Cour Pénale Internationale

International Criminal Court

Original: **English**

No.: **ICC-RoR220-01/26**
Date: **10 November 2026**

THE PRESIDENCY

Before: **Judge Tomoko Akane, President**
Judge Rosario Salvatore Aitala, First Vice-President
Judge Reine Alapini-Gansou, Second Vice-President

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

Decision on the 'Yekatom Defence Request for reclassification of the Application for judicial review of the Registrar's decision of 22 June 2026' dated 22 October 2026 (ICC-RoR220-01/26-7-Conf-Exp)

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**

☐ **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**

☐ **Amicus Curiae**

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☒ **Detention Section**

☐ **Victims Participation and Reparations Section**

☐ **Other**

The Presidency of the International Criminal Court (the 'Court') has before it a request filed by Mr Alfred Yekatom ('Mr Yekatom') dated 22 October 2026, seeking reclassification as public of the 'Yekatom Defence Application for judicial review of Registrar's decision of 22 June 2026' (the 'Request for Reclassification' and the 'Application', respectively).[1] Mr Yekatom also requests that the Request for Reclassification be made public.[2]

I. SUBMISSIONS

1. Mr Yekatom submits that he had originally filed the Application as public in accordance with prior practice and the applicable legal framework.[3] He notes that regulation 220(2) of the Regulations of the Registry establishes that applications for judicial review are presumed to be filed with a public classification since it states that a detained person needs to provide a 'factual and/or legal basis' to file an application confidentially.[4] Mr Yekatom submits that the Registrar erroneously relied on regulation 23*bis*(2) of the Regulations of the Court when he requested that the Application be reclassified as confidential, misinterprets the law and fails to provide any legal or factual basis to justify the continuing confidentiality of the Application.[5]

2. On 2 November 2026, the Registrar replied that he does not, in principle, object to the disclosure of most of the information contained in the Application and the Request for Reclassification (the 'Observations').[6] He proposes specific redactions pertaining to the Detention Section's internal processes for the transmission of digital material.[7] He submits that these redactions are necessary to prevent a risk of external interference with the Court's proceedings and operations and that they are proportionate, as they are limited to what is strictly necessary to protect this aim.[8] The Registrar requests that his Observations remain confidential as they set out the rationale underlying the proposed

[1] Defence for Mr Yekatom, Yekatom Defence Request for reclassification of the Application for judicial review of the Registrar's decision of 22 June 2026, 22 October 2026, ICC-RoR220-01/26-7-Conf-Exp, paras 1, 3, 41; Defence for Mr Yekatom, Yekatom Defence Application for judicial review of Registrar's decision of 22 June 2026, 30 June 2026, ICC-RoR220-01/26-1-Conf-Exp; a corrected version was filed on 7 July 2026 (ICC-RoR220-01/26-1-Conf-Exp-Corr).
[2] Request for Reclassification, ICC-RoR220-01/26-7-Conf-Exp, paras 39-41.
[3] Request for Reclassification, ICC-RoR220-01/26-7-Conf-Exp, paras 2, 4, 13-19, 21-22.
[4] Request for Reclassification, ICC-RoR220-01/26-7-Conf-Exp, para. 21.
[5] Request for Reclassification, ICC-RoR220-01/26-7-Conf-Exp, paras 4, 23-37.
[6] Registrar, Registry Observations on the Defence Request for Reclassification, 2 November 2026, ICC-RoR220-01/26-8-Conf-Exp, paras 2, 10.
[7] Observations, ICC-RoR220-01/26-8-Conf-Exp, paras 12-13.
[8] Observations, ICC-RoR220-01/26-8-Conf-Exp, para. 13.

redactions and notes that his understanding is that the Request for Reclassification concerns the Application only and not its annexes.[9]

II. DETERMINATION OF THE PRESIDENCY

A. Applicable law

3. Regulation 220(2) of the Regulations of the Registry provides that '[t]he detained person may make his or her application before the Presidency on a confidential basis, in which case he or she shall state the factual and/or legal basis for such classification, in accordance with regulation 23*bis*, sub-regulation 1 of the Regulations of the Court.' Regulation 23*bis*(2) of the Regulations of the Court provides that, unless otherwise ordered by a Chamber, any document referring to a document, decision or order marked '*ex parte*', 'under seal' or 'confidential' shall be filed with the same classification. Regulation 23*bis*(3) and (4) of the Regulations of the Court empowers the Presidency to modify the classification of a document.

B. Merits of the Request for Reclassification

4. Regulation 220(2) of the Regulations of the Registry indicates that the default classification for judicial review proceedings before the Presidency concerning detention matters is public, except where a detained person makes an application confidentially. This notwithstanding, regulation 23*bis* of the Regulations of the Court makes clear that all parties or participants to such proceedings need to err on the side of caution when referencing confidential material or information. Since detention matters regularly involve sensitive issues concerning the internal organisation of the Detention Centre or private information, parties and participants must be cautious when filing a document publicly. Decisions issued by the Chief Custody Officer or the Registrar regarding a complaint are internal documents and cannot be made public without prior consent of the Registry or authorisation by the competent judicial authority.

5. In the present case, the Presidency granted, on 7 July 2026, the Registry's request to temporarily reclassify the Application as confidential and *ex parte* since the Application referred to confidential exchanges with the Registry made public without the Registry's

[9] Observations, ICC-RoR220-01/26-8-Conf-Exp, paras 8-9.

consent.[10] Having considered the arguments before it, the Presidency decides that the limited redactions to the Application, proposed by the Registrar, are justified in light of the legitimate aim of protecting the Court from the risk of external interference when revealing certain internal processes. It therefore orders the Defence of Mr Yekatom to implement these redactions before it files a public redacted version of the Application. The Request for Reclassification requires no redactions.

C. Classification of Presidency Decisions

6. The Presidency recalls that in its decision on the Application dated 2 September 2026, Mr Yekatom and the Registrar were requested to inform the Presidency by 30 September 2026 whether there is any factual or legal basis for retaining the confidential classification of the decision.[11] Since no response was received within this time limit, the Presidency decides to reclassify the Presidency Decision of 7 July 2026 and the Presidency Decision of 2 September 2026 as public.

III. DISPOSITION

7. Accordingly, the Presidency *hereby:*

ORDERS the Registry to reclassify the Presidency Decision of 7 July 2026 and the Presidency Decision of 2 September 2026 as public;

ORDERS the Defence of Mr Yekatom to implement the redactions proposed by the Registrar before it files a public redacted version of the Application; and

GRANTS the request to file the Request for Reclassification publicly.

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

[10] Presidency, Decision on request for extension of time limit to file Registry's observations pursuant to regulation 220(4) of the Regulations of the Registry and request for reclassification, dated 3 July 2026 (ICC-RoR220-01/26-2-Conf-Exp), 7 July 2026, ICC-RoR220-01/26-3-Conf-Exp (the 'Presidency Decision of 7 July 2026'), para. 6, p. 5.
[11] Presidency, Decision on the 'Yekatom Defence Application for judicial review of Registrar's decision of 22 June 2026' dated 30 June 2026 (ICC-RoR220-01/26-1-Conf-Exp), 2 September 2026, ICC-ROR220-01/26-6-Conf-Exp (the 'Presidency Decision of 2 September 2026'), para. 21.



Judge Tomoko Akane
President



Judge Rosario Salvatore Aitala
First Vice-President



Judge Reine Alapini-Gansou
Second Vice-President

Dated this 10 November 2026

At The Hague, The Netherlands