

## Situation in Central African Republic II

### ***The Prosecutor v. Mahamat Said Abdel Kani***

ICC-01/14-01/21

Suspected of war crimes and crimes against humanity allegedly committed in Bangui, Central African Republic (CAR) in 2013. Surrendered to the ICC on 24 January 2021. Initial appearance on 28 and 29 January 2021. Confirmation of charges hearing on 12-14 October 2021. Charges partially confirmed on 9 December 2021.

#### Mahamat Said Abdel Kani



**Date of birth:** 25 February 1970

**Place of birth:** Bria, Central African Republic

**Nationality:** National of the Central African Republic

**Arrest warrant:** issued under seal on 7 January 2019 ; Public Redacted Version: 17 February 2021

**Surrender to ICC Custody:** 24 January 2021

**Initial appearance:** 28 and 29 January 2021

**Confirmation of charges hearing:** 12-14 October 2021

**Confirmation of charges decision:** 9 December 2021

#### CHARGES

Mahamat Said Abdel Kani, also known as "Mahamat Said Abdel Kain" and "Mahamat Saïd Abdelkani" is alleged to have been a senior member of the Seleka coalition and is suspected of crimes against humanity (imprisonment or other severe deprivation of physical liberty, torture, other inhumane acts and persecution) and war crimes (torture, cruel treatment and outrages upon personal dignity) committed at the Office Central de Répression du Banditisme (Central Office for the Repression of Banditry, the "OCRB") in Bangui (CAR) between 12 April 2013 and 30 August 2013.

### Key judicial developments

#### REFERRAL AND OPENING OF THE INVESTIGATION

On 30 May 2014, the Prosecutor received a referral from the Central African authorities regarding crimes allegedly committed in CAR since 1 August 2012. On 24 September 2014, the Prosecutor opened a second investigation in CAR regarding crimes allegedly committed since 2012.

#### WARRANT OF ARREST

On 30 October 2018, the Prosecutor submitted under seal, *ex parte*, the application for the issuance of a warrant of arrest against Mahamat Said Abdel Kani. Pre-Trial Chamber II issued a warrant of arrest, under seal, against Mr Said on 7 January 2019. The [Public Redacted Version of the warrant of arrest](#) was published on 17 February 2021

#### SURRENDER TO THE ICC

On 24 January 2021, Mr Mahamat Said Abdel Kani was surrendered to the Court by the authorities of the Central African Republic.

#### DESIGNATION OF A SINGLE JUDGE

On 25 January 2021, Pre Trial Chamber II [designated](#) Judge Rosario Salvatore Aitala as Single Judge responsible for carrying out the functions of the Chamber in the Said case.

## INITIAL APPEARANCE

The first appearance of Mahamat Said Abdel Kani before the Court [took place](#) on 28 and 29 January 2021 before Pre-Trial Chamber II. The hearing was held in the presence of the Prosecutor and the Defence. Mr Said was represented by his Counsel Jean Pierre Madoukou and appeared via video-link from the ICC Detention Centre.

The Single Judge verified the identity of the suspect, and ensured that he was clearly informed of the crimes he is alleged to have committed and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks, which is Sango for Mr Said. The judge also announced the next steps in the proceedings.

## APPOINTMENT OF COUNSEL

On 26 February 2021, the Registry informed Pre-Trial Chamber II that Mr Mahamat Said Abdel Kani has [appointed](#) Ms Jennifer Naouri as Counsel to represent him in the proceedings before the Court.

## CONFIRMATION OF CHARGES PROCEDURE

The confirmation of charges hearing was held on 12-14 October 2021. On 9 December 2021, Pre-Trial Chamber II partially confirmed the charges brought by the Prosecution against Mr Said and committed him to a Trial Chamber for trial on the charges as confirmed.

The Chamber found that there is sufficient evidence to establish substantial grounds to believe that Mr Said was a senior member of the Seleka coalition and is criminally responsible, under articles 25(3)(a) (direct co-perpetration) and 25(3)(b) (ordering or inducing) of the Rome Statute, for crimes against humanity (imprisonment or other severe deprivation of physical liberty, torture, other inhumane acts and persecution) and war crimes (torture, cruel treatment and outrages upon personal dignity) committed at the Office Central de Répression du Banditisme in Bangui (CAR) between 12 April 2013 and 30 August 2013 against detained persons perceived as supporters of former President Bozizé.

The Chamber rejected the remainder of the charges brought against Mr Said in connection with crimes against humanity and war crimes allegedly committed at the Comité Extraordinaire pour la Défense des Acquis Démocratiques (Extraordinary Committee for the Defence of Democratic Achievements, the "CEDAD") in Bangui (CAR) between mid-September 2013 and 8 November 2013.

The decision on the confirmation of charges cannot be directly appealed by the parties, but leave to appeal can be requested to the Chamber, which has decided that the time limit for filing an application for leave to appeal this decision shall be suspended until its translation into French is notified by the ICC Registry.

## Composition of Pre-Trial Chamber II

Judge Antoine Kesia-Mbe Mindua (Presiding judge)

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

## Office of the Prosecutor

Karim A.A. Khan QC, Prosecutor

James Stewart, Deputy Prosecutor

## Defence

Jennifer Naouri

Dov Jacobs

## Legal Representatives of the Victims

N/A