

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14-01/18**

Date: **17 February 2026**

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Kimberly Prost
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

Yekatom Defence Request for Guidance

Source: Defence for Mr. Alfred Rombhot Yekatom

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

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☐ 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

INTRODUCTION

1. Following Trial Chamber V's instructions in its 'Order to review confidential *ex parte* and confidential filings on the case record',¹ the Yekatom Defence respectfully requests guidance on the reclassification of the Confidential Version of the 'Yekatom Defence Response to Registry Report on the Confidentiality of the Observations of Government of Central African Republic',² notified on 31 August 2020, and the Confidential Version of the 'Réponse de la Défense d'Alfred Yekatom au Rapport du Greffe relative à la confidentialité des observations déposées par la République centrafricaine',³ notified on 14 September 2020 (collectively, the 'Filings').
2. On 3 August 2020, the Registry transmitted observations from the authorities of the Central African Republic (the 'CAR Observations')⁴ on issues arising from the 'Yekatom Defence Appeal Against the Admissibility Decision'.⁵
3. Following consultations with the CAR authorities, the Registrar filed a report indicating that the Central African Republic wished to maintain its Observations as confidential ('Registrar's Report').⁶
4. On 31 August 2020, Mr Yekatom responded to the Registrar's Report, requesting that the Appeals Chamber invite the Central African Republic 'to reclassify its observations from confidential to public, submit a public redacted version, or state the factual or legal basis for maintaining its observations fully confidential'.⁷

¹ ICC-01/14-01/18-2852.

² ICC-01/14-01/18-641-Conf.

³ ICC-01/14-01/18-641-Conf-tFRA.

⁴ ICC-01/14-01/18-610-Conf-Anx annexed to ICC-01/14-01/18-610.

⁵ ICC-01/14-01/18-499.

⁶ ICC-01/14-01/18-637-Conf.

⁷ ICC-01/14-01/18-641-Conf, para 13.

5. The CAR authorities have declined to reclassify their observations as public⁸ and have yet to state their reasons for wishing to maintain full confidentiality despite a subsequent Order of the Appeals Chamber on 10 September 2020 directing the CAR authorities to this effect.⁹
6. Once again, on 3 June 2025, this time in the context of the *Beina* admissibility proceedings, the Appeals Chamber directed the Registry to enquire whether the CAR authorities wished to maintain the level of classification of the document as 'confidential', and, if so, to invite them to provide the factual and legal basis.¹⁰
7. On 17 June 2025, the Registry informed the Appeals Chamber that the CAR authorities agreed to make the Observations accessible to the parties in the *Beina* admissibility proceedings, but indicated that they were not able to provide the legal and factual grounds for maintaining the confidential level of classification because 'this requires additional internal consultations'.¹¹

SUBMISSIONS

8. Having conducted a careful review, the Defence is of the view that the information contained in the Filings no longer warrants redaction and would seek their reclassification as Public. The request contained in the Filings has already been made public and the underlying matter of the 'Yekatom Defence Appeal Against the Admissibility Decision' has since been resolved.¹²
9. However, some of the information in the Filings, namely in paragraphs 5 to 8, refers to the content of the CAR Observations. In light of the sensitivity of this information, involving the position of a State, the Defence respectfully seeks guidance on the appropriate course of action, whether it be to seek

⁸ See ICC-01/14-01/18-637-Conf, para 4.

⁹ ICC-01/14-01/18-646-Conf.

¹⁰ 'Order concerning access to a confidential document', ICC-01/14-01/18-2773, para 3.

¹¹ *Ibid.*, para 5.

¹² ICC-01/14-01/18-678-Red.

reclassification, submit a public redacted version or maintain the Filings under their current classification.

10. Should a public redacted version be preferable to a reclassification as Public, the Defence proposes that only discrete sections of the above-mentioned paragraphs be redacted in the interests of transparency and in line with the principle of publicity.
11. Moreover, as over five years have transpired since the submission of the CAR Observations, a review of the need for their continued confidentiality may be warranted. In keeping with the interests of transparency and publicity, the Defence further respectfully suggests that the Appeals Chamber invite the Central African authorities to submit observations on a reclassification of the CAR Observations by a suitable date to be determined by the Chamber, subject to any further directions or instructions that it may deem necessary and appropriate.

RESPECTFULLY SUBMITTED ON THIS 17th DAY OF FEBRUARY 2026



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

At The Hague, the Netherlands