

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/14
Date: 4 February 2025**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding
Judge Sergio Gerardo Ugalde Godínez
Judge Haykel Ben Mahfoudh

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

Public

Order on the conduct of the proceedings following the Central African Republic's challenge to the admissibility of the case against Edmond Beina

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**
Counsel for Mr Beina

☐ **Legal Representatives of the Victims**

☐ **Legal Representatives
of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☒ **The Office of Public Counsel
for Victims**

☐ **The Office of Public Counsel
for the Defence**

☒ **States' Representatives**
Central African Republic

☐ **Amicus Curiae**

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations
Section**

☐ **Other**

PRE-TRIAL CHAMBER II of the International Criminal Court issues this decision following the ‘*Requête de la République Centrafricaine en irrecevabilité de l’affaire contre M. E[d]mond BEINA*’ (the ‘CAR’, the ‘Admissibility Challenge’ and ‘Mr Beina’ respectively)¹ submitted on 28 October 2024 and challenging the admissibility of the case against Mr Beina before the Court under article 19(2)(b) of the Rome Statute (the ‘Statute’).

1. On 30 May 2014, the Government of the CAR referred the situation in the CAR since 1 August 2012 to the Court.²

2. On 7 December 2018, upon the Prosecution’s request of 30 October 2018,³ the Chamber issued a warrant of arrest for Mr Beina (the ‘Warrant of Arrest’),⁴ following which the Registry transmitted a request for his arrest and surrender to the CAR on 1 February 2019.⁵

3. On 30 October 2024, the Registry transmitted to the Chamber the Admissibility Challenge, whereby the CAR requests *inter alia* the Chamber to (i) declare the case against Mr Beina as inadmissible before the Court; and (ii) vacate the Warrant of Arrest. The material submitted by the CAR in support of the Admissibility Challenge was transmitted to the Chamber by the Registry.⁶

4. On 7 January 2024, following Mr Beina’s choice, the Registry appointed Mr Larochelle as his counsel representing him before the Court for the purposes of the proceedings following the Admissibility Challenge.⁷

5. The Chamber notes articles 17 and 19 of the Statute, rules 58 and 59 of the Rules of Procedure and Evidence (the ‘Rules’), and regulation 81 of the Regulations of the Court (the ‘Regulations’).

¹ ICC-01/14-189-US-Exp-AnxII (public redacted version notified on 15 November 2024, [ICC-01/14-194-AnxI](#)).

² Presidency, [Annex I to the Decision Assigning the Situation in the Central African Republic II to Pre-Trial Chamber II](#), 18 June 2014, ICC-01/14-1-Anx1.

³ ICC-01/14-18-US-Exp, together with 11 under seal, *ex parte*, annexes.

⁴ Warrant of Arrest for Edmond Beina, ICC-01/14-32-US-Exp (under seal *ex parte* redacted version notified on 31 January 2019, ICC-01/14-32-US-Exp-Red; public version notified on 7 November 2024, [ICC-01/14-32](#)). See also [Order on the reclassification of the warrant of arrest for Edmond Beina and on other procedural matters](#), 7 November 2024, ICC-01/14-192.

⁵ ICC-01/14-57-US-Exp.

⁶ ICC-01/14-190-US-Exp, together with 232 under seal, *ex parte*, annexes; 1 November 2024, ICC-01/14-191-US-Exp, together with 232 under seal, *ex parte*, annexes.

⁷ Notification of the appointment of Mr Philippe Larochelle as Counsel for Mr Edmond Beina for the limited purposes of the current article 19 proceedings, ICC-01/14-200.

6. As noted by the Appeals Chamber, ‘a Chamber seized of an admissibility challenge enjoys broad discretion in determining how to conduct the proceedings relating to the challenge’.⁸ As a first procedural step, rules 58(3), 59(1) and 59(3) of the Rules, read in conjunction with article 19(3) of the Statute, state that the Chamber shall determine an appropriate time limit for the submission of any observations by the Prosecution, ‘the person referred to in article 19, paragraph 2, who has been surrendered to the Court or who has appeared voluntarily or pursuant to a summons’, as well as the ‘victims who have already communicated with the Court in relation to that case or their legal representatives’. Upon receipt of these observations, the Chamber will determine whether any further procedural steps would be appropriate prior to its ruling on the Admissibility Challenge.

7. The Chamber notes that Mr Beina, while currently under arrest in the CAR, has so far not been surrendered to or appeared before the Court. However, with a view to ensuring Mr Beina’s exercise of his procedural rights in relation to the Admissibility Challenge, the Chamber considers that he shall be allowed to submit written observations on said challenge pursuant to rule 58(3) of the Rules.

8. As to observations by victims pursuant to article 19(3) of the Statute and rule 59(3) of the Rules, taking into consideration that no victim has yet been admitted to participate in this case, the Chamber considers it appropriate to instruct the Office of Public Counsel for victims (‘OPCV’) to submit observations on behalf of any victim who would have already communicated with the Court in relation to this case pursuant to regulation 81(4)(c) of the Regulations, bearing in mind the specific and limited nature of the proceedings following the Admissibility Challenge and for these purposes only. The Victims Participation and Reparations Section (‘VPRS’) is instructed to provide the OPCV with all information about any victims who would have already communicated with the Court in relation to this case by 12 February 2025.

9. The Chamber notes that the annexes to the Admissibility Challenge are classified as confidential *ex parte* to respect the ‘*secret de l’instruction conformément à l’article 71. B du*

⁸ Appeals Chamber, *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, [Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled ‘Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19\(2\)\(b\) of the Statute’](#), 30 August 2011, ICC-01/09-02/11-274, para. 3.

Règlement de Procédure et de Preuve de la Cour Pénale Spéciale'.⁹ As access to these annexes is necessary for the Defence and the OPCV to submit their observations, the Chamber instructs the CAR authorities to indicate whether they agree to reclassify the annexes to the Admissibility Challenge as confidential, or to otherwise file confidential redacted versions thereof, by no later than 12 February 2025. In addition, should the CAR authorities so wish, they might file supplementary submissions, not exceeding 20 pages, by no later than 19 February 2025.

10. The Prosecution, Mr Beina and the OPCV are invited to submit observations on the Admissibility Challenge, and any supplementary submissions related thereto, by no later than 28 February 2025.

⁹ Annex to the Registry transmission of communication received from the authorities of the Central African Republic in relation to Pre-Trial Chamber II's 'Order on the reclassification of the warrant of arrest for Edmond Beina and on other procedural matters' of 7 November 2024, 12 November 2024, ICC-01/14-193-Conf-Exp-Anx.

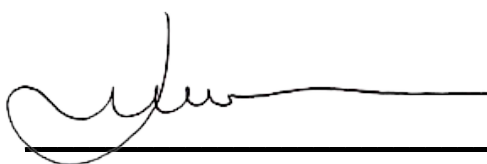
FOR THESE REASONS, THE CHAMBER HEREBY

INSTRUCTS the VPRS to provide the OPCV with all information about any victims who would have already communicated with the Court in relation to this case by 12 February 2025;

INSTRUCTS the CAR authorities to (i) indicate whether they agree to reclassify the annexes to the Admissibility Challenge as confidential or to otherwise file confidential redacted versions thereof by no later than 12 February 2025; (ii) file any supplementary submissions, not exceeding 20 pages, by no later than 19 February 2025;

INVITES the Prosecution, Mr Beina and the OPCV to submit observations on the Admissibility Challenge, and any supplementary submissions related thereto, by no later than 28 February 2025.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Rosario Salvatore Aitala

Presiding



Judge Sergio Gerardo Ugalde Godínez



Judge Haykel Ben Mahfoudh

Dated this Tuesday, 4 February 2025

At The Hague, The Netherlands