also, at the very least, to delegate the commission of the crimes to others without personally participating. Instead, he chose to actively participate in and facilitate the commission of the crimes. These circumstances should be duly reflected in the sentence to be imposed. *A contrario*, there are no circumstances that would justify mitigating said sentence. Mr Saïd's past medical condition is irrelevant for the determination of the appropriate sentence, while any illness that may arise in the future is a matter to be addressed, if necessary, at the enforcement stage of the imposed sentence.

7. In sum, the sentence of 25 years of imprisonment is appropriate and proportionate to the gravity of the crimes and Mr Saïd's individual culpability. It would also constitute an important form of judicial recognition of the harm suffered by the victims and their families. *A contrario*, an inadequate sentence that fails to reflect the seriousness of the crimes and the extent of Mr Saïd's culpability would further harm the victims, by compounding the victims' sense of injustice, while jeopardising the prospects for meaningful reparation and reconciliation.

II. PROCEDURAL BACKGROUND

8. On 23 September 2024, the Chamber issued its Judgment pursuant to article 74 of the Statute, convicting Mr Saïd of four counts of crimes against humanity (the "Trial Judgment").⁴ Specifically, Mr Saïd was found guilty, as a direct co-perpetrator (article 25(3)(a) of the Statute) of the crimes against humanity of: (i) imprisonment or other severe deprivation of physical liberty

⁴ *Ibid.*

(article 7(1)(e) of the Statute); (ii) torture (article 7(1)(f) of the Statute); (iii) inhumane acts (article 7(1)(k) of the Statute); and (iv) persecution (article 7(1)(h) of the Statute).

9. On the same day, the Chamber rendered the Decision on Sentencing Procedure,⁵ directing, *inter alia*, the parties and participants to submit their observations on the sentencing by 29 October 2026.

10. On 20 October 2026, the Chamber partially granted the parties' and participants' joint request⁶ for an extension of the page limit, setting the limit at 40 pages.⁷

11. On 26 October 2026, the Chamber partially granted⁸ the Defence's request⁹ to present additional sentencing submissions.

III. CONFIDENTIALITY

12. Pursuant to regulations 23bis(1) and (2) of the Regulations of the Court, the present observations are classified as confidential as they refer to documents marked with the same classification. A public redacted version is filed simultaneously.

IV. VICTIMS' VIEWS ON SENTENCING

13. Following the issuance of the Trial Judgment, the Legal Representative consulted with her clients regarding the appropriate sentence. Although their views are not entirely homogenous as to the appropriate sentence to be imposed, they share the same fundamental concern: that the sentence imposed genuinely and adequately reflects the gravity of the crimes committed against them, as well as the enduring impact of the resulting harm on the victims and their families.

14. For the victims, the sentencing stage is one they have awaited for more than thirteen years. Throughout this period, they have continued to bear the consequences of the crimes committed against them while awaiting for justice. They have participated in these proceedings, dedicating their time, recounting deeply distressing experiences and, in doing so, placing a significant emotional burden upon them. Their participation reflects not only their determination to have the

⁵ See the Decision on the Sentencing Procedure, *supra* note 2.

⁶ See the email of 19 October 2026 at 16:19.

⁷ See the email of 20 October 2026 at 11:05.

⁸ See the "Decision on additional evidence concerning sentencing and scheduling the sentencing hearing" (Trial Chamber VI), [No. ICC-01/14-01/21-1073](#), 26 October 2026. The Prosecution and the Legal Representative did not request to submit additional evidence. See also, the "Decision on the Defence's Request concerning the Sentencing Procedure" (Trial Chamber VI), [No. ICC-01/14-01/21-1058](#), 6 October 2026 partly granting the Defence's request to vary the deadlines.

⁹ See the "*Requête de la Défense en vue de l'admission d'éléments de preuve supplémentaires en vue de la détermination de la peine*", [No. ICC-01/14-01/21-1061-Conf](#) and [No. ICC-01/14-01/21-1061-Red](#), 9 October 2026.

crimes committed against them judicially recognised, but also their legitimate expectation that these proceedings would lead to meaningful accountability through the imposition of a sentence commensurate with the gravity of the crimes committed against them and Mr Saïd's culpability.

15. The conviction judgment constitutes a first and indispensable step towards justice and, ultimately, reparations for the victims and their families. The sentencing judgment represents the next critical step. Not one of the victims consulted by the Legal Representative expressed a desire for vengeance. Rather, they consistently insisted on the imperious necessity that Mr Saïd be convicted to a fair and proportionate sentence, reflecting the gravity of the crimes he committed, commensurate with his individual culpability, and the suffering inflicted upon them. For the victims, the imposition of such a sentence is essential to ensuring that the conviction translates into meaningful judicial accountability for the crimes committed against them.

16. At this juncture, Mr Saïd is a convicted criminal and while his rights must continue to be fully respected through the sentencing and appeal processes, his submissions must not be afforded greater weight than the accounts of the victims. They are innocent individuals who suffered extremely severe harm during their detention under his authority, their experiences and the lasting consequences of the crimes committed against them, must be given due consideration in determining an appropriate and proportionate sentence.

17. The present proceedings carry a particular and profound significance given that the Chamber is called upon to determine the length of the period of lawful detention to be imposed on Mr Saïd, who was convicted for crimes committed in a detention facility where the victims were unlawfully detained, deprived of their freedom and subjected to profound suffering. There is, therefore, a striking and deeply unsettling echo between the victims' experience and the question now before the Chamber: whereas the victims were unlawfully detained and subjected to criminal abuse under Mr Saïd's authority, the latter's deprivation of liberty will be imposed lawfully, as a consequence of his criminal responsibility and in accordance with the applicable sentencing framework. The sentence must therefore reflect the gravity of his crimes and his individual culpability, while underscoring the fundamental distinction between arbitrary deprivation of liberty and lawful punishment imposed through due process of law.

18. Unlike the victims who were subjected to unlawful detention and criminal abuse, Mr Saïd will necessarily be afforded treatment far more favourable than that which he inflicted upon them. He will serve his sentence pursuant to a lawful judicial determination, with the benefit of the existing procedural guarantees and his conditions of detention will be consistent with international standards. Victims understand this reality and accept the fundamental distinction between his

lawful punishment and the unlawful treatment to which they were subjected. They nevertheless emphasise that the sentence to be imposed must at least be commensurate with the gravity of the crimes for which Mr Saïd was convicted as well as with his individual responsibility. The respect for the rights and dignity of a convicted person does not diminish the requirement that the sentence adequately reflects the seriousness of his conduct and the harm it caused to the victims.

19. The determination of the appropriate sentence therefore carries particular significance in light of the victims' experience of unlawful detention at the OCRB and constitutes a further step in their pursuit of justice. After such a long wait, sentencing gives meaningful and concrete effect to the Chamber's conclusion reached in the conviction judgment and marks the transition from the determination of responsibility to the consequences that must follow. For the victims who have waited more than 13 years for this moment, an appropriate and proportionate sentence represents an essential step towards the judicial recognition of the harm they suffered.

V. APPLICABLE LAW

20. The legal framework governing sentencing is set out in articles 76 to 78 of the Statute and rules 145 to 147 of the Rules. The Appeals Chamber has held that these provisions, read in conjunction with the Preamble to the Statute, establish a comprehensive framework for the determination and imposition of a sentence.¹⁰

A. Purposes of sentencing

21. Retribution and deterrence are the principal purposes of punishment before the Court and the Legal Representative respectfully requests the judges to bear that in mind when deliberating on the appropriate sentencing. The sentencing is not yet the moment to evaluate reintegration prospects. It is the moment to translate the conviction into a tangible retributive effect, one that is tangible enough for the victims to feel that their ordeal has been duly recognised, and one that can deter other perpetrators from committing similar acts.

22. Retribution is not to be understood as serving a desire for vengeance, but instead as reflecting the international community's condemnation.¹¹ Of particular importance is the fact that

¹⁰ See the "Judgment on the appeals of the Prosecutor and Mr Thomas Lubanga Dyilo against the 'Decision on Sentence pursuant to Article 76 of the Statute'" (Appeals Chamber), [No. ICC-01/04-01/06-3122 A4 A6](#), 1 December 2014, para. 32. See also the "Public redacted version of Sentencing Judgment" (Trial Chamber I), [No. ICC-02/05-01/20-1281-Red](#), 9 December 2026 (the "*Abd-Al-Rahman* Sentencing Judgment"), paras. 13-14, and references contained therein. For ease of reference, and in view of the consistency of the legal framework governing sentencing across cases before this Court, the Legal Representative relies on the most recent sentencing decision, which itself refers to and draws upon earlier sentencing decisions.

¹¹ See the *Abd-Al-Rahman* Sentencing Judgment, *ibid.*, para. 14.

chambers have consistently recognised that the imposition of proportionate sentence also serves to recognise the harm suffered by the victims.¹² As a matter of fact, sentencing judgments constitute an important datapoint in reparations proceedings in the evaluation of the harms recognised.

23. Concerning the deterrent effect of the sentence, it should be sufficient both to prevent the convicted person from reoffending and to discourage others who might contemplate committing similar crimes from doing so.¹³

24. Chambers of this Court have been clear: rehabilitation may be a relevant sentencing objective, but it is not a primary consideration in the context of international criminal law cases.¹⁴

B. Sentencing principles and factors – assessment of gravity

25. The Court enjoys considerable discretion in imposing a sentence and is not bound by prescribed minimum or maximum penalties, or predetermined sentencing ranges for specific offences.¹⁵ The Legal Representative invites the Chamber to exercise this discretion and to impose a just and meaningful sanction: one that is proportionate to the gravity of the crimes and Mr Saïd's individual culpability.

26. In exercising its discretion under article 78(1) of the Statute and given the importance of retribution as a sentencing principle, the sentence imposed must, viewed as a whole, be proportionate to the circumstances and appropriately reflect the convicted person's culpability, as provided for in rule 145(1)(a) of the Rules.¹⁶ The penalty must therefore correspond to the seriousness of the crimes committed.

27. Gravity is a central consideration in the sentencing process. The assessment of gravity ordinarily proceeds at two levels. First, it is assessed in general terms, by reference to the elements of the crime and the applicable mode of liability. Second, it must be assessed in light of the specific circumstances of a case, by taking into account the particular facts and circumstances surrounding

¹² *Idem*.

¹³ *Idem*.

¹⁴ See the "Public Redacted Judgment on the appeals of the Prosecutor, Mr Jean-Pierre Bemba Gombo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled 'Decision on Sentence pursuant to Article 76 of the Statute'" (Appeals Chamber), [No. ICC-01/05-01/13-2276-Red A6 A7 A8 A9](#), 8 March 2018, para. 205. See also, the *Abd-Al-Rahman* Sentencing Judgment, *supra* note 10; the "Public redacted version of Judgment" (Trial Chamber V), [No. ICC-01/14-01/18-2784-Red](#), 24 July 2025 (the "*Yekatom and Ngaïssona* Sentencing Judgment"), para. 4398, and references contained therein.

¹⁵ See the *Abd-Al-Rahman* Sentencing Judgment, *supra* note 10, para. 15, and reference contained therein.

¹⁶ See the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, para. 4399.

the commission of the crimes, in particular the degree of harm caused, and the culpability of the perpetrator.¹⁷

28. In setting the appropriate penalty, account must be taken of both the objectives of specific deterrence and rehabilitation, as well as the individual circumstances of the convicted person, including any established aggravating or mitigating circumstances.¹⁸

29. The gravity of the crimes and the aggravating circumstances identified in the Rules are neither clearly separated nor mutually exclusive categories. A particular factual circumstance may therefore not be double-counted: a circumstance that has already been taken into account in evaluating the gravity of the crime must not subsequently be relied upon as an aggravating factor, and vice versa.¹⁹

C. Aggravating and mitigating circumstances

30. Where a circumstance has not already been incorporated into the assessment of gravity, it must nevertheless be considered as an aggravating factor, provided that its existence has been established beyond reasonable doubt. Such a factor must concern either the crimes for which the person was convicted or circumstances pertaining to that person. It must also bear a sufficiently close connection to the crime or crimes underlying the conviction. By contrast, neither an element forming part of the definition of the crime nor a component of the applicable mode of liability may itself be treated as an aggravating circumstance.²⁰

31. Rule 145(2)(b) of the Rules sets out a non-exhaustive enumeration of aggravating factors. An unlisted circumstance can only be relied upon where it is similar to one of the enumerated factors “*by virtue of [its] nature*”.²¹ Conversely, the mere absence of an aggravating circumstance does not, in itself, render the relevant factual circumstances mitigating.

32. Rule 145(2)(a) of the Rules identifies a non-exhaustive range of circumstances that may support mitigation at the sentencing stage. Among these are circumstances that do not rise to the level of excluding criminal responsibility, as well as the convicted person’s conduct following the commission of the crime, including efforts to provide redress to victims and cooperation with the

¹⁷ See the *Abd-Al-Rahman* Sentencing Judgment, *supra* note 10, para. 15, and reference contained therein.

¹⁸ *Ibid.*, para. 16, and references contained therein.

¹⁹ *Ibid.*, para. 17.

²⁰ *Ibid.*, para. 22.

²¹ *Ibid.*, paras. 22-23, and references contained therein.

Court. The existence of a mitigating circumstance is typically established on a balance of probabilities.²²

D. Determination of the appropriate sentence

33. Each individual sentence must therefore reflect the circumstances that are relevant to the particular crime in question.²³ A conviction for multiple crimes requires the Court to determine a joint sentence specifying the overall period of imprisonment that cannot be lower than the highest of the individual sentences imposed. In determining the individual sentences, any factual overlap must be taken into account in relation to each respective crime. The same applies at the stage of fixing the joint sentence, where relevant overlaps must be properly reflected so as to ensure that the convicted person is not punished beyond the extent of their actual culpability.²⁴ Finally, article 78(2) of the Statute requires any period of detention previously served by the convicted person pursuant to an order of the Court to be credited against the sentence imposed.²⁵

VI. SUBMISSIONS

34. The Legal Representative seeks a joint sentence of no less than twenty-five years of imprisonment. The crimes for which Mr Saïd was convicted, are of exceptional gravity as reflected by his high degree of participation and intent, the cruelty and brutality of methods used in their commission, and the lasting impact of the harm inflicted upon the victims and their families. Additionally, there exists several aggravating factors, namely the defencelessness and particular vulnerability of the victims, the discriminatory motives underlying the crimes, Mr Saïd's abuse of his position of authority and these warrant a more severe sentence. These aggravating circumstances are considered distinctly from the assessment of the gravity of the crimes, insofar as they establish additional grounds for increasing the sentence under the applicable sentencing framework. Lastly, no personal, behavioural or contextual circumstances are such as to reduce Mr Saïd's sentence. Considered together, these factors support the imposition of a joint sentence of twenty-five years of imprisonment as a proportionate reflection of the gravity of the crimes and Mr Saïd's individual culpability.

35. For each crime, the Legal Representative is making submissions on: (i) the gravity of the crime; (ii) the degree of Mr Saïd's participation and intent; (iii) the aggravating and mitigating circumstances relevant to sentencing; and (iv) the appropriate sentence to be imposed.

²² *Ibid.*, paras. 24-25.

²³ *Ibid.*, para. 26, and references contained therein.

²⁴ *Ibid.*, para. 27, and references contained therein.

²⁵ *Idem.*

36. For ease of reference and to avoid unnecessary repetition, the Legal Representative has consolidated her submissions on Mr Saïd's the degree of participation and intent, as well as the aggravating and mitigating circumstances relevant to sentencing, as these considerations apply across all crimes.

A. Overall assessment of the degree of Mr Saïd's participation and intent

37. Before turning to the crime-specific assessment, the Legal Representative makes a few observations on Mr Saïd's overall degree of participation and intent, noting that he was convicted under the same mode of liability (direct co-perpetrator) for all crimes.

38. Mr Saïd was convicted of all counts under article 25(3)(a) of the Statute as a direct co-perpetrator. Although the Statute does not establish a predetermined hierarchy among the different modes of liability,²⁶ his conviction as direct co-perpetrator provides a first indication of the nature and extent of his participation in the crimes and must be considered in assessing his individual culpability for sentencing purposes.

39. The Statute additionally requires an assessment of the seriousness of the convicted person's culpable conduct, by reference to the specific circumstances of the conduct underpinning the relevant mode of liability, both in terms of the extent of the person's contribution (quantity) and the nature of that contribution (quality).²⁷

40. In this respect, the Trial Judgment is replete of findings beyond reasonable doubt demonstrating that Mr Saïd's participation and intent in the commission of the crime was *particularly* high. These findings are directly relevant to the assessment of his individual culpability for sentencing purposes.

41. The Chamber found that Mr Saïd was the *de facto* top ranking official at the OCB, that he was "*in charge*", and that, "*with respect to orders and reporting everything went through him*".²⁸ It further found that he exercised control over the OCB, and that the Séléka stationed there were under his command and reported to him.²⁹ The Chamber established that Mr Saïd had control over detention and release of detainees, finding that "[i]nstructions ultimately came from Mr Saïd, who issued orders concerning detainees. Detainees could not be placed in cells while he was present

²⁶ *Ibid.*, para. 19, and references contained therein.

²⁷ *Idem.*

²⁸ See the Trial Judgment, *supra* note 3, paras. 913 and 1773. For the avoidance of any doubt, the Legal Representative clarifies that her submissions almost exclusively rely on findings made beyond reasonable doubts, contained in the 'factual findings' or 'legal findings' sections of the Trial Judgment.

²⁹ *Ibid.*, paras. 913 and 1773.

without informing him and obtaining his agreement".³⁰ The Chamber further found that Mr Saïd personally ordered the detention of individuals in OCRB cells, including the underground cell, that he had to be notified if a detainee was to be released, and that several release notes bore his name and/or initials.³¹ The Chamber noted that the underground cell was located in his office and that *"he typically did not allow the police to see who was detained there and no one could enter his office, in which the underground cell was located without his permission"*.³² Taken together, these findings establish the extent of Mr Saïd's authority over the detention operations at the OCRB and his direct involvement in decisions concerning the deprivation and restoration of detainees' liberty. They are therefore highly relevant to the assessment of the extent and nature of his participation in the crimes for which he was convicted.

42. Mr Saïd was the one appointing Séléka members to guard the cells³³ and exercised control over the personnel and material resources deployed at the OCRB. In particular, he controlled the weapons and supplied uniforms to the Séléka elements stationed at the OCRB.³⁴ He also provided them with food and money, including money for expenses and patrols.³⁵ These findings further demonstrate the extent of Mr Saïd's authority over the OCRB and the personnel operating there.

43. Most importantly, the Chamber found that Mr Saïd was repeatedly informed of the mistreatment of detainees, including by being tied using the *arbatachar* method; that he was present when mistreated detainees were brought out of the underground cell in his office; and that he failed to intervene to stop the torture or address allegations of mistreatment brought to his attention.³⁶ These findings are particularly relevant to the assessment of Mr Saïd's individual culpability, as they evidence both his direct involvement in the mistreatment of detainees and his awareness of the abuse perpetrated at the OCRB.

44. The Chamber further found that Mr Saïd he decided which interventions the OCRB Séléka elements would carry out, prepared planning lists for patrols, and issued direct orders specifying where Séléka members were to go and what they were to do during said operations.³⁷ These findings further demonstrate the extent of Mr Saïd's authority over Séléka elements stationed at the OCRB and his active role in directing their operations.

³⁰ *Ibid.*, paras. 914 and 1774.

³¹ *Idem.*

³² *Ibid.*, paras. 910, 915, and 1774.

³³ *Ibid.*, paras. 915 and 1774.

³⁴ *Ibid.*, para. 916 and 1773.

³⁵ *Idem.*

³⁶ *Ibid.*, paras. 917, 1775, and 1781.

³⁷ *Ibid.*, paras. 918-919, and 1775-1776.

45. On the basis of these factual findings, the Chamber found that Mr Saïd, and the OCRB Séléka elements under his command, exercised full control and discretion over the arrest and detention of individuals, without accountability to the prosecutor or police.³⁸ The Chamber further found that he became the head of the OCRB upon his arrival in mid to late April 2013 and remained in this position (apart from a brief absence) until the Séléka's departure from the OCRB on 31 August 2013.³⁹ The Chamber was satisfied beyond reasonable doubt that Mr Saïd's contribution to the commission of the crimes was essential in light of the role that he was assigned and the functions he carried out at the OCRB, as well as his direct involvement in the commission of the crimes.⁴⁰

46. Concerning Mr Saïd's intent, the Chamber concluded that not only his intent to implement the plan and execute the crimes was "*evident*"⁴¹ and the "*only reasonable inference*"⁴² but it also made a number of findings demonstrating his particularly high level of intent in committing the crimes. Notably, the Chamber found that the underground cell was located in his office, and that he nonetheless ordered multiple detainees to be imprisoned there;⁴³ that he was directly involved in the commission of certain crimes; and that he either ordered the detention and mistreatment of detainees, witnessed such acts, or was informed of them as they occurred.⁴⁴

47. In conclusion, the specific circumstances of the case and the findings of the Chamber unequivocally demonstrate that Mr Saïd's high degree of participation and intent in the commission of the crimes was particularly high and that the sentence should reflect it.

48. The Legal Representative now turns to the victims' observations on the appropriate sentence to be imposed in respect of each crime.

B. Crime-specific assessment

1) Imprisonment

49. *Findings of the Chamber* – The Legal Representative recalls that Mr Said was convicted – as a direct co-perpetrator – for the crime of imprisonment or other deprivation of physical liberty of, *at least*:⁴⁵ (i) P-1289 (Incident A); (ii) P-0481 (Incident B); (iii) P-2692 (Incident C); (iv) one

³⁸ *Ibid.*, para. 1756.

³⁹ *Ibid.*, paras. 912, 1768 and 1773.

⁴⁰ *Ibid.*, paras. 1771 and 1777.

⁴¹ *Ibid.*, para. 1782.

⁴² *Ibid.*, para. 1780.

⁴³ *Ibid.*, paras. 915 and 1781.

⁴⁴ *Ibid.*, para. 1782. Concerning Mr Saïd's intent, see also paras. 1783-1784.

⁴⁵ See the transcript of the hearing held on 23 September 2026, [No. ICC-01/14-01/21-T-142-ENG ET WT](#), p. 15, line 20 – p. 16, line 2.

man (Incident G); (v) 16 persons, including P-1180, P-1743, P-2263 and P-2295 (Incident H); (vi) P-1429 and two other men (Incident I); (vii) Oswald Sanze, P-2931 and another man (Incident J); (viii) P-2519 (Incident L); (ix) four men, namely P-3064, P-3056, P-3053 and another man (Incident M); (x) the “baker” (Incident N); (xi) P-0547 (Incident O); (xii) four persons, namely P-2241, P-2400, P-2239 and another man (Incident Q); and (xiii) various other men (Incident R).

a. Gravity of the crime

50. The Legal Representative notes that for the purpose of assessing the gravity of crimes *in abstracto*, chambers of this Court have used a number of qualificative terms, such as substantial, serious, very serious, high and very high, depending on various parameters, notably: (i) whether the crime is a conduct crime or not, that is whether the crime requires that the offense is realised or not;⁴⁶ (ii) whether the crime is directed against a person or a property;⁴⁷ and (iii) what interest the incrimination of the conduct is deemed to protect.⁴⁸ Typically, a crime touching upon individuals, that requires that harm is actually inflicted and that protects an interest deemed particularly important (such as the right to life), is accorded the highest gravity *in abstracto*.

51. Concerning the crime of imprisonment, it concerns individuals, it requires that the deprivation of liberty actually occurs, and it protects the liberty of physical movement. Accordingly, the Legal Representative posits that its gravity is serious in *abstracto*.⁴⁹

52. Turning to the evaluation *in concreto*, the Legal Representative stresses that all crimes under the Statute are necessarily committed through means and in circumstances that render them grave and necessarily cause harm to its victims. She submits, however, that in the present circumstances, the commission of the crime of imprisonment as committed by Mr Saïd at the OCRB and its impact on the victims demonstrate that its gravity *in concreto* was particularly high.

53. In support of this assessment, the Legal Representative highlights (i) the means employed and the circumstances in which the crime was committed, in particular the high degree of violence, and the particular cruelty, in addition to the use of threats; and (ii) the multi-faceted harm caused

⁴⁶ See, *inter alia*, the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, para. 4518 distinguishing between the gravity of the crime of displacement, which does not require the population to actually move, and that of forcible transfer, which requires that the population actually be moved.

⁴⁷ *Ibid.*, para. 4537, and references contained therein.

⁴⁸ *Ibid.*, para. 4501 considering that the gravity *in abstracto* of the crime of attack against a civilian population is high despite the fact that it does not require the actual infliction of harm, because of the protected interest at stake.

⁴⁹ See on the analysis of the liberty of physical movement, the *Yekatom and Ngaïssona* Sentencing Judgment, para. 4566, the “Sentence” (Trial Chamber IX), [No. ICC-02/04-01/15-1819-Red](#), 6 May 2021 (the “Ongwen Sentencing Judgment”), para. 162, concerning however the crime of enslavement.

by the relevant conduct, including its long lasting physical, psychological and socio-economic consequences on the victims.

54. Concerning the means and circumstances of the crime, the Legal Representative recalls that its objective elements require that: (i) the perpetrator imprisoned one or more person(s) or otherwise severely deprived one or more person(s) of physical liberty; and (ii) the gravity of the conduct was such that it constitutes a violation of fundamental rules of international law. Yet, in the present case, Mr Saïd went far beyond the fulfilment of these elements as the detainees were subjected to wholly unnecessary extreme brutality and cruelty. These served no legitimate purpose and further increase the gravity of the crime.

55. Indeed, in making legal findings on the crime of imprisonment specifically, the Chamber noted that, in addition to being unlawfully deprived of their liberty, detainees were routinely mistreated physically and psychologically, and commonly tied up using the *arbatachar* method. Some detainees were also held in an underground cell, that was dark, cramped, dirty, insufficiently ventilated and covered in waste. As far as the cells in the courtyard are concerned, they were so overcrowded that the detainees had difficulty breathing and had to take turns lying down.⁵⁰ Detainees were also forced to urinate and defecate inside the cells, where the floor was covered in waste and it smelled of faeces and urine.⁵¹ More often than not, the detainees would be allowed out of their cells once a day, but sometimes they were let out twice a day, once in the morning and once in the afternoon for a maximum of 30 minutes. Family visits would often coincide with these timings. There was no system for providing food or water for the detainees. Family members would provide them with food and water during family visits. The OCRB Séléka elements did not generally provide any medical assistance or care to the persons detained at the OCRB.⁵²

56. In short, Mr Saïd's conduct went far beyond the unlawfully depriving individuals of their liberty. The extreme brutality and cruelty to which the detainees were subjected, together with the degrading conditions exerted and the prolonged duration of the detention of a number of victims enhances the gravity of the crime of imprisonment *in concreto*.⁵³

57. Regarding the harm caused, the Legal Representative posits that all individuals imprisoned at the OCRB suffered psychological harm, which was exacerbated by the manner in which the crime was committed. First, more often than not the victims were apprehended in a brutal and

⁵⁰ See the Trial Judgment, *supra* note 3, para. 1600.

⁵¹ *Ibid.*, paras. 908 and 1600.

⁵² *Ibid.*, para. 909.

⁵³ See, *inter alia*, the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, para. 4567.

random manner, sometimes using perfidy and false pretexts. This *modus operandi* was unnecessary and contributed to placing the detainees in a situation of psychological distress and further increased the gravity of the crime of imprisonment *in concreto*.⁵⁴

58. Second, the manner in which the victims were arrested and imprisoned at the OCRB caused some of them such extreme distress that it persisted beyond their release. The lasting impact thereof is illustrated by P-0547's testimony who insisted on the profound and enduring consequences of his detention.⁵⁵ His testimony underscores that the harm caused by the crime was not confined to the period of imprisonment but continued to affect victims thereafter.

59. Additionally, some detainees suffered physical harm as a result of their imprisonment. For instance, in its findings concerning the imprisonment of P-2692, the Chamber noted that he was questioned while severely injured which contributed to the gravity of the crime.⁵⁶ Similarly, the Chamber found that the baker was "*violently interrogated*" regarding the whereabouts of François Bozizé and his inner circle.⁵⁷ These findings illustrate how the circumstances surrounding the victims' imprisonment, including their treatment while in detention, further increased the gravity of the crime *in concreto*.

60. A number of victims have emphasised the stark contrast between, on the one hand, their arbitrary detention and appalling conditions of detention they endured at the OCRB and, on the other hand, the very high standards of detention, medical care and respect for human rights afforded to Mr Saïd in The Hague. Several victims have specifically highlighted that his health concerns have been addressed in detention, in sharp contrast to the suffering they endured while detained under Mr Saïd's control. Their observations convey a profound sense of injustice at this disparity, and underscore their expectation that the sentence imposed should adequately reflect the gravity of the crimes committed against them and the severe and lasting harm they have suffered.

61. The harm caused by the commission of this crime extends far beyond the harm suffered by the direct victims. Indeed, in most instances, "[r]elatives had to rely on word of mouth to find out

⁵⁴ See the Trial Judgment, *supra* note 3, notably paras. 1605 (P-1289 was randomly arrested while at the Ledger Hotel), 1614 ([REDACTED] went to meet some former colleagues and he was apprehended), 1617 (the detainees of the Flyer incident were approached "*suddenly, without explanation and often apparently at random*"), 1627 (Oswald Sanze was arrested "*violently*"), P-1634 (P-2519 was taken from a public location on a false pretext), and 1648 (P-2400 and P-2241 were arrested from a public place).

⁵⁵ *Ibid.*, para. 1033.

⁵⁶ *Ibid.*, para. 1611. The Legal Representative makes separate submissions *infra* on the physical harm suffered as a result of the crimes of torture and other inhumane acts. She recalls however that physical harm is "*not restricted to the infliction of a physical or bodily injury*", and notes that "*hurt, pain or suffering otherwise not caused by a bodily injury can also amount to physical harm*". In this sense, see, *inter alia*, the "Reparations Order" (Trial Chamber IX), [No. ICC-02/04-01/15-2074](#), 28 February 2024.

⁵⁷ See the Trial Judgment, *supra* note 3, para. 1641.

that the Seleka had detained someone at the OCRB”,⁵⁸ thereby exposing the detainees’ family to foreseeable extreme mental anguish. Even after discovering where their relatives were being detained, their family members were not allowed to visit them and were not kept informed of their situation.⁵⁹ A number of victims reported that their family members were traumatised by their arrest and detention at the time,⁶⁰ and that some never recovered their peace of mind ever since. One victim indicated that his father never recovered from the despair caused by his imprisonment and ultimately died as a result.

62. In addition to the persistent long-lasting psychological harm caused by the imprisonment, victims and their families suffered also economically harm. In particular, family members of detainees were compelled to pay ransoms to secure their release,⁶¹ causing severe foreseeable financial strains on already modest families.

b. Degree of Mr Saïd’s participation and intent

63. The Legal Representative refers to her submissions *supra* demonstrating that the findings of the Trial Judgment establish a particularly high degree of participation and intent.⁶²

c. Aggravating and Mitigating circumstances

64. The Legal Representative refers to her submissions *infra*⁶³ concerning the existence of aggravating circumstances and the absence of any mitigating factors. In short, nothing in the individual circumstances of Mr Saïd, be it his current health, his education, family situation or else warrants mitigating his sentence.

65. *A contrario*, the following circumstances warrant aggravation of the sentence: (i) the discriminatory nature of the imprisonment of the victims, who were held captive because of their perceived association with or support for Bozizé; (ii) the manner in which Mr Saïd exerted and abused his power to commit the crimes, for instance by exploiting his control over the detainees to achieve personal gain by extorting ransoms from their families. These factors constitute aggravating circumstances within the meaning of rule 145(2)(b)(ii) and 145(2)(b)(v) of the Rules.

⁵⁸ *Ibid.*, para. 1601.

⁵⁹ *Ibid.*, para. 1607.

⁶⁰ *Idem.* See also para. 1565.

⁶¹ *Ibid.*, paras. 1601, 1611 and 1654.

⁶² See *supra*, paras. 39-46.

⁶³ See *infra*, paras. 104-129. The Legal Representative accepts that the particular defencelessness of the victims cannot be taken into account as an aggravating factor for the purpose of the crime of imprisonment as it stems from the fact that they were detained, which is an element of the crime of imprisonment

d. Conclusion

66. In light of the foregoing, the Legal Representative respectfully requests that a sentence of 14 years of imprisonment be imposed for the crime of imprisonment. This sentence reflects the extreme brutality exerted to commit the crime, the long-lasting multi-faceted harm it caused, as well as the aggravating circumstances discussed *infra*.⁶⁴

67. The Legal Representative is mindful of the fact that the requested sentence appears more severe than precedents set at this Court for the crime of imprisonment.⁶⁵ However, she respectfully submits that the Chamber enjoys broad discretion in determining the appropriate sentence, as long as it remains proportionate to the culpability of the convicted person. In the present case, 14 years of imprisonment for the crime described *supra* is in fact appropriate and commensurate with the gravity of the crime and the harm it caused to victims and their families.

68. The Legal Representative respectfully requests that in determining the appropriate sentence, the Chamber give due consideration to the primary objectives of sentencing, namely retribution and deterrence. The fact that other individuals convicted by this Court committed somewhat similar crimes and received seemingly lighter sentence neither prevents this Chamber for ordering a more severe sentence nor diminishes the gravity of Mr Saïd's crimes.

69. In any event, this imposition of a higher in the present case, compared with those imposed in previous cases is all the more justified than the mode of liability differs in that Mr Saïd was convicted under article 25(3)(a) of the Statute as a direct perpetrator while Mr Ngaïssona was convicted under article 25(3)(c) of the Statute.⁶⁶ Furthermore, Mr Saïd was convicted for a greater number of instances of imprisonment than Mr Yekatom, and the length of the detention of Mr Saïd's victims was far longer as some of them were held captives for many weeks. These distinctions support the imposition of a higher sentence in the present case.

2) Torture and other inhumane acts

70. The Legal Representative is cognisant of the fact that Mr Saïd's conviction for the crime of other inhumane acts encompasses more incidents than his conviction regarding the crime of torture.

⁶⁴ See *infra*, paras. 123-130.

⁶⁵ See the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, paras. 4566-4574, 4775-4782, and 4795-4796 sentencing Mr Yekatom to 10 years of imprisonment for the commission (article 25(3)(a)) of the crime of imprisonment of seven individuals during approximately three days, sentencing Mr Ngaïssona to eight years of imprisonment for aiding and abetting (article 25(3)(c) of the Statute) the commission of the same crime, and sentencing Mr Ngaïssona to eight years of imprisonment for aiding and abetting (article 25(3)(c) of the Statute) the commission of the crime of imprisonment at the *École de la Liberté*.

⁶⁶ Mr Yekatom was convicted under article 25(3)(a) of the Statute but other circumstances differ as described in the accompanying paragraph.

However, as both convictions rest – partly – on the same factual basis, these crimes are analysed together.

71. *Findings of the Chamber concerning other inhumane acts* – The Legal Representative recalls that Mr Saïd was convicted – as a direct co-perpetrator – for the crime of other inhumane acts against (i) P-1289 (incident A); (ii) P-0481 (incident B); (iii) P-2692 (incident C); (iv) 16 people including P-1180, P-1743, P-2263 and P-2295 (incident H); (v) Oswald Sanze and P-2931 (incident J); (vi) P-2519 (incident L); (vii) four men (P-3064, P-3056, P-3053 and another man) (incident M) (viii) the “baker” (incident N); (ix) P-0547 (incident O); (x) P-2400 (incident Q); and (xi) two men (incident R).

72. *Findings of the Chamber concerning torture* – The Legal Representative recalls that Mr Saïd was convicted – as a direct co-perpetrator – for the crime of torture against (i) 16 people including P-1180, P-1743, P-2263 and P-2295 (incident H); (ii) P-2519 (incident L); (iii) the “baker” (incident N); (iv) P-0547 (incident O); (v) P-2400 (incident Q); and (vi) two men (incident R).

a. Gravity of the crime

73. The crime of other inhumane acts as a crime against humanity requires that harm is actually inflicted, namely great suffering or serious injury to the body or to mental or physical health. It is directed against a person and it protects an interest of fundamental importance. Indeed, irrespective of the crime’s residual nature, “*inhumane acts*” are considered to be “*serious violations of international customary law and the basic rights pertaining to human beings, drawn from the norms of international human rights law*”.⁶⁷ Accordingly, the gravity of the crime of other inhumane act is recognised as high *in abstracto*.⁶⁸

74. The crime of torture as a crime against humanity requires that harm is actually inflicted, is directed against a person and violates an interest of fundamental importance. Indeed, the right not to be subjected to torture is a non-derogable right recognised under both customary and conventional international law as a norm of *jus cogens*.⁶⁹ Accordingly, the crime of torture is

⁶⁷ See the *Abd-Al-Rahman Sentencing Judgment*, *supra* note 10, para. 187.

⁶⁸ *Ibid.*, paras. 187 and 189 referring to the *Yekatom and Ngaissona Sentencing Judgment*, *supra* note 14, para. 4576, and references contained therein.

⁶⁹ See, *inter alia*, the [International Covenant on Civil and Political Rights](#), United Nations Treaty Series, Vol. 999, 1976, article 7, p. 175; the [Universal Declaration of Human Rights](#), General Assembly resolution 217 A, proclaimed in Paris on 10 December 1948, article 5; the [African Charter on Human and Peoples’ Rights](#), adopted in June 1981 in Nairobi, Kenya and registered by the Organization of African Unity on 28 December 1988, United Nations Treaty Series, Vol. 1520, article 5, p. 247; the [American Convention on Human Rights](#), signed at San José Costa Rica on

characterised by a very high degree of gravity *in abstracto*. The Legal Representative notes that chambers of this Court have recognised the gravity of the crime of torture as comparable to the crime of murder.⁷⁰

75. Turning to the assessment of gravity *in concreto*, the Legal Representative highlights the following factors: (i) the means and circumstances in which the crimes were committed, including in particular the high degree of violence employed, the use of threats, the perpetration of these crimes in front of others, which exacerbated the social stigmatisation and of the victims' humiliation, and the involvement of multiple perpetrators simultaneously or consecutively; (ii) the repeated victimisation of individuals as in some instances victims were mistreated on multiple occasions; and (iii) the multi-faceted harm caused by the relevant conduct, as victims suffered injuries with long-lasting physical, psychological and socio-economic consequences as a result.

76. Concerning the *means and circumstances*, the crimes of torture and other inhumane acts were conducted in the most brutal and cruel manner. By its very nature, said crimes entail that the perpetrator intentionally inflicts severe physical and/or mental pain or suffering. In the present case, Mr Saïd and the Séléka illustrated themselves by particularly inventive and brutal means employed to inflict such suffering. Notably, they resorted to the *arbatachar* method, which consists in tying the detainees' limbs together behind their back in a tightly compressed position forcing their elbows and ankles together, arching the chest unnaturally, causing extreme pain, restricted blood flow, and often leading to paralysis and observable scars.⁷¹ As this was insufficient, the perpetrators sometimes forced the detainees to lie face-down so while pouring a mixture of water and sand, soil or clay on their backs, before whipping them. The abuse was so severe some detainees soiled themselves or lost consciousness.⁷²

77. Moreover, the crimes were committed in a manner calculated to inflict profound humiliation and degradation upon the victims. In some instances, for example in relation to the "flyers incident", detainees were forced to run into a cell while being kicked and beaten.⁷³ Similarly, after being whipped, tied using the *arbatachar* method, repeatedly doused with water and beaten so severely that he lost consciousness once, P-2519 had to crawl back by himself, with

22 November 1969 and registered by the Organization of American States on 27 August 1979, United Nations Treaty Series, Vol. 1144, article 5(2), p.146. See also, in the same vein, the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, para. 4588; the "Sentencing Judgement" (Trial Chamber X), [No. ICC-01/12-01/18-2662](#), 20 November 2024 (the "*Al Hassan* Sentencing Judgment"), para. 44; and the *Ongwen* Sentencing Judgment, *supra* note 49, para. 157.

⁷⁰ See the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, para. 4588 (concerning the crime of torture), and para. 4507 (concerning the crime of murder).

⁷¹ See the Trial Judgment, *supra* note 3, notably, paras. 1662, 1663, 1664, and 1670.

⁷² *Ibid.*, notably, paras. 1661 and 1662.

⁷³ *Ibid.*, para. 1661.

no help.⁷⁴ Additionally, a number of detainees were forced to remove their clothes and wear only underwear while being beaten;⁷⁵ Other forms of humiliation included spitting on detainees,⁷⁶ and forcing another one to beg for mercy during the mistreatment.⁷⁷ Taken together, these acts demonstrate that the abuse extended beyond the infliction of physical pain, encompassing the deliberate assault on the victims' dignity and the degradation of their personhood.

78. In addition to being mistreated physically, a number of victims were threatened to death, either verbally or through the use of a knife or other weapon. For instance, during the torture of P-0547, Séléka elements threatened him by cocking a Kalashnikov and pointed it at his head while he begged for his life.⁷⁸ They also took out a knife to slit his throat while another element explicitly threatened to kill him.⁷⁹ Similarly, P-2400⁸⁰ and P-1289⁸¹ were threatened by death with a knife upon their arrival at the OCRB, while P-3056 was threatened with a gun.⁸² Detainees were routinely threatened, including when they prayed.⁸³ Such threats were not isolated incidents but formed part of the broader pattern of intimidation to which detainees were routinely subjected, including during prayer. These acts further intensified the victims' physical and psychological suffering by instilling a persistent fear of imminent death.

79. Moreover, with regard to the crime of other inhumane acts, the mistreatment of detainees was compounded by a deliberate lack of care for their basic needs and well-being. They were confined in cells lacking basic amenities and that so overcrowded that detainees had to sit on top of each other.⁸⁴ They were frequently deprived of food and denied medical assistance – which sometime led to their death – despite the fact that their conditions warranted treatment urgently on account of their visible severe injuries,⁸⁵ and were, in some instances, subjected to further assault despite their already precarious state.⁸⁶ As the Chamber underlined, the underground cell was a place “*designed to inflict despair and fear*”.⁸⁷ These conditions demonstrate that the suffering inflicted upon detainees extended beyond acts of physical violence, encompassing the systematic

⁷⁴ *Ibid.*, para. 1662.

⁷⁵ *Ibid.*, paras. 1661 and 1676.

⁷⁶ *Ibid.*, para. 1676.

⁷⁷ *Ibid.*, para. 1705.

⁷⁸ *Ibid.*, para. 1664.

⁷⁹ *Idem.*

⁸⁰ *Ibid.*, para. 1667.

⁸¹ *Ibid.*, para. 1676.

⁸² *Ibid.*, para. 1691.

⁸³ *Ibid.*, para. 1684. See also, para. 1696.

⁸⁴ *Ibid.*, para. 1689.

⁸⁵ *Ibid.*, paras. 1676-1678, 1681, 1687, 1689-1690, 1694, 1696, and 1702.

⁸⁶ *Ibid.*, paras. 1665-1668.

⁸⁷ *Ibid.*, para. 1694.

deprivation of basic necessities and medical care in an environment that exacerbated their vulnerability, distress and degradation.

80. Additionally, some victims were subjected to mistreatment multiple times. For instance, the Chamber found that P-2519 and his fellow detainees were beaten almost every night throughout their two-weeks detention,⁸⁸ underscoring the recurrent nature of the abuse they were subjected to and the sustained nature of violence imposed at the OCRB.

81. Turning to the harm caused by the crime of torture and other inhumane acts, it is self-evident that all victims of said crimes suffered extremely severe physical harm as a result of what they endured. These acts inflicted not only immediate physical pain but also exposed the victims to substantial physical suffering throughout their detention.

82. Strikingly, all victims of torture or other inhumane acts continue to suffer lasting physical consequences long after the period of detention and sometimes up to today, more than 13 years after the events. The Chamber found, for instance, that P-1180 continued to experience constant headaches and dizziness following his detention,⁸⁹ while P-1743 continued to suffer from physical injuries and P-2263 reported persistent physical weakness.⁹⁰ P-2519 sustained lasting disability, recurrent pain, loss of strength and paralysis as a consequence of his detention.⁹¹ Upon his release, P-0547 had wounds and scars on his arms, shoulder, back, legs and feet, and was unable to raise his arms or use his hands, which he described as almost paralysed.⁹² His hands remained paralysed for approximately nine months, and his wounds became infected and scarred.⁹³ He also continued to suffer from headaches, hypertension and insomnia following his detention.⁹⁴ Similarly, P-2400 continued to experience headaches caused by injuries to his head sustained at the time of his arrest or during his detention at the OCRB.⁹⁵ The ‘baker’ required medication following his beating, and the evidence described him as appearing ill and being in a state of suffering.⁹⁶ Taken together, these findings illustrate the enduring physical toll of the crimes, whose consequences for some victims persisted long after the immediate abuse had ceased.

⁸⁸ *Ibid.*, paras. 994 and 1662.

⁸⁹ *Ibid.*, para. 1311.

⁹⁰ *Idem.*

⁹¹ *Ibid.*, para. 997.

⁹² *Ibid.*, paras. 1486-1487.

⁹³ *Ibid.*, para. 1664.

⁹⁴ *Ibid.*, paras. 1486-1487.

⁹⁵ *Ibid.*, para. 1566.

⁹⁶ *Ibid.*, paras. 1438-1440.

83. In addition to the physical harm, they also endured extreme mental pain and psychological harm as a result of the crimes. Their detention and mistreatment caused them significant distress.⁹⁷ They feared for their life when threatened and/or mistreated, and the conditions surrounding their mistreatment, such as the lack of medical treatment, or the confinement in the underground cell, were “*designed to inflict despair and fear*”.⁹⁸ The crimes thus inflicted harm extending beyond physical injuries, undermining the victims’ sense of security and subjecting them to intense fear and anguish.

84. A number of detainees described several instances in which they witnessed the mistreatment of co-detainees,⁹⁹ which “*contributed to their mental suffering by inducing a state of fear and distress*”¹⁰⁰ at the time and continues to haunt them to date. Some victims also suffered and continue to suffer severe psychological distress from seeing and/or hearing the mistreatments suffered by their fellow detainees.¹⁰¹ Such exposure heightened their fear for their own safety and that of others, compounding the psychological harm directly inflicted by their own mistreatment.

85. Similarly, several detainees continue to suffer from the enduring psychological consequences of their detention. P-1180 continues to suffer psychological effects and has difficulty closing his eyes to sleep, haunted by the horrific events he witnessed.¹⁰² P-1743 also continues to experience psychological effects associated with his detention, the sight of someone dressed as a soldier wearing a turban “*it all floods back to him*”.¹⁰³ Similarly, P-2263 remains afraid of people in uniform and of guns, and frequently struggles to sleep when thinking about what he endured.¹⁰⁴ P-2519 likewise continues to suffer psychological trauma as a consequence of his detention.¹⁰⁵ P-2241 continues to feel very uncomfortable and greatly upset when recalling what she endured, and believes that she may need psychological assistance.¹⁰⁶ P-2239 likewise suffered psychological harm following his detention.¹⁰⁷ These accounts illustrate the enduring psychological harm caused

⁹⁷ *Ibid.*, paras. 1662 and 1663.

⁹⁸ *Ibid.*, paras. 1664, 1665-1668, and 1694.

⁹⁹ *Ibid.*, para. 1295.

¹⁰⁰ *Ibid.*, para. 1681. See also para. 1697 in which the Chamber considers that fact that P-0547 was able to hear the mistreatment of others and see their injuries contributed to his mental suffering by inducing a state of fear and distress.

¹⁰¹ *Ibid.*, paras. 1677 (P-0481 saw and heard other detainees being mistreated, tortured and killed); 1678 (P-2692 witnesses the beating, whipping and mistreatment of fellow detainees); 1689 (P-2519 saw prisoners being removed from their cell and never returning); 1690 (the detainees of the underground cell heard voices, including detainees crying and wailing); and 1696 (P-0547 heard women screaming and being beaten).

¹⁰² *Ibid.*, para. 1311.

¹⁰³ *Idem.*

¹⁰⁴ *Idem.*

¹⁰⁵ *Ibid.*, para. 997.

¹⁰⁶ *Ibid.*, para. 1565.

¹⁰⁷ *Ibid.*, para. 1567.

by the crimes, with traumatic memories continuing to intrude upon the victims' daily lives and affecting their sense of safety, emotional well-being and ability to sleep.

86. The detention and tortures also had lasting socio-economic consequences for several victims, affecting their employment, earning capacity, standard of living, and family relationships. P-2263 lost his job following his detention, which also had adverse consequences for several members of his family.¹⁰⁸ P-2295's fear of moving around after his release meant that his wife was the only family member able to earn money during that period.¹⁰⁹ P-2519 was unable to resume full-time work and experienced difficulties providing for his family, a situation that caused various problems. He explained that after the events, he "*had to fight left and right to provide for [his] family*".¹¹⁰ Despite continuing to work, he could no longer meet his family's needs, and they are still facing financial hardship.¹¹¹ Similarly, P-2400 became significantly less active following his detention and was unable to regain his previous standard of living.¹¹² These accounts demonstrate that the consequences of the crimes extended beyond the immediate physical and psychological harm, impairing the victims' livelihoods and compromising their ability to support their families over the longer term.

87. The foreseeable psychological harm caused by the crimes of torture and other inhumane acts also extended to the family of the detainees. Family members experienced psychological trauma from knowing what happened to their relatives detained by the Séléka and spent substantial sums attempting to secure their release.¹¹³ These efforts imposed an additional financial burden on families already confronted with the emotional anguish and uncertainty surrounding their relatives' fate.

88. Further, some of the detainees' family, including their children were present at the time of the beating¹¹⁴ which led to, on the one hand the detainees to lose the respect of their family and on the other hand to their families to being foreseeably traumatised as a result of witnessing the mistreatment.

89. Lastly, the crimes of torture and other inhumane acts also caused foreseeable socio-economic harm to the family members of the detainees in two ways. On the one hand, as described *supra*, some detainees were the main provider and lost their earning capacity as a result of their

¹⁰⁸ *Ibid.*, para. 1311.

¹⁰⁹ *Idem.*

¹¹⁰ *Ibid.*, para. 1383.

¹¹¹ *Idem.*

¹¹² *Ibid.*, para. 1566.

¹¹³ *Ibid.*, para. 1565.

¹¹⁴ *Ibid.*, paras. 965, 1311, and 1661 (concerning one of the detainees in relation to the Flyers incident).

detention and the long-lasting trauma resulted from said detention, resulting in the loss of their main income source and a deterioration of their living standard.¹¹⁵ On the other hand, family members of detainees were compelled to pay ransoms to secure their release,¹¹⁶ thereby causing foreseeable severe financial strains on already modest families and extending the harm caused by the crimes beyond the direct victims.

b. Degree of Mr Saïd's participation and intent

90. The Legal Representative refers to her submissions *supra* according to which the findings of the Trial Judgment establish a particularly high degree of intent.¹¹⁷

c. Aggravating and Mitigating circumstances

91. The Legal Representative refers to her submissions *infra*¹¹⁸ concerning the existence of aggravating circumstances and the absence of mitigating factors. In short, nothing in the individual circumstances of Mr Saïd, be it his current health, education, family situation or else warrants mitigating his sentence.

92. *A contrario*, the following circumstances constitute aggravating circumstances pursuant to rules 145(2)(b)(ii) and 145(2)(b)(v) of the Rules: (i) the particular defencelessness and vulnerability of the victims, who had no manner to extricate themselves from their situation as they were unlawfully detained in a detention facility; (ii) the discriminatory nature of the imprisonment of the victims, held captive because of their perceived association with Bozizé; and (iii) the manner in which Mr Saïd exerted and abused his authority to commit the crimes, for instance by exploiting his control over the detainees to obtain personal gain by extorting ransoms from their families.

d. Conclusion

93. In light of the foregoing, the Legal Representative respectfully requests that Mr Saïd be sentenced to 20 years of imprisonment for the crime of other inhumane acts and 25 years for the crime of torture. The distinction between the requested sentence reflects the greater the gravity *in abstracto* of the crime of torture.

3) Persecution

94. *Findings of the Chamber* –The Legal Representative recalls that Mr Saïd was convicted – as a direct co-perpetrator – for the crime of persecution of: (i) P-1289 (Incident A); (ii) P-0481

¹¹⁵ See *supra*, para. 85.

¹¹⁶ See the Trial Judgment, *supra* note 3, para. 1601. See also, para. 1565.

¹¹⁷ See *supra*, paras. 39-46.

¹¹⁸ See *infra*, paras. 104-129.

(Incident B); (iii) P-2692 (Incident C); (iv) one man (Incident G); (v) 16 persons, including P-1180, P-1743, P-2263 and P-2295 (Incident H); (vi) P-1429 and two other men (Incident I); (vii) Oswald Sanze, P-2931 and another man (Incident J); (viii) P-2519 (Incident L); (ix) four men, namely P-3064, P-3056, P-3053 and another man (Incident M); (x) the “baker” (Incident N); (xi) P-0547 (Incident O); (xii) four persons, namely P-2241, P-2400, P-2239 and another man (Incident Q); and (xiii) two men (Incident R).

95. The Chamber found that persecution was committed in relation to the fact that, in violation to international law, Mr Saïd deprived the victims of their right not to be subjected to arbitrary arrest or detention, their right not to be subjected to torture and their right not to be subjected to inhumane and/or degrading treatment or punishment, and the right of all persons deprived of their liberty to be treated with humanity and with respect for their inherent dignity.¹¹⁹

a. Gravity of the crimes

96. The prohibition of persecution seeks to protect the right of every individual not to be discriminated against on the basis of political, racial, national, ethnic, cultural, religious, gender or other grounds universally recognised as impermissible under international law. It is directed against individuals and the gravity of the crime lies both in the deprivation of the fundamental rights underlying it, and, crucially, in the discriminatory intent by the perpetrator in selecting the victims. Therefore, persecution is a crime of serious gravity in the abstract.

97. Turning to the evaluation *in concreto*, the Legal Representative refers to her submissions concerning: (i) the means and circumstances of the crimes, in particular the high degree of violence employed, the use of threats and the perpetration of these crimes in front of others, which exacerbates the resulting social stigmatisation and humiliation caused by the relevant conduct, but also the perpetration by multiple individuals simultaneously or consecutively;¹²⁰ (ii) the repeated victimisation as in some instances victims were mistreated on multiple occasions;¹²¹ and (iii) the multi-faceted harm caused by the relevant conduct, as victims suffered injuries with long-lasting physical, psychological and socio-economic consequences.¹²²

98. She further posits that the multiplicity and nature of the fundamental rights violated elevate the gravity of the crime of persecution in the present case. The gravity is further heightened by the

¹¹⁹ See the Trial Judgment, *supra* note 3, paras. 1715-1717.

¹²⁰ See *supra*, paras. 53-55, and 75-78.

¹²¹ See *supra*, para. 79.

¹²² See *supra*, paras. 56-61, and 80-88.

intersecting nature of the grounds of discrimination and the number of fundamental rights infringed upon.

b. Degree of Mr Saïd's participation and intent

99. The Legal Representative refers to her submissions *supra* according to which the findings of the Trial Judgment show a particularly high degree of participation and intent.¹²³

c. Aggravating and Mitigating circumstances

100. The Legal Representative refers to her submissions *infra*¹²⁴ concerning the presence of aggravating circumstances and the absence of any mitigating factors. In short, nothing in the individual circumstances of Mr Saïd, be it his current health, education, family situation or else warrants mitigating his sentence.

101. *A contrario* the following circumstances constitute aggravating circumstances pursuant to rules 145(2)(b)(ii) and 145(2)(b)(v) of the Rules: (i) the particular defencelessness of the victims, who had no manner to extricate themselves from the situation as they were unlawfully detained in a detention centre; and (ii) the manner in which Mr Saïd exerted and abused his power to commit the crimes, for instance by abusing his control over the detainees to achieve personal financial gain by extorting ransoms from their families.

d. Conclusion

102. In light of the foregoing, the Legal Representative respectfully requests that a sentence of 16 years be imposed for the crime of persecution.

C. Factors and circumstances applicable to all crimes – Submissions on mitigating and aggravating circumstances

1) Personal circumstances of Mr Saïd

103. The Legal Representative posits that nothing in the personal circumstances of Mr Saïd – including it his family situation, conditions of detention or state of health – warrants mitigating his sentence.

¹²³ See *supra*, paras. 39-46.

¹²⁴ See *infra*, paras. 104-128. The legal representative accepts that discriminatory dimension of the commission of the crime cannot be taken into account as an aggravating factor for the purpose of the crime of persecution as it constitutes an element of the crime of imprisonment.

a. Education, family situation and socio-economic situation

104. While family circumstances and education are relevant factors to take into account pursuant to rule 145(1)(c) of the Rules, there is no evidence¹²⁵ whatsoever indicating that Mr Saïd’s education, family situation or socio-economic background are sufficiently exceptional to warrant mitigating his sentence.¹²⁶ On the contrary, he is a well-educated man who was capable of endorsing senior roles, and speaks multiple languages.¹²⁷ In any event, neither his circumstances prior to the commission of the crimes nor his purported right to a family life can outweigh the harm caused to the victims – and their families, some of who were never in a position to actually resume a normal family life on account of the trauma they suffered and continue to suffer.

b. Health

105. Poor health may be considered a mitigating factor in “*extreme and exceptional cases*” and, even then, does not automatically warrant a reduction of the sentence to be imposed.¹²⁸

106. Mr Saïd’s current health does not point to a condition that is exceptional or extreme.¹²⁹ The Legal Representative does not ignore that Mr Saïd experienced a medical condition sufficiently serious to warrant the interruption of the trial proceedings in 2023.¹³⁰ However, his condition has since improved, and he appears to be in good physical and mental health. On 15 December 2023, the Chamber established that he was fit to stand trial,¹³¹ and ever since he has appeared capable of following the trial, including by instructing his Counsel.¹³² Accordingly, in the absence of evidence that his current health presents exceptional circumstances that would materially affect his ability to

¹²⁵ Apart from [CAR-D33-0014-3833](#), which indicates that he has no prior convictions. In this respect, the Legal Representative notes that the absence of prior convictions is relatively common among individuals convicted by international tribunals and does not, in itself, constitute a mitigating circumstance. In this sense, see the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, para. 4443, and references contained therein.

¹²⁶ See, *inter alia*, the *Al Hassan* Sentencing Judgment, *supra* note 69, paras. 86-87.

¹²⁷ *Idem*.

¹²⁸ See the “Judgment on the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX of 6 May 2021 entitled “Sentence”” (Appeals Chamber), [No. ICC-02/04-01/15-2023 A2](#), 15 December 2022, paras. 264-265; the *Ongwen* Sentencing Judgment, *supra* note 49, para. 103, referring to ICTY, *Prosecutor v. Šainović et al.* Case No. IT-05-87-A, Appeals Chamber, [Judgment](#), 23 January 2014, par. 1827; ICTY, *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, Appeals Chamber, [Judgment](#), 30 November 2006, para. 436; and ICTY, *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-A, Appeals Chamber, [Judgment](#), 29 July 2004, para. 696. See also, the *Abd-Al-Rahman* Sentencing Judgment, *supra* note 10, para. 52.

¹²⁹ See the “Decision on Fitness to Stand Trial” (Trial Chamber VI), [No. ICC-01/14-01/21-667-Conf](#) and [No. ICC-01/14-01/21-667-Red](#), 15 December 2023, paras. 17-18, and 43.

¹³⁰ *Ibid.*, paras. 29-31.

¹³¹ *Idem*.

¹³² This is further evidenced by the evidence disclosed by the Defence which show [REDACTED]. In particular, [CAR-D33-0014-3902](#) [REDACTED]. [CAR-D33-0014-3901](#) [REDACTED]. Similarly, [CAR-D33-0014-3906](#), [REDACTED].

serve his sentence, his medical history does not warrant mitigation. Indeed, if Mr Saïd was fit enough to stand a trial, he is *a fortiori* fit to serve his sentence.

107. In any event, any illness that may arise in the future in connection with this condition is primarily a matter to be addressed at the enforcement stage of the imposed sentence, rather than a basis for mitigating the sentence at this stage.¹³³

108. Lastly, notwithstanding the severe medical condition he experienced, Mr Saïd remains in a considerably more favourable position than the victims of his crimes, who are in no position to access medical care of comparable quality. Several victims expressly insisted on the fact that while they continue to suffer from the lasting consequences of the crimes committed against them, Mr Saïd is well-treated in prison and benefits from the most advanced medical treatments which they will never be able to access. In these circumstances, his past medical condition should not be considered in isolation from the enduring harm suffered by the victims, including the denial of medical care during their detention, and the stark disparity in their respective access to medical treatment.

109. In this respect, the Legal Representative insists on the fact that while justice is rendered in The Hague, it is primarily for the benefit of the victims – most of whom are based in the CAR – and who will live with consequences of the sentence in light of their present personal situation. The Legal Representative invites the Chamber to keep the victims’ current situation, in mind when evaluating whether specific circumstances warrant recognition of mitigating circumstances.

c. Behaviour in detention

110. The Legal Representative recalls that Mr Saïd’s behaviour in detention was far from exemplary. On the contrary, the Chamber had to impose restrictions on his non-privileged contacts and Mr Said violated them.¹³⁴

2) Mitigating factors

111. *Circumstances falling short of constituting ground for exclusion of criminal responsibility*
– The Legal Representative posits that there are no circumstances falling short of constituting

¹³³ See the *Abd-Al-Rahman* Sentencing Judgment, *supra* note 10, para. 53; and the *Ongwen* Sentencing Judgment, *supra* note 49, para. 103.

¹³⁴ See the “Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions” (Trial Chamber VI), [No. ICC-01/14-01/21-247-Red](#), 3 March 2022; the “Second Decision on Contact Restrictions” (Trial Chamber VI), [No. ICC-01/14-01/21-903-Red](#), 11 December 2024, and the “Third Decision on Contact Restrictions” (Trial Chamber VI), [No. ICC-01/14-01/21-984-Conf](#) and [No. ICC-01/14-01/21-984-Red](#), 11 June 2021.

grounds for exclusion of criminal responsibility, such as substantially diminished mental capacity or duress pursuant to rule 145(2)(a)(i) of the Rules. The Chamber made explicit findings beyond reasonable doubts to the opposite. Specifically, it found that although Mr Saïd received orders from and collaborated with senior Séléka members, there is no indication that he received specific instructions from them on every aspect of his management and control of the OCRB, the Séléka elements under his authority, and the detainees whom he personally supervised and had control over. As emphasised by the Chamber, such collaboration “*does not negate the level of authority that Mr Saïd had over the functioning of the OCRB*”.¹³⁵

112. *Expression of remorse or apology* – Further, Mr Saïd neither expressed remorse nor apologised for his actions or asked for forgiveness at any stage when such expressions could meaningfully have been taken into account in mitigation of his sentence. At this juncture, even if Mr Saïd were to offer an apology, it should be afforded no weight whatsoever. The Legal Representative urges the Chamber to exercise extreme caution in balancing the rights of the convicted person against those of the victims, should Mr Saïd now express a willingness to convey remorse or apologise. In particular, he should not be afforded an unduly broad platform to do so, as this would risk further retraumatising the victims. Indeed, no apology was offered when it would have been timely, and any such steps taken at this stage would only serve Mr Saïd’s own interests.

113. *Cooperation with the Court* – Mr Saïd equally showed no cooperation with the Court, either during the investigation stage or thereafter. While he did behave courteously during the trial, such conduct is ordinarily expected of an accused person. As emphasised by the Appeals Chamber:

“[s]uch behaviour may be considered to be a mitigating factor if it is found to be ‘exceptional’ in nature but cannot, in and of itself, constitute a factor in mitigation of a sentence”.¹³⁶

114. *Testimony of good actions* – Similarly, nothing in the Trial Judgment or evidentiary records demonstrates that Mr Saïd took any good actions to assist victims.¹³⁷ It is in fact particularly striking that throughout the entire judgment, the instances of Mr Saïd taking any steps to alleviate the detainees’ suffering are in fact instances of Mr Saïd extorting ransoms to facilitate the release of detainees –¹³⁸ which in no way can amount to providing assistance to victims.

¹³⁵ See the Trial Judgment, *supra* note 3, para. 1778.

¹³⁶ See the “Judgment on the appeal of Mr Bosco Ntaganda against the decision of Trial Chamber VI of 7 November 2019 entitled ‘Sentencing judgment’” (Appeals Chamber), [No. ICC-01/04-02/06-2667-Red A3](#), 30 March 2021, para. 260. See also the *Al Hassan* Sentencing Judgment, *supra* note 69, para. 124.

¹³⁷ See the *Al Hassan* Sentencing Judgment, *supra* note 69, para. 115 on relevant jurisprudence on assessment of good actions.

¹³⁸ See the Trial Judgment, *supra* note 3, paras. 918, 1053 (concerning the release of P-2400), and 1065 (concerning the release of P-2241).

115. *Reintegration prospects* – Concerning Mr Saïd’s prospects of reintegration, the Legal Representative recalls that the main purposes of sentencing are retribution and deterrence. In this regard, the victims conveyed their deep concern about Mr Saïd potential return to their environment, indicating that his presence would revive their suffering and anxiety.¹³⁹ Further, while it is unclear what “reintegration” encompasses, Mr Saïd’s endeavours after the commission of the crimes and before his arrest – in particular his continued involvement in an armed group – do not bode well for his future reintegration.¹⁴⁰

116. *Number of victims* – in some cases, the number of victims has been deemed an aggravating circumstance. For the avoidance of any doubt, the Legal Representative posits that the relatively ‘low’ number of victims cannot be deemed a mitigating circumstance. Indeed, it solely stems from the interpretation of the charges by the Trial Chamber¹⁴¹ and this is no indication whatsoever of some positive behaviour on the part of Mr Saïd.

3) Aggravating factors

117. The Legal Representative posits that a number of factors common to the commission of the crimes constitute aggravating factors: (i) the particular defencelessness of the victims;¹⁴² (ii) the discriminatory motive underlying the commission of the crimes;¹⁴³ and (iii) the manner in which Mr Saïd exercised his position of authority which constitutes abuse of power.

a. Particular defencelessness of the victims

118. Rule 145(2)(b)(iii) of the Rules provides that the commission of the crime against victims who were particularly defenceless shall be taken into account as an aggravating circumstance.

119. In the present case, the victims were particularly defenceless. Indeed, the crimes of torture, other inhumane acts and persecution were committed against individuals who were already detained and had no possibility whatsoever to seek refuge, flee, or otherwise extricate themselves from the situation. Their unlawful detention placed them in a position of extreme vulnerability and

¹³⁹ The Legal Representative underlines that the judgment itself already underlines that some witnesses were distressed when confronted with pictures of the OCRB or when recounting their detention. See, the Trial Judgment, *supra* note 3, *inter alia*, para. 228 and footnote 431, and para. 576 and footnote 4551.

¹⁴⁰ See *inter alia*, the “Decision on the Defence Application for Interim Release of Mahamat Said Abdel Kani and Contact Restrictions”, *supra* note 134, para. 27.

¹⁴¹ See the “Closing brief on behalf of the Victims”, [No. ICC-01/14-01/21-1028-Conf](#) and [No. ICC-01/14-01/21-1028-Red2](#), 25 September 2025, paras. 12-17.

¹⁴² This however does not apply to the crime of imprisonment as the defencelessness of the victims in the present case stems from the fact that they were detained, which is an element of the crime of imprisonment.

¹⁴³ This however does not apply to the crime of persecution, as the discriminatory motive is an element of the crime itself.

dependence on those exercising control over them, leaving them unable to protect themselves from further abuse. Their vulnerability thus lays not merely in their status as detainees, but in their inability to resist or avoid the further crimes committed against them while under the perpetrators' control.

120. Concerning P-2241, the Chamber made explicit findings thereon, underlining she was placed in a particularly vulnerable position by detaining her in an environment predominantly occupied by armed male OCRB Séléka elements.¹⁴⁴

121. The vulnerability of the victims was further compounded by the atrocious conditions in which they were detained, including overcrowding, inadequate hygiene conditions and the absence of basic amenities and medical care. These conditions not only exacerbated the physical and psychological suffering caused by the abuse inflicted upon them but also further deprived them of any options to safeguard basic dignity while in detention.

122. These circumstances constitute aggravating factors and shall be taken into account by the Chamber in relation to the crimes of other inhumane acts, torture and persecution.¹⁴⁵

b. Discriminatory dimension of the commission of the crimes

123. Rule 145(2)(b)(v) of the Rules provides that the commission of the crime for any motive involving discrimination on any of the grounds referred to in article 21(3) of the Statute constitutes an aggravating circumstance. The latter explicitly lists language, religion or belief, political or other opinion, and ethnic origin.

124. Considering the central character of the discriminatory dimension of the commission of the crimes, the Legal Representative posits that this constitutes an aggravating circumstance for all crimes other than that of persecution.¹⁴⁶

125. Indeed, the Chamber found that, as early as 12 April 2013, there was a common plan involving Mr Saïd and other Séléka elements to target persons perceived to support François Bozizé by committing the charged crimes at the OCRB.¹⁴⁷ The Chamber further established that the fact

¹⁴⁴ See the Trial Judgment, *supra* note 3, para. 1702.

¹⁴⁵ This however does not apply to the crime of imprisonment, as the victims' defencelessness in this context stems from their detention, which constitutes an element of the crime itself.

¹⁴⁶ This does not apply to the crime of persecution, as discriminatory intent is an element of that crime. By contrast, discriminatory intent is *not* a legal element of the other crimes for which Mr Saïd was convicted and may therefore be considered an aggravating factor without giving rise to a risk of double counting. In this sense, see, *inter alia*, the *Yekatom and Ngaïssona* Sentencing Judgment, *supra* note 14, para. 4425.

¹⁴⁷ See the Trial Judgment, *supra* note 3, paras. 1604 (in relation to the crime of imprisonment), and 1751.

that some persons were detained for reasons other than their perceived association with Bozizé does not undermine this conclusion.¹⁴⁸

126. This conclusion is further evidenced by a review of the circumstances of the victims' arrests, their subsequent treatment, as well as the use of derogatory language against them. For example, the very reason for the arrest of the 17¹⁴⁹ detainees involved in the “*flyers incident*” and their subsequent mistreatment is their alleged participation in the distribution of flyers calling for a protest and because they were perceived as opposing the Séléka. Some of them were accused of being “*Bozizé's men*”.¹⁵⁰

127. In any event, the Chamber found, in relation to all incidents, that victims were “*targeted because of a perceived association with Bozizé on intersecting discriminatory political ethnical religious and/or gender grounds*”.¹⁵¹

c. Abuse of power

128. The Legal Representative posits that the manner in which Mr Saïd exercised his authority constitutes an aggravating circumstance warranting the imposition of a harsher sentence.¹⁵² Indeed, Mr Saïd did not merely exercise his duties as top-ranking official in charge of the OCB, ¹⁵³ but he did so in an unrestricted manner by utilising his position. Notably, in relation to the underground cell, Mr Saïd typically prevented the police from seeing who was detained there, and no one could enter his office without his permission.¹⁵⁴ These circumstances illustrate the extent of his control over the detention facilities and the lack of oversight over his treatment of detainees.

129. Moreover, Mr Saïd went the extra mile and got himself personally involved in the mistreatment of some detainees and did not do anything to stop torture when they were brought to his attention.¹⁵⁵ For instance, “*Mr Saïd was present, along with Nouradine Adam and Rakiss, during the beating of an individual referred to as the ‘baker’ [(incident N)] as well as its findings*

¹⁴⁸ *Ibid.*, paras. 957, 961, 1041, 1726, and 1757.

¹⁴⁹ See the “Registry Victim Mapping Report”, [No. ICC-01/14-01/21-1072-Conf](#), 22 October 2026, para. 32 (ii).

¹⁵⁰ See the Trial Judgment, *supra* note 3, paras. 1013, 1020, 1025, 1521, 1648, 1734, and 1735. For instance, upon his arrival at the OCB, P-0547 was slapped across the face violently and threatened with these words: “[y]ou, Bozizé’s mercenaries, we are going to kill you one by one, get rid of you”. Similarly, during his detention, Séléka elements also tortured him while interrogating him about his affiliation with “*political individuals*” linked to President Bozizé.

¹⁵¹ *Ibid.*, paras. 1719-1721, and 1740.

¹⁵² See *Lubanga* Sentencing Appeals Judgment, *supra* note 10, para. 82, and references contained therein. See also, the Trial Judgment, *supra* note 3, para. 900: article 25(3)(a) requires that the accused provides an essential contribution to the common plan. is essential contribution to the common plan. However, it is not required that the accused carry out the crime physically.

¹⁵³ See *supra* paras. 40-46 recalling the Chamber’s findings.

¹⁵⁴ See the Trial Judgment, *supra* note 3, para. 915.

¹⁵⁵ *Ibid.*, para. 917 and 1785.

below on Incident O that Mr Saïd was present when a man was being beaten and doused with water to such an extent that he defecated on himself. [REDACTED] also testified that Mr Saïd observed prisoners being beaten, and Jean-Claude Sophil testified that Mr Saïd and Tahir were often present when the Seleka were beating detainees and it would happen under their instructions”.¹⁵⁶ These circumstances demonstrate that Mr Saïd had a position of control and power that enabled him not only to prevent the crime from being committed but, at the very least, to refrain from actively participating in their commission. Instead, he chose to actively participate in and facilitate the commission of the crimes even though such conduct did not serve to further the common plan.

130. Additionally, Mr Saïd abused his position of authority and control over the OCRB to secure personal financial gain by extorting money from the detainees’ families. The Chamber expressly found that “*Mr Saïd extorted money for the release of detainees. The families of detainees would often have to pay Mr Saïd or other Seleka in order for their relatives to be released*”.¹⁵⁷ This conduct goes far beyond the mere exercise of authority over the detainees. Mr Saïd exploited their families’ distress and uncertainty to extract payments, effectively making their relatives’ release conditional on payment. Such conduct further demonstrates his abuse of authority and compounded the harm suffered by detainees and their families, who were subjected not only to the unlawful detention and mistreatment of their relatives but also to the financial pressure of securing their release. The Legal Representative accordingly submits that this conduct should be taken into account in assessing the abuse of authority as an aggravating circumstance.

VII. CONCLUSION

131. In light of the foregoing, the Legal Representative requests that the Chamber impose a 25 years joint sentence, corresponding to the highest individual sentence sought. Consistent with this Court’s jurisprudence, the time Mr Saïd has already spent in detention will be deducted from his sentence.

132. Once he will reach two thirds of his sentence, Mr Saïd’s detention will be reviewed to evaluate whether a possible reduction is suitable pursuant to article 110(3) of the Statute and rule 224(1) of the Rules. It is of paramount importance that this timeframe is taken into account when deciding on the appropriate sentence. The victims should not be left to experience the consequences of Mr Saïd’s crimes for years while facing the prospect that his sentence may be reduced before they have had a meaningful opportunity to obtain reparations.

¹⁵⁶ *Ibid.*, para. 1132.

¹⁵⁷ *Ibid.*, para. 918.

133. The implementation of reparations is unlikely to begin before 2029, at the earliest, and the process of ensuring that all victims receive reparations may take considerably longer. The experience of other cases before the Court illustrates the length of these proceedings: the reparations programmes in *Al Mahdi* and *Katanga* concluded approximately ten years after the respective sentencing decisions.¹⁵⁸ Against this background, the Chamber should ensure that the sentence imposed does not allow the prospect of future sentence review proceedings to lead to the release of Mr Saïd before the victims have had a meaningful opportunity to access reparations.

134. Put simply, if Mr Saïd were sentenced to 12 years of imprisonment or less, the victims would be required to participate in consultations concerning a potential reduction of his sentence before they had received any tangible reparations. While the “do no harm” principle was formally adopted in the context of reparations proceedings,¹⁵⁹ the Legal Representative invites the Chamber to take its underlying rationale into account when determining the appropriate sentence.

135. Further, the Legal Representative respectfully requests that, in determining the appropriate sentence, the Chamber give due consideration to the primary objectives of sentencing, namely retribution and deterrence. Only so can the sanction be perceived as fair and constitute the first step towards reparations, and ultimately reconciliation. *A contrario*, a sanction that fails to reflect the gravity of the crimes and the harm suffered by the victims risks undermining their sense that justice has been done and weakening the foundations for meaningful reparations and reconciliation.

136. The Legal Representative submits that consideration of the appropriate sentence must be done from the perspective and interests of the victims. They are the primary beneficiaries of the retributive effect of the sentence and they must feel that justice has been done. Accordingly, the highest possible sentence must be pronounced as long as it remains proportionate to the acts committed by Mr Saïd and his individual circumstances. As such, the proportionality serves as the outer limit of what is possible: past that shield, the sentence becomes unfair to the convicted person and therefore inappropriate. Within that limit however, the sentence should adequately reflect the seriousness of the criminal conduct, the harm inflicted upon the victims and the applicable sentencing objectives.

¹⁵⁸ See “[ICC Trust Fund for Victims Completes Reparations Programme in Mali in relation to the Al Mahdi Case](#)”, 2 July 2026 (last consulted 29 October 2026), 10 years after the issuance of the *Al Mahdi* Sentencing decision issued on 23 September 2016. See also, “Final report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims with public Annexes A and C and confidential Annex B” (Trial Chamber II), [No. ICC-01/04-01/07-3934](#), 2 December 2024, almost 10 years after the issuance of the *Katanga* Sentencing decision issued on 25 May 2014.

¹⁵⁹ See, *inter alia*, the “Reparations Order” (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021, paras. 50-54.

137. In the present circumstances, taking into account all the foregoing considerations, a joint sentence of 25 years of imprisonment is appropriate and proportionate to the overall gravity of the crimes, the extent of the harm inflicted upon the victims and their families and the Mr Saïd's individual culpability as established by the Chamber. Such a sentence would affirm the seriousness with which the Court regards the harm suffered by the victims, reinforce their sense that justice has been done and contribute to laying the foundations for meaningful reparations and, ultimately, reconciliation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sarah Pellet', followed by a period.

Sarah Pellet

Dated this 29th day of October 2026

At The Hague, The Netherlands