

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 March 2026**

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding Judge
Judge Chile Eboe-Osuji
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR v.*
*ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

Public Redacted Version of the 'Yekatom Defence Response to Registry Report on the Confidentiality of the Observations of Government of Central African Republic', ICC-01/14-01/18-641-Conf, 31 August 2020

Source: Defence for Mr. Alfred Rombhot Yekatom

Document 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

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☒ 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

1. Counsel representing Mr. Alfred Rombhot Yekatom (“Defence” and “Mr. Yekatom”, respectively) hereby respond to the *Registry Report on the Confidentiality of the Observations of the Central African Republic* (“*Registry Report*”).¹ The Defence requests that the Appeals Chamber invite the authorities of 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.

CONFIDENTIALITY

2. This response is filed confidentially because the *Registry Report* has been filed confidentially.

RELEVANT PROVISIONS

Regulation 23*bis*(1) of the Regulations of the Court provides in pertinent part:

Any document filed by the Registrar or a participant and marked “ex parte”, “under seal” or “confidential”, **shall state the factual and legal basis for the chosen classification** and, unless otherwise ordered by a Chamber, shall be treated according to that classification throughout the proceedings. (Emphasis added).

ARGUMENT

3. The Registry reports that on 4 and 6 August 2020, the authorities of the Central African Republic orally advised representatives of the Registry that it wished its observations filed on 3 August 2020² to be classified as confidential and that it would not be filing a public redacted version.
4. The Registry refers to an e-mail from the Appeals Chamber dated 20 August 2020 that has not been disclosed to the parties. Since the Registry’s inquiries, as contained in its *Registry Report* predated this e-mail, presumably the

¹ [ICC-01/14-01/18-637-Conf.](#)

² [ICC-01/14-01/18-610-Conf-Anx.](#)

Appeals Chamber requested the Registry to report on its earlier contacts with the Central African Republic authorities rather than instructing the Registry to make any further inquiries.

5. The Defence believes that it is in the public interest that the position of the Central African Republic authorities [REDACTED], be part of the public record.
6. [REDACTED].
7. [REDACTED].
8. [REDACTED].
9. It is therefore of great importance that the position of the Central African Republic authorities is publicly known [REDACTED].
10. Regulation 23*bis*(1) of the Regulations of the Court requires a participant to “state the factual and legal basis for the chosen classification”. The observations from the Central African Republic do not state the factual or legal basis for filings its observations as confidential and no basis for that classification has been communicated by the Registrar from its oral conversations with the authorities.
11. In the *Katanga and Ngudjolo* case, the Appeals Chamber noted that the failure of prosecution to state the factual and legal basis for classifying its response to admissibility appeal as confidential violated this Rule.³
12. While Regulation 23 *bis* applies to “participants”, its rationale applies equally to States and others, such as *amicus curiae*, making observations to the Court.

³ *Prosecutor v. Katanga and Ngudjolo*, [Judgment on the Appeal of Mr. Germain Katanga Against the Oral Decision of Trial Chamber II on 12 June 2009 on the Admissibility of the Case](#), 25 September 2009, ICC-01/04-01/07-1497, para. 26.

Otherwise, a State or *amicus curiae* could frustrate the important principle of the publicity of the proceedings for no valid reason.

13. Therefore, it is respectfully requested that the Appeals Chamber invite the authorities of the Central African Republic to reclassify its observations as public, submit a public redacted version, or state the factual or legal basis for maintaining its observations as fully confidential.

RESPECTFULLY SUBMITTED ON THIS 4th DAY OF MARCH 2026



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

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