

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14

Date: 19 February 2025

PRE-TRIAL CHAMBER II

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

Public

**Public redacted version of ICC-01/14-207-Conf-Exp “Request for an extension of
time to file observations on behalf of Victims
on the Central African Republic’s challenge
to the admissibility of the case against Edmond Beina”**

Source: Office of Public Counsel for Victims

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**

I. INTRODUCTION

1. The Principal Counsel of the Office of Public Counsel for Victims (the “OPCV” or “Office”) requests an extension of time until 17 March 2025 to file observations on behalf of Victims on the challenge to the admissibility of the case against Edmond Beina (the “Admissibility Challenge”) filed by the authorities of the Central African Republic (the “CAR”)¹.

2. In its Order dated 4 February 2025 (the “Order”),² Pre-Trial Chamber II (the “Chamber”) set the deadline of 28 February 2025 for the Victims to file observations on the Admissibility Challenge and directed the CAR’s authorities to indicate by 12 February 2025 whether they would agree to reclassifying the annexes to the Admissibility Challenge as “confidential” or otherwise to file public redacted versions of said annexes.

3. On 14 February 2025, not having received information from the CAR, the Chamber *proprio motu* extended the deadline until 21 February 2025 for the authorities to indicate whether they consent to the reclassification. The deadline for the Victims to file observations remained unchanged. On 18 February 2025, the Registry transmitted to the Chamber a communication from the CAR authorities.³

4. As of the time of the filing of the present submission, Counsel has not yet been notified of the Admissibility Challenge and its annexes. From the public filings available, Counsel understands that the material consists of 232 documents of an unknown volume. In order to be able to provide meaningful observations, Counsel needs to review the Admissibility Challenge and its annexes and properly consult with the Victims having communicated with the Court in relation to the case. In the

¹ No. ICC-01/14-190-US-Exp (not available to Counsel).

² See the “Order on the conduct of the proceedings following the Central African Republic’s challenge to the admissibility of the case against Edmond Beina”, [No. ICC-01/14-203](#), 4 February 2025 (the “Order”).

³ See the Transmission of Communication from the Central African Republic pursuant to Order ICC-01/14-203, [No. ICC-01/14-205](#) and Conf-Anx, 18 February 2025.

circumstances, the remaining time will not be sufficient to adequately consult with the Victims and submit meaningful observations within the deadline set by the Chamber, also taking into account the reality in the field.

5. Consequently, Counsel argues that good cause is shown in accordance with regulation 35 of the Regulations of the Court (the “Regulations”) for an extension of time to file the observations on behalf of the Victims.

II. CONFIDENTIALITY

6. Pursuant to regulation 23bis(1) of the Regulations, the present submission is classified as “*Confidential Ex Parte OPCV only*” as it contains information related to the operations of the Office and it is also justified by the prevalent volatile security situation in the CAR. A public redacted version is filed simultaneously.

III. PROCEDURAL BACKGROUND

7. On 30 May 2014, the Government of the CAR referred to the Court the situation in the country since 1 August 2012.⁴

8. On 7 December 2018, the Pre-Trial Chamber in its previous composition issued a warrant of arrest for Mr Edmond Beina.⁵

9. On 1 February 2019, the Registry transmitted a request for the arrest and surrender of Mr Beina to the CAR authorities.⁶

10. On 30 October 2024, the Registry transmitted to the Chamber the Admissibility Challenge,⁷ including 232 under seal *ex parte* annexes.⁸

⁴ See the “Decision Assigning the Situation in the Central African Republic II to Pre-Trial Chamber II”, [No. ICC-01/14-1](#), 18 June 2014.

⁵ See the “Warrant of Arrest for Edmond Beina”, [No. ICC-01/14-32-US-Exp](#), 7 December 2018. The warrant was unsealed on 7 November 2024 upon order of the Chamber.

⁶ See the Order, *supra* note 2, para. 2, footnote 5.

⁷ *Idem*, para. 3, footnote 6.

⁸ *Ibid.*

11. On 7 January 2025, the Registry appointed Counsel for Mr Beina for the purposes of the Article 19 proceedings.⁹

12. On 4 February 2025, the Chamber issued the Order, instructing the VPRS to provide the OPCV by 12 February 2025 with all the information about any victims having communicated with the Court in relation to the case.¹⁰ It further instructed the CAR authorities to (i) indicate whether they agreed to reclassifying the annexes to the Admissibility Challenge as “confidential” or otherwise file confidential redacted versions by 12 February 2025, and (ii) file any supplementary information by no later than 19 February 2025.¹¹ Finally, the Chamber invited the Prosecution, Mr Beina, and the OPCV to submit observations on the Admissibility Challenge by no later than 28 February 2025.¹²

13. On 11 February 2025, the VPRS transmitted to the OPCV the information related to the victims who already communicated with the Court.

14. On 14 February 2025, Counsel informed the Chamber that she did not receive any communication in relation to the Admissibility Challenge and its annexes.¹³ The same day, the Chamber, by e-mail, noting that it had not received any communication from the CAR authorities, extended *proprio motu* the deadline for CAR to comply with the previous instruction until 21 February 2025 and ordered the Registry to urgently transmit the order to the CAR authorities.¹⁴

15. On 18 February 2025, the Registry transmitted to the Chamber a Communication from the CAR authorities related to the access to documents.¹⁵

⁹ See the “Notification of the appointment of Mr Philippe Larochelle as Counsel for Mr Edmond Beina for the limited purposes of the current article 19 proceedings”, [No. ICC-01/14-200](#), 7 January 2025.

¹⁰ See the Order, *supra* note 2, para. 10.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ See the e-mail communication from Counsel to the Legal Adviser dated 14 February 2025 at 10:47.

¹⁴ See the e-mail communication from the Chamber to the parties, participant and Registry, dated 14 February 2025 at 16:52.

¹⁵ See *supra* note 3.

IV. REQUEST FOR EXTENSION OF THE DEADLINE

16. Regulation 35(2) of the Regulations provides that “*the Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard*”. The Chamber has, thus, a discretionary power to determine whether the grounds on which the variation of time limit is sought by an applicant show the existence of good cause for it to be granted.¹⁶ The Appeals Chamber clarified that “[a] *cause is good, if founded upon reasons associated with a person’s capacity to conform to the applicable procedural rule or regulation or the directions of the Court. Incapability to do so must be for sound reasons, such as would objectively provide justification for the inability of a party to comply with his/her obligations*”.¹⁷

17. Counsel submits that, for the reasons explained *infra*, good cause exists for granting the variation of the time limit for the submission of observations on behalf of Victims.

18. As of the time of the filing of the present submission, Counsel has not yet been notified of the Admissibility Challenge and its annexes. As recognised by the Chamber in its Order, “*access to these annexes is necessary for the Defence and the OPCV to submit their observations*”.¹⁸ Indeed, the material presumably includes relevant information to assess the relevant criteria for an admissibility challenge, namely the current status of proceedings against Mr Beina in the CAR and needs to be carefully evaluated. Counsel understands that the amount of information provided by the CAR is extensive and, therefore, she foresees that a certain period of time will be needed to review and assess it.

¹⁶ See *e. g.* the “Decision on the ‘Defence Application for Extension of Time to Submit Information on Viva Voce Witnesses to be Called at the Confirmation Hearing’” (Single Judge, Pre-Trial Chamber II), [No. ICC-01/09-01/11-176](#), 11 July 2011, para. 12.

¹⁷ See the “Reasons for the ‘Decision of the Appeals Chamber on the request of counsel to Mr. Thomas Lubanga Dyilo for modification of the time limit pursuant to regulation 35 of the Regulations of the Court of 7 February 2007’ issued on 16 February 2007 (Appeals Chamber)”, [No. ICC-01/04-01/06-834 OA8](#), 21 February 2007, para. 7.

¹⁸ See the Order, *supra* note 2, para. 9.

19. Counsel also notes that, as shown by all admissibility proceedings so far entertained by Chambers, Victims attach a great importance to the fact of being consulted and present observations because the issue at stake may affect their ability to pursue the truth about the events they suffered from and obtain justice and reparations. Consequently, consultations with Victims are essential for Counsel to be able to present relevant observations and for the Victims to effectively and meaningfully participate in the proceedings.

20. Access to the relevant material and the possibility to fully examine is a prerequisite in order to proceed with the consultations. Indeed, victims will need first to be adequately informed about the Admissibility Challenge before being able to present their views on the matter. The situation is complicated by the fact [REDACTED]. Counsel [REDACTED].

21. In light of the specific circumstances, Counsel submits that an extension of time until 17 March 2025 is appropriate. Indeed, the extension sought is not excessive,¹⁹ as it keeps with the spirit of expeditiousness envisaged by the Order while granting Victims the possibility to be adequately consulted and meaningfully participate in the proceedings.

V. CONCLUSION

56. For the foregoing reasons, Counsel respectfully requests the Chamber to grant an extension of time until 17 March 2025 to file the observations on behalf of the Victims on the Admissibility Challenge.

¹⁹ Cf. the “Decision on the application by Counsel for Mr. Thomas Lubanga Dyilo to extend the time limit for the filing of the response to the Prosecutor’s document in support of the appeal”, [No. ICC-01/04-01/06-190 OA3](#), 11 July 2006 para. 5; the “Decision on requests to extend the time limit for observations on the victims’ applications transmitted on 18 and 19 November 2015” (Single Judge, Pre-Trial Chamber II), [No. ICC-02/04-01/15-347](#), 25 November 2015, para. 4.

A handwritten signature in black ink, appearing to read 'Paolina Massidda', with a horizontal line underneath the name.

Paolina Massidda
Principal Counsel

Dated this 19th day of February 2025

Done at The Hague, The Netherlands