

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18

Date: 19 June 2025

THE APPEALS CHAMBER

Before:

**Judge Tomoko Akane
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA**

Confidential document

Order concerning access to a confidential document

Order to be notified in accordance with regulation 31 of the Regulations of the Court to:☒ **The Office of the Prosecutor**☒ **Counsel for the Defence**

D29

D30

☒ **Legal Representatives of the Victims**

V44

V45

☐ **Legal Representatives of the Applicants**☐ **Unrepresented Victims**☐ **Unrepresented Applicants
(Participation/Reparation)**☐ **The Office of Public Counsel for
Victims**☐ **The Office of Public Counsel for the
Defence**☐ **States' Representatives**☐ **Amicus Curiae****REGISTRY**

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**☐ **Victims and Witnesses Unit**☐ **Detention Section**☐ **Victims Participation and Reparations
Section**☒ **Other**

Pre-Trial Chamber II

The Appeals Chamber of the International Criminal Court,

Having before it the "Prosecution's Urgent Request to Grant Access to a Confidential Annex" of 28 May 2025 (ICC-01/14-01/18-2770-Conf),

Issues the following

ORDER

1. The Registrar is directed to make, forthwith, confidential document ICC-01/14-01/18-610-Conf-Anx, available to the parties and participants in the admissibility proceedings before Pre-Trial Chamber II, in the Situation in the Central African Republic II.
2. The Prosecutor and the Defence for Mr Yekatom are directed to file a public redacted version of filing ICC-01/14-01/18-2770-Conf and ICC-01/14-01/18-2772-Conf, respectively, or seek their reclassification, as appropriate, by 30 June 2025.

REASONS

1. The Prosecutor requests the Appeals Chamber to grant the parties and participants in the admissibility proceedings before Pre-Trial Chamber II (hereinafter: "Pre-Trial Chamber") regarding Edmond Beina, access to document ICC-01/14-01/18-610-Conf-Anx (hereinafter: "Request").¹ This document contains observations of the government of the Central African Republic (hereinafter: "CAR"), submitted in connection with an appeal in the *Yekatom and Ngaïssona* case.²
2. As noted by the Prosecutor, the CAR authorities previously declined to reclassify their observations as public.³ Accordingly, the Prosecutor requests that the Appeals Chamber (i) grant the parties and participants in the *Beina* admissibility proceedings access to the CAR observations whilst maintaining their "confidential" classification

¹ Prosecution's Urgent Request to Grant Access to a Confidential Annex, para. 1.

² Request, para. 3. See also [Judgment on Mr Yekatom's appeal against Trial Chamber V's "Decision on the Yekatom Defence's Admissibility Challenge"](#), 9 October 2020, ICC-01/14-01/18-678-Conf (a public redacted version was issued on 11 February 2025, ICC-01/14-01/18-678-Red) (hereinafter: "Appeals Chamber Judgment on Admissibility"), in particular paras 14-20.

³ Request, para. 4. See also [Appeals Chamber Judgment on Admissibility](#), paras 18-20.

level before the Court, and (ii) further direct the Registry as appropriate to ensure that the CAR observations are promptly made available, “subject to any further directions or instructions that Pre-Trial Chamber II may deem necessary and appropriate”.⁴

3. On 3 June 2025, the Appeals Chamber, by e-mail, directed the Registry to liaise with the CAR authorities and enquire whether they had any objections to document ICC-01/14-01/18-610-Conf-Anx being made public, noting that should the CAR authorities wish to maintain the current level of classification, they should provide the factual and legal basis for the chosen classification. In such a case, the CAR authorities were asked to indicate whether they had any objections to document ICC-01/14-01/18-610-Conf-Anx being made available to the parties and participants in the *Beina* admissibility proceedings before the Pre-Trial Chamber, while still maintaining its “confidential” status before the Court, and in this case, to suggest any necessary redactions.⁵ Any observations from the CAR authorities were to be provided by 17 June 2025.⁶ The Appeals Chamber also directed the Registry to make it clear in its communication to the CAR authorities that if they did not respond to the Registry’s communication within the time limit set out above or did not provide sufficient reasons justifying the need for continuing confidentiality or redactions *vis-à-vis* the public, or the parties and participants in the *Beina* admissibility proceedings, the Appeals Chamber would assess whether to reclassify the document as “public”, or to make it available to the parties and participants in the *Beina* admissibility proceedings before the Pre-Trial Chamber, with any necessary redactions, while maintaining its “confidential” status.⁷

4. On 4 June 2025, the Defence for Mr Yekatom filed a response, indicating that it does not oppose the Request, and that it defers to the Appeals Chamber’s discretion as

⁴ Request, paras 4-5.

⁵ E-mail from the Legal Officer of the Appeals Chamber to the Registry, 3 June 2025, at 16:51.

⁶ E-mail from the Legal Officer of the Appeals Chamber to the Registry, 3 June 2025, at 16:51.

⁷ E-mail from the Legal Officer of the Appeals Chamber to the Registry, 3 June 2025, at 16:51. The Registry was also directed to inform the Prosecutor’s team in the *Beina* admissibility proceedings of the above direction.

to the opportunity of granting the parties and participants to the *Beina* admissibility proceedings access to the confidential annex.⁸

5. On 17 June 2025, the Registry informed the Appeals Chamber by e-mail that the CAR authorities “agree to make the document accessible to the parties and participants in the *Beina* admissibility proceedings”, and indicated that they were not in the position to provide the legal and factual grounds for maintaining the level of classification of the document as “confidential” because “this requires additional internal consultations”.⁹

6. In light of the observations made by the CAR authorities, the Appeals Chamber directs the Registry to grant access to document ICC-01/14-01/18-610-Conf-Anx to the parties and participants in the abovementioned proceedings, while maintaining the level of classification as “confidential”.

7. Finally, the Appeals Chamber directs the Prosecutor and the Defence for Mr Yekatom to file a public redacted version of their respective filings (ICC-01/14-01/18-2770-Conf and ICC-01/14-01/18-2772-Conf), or seek their reclassification, as appropriate, by 30 June 2025.

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



Judge Erdenebalsuren Damdin
President of the Appeals Division

Dated this 19th day of June 2025

At The Hague, The Netherlands

⁸ Yekatom Defence Response to the “Prosecution’s Urgent Request to Grant Access to a Confidential Annex”, 28 May 2025, ICC-01/14-01/18-2770-Conf, 4 June 2025, ICC-01/14-01/18-2772-Conf (hereinafter: “Yekatom Response”), paras 2-3, 5, 8.

⁹ E-mail from the Registry to the Legal Officer of the Appeals Chamber, 17 June 2025, at 17:54. *See also* e-mail from the Registry to the Legal Officer of the Appeals Chamber, 18 June 2025, at 12:09.