

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/14
Date: 12 September 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

Decision rejecting the ‘Defence Request for State Party Cooperation’

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 (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this decision rejecting the ‘Defence Request for State Party Cooperation’ (the ‘Request’).¹

I. PROCEDURAL HISTORY

1. On 30 May 2014, the Government of the Central African Republic (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 application submitted on 30 October 2018,³ the Chamber, in a prior composition, issued a warrant of arrest for Edmond 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 28 October 2024, the Chamber received submissions from the CAR challenging the admissibility of the case against Mr Beina (the ‘Admissibility Challenge’) under article 19(2)(b) of the Rome Statute (the ‘Statute’).⁶

4. On 7 January 2025, the Registry appointed Mr Larochelle as Counsel for Mr Beina representing him before the Court for the purposes of the proceedings under article 19 of the Statute.⁷

5. On 19 February 2025, the Registry transmitted to the Chamber supplementary submissions filed by the CAR in support of the Admissibility Challenge.⁸

¹ Defence Request for State Party Cooperation, 25 August 2025, ICC-01/14-216 (French translation, 10 September 2025, ICC-01/14-216-tFRA).

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-01/14-189-US-Exp-AnxII (English translation, ICC-01/14-189-US-Exp-AnxII-tENG), with confidential annexes 1 to 232 transmitted on 30 October 2024. The public redacted version of the CAR’s admissibility challenge was filed in French on 15 November 2024, see [ICC-01/14-194-AnxI](#).

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.

⁸ [Transmission of Supplementary Submissions from the Central African Republic](#), ICC-01/14-208, together with two annexes (ICC-01/14-208-AnxI and ICC-01/14-208-Conf-AnxII).

6. On 17 March 2025, Counsel for Mr Beina, the Prosecution and the Office of Public Counsel for Victims filed their observations on the Admissibility Challenge.⁹ Three days later, on 20 March 2025, Counsel for Mr Beina filed supplementary observations on the Admissibility Challenge.¹⁰

7. Pursuant to the Chamber's order of 1 May 2025,¹¹ on 19 May 2025, the Registry transmitted to the Chamber the observations filed by the CAR on the timing of the filing of the Admissibility Challenge.¹²

8. On 28 August 2025, Counsel for Mr Beina filed the Request, whereby it requests the Chamber to direct a request for cooperation to the CAR for the purpose of ordering the immediate suspension or stay of the ongoing domestic criminal proceedings against Mr Beina until proceedings before the Court concerning the Admissibility Challenge have been finalised, including any potential appeals.¹³

9. On 12 September 2025, the Chamber issued the 'Decision on the Central African Republic's challenge to the admissibility of the case against Edmond Beina',¹⁴ (the 'Admissibility Decision'), determining that the case against Mr Beina is inadmissible before the Court. In this regard, the Chamber found that there is an ongoing prosecution of the case

⁹ Written Observation of Mr Edmond Beina on the Central African Republic's Admissibility Challenge, 17 March 2025, ICC-01/14-213-Conf (public version notified on 17 March 2025, [ICC-01/14-213-Red](#)), with confidential Annex 1 (ICC-01/14-213-Conf-Anx1) and Annex 2 (ICC-01/14-213-Conf-Anx2). On 27 May 2025, ICC-01/14-213-Conf, ICC-01/14-213-Conf-Anx1 and ICC-01/14-213-Conf-Anx2 were reclassified as confidential *ex parte*. See also Prosecution response to 'Request of the Central African Republic challenging the admissibility of the case against Mr Edmond Beina, (ICC-01/14-194-AnxI), 17 March 2025, ICC-01/14-212-Conf (public redacted version notified on 7 May 2025, [ICC-01/14-212-Red](#)); Observations on behalf of Victims on the Central African Republic's challenge to the admissibility of the case against Edmond Beina, 17 March 2025, ICC-01/14-211-Conf (public redacted version filed on 7 May 2025, [ICC-01/14-211-Red](#)). See also [Order on the conduct of the proceedings following the Central African Republic's challenge to the admissibility of the case against Edmond Beina](#), 4 February 2025, ICC-01/14-203; 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, 19 February 2025, ICC-01/14-207-Conf-Exp (public redacted version filed on the same date, [ICC-01/14-207-Red](#)). On 21 February 2025, the Chamber extended the time limit to file observations on the Admissibility Challenge to 17 March 2025 (see Email from the Chamber, at 11:54).

¹⁰ Public Redacted Version of "Supplementary Observations of Mr Edmond Beina on the Central African Republic's Admissibility Challenge", 20 March 2025, ICC-01/14-214-Conf (public redacted version filed on 7 May 2025, [ICC-01/14-214-Red](#)), together with confidential Annex A (ICC-01/14-214-Conf-AnxA).

¹¹ Email from the Chamber, at 16:44.

¹² [ICC-01/14-215-Anx](#). See also [Transmission of Observations from the Central African Republic regarding the Timing of the Admissibility Challenge](#), ICC-01/14-215. The aforementioned documents were originally filed as confidential on 19 May 2025 and reclassified as public by the Chamber on 21 May 2025 (Email order from the Chamber, at 9:34).

¹³ Request, paras 46-55.

¹⁴ Decision on the Central African Republic's challenge to the admissibility of the case against Edmond Beina, 12 September 2025.

against Mr Beina at the national level, and that the CAR is willing and able to genuinely investigate and prosecute the case, within the meaning of article 17(1)(a) of the Statute.

II. DETERMINATION

10. In its request, Counsel for Mr Beina refers to articles 57(3)(b) and (c), 86 and 87(1)(a) of the Statute as the legal basis for the Request. He brings to the Chamber's attention that the trial against Mr Beina before the *Cour pénale spéciale* (the 'CPS') in the CAR is imminent;¹⁵ and argues *inter alia* that (i) should such trial commence before the proceedings under article 19 of the Statute have reached finality before the Court, the CAR would be in breach of its obligation to cooperate with the Court under article 86 of the Statute;¹⁶ and (ii) there is a serious and imminent risk of a breach of the CAR's duty to refrain from acts or conduct that would defeat and frustrate the object and purpose of the Rome Statute, which arises from the obligation of States to cooperate with the Court in good faith.¹⁷

11. At the outset, the Chamber notes that the time limit for filing responses to the Request is still running.¹⁸ However, for the reasons set out below, the Chamber does not deem it necessary to await for any responses to adjudicate the Request.

12. The Chamber notes that article 57(3)(b) and (c) of the Statute confers the Pre-Trial Chamber the power to issue such order or seek such cooperation as may be necessary to assist the preparation of a person's defence, and where necessary to provide for the protection and privacy of victims and witnesses, the preservation of evidence, the protection of persons who have been arrested or appeared in response to a summons, and the protection of national security information. Article 86 of the Statute requires States Parties to fully cooperate with the Court in its investigation and the prosecution of crimes within its jurisdiction, and article 87(1)(a) of the Statute gives the Court authority to make requests to States Parties for cooperation.

13. Counsel for Mr Beina frames his application as a request for State cooperation under article 86 and 87(1)(a) of the Statute. However, Counsel is requesting the Chamber to order the CPS, a domestic jurisdiction in the CAR, to suspend its proceedings pending the final adjudication of the Admissibility Challenge before the Court. Such a request cannot be

¹⁵ Request, paras 15-16.

¹⁶ Request, paras 17-29.

¹⁷ Request, paras 30-39.

¹⁸ The French translation of the Request was notified on 10 September 2025 (ICC-01/14-216-tFRA).

considered as falling within the scope of a request for cooperation within the meaning of article 87(1)(a) of the Statute.

14. In any event, noting the Admissibility Decision whereby the Chamber determined that the case against Mr Beina is inadmissible before the Court, the Chamber considers that the Request is moot. Whether appeal proceedings in relation to the Admissibility Challenge will take place is speculative at this juncture, and should any such proceedings occur in the future, it will be for the Appeals Chamber to consider and adjudicate the matter.

15. For these reasons, the Chamber rejects the Request as moot.

**FOR THESE REASONS, THE CHAMBER HEREBY
REJECTS the Request.**

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 Friday, 12th of September 2025

At The Hague, The Netherlands