Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.: **ICC-RoR220-02/26**
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 Classification

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**

1. The Presidency of the International Criminal Court (the 'Court') recalls that on 16 October 2026, it issued its decision on the 'Yekatom Defence Application for judicial review of Registrar's decision of 17 September 2026' (the 'Application'),[1] requesting Mr Alfred Yekatom ('Mr Yekatom') and the Registrar to make submissions by 30 October 2026 whether the confidential classification of said decision, the Application and the Registrar's observations on the Application (the 'Observations')[2] should be maintained (the 'Presidency Decision').[3] On 30 October 2026, Mr Yekatom filed a submission on reclassification (the 'Defence Request for Reclassification') and the Registrar a submission on classification and redactions (the 'Registrar Request for Redactions').[4]

I. SUBMISSIONS

2. Mr Yekatom requests that the Presidency reclassify as public his Application for judicial review, the Registrar's Observations in response and the Presidency Decision.[5] In addition, he requests that an addendum filed by him, as well as the Defence Request for Reclassification, be reclassified as public.[6] He submits, firstly, that the fair trial right to publicity is guaranteed in the Court's legal framework which specifically enshrines a presumption of publicity applicable to judicial review litigation.[7] Secondly, that it is clear from the Court's case law that detention-related information, including decisions of the Chief Custody Officer and the Registrar and *inter partes* correspondence, is not *per se* confidential in the context of judicial review proceedings.[8] Thirdly, that internal

[1] Defence for Mr Yekatom, Yekatom Defence Application for judicial review of Registrar's decision of 17 September 2026, 25 September 2026, ICC-RoR220-02/26-1-Conf-Exp.
[2] Registrar, Registry Observations pursuant to Regulation 220(4) of the Regulations of the Registry, 16 July 2026, ICC-RoR220-01/26-4-Conf-Exp.
[3] Presidency, Decision on the 'Yekatom Defence Application for judicial review of Registrar's decision of 17 September 2026' dated 25 September 2026 (ICC-RoR220-02/26-1-Conf-Exp), 16 October 2026, ICC-RoR220-02/26-6-Conf-Exp, para. 38.
[4] Defence for Mr Yekatom, Yekatom Defence Submissions on reclassification and additional Request, 30 October 2026, ICC-RoR220-02/26-7-Conf; Registrar, Registry Submissions on the Classification of Filings and Proposed Redactions, 30 October 2026, ICC-RoR220-02/26-8-Conf-Exp.
[5] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, paras 1, 21.
[6] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, paras 18-21 *referring to* Defence for Mr Yekatom, Addendum to Yekatom Defence Application for judicial review of Registrar's decision of 17 September 2026, 9 October 2026, ICC-RoR220-02/26-4-Conf-Exp (the 'Addendum').
[7] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, para. 3.
[8] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, para. 4.

information on the operations and the management of the Detention Section is not *per se* confidential in the context of judicial review proceedings.[9] Lastly, that the mere presence of information deemed confidential within a litigation document does not justify a wholesale non-public classification of that document.[10] He further argues that claims of confidentiality need to be sufficiently specific and justified and duly weighed against the overarching principle of publicity, noting that human rights law and the Court's administrative instruction on information protection may provide guidance in this regard.[11] As regards the documents he seeks to reclassify as public, Mr Yekatom submits that nothing justifies their continuing confidential classification.[12] The transmission of audio-visual material to detained persons, including the modalities of prior transmissions, are either public information or warrant transparency and the same applies to references to the Registry's project to explore the use technology at the Court's Detention Centre, and these submissions are an essential element of the Application.[13] The same reasoning applies to the Addendum, irrespective of the Presidency's finding that these submissions were not relevant to its determination of the Application, and the Defence Request for Reclassification.[14]

3. The Registrar requests that public redacted versions be issued of his transmission filing, annexes I and II to said filing and his Observations.[15] Should the Presidency authorise the proposed redactions, he requests that any corresponding information included in any other filing contained in the present case record be redacted accordingly but that the Registrar Request for Redactions remain confidential as it contains the rationale for the redactions.[16] The Registrar proposes limited redactions that he considers necessary and proportionate to (i) maintain confidentiality regarding the internal processes of the

[9] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, para. 5.
[10] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, para. 10.
[11] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, paras 6-8 *referring to* 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, fn. 51 *and* Registrar, Administrative Instruction on ICC Information Protection Policy, 19 June 2007, ICC/AI/2007/001.
[12] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, para. 11.
[13] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, paras 12-17.
[14] Defence Request for Reclassification, ICC-RoR220-02/26-7-Conf, paras 18-20.
[15] Registrar Request for Redactions, ICC-RoR220-02/26-8-Conf-Exp, para. 1 *referring to* Registrar, Registry Transmission pursuant to Regulation 220(3) of the Regulations of the Registry and Request for an Extension of Time Limit, 30 September 2026, ICC-RoR220-02/26-2-Conf-Exp (the 'Transmission'); Registrar, Remittal Decision on Mr Alfred Yekatom's Request for Review dated 28 May 2026, ICC-RoR220-02/26-2-Conf-Exp-AnxI (the 'Annex I') *annexed to* Transmission; Registrar, Seminar on New Technologies in Detention, ICC-RoR220-02/26-2-Conf-Exp-AnxII (the 'Annex II') *annexed to* Transmission.
[16] Registrar Request for Redactions, ICC-RoR220-02/26-8-Conf-Exp, paras 2, 11, 16.

Detention section with a view to reducing the risk of external interference in the Court's proceedings and operations; (ii) uphold the right to privacy of a Defence team member, third persons interacting with the Court, Mr Yekatom, and his family members; and (iii) abide by the level of classification assigned to information in other proceedings before the Court or respect the confidentiality of information provided by an external organisation.[17]

II. DETERMINATION OF THE PRESIDENCY

A. Applicable law

4. 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

5. 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.

[17] Registrar Request for Redactions, ICC-RoR220-02/26-8-Conf-Exp, paras 12-15.

6. In the present case, the Presidency finds that the redactions proposed by the Registrar are justified. They are limited in scope to what is necessary in light of the legitimate aims of the protection of private information, reducing the risk of external interference by revealing certain internal processes and the protection of confidential information from other judicial proceedings or third parties. The Presidency also grants the Registrar's request that the same information be redacted from any documents filed by Mr Yekatom in this case if he wishes to file a public redacted version of such filings. The Presidency, however, considers that there is no reason for the Registrar Request for Redactions to remain confidential, subject to appropriate redactions being applied. Noting further that neither Mr Yekatom nor the Registrar proposed redactions to the Presidency Decision, the Presidency decides to reclassify the decision as public.

III. DISPOSITION

7. Accordingly, the Presidency *hereby:*

ORDERS the Registry to reclassify the Presidency Decision as public;

GRANTS the Registrar Request for Redactions, in part;

ORDERS the Registry to file public redacted versions of its submissions in the present case accordingly;

DENIES the Defence Request for Reclassification; and

ORDERS the Defence of Mr Yekatom to liaise with the Registry to apply appropriate redactions to its submissions in the present case, as necessary and in accordance with the present decision, before it files a public redacted version of such documents.

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



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