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CENTRAL AFRICAN REPUBLIC
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PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Sergio Gerardo Ugalde Godínez
Judge Haykel Ben Mahfoudh

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

Public Document

With 232 confidential *ex parte* annexes only available to the Prosecutor

**Public redacted version of the Request of the Central African Republic
Challenging the Admissibility of the Case against Mr Emond Beina**

**Source: Ministry of Justice, Promotion of Human Rights and Good Governance
of the Central African Republic**

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

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Classification of the request and annexes

1. Pursuant to regulation 23 *bis* of the Regulations of the Court, the present request and its annexes are filed as confidential *ex parte*, only available to the Office of the Prosecutor, for their reference to “information on the proceedings” within the meaning of article 19(11) of the Rome Statute; that information is also covered by the secrecy of the domestic prosecutorial¹ and judicial² investigations.

2. The request and certain annexes also refer to communications between the Central African Republic (CAR), in particular the Special Criminal Court (SCC), and the Office of the Prosecutor of the International Criminal Court (ICC).

I. Facts and proceedings

3. On 30 May 2014, the CAR authorities referred the situation in the Central African Republic since 1 August 2012 (“Situation in the CAR II”) to the ICC.³ The ICC Prosecutor opened an investigation on 24 September 2014.⁴

4. On 5 June 2015, the Central African Republic promulgated the Special Criminal Court (Creation, Organization and Operation) Organization Act No. 15.003 (“Organization Act”). The SCC held an inaugural sitting on 22 October 2018. Section 3 of the Organization Act vests the SCC with jurisdiction to investigate and try the crime of genocide, crimes against humanity and war crimes committed on the national territory since 1 January 2003.

5. On 21 May 2019, the SCC Special Prosecutor opened a preliminary investigation into the incidents that had occurred on 1 February, 5 February and 6 March 2014 in Guen.⁵ The case

¹ Section 62(B) of the SCC Rules of Procedure and Evidence provides that “[TRANSLATION] [w]ithout prejudice to the rights of the defence and unless the Rules provide otherwise, the prosecutorial investigation proceedings shall be secret. All persons contributing to such proceedings shall have a duty of professional secrecy”. Section 12 of the CAR Code of Criminal Procedure provides that “[TRANSLATION] [e]xcept where otherwise provided by law, and without prejudice to the rights of the defence, proceedings during the preliminary prosecutorial investigation shall be secret. All persons contributing to such proceedings shall have a duty of professional secrecy under the terms of section 148 of the Criminal Code”.

² Section 71(B) of the SCC Rules of Procedure and Evidence provides that “[TRANSLATION] [w]ithout prejudice to the rights of the defence, the judicial investigation shall be secret. All persons contributing to such proceedings shall have a duty of professional secrecy.”

³ Referral of the situation by the Central African Republic, 30 May 2014, available at <https://www.icc-cpi.int/iccdocs/otp/2014-05-30-CAR-referral.pdf>

⁴ ICC Press Release, “Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening a second investigation in the Central African Republic”, 24 September 2024, available at <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-fatou-bensouda-opening-second-investigation>

⁵ Annex 1 (DI31).

was assigned the case file number “GUEN-00005-190521/PQS” and, at the judicial investigation phase, the records number 002/21 (the “*Guen*” case).

6. On 29 October 2019, the Special Prosecutor sent a request to the Office of the Prosecutor of the ICC seeking to ascertain whether the ICC had initiated an investigation into the incidents that had occurred in Guen on 1 February, 5 February and 6 March 2014.⁶

7. On 6 November 2019, the Director of the Jurisdiction, Complementarity and Cooperation Division of the Office of the Prosecutor of the ICC confirmed that the crimes committed in Guen between 1 February and early April 2014 formed part of the charges against Mr Patrice-Edouard Ngaïssona and that the Office of the Prosecutor was also considering prosecuting other direct perpetrators of the atrocities committed there.⁷

8. On 15 November 2019, the SCC Special Prosecutor applied to the *Chambre d'accusation spéciale* [Special Indictment Division] to suspend the time limit for the preliminary investigation, particularly in the light of the ICC investigation into similar facts.⁸

9. On 12 December 2019, the *Chambre d'accusation spéciale* dismissed the Special Prosecutor's application and ordered him to bring the case before the *Chambre d'instruction* [Judicial Investigation Division] by 31 January 2020⁹ on the ground that the Special Prosecutor “[TRANSLATION] ha[d] not shown that the primacy of the ICC, the circumstances of the prosecutorial investigation and the prospect of the SCC's relinquishing jurisdiction to the ICC constituted a strictly exceptional situation which would justify departing from section 70 of the RPE so as to grant an indefinite suspension of his investigation”.¹⁰

10. On 30 January 2020, the SCC Special Prosecutor brought the case before the *Cabinet d'instruction* [Judicial Investigation Office] by means of a *réquisitoire introductif* [application to open a judicial investigation] regarding offences committed in Guen, Gadzi and Djomo on 1, 5 and 6 February and 6 March 2014. “Beina” was referred to specifically in the application.¹¹

⁶ Annex 2 (DI26).

⁷ Annex 3 (DI33).

⁸ Annex 4 (DI27).

⁹ Annex 5 (DI28), p. 19.

¹⁰ Annex 5 (DI28), p. 19.

¹¹ Annex 6 (DII1).

11. On 6 February 2020, the President of the SCC designated *Cabinet d’instruction* No. 1 to conduct the judicial investigation into incriminating and exonerating circumstances.¹²
12. On 10 March 2021, in order to ease the workload of *Cabinet d’instruction* No. 1, which alone had seven cases under investigation, the President of the SCC assigned the *Guen* case to the newly operational *Cabinet d’instruction* No. 3.
13. On 3 May 2022, *Cabinet d’instruction* no. 3 of the SCC issued six warrants of arrest in the *Guen* case, including one for the suspect Beina.¹³ That warrant was amended on 15 June 2023 to state the suspect’s forename.¹⁴
14. On 16 December 2022, the ICC Prosecutor announced the conclusion of the investigation phase in the situation in the Central African Republic.¹⁵
15. On 16 June 2024, with backing from the ICC, the warrant of arrest issued by *Cabinet d’instruction* No. 3 of the SCC was executed and served on the suspect by a team of officers from the *Unité Spéciale de Police Judiciaire* [Special Judicial Police Unit] (USPJ) supported by members of the *Groupe Spécial d’Intervention de la Gendarmerie Nationale* [National Gendarmerie Special Tactical Group].¹⁶
16. On 17 June 2024, following his first appearance before an investigating judge, Edmond Beina was charged with crimes against humanity and war crimes committed on 1, 5 and 6 February 2014 and 6 March 2014 in Guen, Gadzi and Djomo.¹⁷
17. On 18 June 2024, *Cabinet d’instruction* No. 3 informed the Office of the Prosecutor of the ICC that Edmond Beina had been arrested, charged and provisionally remanded to prison. Among other matters, that correspondence called the attention of the ICC prosecuting authority to the fact that Edmond Beina could not be released from custody unless otherwise decided by the *Cabinet d’instruction*. It underscored that Edmond Beina was the fifth person charged in the case, alongside Mathurin Kombo (charged on 21 November 2022); François Boybanda,

¹² Annex 7 (DII3).

¹³ Annex 15 (C5.1).

¹⁴ Annex 16 (C5.2)

¹⁵ ICC, statement, “The Prosecutor of the International Criminal Court, Karim A.A. Khan KC, announces conclusion of the investigation phase in the Situation in the Central African Republic”, 16 December 2022, available at <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-announces-conclusion-investigation-0>

¹⁶ Annex 8 (DII243), annex 9 (DII252) and annex 10 (DII260).

¹⁷ Annex 11 (DII250).

alias “Balere” (charged on 8 July 2023); Philémon Kahena (charged on 8 July 2023); and Dieudonné Gomitoua (charged on 13 May 2024), and that, in the interests of the determination of the truth, the five persons charged were to undergo *confrontation* [joint questioning] and stand trial before a single court. The *Cabinet d’instruction* advised that the judicial investigation was expected to conclude in 2024.¹⁸

18. On 19 June 2024, Edmond Beina was placed in provisional detention for a period of one year which was set to run from 16 June 2024.¹⁹

19. On 20 June 2024, *Cabinet d’instruction* No. 3 informed the Chief Prosecutor of the Bangui Court of Appeal of the arrest, charging and placement in provisional detention of Edmond Beina by the SCC, in case the Chief Prosecutor were to receive a request from the ICC Registry acting pursuant to a warrant for Edmond Beina’s arrest for the same offences as the warrant of arrest issued by the SCC.²⁰

20. On 20 June 2024, *Cabinet d’instruction* No. 3 sent a letter to the Special Representative of the United Nations Secretary-General in the Central African Republic to inform her of the arrest, charging and placement in provisional detention of Edmond Beina. The *Cabinet d’instruction* specified that Edmond Beina could not thenceforth be released from custody without the express written authorization of the investigating judges.²¹

II. Basis on which the request may be entertained

21. Article 19(2)(b) of the Rome Statute provides that a challenge to the admissibility of a case on the grounds referred to in article 17 of the Rome Statute may be made by “[a] State which has jurisdiction over a case, on the ground that it is investigating or prosecuting the case or has investigated or prosecuted”.

22. In this instance, the Central African Republic has jurisdiction over the case against Edmond Beina, since he has been charged by a *Cabinet d’instruction* of the Special Criminal Court and his committal for trial to the SCC *Chambre d’assises* [Trial Division] may be sought

¹⁸ Annex 9 (DII252).

¹⁹ Annex 12 (C5.6).

²⁰ Annex 13 (DII253).

²¹ Annex 14 (DII254).

by the Special Prosecutor, who is the competent national judicial authority, following the preparatory judicial investigation.

23. The war crimes and crimes against humanity at issue in the *Guen* case occurred on 1, 5 and 6 February 2014 and on 6 March 2014 in the localities of Guen, Gadzi and Djomo, on the territory of the Central African Republic. In accordance with section 3 of the Organization Act, the SCC therefore has jurisdiction to investigate and try the case.

III. Applicable law

24. As a preliminary matter, it must be recalled that article 95 of the Rome Statute provides that the requested State may postpone the execution of a request for cooperation where there is an admissibility challenge under consideration by the Court.

25. The Preamble to the Rome Statute underscores that “the International Criminal Court [...] shall be complementary to national criminal jurisdictions”. As the ICC Appeals Chamber has recalled, “States have the primary responsibility to exercise criminal jurisdiction and the Court does not replace, but complements them in that respect”.²²

26. Article 17 of the Rome Statute lists the situations in which a case will be inadmissible, which include the following:

The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution.²³

27. The concept of willingness is fleshed out by article 17(2) of the Rome Statute, which provides:

In order to determine unwillingness in a particular case, the Court shall consider, having regard to the principles of due process recognized by international law, whether one or more of the following exist, as applicable:

(a) The proceedings were or are being undertaken or the national decision was made for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court referred to in article 5;

(b) There has been an unjustified delay in the proceedings which in the circumstances is inconsistent with an intent to bring the person concerned to justice;

²² ICC, Appeals Chamber, “Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled ‘Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute’”, 30 August 2011, ICC-01/09-02/11-274, para. 36.

²³ Rome Statute, article 17(1)(a).

(c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice.

28. The concept of inability is fleshed out by article 17(3) of the Rome Statute:

In order to determine inability in a particular case, the Court shall consider whether, due to a total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or otherwise unable to carry out its proceedings.

29. Article 19(2)(b) of the Rome Statute provides that “[a] State which has jurisdiction over a case, on the ground that it is investigating or prosecuting the case or has investigated or prosecuted” has standing to challenge the admissibility of the case on the grounds referred to in article 17 or to challenge the jurisdiction of the Court. Save in exceptional circumstances, the challenge must take place prior to or at the commencement of the trial,²⁴ at the earliest opportunity.²⁵ Prior to the confirmation of the charges, admissibility challenges are to be brought before the Pre-Trial Chamber.²⁶ Unless authority is granted by the Court, the ICC Prosecutor must suspend the investigation until such time as the Court makes a determination in accordance with article 17.²⁷

30. Rule 58 of the Rules of Procedure and Evidence further delineates the procedure for consideration of applications made under article 19 of the Statute.

31. Previous decisions of the ICC have laid down that, in considering an admissibility challenge brought under article 17(1)(a) of the Rome Statute, two questions must be addressed: (i) whether, at the time of the proceedings in respect of an admissibility challenge, there is an ongoing investigation or prosecution of the case at the national level; and, if so, (ii) whether the State is “unwilling” or “unable” genuinely to carry out such investigation or prosecution within the terms further set out in article 17(2) and (3) of the Statute.²⁸

²⁴ Rome Statute, article 17(4).

²⁵ Rome Statute, article 17(5).

²⁶ Rome Statute, article 17(6).

²⁷ Rome Statute, article 17(7) and 17(8).

²⁸ ICC, *The Prosecutor v. Simone Gbagbo*, Pre-Trial Chamber I, “Decision on Côte d’Ivoire’s challenge to the admissibility of the case against Simone Gbagbo”, 11 December 2014, ICC-02/11-01/12-47-Red, para. 27; ICC, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Appeals Chamber, “Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case”, 25 September 2009, ICC-01/04-01/07-1497, paras. 75-79; ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Pre-Trial Chamber I, “Decision on the admissibility of the case against Abdullah Al-Senussi”, 11 October 2013, ICC-01/11-01/11-466-Red, para. 26.

32. What defines the concept of a “case” within the meaning of article 17(1)(a) is the **person** under investigation and the **conduct** imputed to that person that may give rise to his or her criminal responsibility under the Rome Statute.²⁹

33. The ICC Appeals Chamber has summarized the position thus:

When the Court has issued a warrant of arrest or a summons to appear, for a case to be inadmissible under article 17 (1) (a) of the Statute, national investigations must cover the same individual and substantially the same conduct as alleged in the proceedings before the Court. The words “is being investigated” in this context signify the taking of steps directed at ascertaining whether this individual is responsible for that conduct, for instance by interviewing witnesses or suspects, collecting documentary evidence, or carrying out forensic analyses.³⁰

34. Although the conduct under investigation must be substantially the same,³¹ it is not necessary for the legal characterization to be the same,³² or for the specific incidents mentioned to be identical.³³

35. In order to determine whether the case under investigation at the national level corresponds to that under investigation before the ICC, the Chamber must be put in a position to know the parameters of the national investigation.³⁴

²⁹ “The parameters of a ‘case’ as referred to in article 17 (1) (a) of the Statute, are defined by the suspect under investigation and the conduct that gives rise to criminal liability under the Statute. The ‘conduct’ that defines the ‘case’, in situations such as the present, is both that of the suspect and that described in the incidents under investigation which is imputed to the suspect”. See ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Appeals Chamber, “Judgement on the appeal of Lybia against the decision of Pre-Trial Chamber I of 31 May 2013 entitled ‘Decision on the admissibility of the case against Saif Al Islam Gaddafi’”, 21 May 2014, ICC-01/11-01/11-547-Red, para. 1.

See also ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Pre-Trial Chamber I, “Decision on the admissibility of the case against Abdullah Al-Senussi”, 11 October 2013, ICC-01/11-01/11-466-Red, para. 66(i); ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, “Judgement on the appeal of Lybia against the decision of Pre-Trial Chamber I of 31 May 2013 entitled ‘Decision on the admissibility of the case against Saif Al Islam Gaddafi’”, 21 May 2014, ICC-01/11-01/11-547-Red, para. 61.

³⁰ ICC, *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, Appeals Chamber, “Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled ‘Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute’”, 30 August 2011, ICC-01/09-02/11-274, para. 1. Emphasis added.

³¹ “It follows that for a case to be inadmissible under article 17 (1) (a) of the Statute, the national investigation must cover the same individual and substantially the same conduct as alleged in the proceedings before the Court”. See ICC, *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, Appeals Chamber, “Judgement on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled ‘Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute’”, 30 August 2011, ICC-01/09-01/11-307, para. 40. Emphasis added.

³² ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Trial Chamber I, “Decision on the admissibility of the case against Abdullah Al-Senussi”, 11 October 2013, ICC-01/11-01/11-466-Red, para. 66(iv).

³³ ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Trial Chamber I, “Decision on the admissibility of the case against Abdullah Al-Senussi”, 11 October 2013, ICC-01/11-01/11-466-Red, paras. 77-79.

³⁴ ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Appeals Chamber, “Judgement on the appeal of Lybia against the decision of Pre-Trial Chamber I of 31 May 2013 entitled ‘Decision on the admissibility

36. As to the definition of investigation or prosecution, previous ICC decisions refer not only to interviews of witnesses and suspects, the collection of documentary evidence and forensic analyses,³⁵ but also to all material capable of showing that an investigation or prosecution is ongoing, namely directions, orders and decisions by the competent authorities, internal reports and other notifications and observations entered into the case file.³⁶ What needs to be shown is that concrete and progressive investigative steps have been taken.³⁷

37. The onus is on the requesting State to show that the case is inadmissible before the ICC. For that reason the ICC has held that “[t]he principle of complementarity expresses a preference for national investigations and prosecutions but does not relieve a State, in general, from substantiating all requirements set forth by the law when seeking to successfully challenge the admissibility of a case”.³⁸

38. As regards proof of the willingness and ability of the requesting State to investigate, the ICC has specified that an evidentiary debate on the State’s unwillingness or inability will be meaningful only when doubts arise as to the genuineness of the national investigations or prosecutions.³⁹

of the case against Saif Al Islam Gaddafi”, 21 May 2014, ICC-01/11-01/11-547-Red, para. 2; ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Pre-Trial Chamber I, “Decision on the admissibility of the case against Abdullah Al-Senussi”, 11 October 2013, ICC-01/11-01/11-466-Red, para. 67.

³⁵ ICC, *The Prosecutor v. Simone Gbagbo*, Appeals Chamber, “Judgment on the appeal of Côte d’Ivoire against the decision of the Pre-Trial Chamber I of 11 December 2014 entitled ‘Decision on Côte d’Ivoire’s challenge to the admissibility of the case against Simone Gbagbo’”, 27 May 2015, ICC-02/11-01/12-75-Red, para. 28.

³⁶ ICC, *The Prosecutor v. Saif Al-Islam Gaddafi*, Pre-Trial Chamber I, “Decision requesting further submissions on issues related to the admissibility of the case against Saif Al-Islam Gaddafi”, 7 December 2012, ICC-01/11-01/11-239, para. 28.

³⁷ ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Trial Chamber I, “Decision on the admissibility of the case against Abdullah Al-Senussi”, 11 October 2013, ICC-01/11-01/11-466-Red, para. 66(ii).

³⁸ ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Pre-Trial Chamber I, “Decision on the admissibility of the case against Saif Al-Islam Gaddafi”, 31 May 2013, ICC-01/11-01/11-344-Red, para. 52.

³⁹ “[...] that said, the Chamber notes that an evidentiary debate on the State’s unwillingness or inability will be meaningful only when doubts arise with regard to the genuineness of the domestic investigations or prosecutions”. See ICC, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, Pre-Trial Chamber I, “Decision on the admissibility of the case against Saif Al-Islam Gaddafi”, 31 May 2013, ICC-01/11-01/11-344-Red, para. 53.

IV. Application of the law to the facts of the case

A. Applicable legal framework in the Central African Republic and jurisdiction of the Special Criminal Court

39. On 5 June 2015, the Central African Republic promulgated the Special Criminal Court (Creation, Organization and Operation) Organization Act No. 15.003. Section 3 of the Act confers jurisdiction on the SCC to

[TRANSLATION] investigate and try serious violations of international humanitarian law committed on the territory of the Central African Republic since 1 January 2003, as defined by the Central African Republic Criminal Code and pursuant to the international obligations contracted by the Central African Republic under international law, in particular the crime of genocide, crimes against humanity and war crimes currently or subsequently under investigation.

The court enjoys primacy over all other national courts in respect of the crimes within its jurisdiction.⁴⁰

40. The SCC's mandate, like that of other hybrid courts, is time-bound: it is for a renewable period of five years.⁴¹ The Court's mandate was renewed for a further five years on 9 January 2023.⁴²

41. Section 37 of the Organization Act provides:

[TRANSLATION] Where, pursuant to the Rome Treaty of the International Criminal Court or to such Special Agreements as have been concluded between it and the Central African State, it is established that the Prosecutor of the International Criminal Court has taken up a matter that falls within the jurisdiction of both the International Criminal Court and the Special Criminal Court, the latter shall relinquish jurisdiction to the former.

42. Section 14(A) of the SCC Rules of Procedure and Evidence provides:

[TRANSLATION] The Court and the International Criminal Court are to have concurrent jurisdiction to try crimes of genocide, crimes against humanity and crimes committed in the Central African Republic since 1 January 2003. As the court that has jurisdiction within the meaning of article 17 of the Rome Statute establishing the International Criminal Court, any conflict of jurisdiction that may arise between the Court and the International Criminal Court, and in particular any challenge to the jurisdiction of the International Criminal Court, shall be resolved before the latter.

⁴⁰ *Loi organique N° 15.003 portant création, organisation et fonctionnement de la Cour pénale spéciale*, 5 June 2015, section 3, second paragraph.

⁴¹ Section 70 of the Organization Act provides that "[TRANSLATION] [t]he Special Criminal Court is to exist for a term of five years, renewable as necessary, from the date on which it is effectively established. The decision on renewal shall be taken at least six months before the expiration of the Court's mandate, at the initiative of the Government of the Central African Republic and in consultation with the United Nations. The Special Criminal Court shall be dissolved automatically upon the final determination of all proceedings brought before it".

⁴² Special Criminal Court (Renewal of Mandate) Act No. 23.001, 9 January 2023. See SCC, "*Remise de la loi 23.001 du 9.01.2023 portant renouvellement du mandat de la CPS aux partenaires internationaux et au personnel de la Cour Pénale Spéciale*", 9 January 2023, available at <https://cpsrca.cf/actualite/remise-de-la-loi-23-001-du-9-01-2023-portant-renouvellement-du-mandat-de-la-cps-aux-partenaires-internationaux-et-au-personnel-de-la-cour-penale-speciale-/57/>

43. Although section 37 of the Organization Act appears to grant primacy to the jurisdiction of the ICC in the event of concurrent jurisdiction of the two courts, article 14 of the SCC Rules of Procedure and Evidence, read as a whole, rules out any automatic jurisdiction on the part of the ICC. In any event, the issue has also been disposed of by the ICC Appeals Chamber:

Regarding the CAR's Organic Law 15/003 (the 'Organic Law'), Mr Yekatom is correct that domestic law 'cannot infringe on the balance of powers among the organs of the Court or the rights of an accused'. The Court is only bound to apply the sources of law mentioned in article 21 of the Statute and the fact that the Organic Law appears to grant primacy to the Prosecutor cannot trump the principle of complementarity. Indeed, the existence of article 37 of the Organic Law does not affect the CAR authorities' ability, under international law, to prosecute Mr Yekatom domestically.⁴³

44. The SCC applies, in the first place, the Criminal Code⁴⁴ which has been in force since 6 January 2010 and which explicitly incorporated the definitions of international crimes into CAR domestic law for the first time. For the definitions of the serious violations of human rights and international humanitarian law enumerated by the Organization Act, section 3 of the Act refers to the provisions of sections 152-157 and 159-162 of the Criminal Code, which themselves largely adopt the crimes laid down in the Rome Statute, ratified by the Central African Republic on 3 October 2001.⁴⁵

45. Section 3, fourth paragraph of the Organization Act explicitly provides that the SCC may have regard to internationally established substantive norms where the legislation in force leaves a specific matter unaddressed, where there is uncertainty as to the interpretation or application of a rule of CAR law or where an issue arises as to the compatibility of CAR law with international norms. These provisions enable the SCC to avail itself of both international treaties and customary international law.

46. The Constitution of the Central African Republic⁴⁶ provides that duly ratified international treaties, such as the Rome Statute, are directly applicable and take precedence over domestic statute [*lois*] upon publication in the country's official gazette. Consequently, the Rome Statute can be relied on as a source of substantive criminal law. Furthermore, in 1984,

⁴³ ICC, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Appeals Chamber, "Judgment on Mr Yekatom's appeal against Trial Chamber V's 'Decision on the Yekatom Defence's Admissibility Challenge'", 11 February 2021, ICC-01/14-01/18-678-Red, para. 48.

⁴⁴ Central African Criminal Code Act No. 10.001 of 6 January 2010.

⁴⁵ ICC, Assembly of States Parties to the Rome Statute, available at <https://asp.icc-cpi.int/states-parties/african-states/central-african-republic>

⁴⁶ The three successive constitutions of the Central African Republic (1995, 2004 and 2013), which were in force at different times during the crisis, contain the same provisions on the applicability of international treaties. See article 69 of the 1995 Constitution, article 72 of the 2004 Constitution and article 97 of the 2013 Transitional Constitutional Charter. See also article 142 of the Constitution of the Central African Republic of 30 August 2023: "[TRANSLATION] Lawfully ratified or approved Agreements or Treaties shall, upon publication and subject to their application by the other party, take precedence over statute".

the Central African Republic ratified the 1949 Geneva Conventions and the 1977 Additional Protocols thereto.

47. The procedural rules applicable before the SCC are those provided for by the SCC Rules of Procedure and Evidence and the Code of Criminal Procedure. Section 3(4) of the Organization Act also provides that the SCC may have regard to internationally established rules of procedure where CAR legislation leaves a specific matter unaddressed, where there is uncertainty as to the interpretation or application of a rule of CAR law or where an issue arises as to the compatibility of such a rule with international norms.

48. The SCC is comprised of the following organs: the *Chambre d'instruction* [Judicial Investigation Division], the *Chambre d'accusation spéciale* [Special Indictment Division], the *Chambre d'assises* [Trial Division] and the *Chambre d'appel* [Appeals Division]. It is supported in its investigations by a dedicated *Unité Spéciale de Police Judiciaire* [Special Judicial Police Unit], MINUSCA and national judicial police bodies. Prosecutions are conducted by the Special Prosecutor. Suspects are defended by counsel admitted to the *Corps Spécial des Avocats* [Special Bar]. There is also a victims and witnesses support and protection unit.

49. In practice, the investigation procedure before the SCC can be briefly summarized as follows:

- It begins with the opening of an *enquête préliminaire* [preliminary investigation] by the Special Prosecutor which lasts six months. If, after that period, the Special Prosecutor is of the view that the investigation must continue, he or she may seek leave of the *Chambre d'accusation spéciale* to continue investigating in view of the level of complexity of the case;⁴⁷
- Where, upon completion of the preliminary investigation, there are reasons to believe that a crime within the jurisdiction of the Court has been committed, the Special Prosecutor may apply to the *Cabinet d'instruction* to open an *instruction* [judicial investigation];⁴⁸
- As soon as the *Cabinet d'instruction* considers the judicial investigation to be complete, it notifies the parties, and the Special Prosecutor has either one or two months

⁴⁷ SCC Rules of Procedure and Evidence, section 70.

⁴⁸ SCC Rules of Procedure and Evidence, sections 68 and 69.

(depending on whether the persons charged are being held in provisional detention) to file a *réquisitoire définitif* [closing brief setting out his or her reasoned view of how the case should proceed]. The judicial investigation is concluded by an order dismissing the charges or committing the case for trial before the *Chambre d'assises*.⁴⁹

The duration of the judicial investigation may not exceed two years unless so authorized by the *Chambre d'accusation spéciale* in view of the complexity of the investigation.⁵⁰

50. At the stage of the preliminary prosecutorial investigation, the Special Prosecutor and the *Unité Spéciale de Police Judiciaire* have power to carry out searches and seizures, conduct interviews and take persons into police custody.⁵¹ During the judicial investigation, the *Cabinet d'instruction* has power to take, or cause to be taken, the following steps: site visits; searches and seizures; protective measures; expert reports; exhumations; charging of suspects; questioning of persons charged; examination of witnesses and civil parties; interception of electronic communications; and *commissions rogatoires* [requests for judicial assistance; delegations of judicial investigatory powers].⁵² The *Cabinet d'instruction* also has power to charge a suspect, issue judicial warrants, place a person charged in provisional detention or under court supervision, and order interim release.⁵³

B. Investigations are ongoing in the Central African Republic

51. The SCC and ICC investigations concern the same case (1), and the competent organs of the SCC have taken concrete and progressive investigative steps (2).

(1) The national investigations concern substantially the same case as the ICC investigations

52. Although there is no doubt that the person under ICC and SCC investigation is the same, it is necessary to examine whether the investigations cover the same conduct. The facts alleged in the warrant of arrest issued by the ICC need to be compared with the facts as they appear from the proceedings before the SCC, in particular the Special Prosecutor's application of

⁴⁹ SCC Rules of Procedure and Evidence, sections 103 and 104.

⁵⁰ SCC Rules of Procedure and Evidence, sections 65-67.

⁵¹ SCC Rules of Procedure and Evidence, sections 68 and 69.

⁵² SCC Rules of Procedure and Evidence, sections 77-84, 88, 89 and 92-94.

⁵³ SCC Rules of Procedure and Evidence, sections 87 and 95-100.

30 January 2020 to open a judicial investigation⁵⁴ and the warrant of arrest issued by *Cabinet d'instruction* No. 3 on 3 May 2022⁵⁵ and amended on 15 June 2023.⁵⁶

53. As stated above,⁵⁷ what has been held to be required is not exact correspondence of the specific incidents or the charges laid, but conduct that is substantially similar.

54. According to the redacted version of the warrant of arrest issued by the ICC, the ICC investigation concerns the following offences committed in Guen between 1 February and early April 2014: murder and attempted murder, extermination, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty, rape and attempted rape and persecution as crimes against humanity; and murder and attempted murder, intentional attack against the civilian population, pillaging, rape and attempted rape, displacement of the civilian population and destruction of the adversary's property as war crimes.⁵⁸

55. According to the ICC warrant of arrest, when attacking Guen, Edmond Beina, together with his deputies Mathurin Kombo, "Armand" (also referred to as "Armand Guido" or "Armand Sakpem") and "Gyve", commanded an Anti-Balaka group consisting of 100 to 400 men and implemented a policy of targeting the Muslim population in the western CAR.⁵⁹ On 1 February 2014, Edmond Beina and his group attacked Guen, killing at least 22 Muslim civilians and wounding several others with machetes. Edmond Beina and his group controlled Guen until April 2014, forcing hundreds of Muslim civilians to flee the locality.⁶⁰ During that time, Edmond Beina and his group destroyed and looted property belonging to Muslim civilians.⁶¹

56. In the proceedings before the SCC, Edmond Beina was charged on 17 June 2024, following his first-appearance hearing, with

[TRANSLATION] having, on 1, 5 and 6 February 2014 and 6 March 2014 in Guen, Gadzi and Djomo, and in any event on the national territory, as part of a widespread and systematic attack directed against the entire Muslim civilian population by the Anti-Balaka in the prefectures of the western CAR during the

⁵⁴ **Annex 6** (DII1).

⁵⁵ **Annex 15** (C5.1).

⁵⁶ **Annex 16** (C5.2).

⁵⁷ See, above, paras. 33-34.

⁵⁸ ICC, Situation in the Central African Republic II, Pre-Trial Chamber II, "Warrant of Arrest for Edmond Beina", 7 December 2018, ICC-01/14-32-US-Exp-Red, operative part, pp. 21-22.

⁵⁹ ICC, Situation in the Central African Republic II, Pre-Trial Chamber II, "Warrant of Arrest for Edmond Beina", 7 December 2018, ICC-01/14-32-US-Exp-Red, para. 12.

⁶⁰ ICC, Situation in the Central African Republic II, Pre-Trial Chamber II, "Warrant of Arrest for Edmond Beina", 7 December 2018, ICC-01/14-32-US-Exp-Red, para. 16(a).

⁶¹ ICC, Situation in the Central African Republic II, Pre-Trial Chamber II, "Warrant of Arrest for Edmond Beina", 7 December 2018, ICC-01/14-32-US-Exp-Red, para. 16(e).

early months of 2014, committed the **crimes against humanity** of murder; extermination; persecution (of the Muslim community); deportation or forcible transfer of the population; rape, sexual slavery, enforced prostitution or any other form of sexual violence of comparable gravity; and any other inhumane acts of a similar character intentionally causing great suffering or serious injury to mental health; and, at the same places and times, as part of an armed conflict not of an international character between the Seleka and the Anti-Balaka, committed the **war crimes** [of] murder, violence to the health and physical or mental well-being of persons as well as cruel treatment such as torture, mutilation or any form of corporal punishment, attacks against the civilian population, outrages upon personal dignity, in particular humiliating or degrading treatment, rape, enforced prostitution and any form of indecent assault, pillaging [and] forced displacement of the civilian population.⁶²

57. Given where the judicial investigation now stands, it is appropriate to have regard to the facts stated in the Office of the Special Prosecutor's application of 30 January 2020 which sought the opening of that investigation.⁶³ The Office of the Special Prosecutor alleged in his application that on 1 February 2014, a group of Anti-Balaka arrived in Guen and killed at least 27 Muslims with traditional rifles and machetes; that between 1 and 5 February, the Anti-Balaka engaged in acts of pillage; that on 5 February 2014, the Anti-Balaka attacked Guen again, laid siege to the compound where some Muslims were sheltering, removed the men – 45 in total – from the group and executed them; that some Muslims then sought shelter in the neighbouring locality of Djomo; that on 6 March 2014, the Anti-Balaka went to the Catholic mission in Djomo to find Imam Adboulaye Liman, killed him and mutilated his body; and that the Anti-Balaka, and Beina specifically, engaged in sexual violence and rape.

58. From comparison of the facts under investigation before both courts it is apparent that they are identical in substance, notwithstanding some difference in scope both geographical (Guen, Gadzi and Djomo before the SCC; only Guen before the ICC) and temporal (1 and 5 February and 6 March before the SCC; between 1 February and early April 2014 before the ICC). The characterizations put forward by the two prosecuting authorities are, likewise, almost identical.

59. Furthermore, the alleged perpetrators named in the Office of the Special Prosecutor's application to open a judicial investigation include Beina, Mathurin and Armand Guilo,⁶⁴ who are also referred to in the warrant of arrest issued by the ICC. Mathurin Kombo was charged by the *Cabinet d'instruction* in the same case on 21 November 2022.⁶⁵

⁶² Annex 15 (C5.1), annex 16 (C5.2), annex 11 (DII250).

⁶³ Annex 6 (DII1).

⁶⁴ Annex 6 (DII1), p. 9.

⁶⁵ Annex 17 (DII42).

(2) Concrete and progressive investigative steps

(a) General remarks on the prosecutorial and judicial investigation proceedings

60. As a matter of procedure, the organs of the SCC and the parties have taken the steps necessary for the determination of the truth, with due regard to the legal framework applicable before the SCC.

61. Specifically, on 21 May 2019, the Special Prosecutor opened a preliminary investigation into the incidents that had occurred on 1 February, 5 February and 6 March 2014 in Guen.⁶⁶

62. On 15 November 2019, the Special Prosecutor applied to the *Chambre d'accusation spéciale* to suspend the time limit for the preliminary investigation, particularly in the light of the ICC investigation into similar facts.⁶⁷

63. On 12 December 2019, the *Chambre d'accusation spéciale* dismissed the application and ordered the Special Prosecutor to bring the case before the *Chambre d'instruction* by 31 January 2020.⁶⁸

64. On 30 January 2020, the Special Prosecutor brought the case before the *Cabinet d'instruction* by means of an application to open a judicial investigation into offences committed in Guen, Gadzi and Djomo on 1, 5 and 6 February and 6 March 2014. "Beina" was referred to specifically in the application.⁶⁹

65. On 6 February 2020, the President of the SCC designated *Cabinet d'instruction* No. 1 to conduct the judicial investigation into incriminating and exonerating circumstances.⁷⁰

66. On 10 March 2021, the President of the SCC assigned the *Guen* case to *Cabinet* No. 3. The COVID-19 health crisis meant that no steps in the judicial investigation could be taken from January 2020 to early 2021; as a result, the first steps in the judicial investigation were taken by *Cabinet d'instruction* No. 3.⁷¹

⁶⁶ Annex 1 (DI31).

⁶⁷ Annex 4 (DI27).

⁶⁸ Annex 5 (DI28), p. 19.

⁶⁹ Annex 6 (DII1).

⁷⁰ Annex 7 (DII3).

⁷¹ Annex 18 (DII37), para. 35.

67. The complexity of the judicial investigation prompted *Cabinet d'instruction* No. 3 to make a number of orders under section 106 of the Rules of Procedure and Evidence⁷² seeking to extend its duration. Such orders were made on 5 January 2022,⁷³ 5 August 2022,⁷⁴ 12 May 2023,⁷⁵ 12 February 2024⁷⁶ and 16 August 2024.⁷⁷ The last-mentioned order stated that the *Cabinet d'instruction* expected to dispose of the case in the final quarter of 2024.

(b) Proceedings against Edmond Beina

68. The Special Prosecutor's application of 30 January 2020 to open a judicial investigation referred specifically to "Beina" as one of the possible perpetrators of the offences committed in Guen, Gadzi and Djomo on 1, 5 and 6 February and 6 March 2014.⁷⁸

69. On 3 May 2022, *Cabinet d'instruction* No. 3 of the SCC issued six warrants of arrest in the *Guen* case, including one for the suspect Beina,⁷⁹ which was amended on 15 June 2023 to state the suspect's forename.⁸⁰ The basis for the warrant was the investigating judges' determination that the material on record disclosed substantial and consistent indications that

⁷² Section 106 of the Rules of Procedure and Evidence provides: "[TRANSLATION] (A) The duration of the judicial investigation shall not exceed that which is reasonable with regard to the gravity of the charges, the complexity of the investigation necessary for the determination of the truth and the exercise of the rights of the defence. (B) Where, after a period of two (2) years from the making of the application to open a judicial investigation, the judicial investigation has not been completed, the *Cabinet d'instruction* shall make an order, reasoned in accordance with the criteria laid down in subsection (A), explaining the reasons for the length of the investigation, providing justification for the continuation of the investigation and stating the prospects for disposal of the case. (C) The order shall be transmitted to the President of the *Chambre d'accusation spéciale*, who may refer the matter to the *Chambre d'accusation spéciale*. The *Chambre d'accusation spéciale* may in the interests of the proper administration of justice decide to continue the judicial investigation under its own authority, it shall exercise for that purpose all the powers of the *Cabinet d'instruction*. (D) The order provided for in the preceding subsection must be renewed every six (6) months."

⁷³ **Annex 19** (DII33). On 20 April 2022, the *Chambre d'accusation spéciale*, ruling on a referral of the order of *Cabinet d'instruction* No. 3, granted a further six months for completion of the judicial investigation. See **annex 87** (DII35).

⁷⁴ **Annex 18** (DII37), para. 59. On 29 November 2022, the *Chambre d'accusation spéciale* granted a further six months, from notification of its judgment, for completion of the judicial investigation. See **annex 20** (DII43).

⁷⁵ **Annex 21** (DII107). On 30 August 2023, the *Chambre d'accusation spéciale* delivered granted a further six months, from notification of its judgment, for continuation of the judicial investigation. See **annex 222** (DII119 bis).

⁷⁶ **Annex 22** (DII167). On 14 February 2024, the President of the *Chambre d'accusation spéciale* wrote to *Cabinet d'instruction* No. 3, explaining: "[TRANSLATION] I do not consider it necessary, in the interests of the proper administration of justice, to refer the matter to the *Chambre d'accusation spéciale* and would simply remind you that you must redouble your efforts to complete the judicial investigation and, should the need arise, renew your order of 12 February 2024 in six (6) months pursuant to section 106(D) of the RPE." See **annex 23** (DII170).

⁷⁷ **Annex 24** (DII272). On 2 September 2024, the President of the *Chambre d'accusation spéciale* wrote to *Cabinet d'instruction* No. 3, explaining: "[TRANSLATION] I do not consider it necessary, in the interests of the proper administration of justice, to refer the matter to the *Chambre d'accusation spéciale* and would simply remind you that you must continue your efforts to complete the judicial investigation and, should the need arise, renew your order of 16 August 2024 in six (6) months pursuant to section 106(D) of the RPE." See **annex 25** (DII275).

⁷⁸ **Annex 6** (DII1).

⁷⁹ **Annex 15** (C5.1).

⁸⁰ **Annex 16** (C5.2).

Edmond Beina had likely participated as a co-perpetrator in the commission of the offences on 1, 5 and 6 February and 6 March 2014 in Guen, Gadzi and Djomo.⁸¹

70. During several missions that took place from 14 December 2023 to 12 January 2024,⁸² from 26 April to 4 May 2014⁸³ and on 16 May 2024,⁸⁴ the USPJ conducted investigative operations to locate and, circumstances permitting, apprehend Edmond Beina.

71. On 16 June 2024, with backing from the ICC, the warrant of arrest was executed and served on the suspect by a team of USPJ judicial police officers supported by members of the National Gendarmerie Special Tactical Group.⁸⁵

72. On 17 June 2024, following his first-appearance hearing, Edmond Beina was charged with crimes against humanity and war crimes committed on 1, 5 and 6 February and 6 March 2014 in Guen, Gadzi and Djomo.⁸⁶

73. Edmond Beina was assisted, from the time of his arrest, by duty counsel from the Special Bar list, Mr Patrick Eric Gaba, who was also present during his first appearance before the investigating judge and with whom he was able to confer in advance.⁸⁷

74. That day, the co-investigating judge made an order remanding him to prison.⁸⁸

75. On 19 June 2024, following an inter partes hearing,⁸⁹ *Cabinet d'instruction* No. 3 made an order of provisional detention,⁹⁰ and a warrant was issued committing Edmond Beina to custody for a period of one year.⁹¹

⁸¹ **Annex 15** (C5.1), p. 3.

⁸² **Annex 26** (DII162).

⁸³ **Annex 27** (DII206).

⁸⁴ **Annex 28** (DII198).

⁸⁵ **Annex 223** (DII242), **annex 8** (DII243), **annex 9** (DII252), **annex 224** (DII256), **annex 10** (DII260).

⁸⁶ **Annex 11** (DII250).

⁸⁷ **Annex 11** (DII250), p. 2.

⁸⁸ **Annex 29** (C5.3).

⁸⁹ **Annex 30** (C5.4).

⁹⁰ **Annex 12** (C5.6).

⁹¹ **Annex 31** (C5.5).

76. On 26 June 2024, Edmond Beina underwent substantive questioning by the investigating judge.⁹² He was questioned again on 9 July 2024;⁹³ subsequently, on 24⁹⁴ and 25 September 2024,⁹⁵ he was questioned jointly with two other persons charged in the case.

(c) Proceedings against the four other persons charged in the case

77. As the preliminary judicial investigation now stands, the case concerns several suspects who have not yet been arrested and five persons who have been charged (four in custody and one under court supervision): Mathurin Kombo; François Boybanda, alias “Balere”; Philémon Kahena; Dieudonné Gomitoua; and Edmond Beina.

78. A warrant was issued for Mathurin Kombo’s arrest on 3 May 2022;⁹⁶ he was arrested on 19 November 2022⁹⁷ and brought on 21 November 2022 before the *Cabinet d’instruction*, which informed him that he was being charged.⁹⁸ On 28 November 2022, he was placed in provisional detention for a period of one year.⁹⁹ On 17 November 2023, his provisional detention was renewed for a period of one year.¹⁰⁰ He underwent substantive questioning on 23 January 2023,¹⁰¹ 13 May 2024¹⁰² and 21 May 2024.¹⁰³ Some of his statements to ICC investigators were provided by the Office of the Prosecutor of the ICC.¹⁰⁴

79. An amended warrant for the arrest of François Boyanda, alias “Balere”, was issued on 15 June 2023;¹⁰⁵ he was arrested on 6 July 2023¹⁰⁶ and brought on 8 July 2023 before the *Cabinet d’instruction*, which informed him that he was being charged.¹⁰⁷ On 11 July 2023, he was placed in provisional detention for a period of one year.¹⁰⁸ On 3 July 2024, his provisional

⁹² Annex 32 (DII262).

⁹³ Annex 33 (DII268).

⁹⁴ Annex 34 (DII278).

⁹⁵ Annex 35 (DII279).

⁹⁶ Annex 36 (C1.1).

⁹⁷ Annex 37 (C1.2).

⁹⁸ Annex 17 (DII42).

⁹⁹ Annex 38 (C1.5).

¹⁰⁰ Annex 39 (C1.11).

¹⁰¹ Annex 40 (DII47).

¹⁰² Annex 41 (DII197).

¹⁰³ Annex 42 (DII199).

¹⁰⁴ Annex 43 (DII88), annex 44 (DII89), annex 45 (DII90), annex 46 (DII91), annex 47 (DII92), annex 48 (DII93), annex 49 (DII94), annex 50 (DII95), annex 51 (DII96), annex 52 (DII97), annex 53 (DII98), annex 54 (DII99), annex 55 (DII100), annex 56 (DII101), annex 57 (DII102), annex 58 (DII103), annex 59 (DII104), annex 60 (DII105).

¹⁰⁵ Annex 61 (C2.1).

¹⁰⁶ Annex 62 (DII110), annex 225 (DII112).

¹⁰⁷ Annex 63 (DII114).

¹⁰⁸ Annex 64 (C2.5).

detention was renewed for a period of one year.¹⁰⁹ He underwent substantive questioning on 13 July 2023,¹¹⁰ 21 June 2024¹¹¹ and 1 July 2024.¹¹²

80. A warrant was issued for Philémon Kahena's arrest on 3 May 2022;¹¹³ he was arrested on 7 July 2023¹¹⁴ and brought on 8 July 2023 before the *Cabinet d'instruction*, which informed him that he was being charged.¹¹⁵ On 11 July 2023, he was placed in provisional detention for a period of one year.¹¹⁶ On 3 July 2024, his provisional detention was extended for a period of one year.¹¹⁷ He underwent substantive questioning on 17 July 2023¹¹⁸ and 20 June 2024.¹¹⁹

81. Dieudonné Gomitoa was arrested and placed in police custody on 7 May 2024¹²⁰ pursuant to a delegation of judicial investigatory powers,¹²¹ questioned by the USPJ on 8 and 9 May 2024¹²² and brought on 13 May 2024 before the *Cabinet d'instruction*, which informed him that he was being charged.¹²³ On 13 May 2024, he was placed under court supervision.¹²⁴ He underwent substantive questioning on 23 May 2024¹²⁵ and 7 June 2024.¹²⁶

(d) Cooperation with the Office of the Prosecutor of the ICC

82. Cooperation between the SCC and the ICC is governed by the provisions of the Rome Statute, the ICC Rules of Procedure and Evidence, the Organization Act, the SCC Rules of Procedure and Evidence and the CAR Code of Criminal Procedure. It is also the subject of several cooperation agreements.¹²⁷

¹⁰⁹ **Annex 65** (C2.8).

¹¹⁰ **Annex 66** (DII116).

¹¹¹ **Annex 67** (DII257).

¹¹² **Annex 68** (DII264).

¹¹³ **Annex 69** (C3.1).

¹¹⁴ **Annex 70** (DII111), **annex 226** (DII113).

¹¹⁵ **Annex 71** (DII115).

¹¹⁶ **Annex 72** (C3.5).

¹¹⁷ **Annex 73** (C3.8).

¹¹⁸ **Annex 74** (DII117).

¹¹⁹ **Annex 75** (DII255).

¹²⁰ **Annex 76** (DII187), **annex 77** (DII188), **annex 227** (DII194). Police custody was extended: **annex 78** (DII185).

¹²¹ **Annex 79** (DII176).

¹²² **Annex 80** (DII189).

¹²³ **Annex 81** (DII196).

¹²⁴ **Annex 82** (C4.1).

¹²⁵ **Annex 83** (DII201).

¹²⁶ **Annex 84** (DII239).

¹²⁷ Judicial cooperation agreement between the Central African Republic and the Office of the Prosecutor of the ICC dated 18 December 2007; Agreement amending the judicial cooperation agreement between the Central African Republic and the Office of the Prosecutor of the ICC dated 31 October 2014; Second agreement amending the judicial cooperation agreement between the and the Office of the Prosecutor of the ICC dated 12 October 2021; Memorandum of understanding between the Central African Republic and the Office of the Prosecutor of

83. Cooperation with the Office of the Prosecutor of the ICC has been particularly valuable and productive in the *Guen* case.

84. On 29 October 2019, at the stage of the preliminary investigation, the Special Prosecutor sent the Office of the Prosecutor of the ICC a request enquiring whether the ICC had opened an investigation into the incidents that had taken place in Guen on 1 February, 5 February and 6 March 2014.¹²⁸

85. On 6 November 2019, the Office of the Prosecutor of the ICC confirmed that the crimes committed in Guen between 1 February and early April 2014 formed part of the charges against Mr Patrice-Edouard Ngaïssona and that the Office of the Prosecutor was also considering prosecuting other direct perpetrators of the atrocities committed there.¹²⁹

86. The judicial investigation stage saw a ramp-up of cooperation with the Office of the Prosecutor of the ICC, with information regularly shared through correspondence, by videoconference and in person.

87. On 15 October 2021, *Cabinet d’instruction* No. 3 sent the Prosecutor of the ICC a letter of request for information relevant to the SCC investigations, including information about “Beina”. The investigating judges also asked for the opportunity to travel to the International Criminal Court to assist in the search for the documents requested.¹³⁰ Enclosed with the request was a copy of the Office of the Special Prosecutor’s application to open a judicial investigation. On 27 October 2021, the Office of the Prosecutor of the ICC acknowledged receipt of this request for international mutual assistance in a criminal matter.¹³¹

88. On 13 May 2022, *Cabinet d’instruction* No. 3 wrote to the Office of the Prosecutor of the ICC thanking it for the constructive discussions held by videoconference on 5 May 2022 and taking note that the Office of the Prosecutor of the ICC was willing to provide the *Cabinet d’instruction* with the public-domain information concerning the two cases referred to in its requests.¹³²

the ICC dated 21 November 2023; Memorandum of understanding between the SCC and the Office of the Prosecutor of the ICC dated 21 November 2023.

¹²⁸ Annex 2 (DI26).

¹²⁹ Annex 3 (DI33).

¹³⁰ Annex 85 (DII5).

¹³¹ Annex 86 (DII6).

¹³² Annex 88 (DII35 *ter*).

89. On 29 July 2022, the Office of the Prosecutor of the ICC acted on the request for judicial cooperation of 15 October 2021 and provided *Cabinet d'instruction* No. 3 with 343 documents:¹³³

[TRANSLATION] Consistent with those provisions [article 93(10) of the Rome Statute and rule 194 of the Rules of Procedure and Evidence] and its approach of encouraging national investigations and prosecutions in keeping with the principle of complementarity, the Office acts on incoming requests for cooperation with due regard to the legal requirements and requirements for the protection of third parties to which it must adhere under the applicable instruments.¹³⁴

90. From 8 to 12 August 2022, *Cabinet d'instruction* No. 3 travelled to The Hague to analyse the closed-source material in the possession of the Office of the Prosecutor of the ICC.¹³⁵

91. On 9 September 2022, *Cabinet d'instruction* No. 3 requested the transmission of 63 of the 1,092 documents inspected during the meeting in The Hague.¹³⁶

92. On 26 January 2023, *Cabinet d'instruction* No. 3 reiterated to the Office of the Prosecutor of the ICC its request for transmission of 63 documents and informed it that one of the persons charged, Mathurin Kombo, had authorized the transmission of his ICC interviews.¹³⁷

93. On 23 February 2023, the Office of the Prosecutor of the ICC transmitted 81 documents relevant to the judicial investigation of the *Guen* case.¹³⁸ These were followed on 28 February 2023 by two further documents¹³⁹ and on 29 March 2023¹⁴⁰ by the interviews and other documents obtained from Mathurin Kombo.

94. On 16 November 2023, *Cabinet d'instruction* No. 3 wrote to the Office of the Prosecutor of the ICC reiterating its request for the outstanding documents.¹⁴¹

¹³³ Annex 89 (DII36).

¹³⁴ Annex 89 (DII36), p. 2.

¹³⁵ Annex 90 (DII38).

¹³⁶ Annex 91 (DII39).

¹³⁷ Annex 92 (DII48).

¹³⁸ Annex 93 (DII52).

¹³⁹ Annex 100 (DII83).

¹⁴⁰ Annex 94 (DII87).

¹⁴¹ Annex 95 (DII127).

95. On 15 December 2023, the Office of the Prosecutor of the ICC sought transmission of the case files concerning Mr Philémon Kahena and Mr François Boybanda and requested that the SCC facilitate interviews with each of them.¹⁴²

96. By correspondence of 18 December 2023, *Cabinet d’instruction* No. 3 confirmed that Philémon Kahena and François Boybanda had been placed in provisional detention in July 2023 at Camp de Roux and granted the request of the Office of the Prosecutor of the ICC.¹⁴³

97. On 1 February 2024, the Office of the Prosecutor of the ICC requested *Cabinet d’instruction* No. 3 to transmit certain material.

98. By correspondence of 15 February 2024, *Cabinet d’instruction* No. 3 granted that request.¹⁴⁴

99. On 6 March 2024, the Office of the Prosecutor of the ICC provided documents pertaining to a witness in response to the request for mutual assistance of 15 October 2021.¹⁴⁵

100. On 1 May 2024, the Office of the Prosecutor of the ICC sought transmission by the SCC of the case file concerning Mr Beina.

101. On 10 May 2024, *Cabinet d’instruction* No. 3 replied to correspondence from the Office of the Prosecutor of the ICC, pointing out that the Office had already had the opportunity to inspect the *Guen* case file and that, after it did so, the *Cabinet d’instruction* had transmitted judicial documents to the Office of the Prosecutor of the ICC further to the request of 1 February 2024. The *Cabinet d’instruction* further pointed out that Edmond Beina was wanted by it as a person of interest.¹⁴⁶

¹⁴² **Annex 96** (DII147).

¹⁴³ **Annex 97** (DII150).

¹⁴⁴ **Annex 98** (DII169).

¹⁴⁵ **Annex 99** (DII178).

¹⁴⁶ **Annex 228** (DII183): “[TRANSLATION] The *Cabinet d’instruction* recalls that the team of investigators from the Office of the Prosecutor of the ICC were afforded access to the case file relating to the investigation into the offences committed in Guen and Djomo on 1 and 5 February and 6 March 2014. Following inspection of the file, the *Cabinet d’instruction* transmitted judicial documents to your office on the basis of your request of 1 February 2024 (OTP/CAR2/CPS-7a/PPB-mmnrn). The *Cabinet d’instruction* would point out that the case file under preparatory judicial investigation and which has already been inspected by your office includes facts concerning Mr Beina, who is currently wanted by the *Cabinet d’instruction* as a person of interest. Only the judicial document relating [to] the search for him, which is strictly confidential at this time and so was not included in the file inspected by your teams, cannot be provided to your Office until given effect by our *Cabinet*.”

102. On 9 July 2024, *Cabinet d'instruction* No. 3 reiterated a second time to the Office of the Prosecutor of the ICC its request for the documents that had not yet been transmitted to the SCC.¹⁴⁷

(e) Delegations of judicial investigatory powers, requests for judicial assistance and investigative steps

103. Throughout the judicial investigation, which remains ongoing, *Cabinet d'instruction* No. 3 has delegated power to the USPJ to take investigative steps on a number of occasions, including 30 June 2021,¹⁴⁸ 17 March 2023,¹⁴⁹ 27 July 2023¹⁵⁰ and 16 November 2023.¹⁵¹

104. From 27 November to 24 December 2021, the USPJ undertook a mission to the localities of Carnot, Djomo, Guen, Gadzi and Berbérati¹⁵² during which it interviewed 12 witnesses,¹⁵³ prepared a forensic police report,¹⁵⁴ mapped the crime scenes and the general location,¹⁵⁵ diagrammed the site,¹⁵⁶ assembled photographic records¹⁵⁷ and identified and located certain suspects.¹⁵⁸

105. From 5 to 26 December 2023, the USPJ undertook a mission to Yaloke, Bossemptele, Carnot and Berberati¹⁵⁹ to arrange the transport of witnesses living in Gadzi, Guen, Carnot and

¹⁴⁷ **Annex 101** (DII269).

¹⁴⁸ **Annex 102** (DII4). On 30 June 2021, *Cabinet d'instruction* No. 3 delegated power to the USPJ to carry out the following investigative steps: map and provide forensic reports on the crime scenes and mass graves in the villages of Guen, Gadzi and Djomo; identify and locate the suspects named in the Office of the Special Prosecutor's application to open a judicial investigation; locate the mass graves of the victims of the attacks of 1 and 5 February 2014; locate a potential witness; identify injured survivors; interview the [REDACTED] about the course of events and the identification of the 22 dead from the events of February 2014; interview [REDACTED] about the course of events; identify deceased victims and indirect victims; identify any victims of forced marriage, rape, sexual slavery or deportation; and obtain information about how the Anti-Balaka groups were organized – structurally, hierarchically or otherwise – at the time of commission of the acts and in the relevant locations.

¹⁴⁹ **Annex 103** (DII86 bis). On 17 March 2023, *Cabinet d'instruction* No. 3 delegated power to the USPJ to process the content of the video sent by the Office of the Prosecutor of the ICC. On 11 September 2023, the USPJ provided the written record of the content of Video CAR-OTP-2018-0754. See **annex 105** (DII120).

¹⁵⁰ **Annex 106** (DII119). On 27 July 2023, *Cabinet d'instruction* No. 3 delegated power to the USPJ to locate and arrange the transport to Bangui of 13 witnesses, and to carry out any seizures and take any steps necessary to give effect to its instructions.

¹⁵¹ **Annex 107** (DII165). On 16 November 2023, *Cabinet d'instruction* No. 3 made a supplemental delegation of investigatory powers, granting the USPJ an extension of time to interview additional witnesses and investigate the structure of the Anti-Balaka group in Mambéré-Kadei Prefecture in 2013/2014. The USPJ was granted a further extension of time on 1 February 2024. See **annex 229** (DII166).

¹⁵² **Annex 108** (DII32).

¹⁵³ **Annex 109** (DII31).

¹⁵⁴ **Annex 110** (DII7).

¹⁵⁵ **Annex 111** (DII8).

¹⁵⁶ **Annex 112** (DII9).

¹⁵⁷ **Annex 113** (DII10).

¹⁵⁸ **Annex 114** (DII25).

¹⁵⁹ **Annex 116** (DII155 bis).

Berberati before the *Cabinet d'instruction*, interview 12 witnesses residing in the village of Guen and execute two warrants of arrest.

106. From 15 April to 6 May 2024, the USPJ undertook a field mission to interview certain witnesses from Guen, arrange two witnesses' travel to Bangui for subsequent examination by the investigating judges and seek information about the whereabouts of three suspects with a view to their arrest.¹⁶⁰

107. The investigative steps taken by the USPJ were recorded in investigation reports¹⁶¹ and consolidated reports.¹⁶²

108. The *Cabinet d'instruction* also ordered information to be produced by a telephone service provider¹⁶³ and requested the cooperation of several entities including the United Nations High Commissioner for Refugees,¹⁶⁴ Human Rights Watch¹⁶⁵ and MINUSCA.¹⁶⁶

109. Furthermore, as the judicial investigation is conducted into both incriminating and exonerating circumstances and in a manner that affords all parties due notice and opportunity to be heard, several of the persons charged have filed requests for investigative steps in order to elucidate matters for the investigating judges.¹⁶⁷

¹⁶⁰ **Annex 117** (DII202).

¹⁶¹ **Annex 118** (DII160), **annex 119** (DII161), **annex 26** (DII162), **annex 120** (DII163), **annex 28** (DII198), **annex 121** (DII205), **annex 27** (DII206), **annex 230** (DII265).

¹⁶² **Annex 109** (DII31), **annex 122** (DII159), **annex 123** (DII204), **annex 10** (DII260).

¹⁶³ **Annex 124** (DII136).

¹⁶⁴ **Annex 125** (DII39 *bis*). On 19 October 2022, *Cabinet d'instruction* No. 3 sought the cooperation of the HRC in identifying the witnesses and victims who had fled the attacks committed in February and March 2014 in Guen, Gadzi and Djomo and were thought to be sheltering in Cameroon.

¹⁶⁵ On 2 February 2023, *Cabinet d'instruction* No. 3 sought the assistance of Human Rights Watch for the collection of evidence (**annex 231** (DII49)). On 21 June 2023, Human Rights Watch sent an email containing public-domain information (**annex 126** (DII109)).

¹⁶⁶ **Annex 127** (DII172). On 20 March 2024, *Cabinet d'instruction* No. 3 sought the support of MINUSCA for the conduct of a 21-day judicial police mission to Berberati in April/May 2024.

¹⁶⁷ On 9 October 2023, the Defence for Philémon Kahena filed two requests for the examination of two witnesses (**annex 128** (DII121)) and for the examination of 11 witnesses who had already given evidence to the *Cabinet d'instruction* (**annex 129** (DII122)). On 24 October 2023, the *Cabinet d'instruction* granted those applications (**annex 130** (DII124)).

On 27 August 2024, Mathurin Kombo applied to be examined jointly with Edmond Beina (**annex 131** (DII273)). On 28 August 2024, *Cabinet d'instruction* No. 3 granted that application (**annex 132** (DII274)).

(f) Conclusion regarding concrete and progressive investigative steps

110. The preliminary prosecutorial investigation resulted in 20 records of witness interviews,¹⁶⁸ 2 seizure reports¹⁶⁹ and a number of analysis documents produced by the *Unité Spéciale de Police Judiciaire*¹⁷⁰ and United Nations consultants.¹⁷¹

111. The results of the judicial investigation include 34 records of witness interviews;¹⁷² 18 records of questioning of persons charged;¹⁷³ 1 record of joint questioning of a witness and a person charged;¹⁷⁴ and 2 records of joint questioning of persons charged: one concerning François Boybanda, alias “Balere”, and Edmond Beina,¹⁷⁵ and one concerning Dieudonné Gomitoua and Edmond Beina.¹⁷⁶ The Office of the Prosecutor of the ICC sent 2 transcripts of witness interviews¹⁷⁷ – including that of Mathurin Kombo,¹⁷⁸ who has been charged by the SCC – along with witness statements¹⁷⁹ and documents relating to the operation and organization of the Anti-Balaka group.¹⁸⁰

¹⁶⁸ Annex 133 (DI1), annex 134 (DI2), annex 135 (DI3), annex 136 (DI4), annex 137 (DI5), annex 138 (DI6), annex 139 (DI7), annex 140 (DI8), annex 141 (DI9), annex 142 (DI10), annex 143 (DI11), annex 144 (DI12), annex 145 (DI13), annex 146 (DI14), annex 147 (DI15), annex 148 (DI16), annex 149 (DI17), annex 150 (DI18), annex 151 (DI19), annex 152 (DI20).

¹⁶⁹ Annex 153 (DI23) and annex 154 (DI24).

¹⁷⁰ Annex 155 (DI21) and annex 156 (DI32).

¹⁷¹ Annex 157 (DI30).

¹⁷² Annex 158 (DII11), annex 159 (DII12), annex 160 (DII13), annex 161 (DII14), annex 162 (DII16), annex 163 (DII17), annex 164 (DII18), annex 165 (DII19), annex 166 (DII21), annex 167 (DII22), annex 168 (DII23), annex 169 (DII24), annex 232 (DII50), annex 170 (DII106), annex 171 (DII134), annex 172 (DII135), annex 173 (DII137), annex 174 (DII138), annex 175 (DII144), annex 176 (DII145), annex 177 (DII149), annex 115 (DII115), annex 178 (DII156), annex 179 (DII177), annex 180 (DII207), annex 181 (DII208), annex 182 (DII209), annex 183 (DII210), annex 184 (DII211), annex 185 (DII212), annex 186 (DII238), annex 187 (DII241), annex 188 (DII251).

¹⁷³ Annex 17 (DII42), annex 40 (DII47), annex 63 (DII114), annex 71 (DII115), annex 66 (DII116), annex 74 (DII117), annex 80 (DII189), annex 81 (DII196), annex 41 (DII197), annex 42 (DII199), annex 83 (DII201), annex 84 (DII239), annex 11 (DII250), annex 75 (DII255), annex 67 (DII257), annex 32 (DII262), annex 68 (DII264), annex 33 (DII268).

¹⁷⁴ Annex 189 (DII153).

¹⁷⁵ Annex 34 (DII278).

¹⁷⁶ Annex 35 (DII279).

¹⁷⁷ Annex 190 (DII68), annex 191 (DII69), annex 192 (DII70), annex 193 (DII71), annex 194 (DII72), annex 195 (DII73), annex 196 (DII74), annex 197 (DII75), annex 198 (DII76), annex 199 (DII77), annex 200 (DII78), annex 201 (DII79), annex 202 (DII80), annex 203 (DII81), annex 204 (DII82).

¹⁷⁸ Annex 45 (DII90), annex 46 (DII91), annex 47 (DII92), annex 48 (DII93), annex 49 (DII94), annex 50 (DII95), annex 51 (DII96), annex 52 (DII97), annex 53 (DII98), annex 54 (DII99), annex 55 (DII100), annex 56 (DII101), annex 57 (DII102), annex 58 (DII103), annex 59 (DII104), annex 60 (DII105).

¹⁷⁹ Annex 205 (DII53), annex 104 (DII86), annex 206 (DII130), annex 207 (DII133), annex 208 (DII179).

¹⁸⁰ Annex 209 (DII56), annex 210 (DII57), annex 211 (DII58), annex 212 (DII59), annex 213 (DII60), annex 214 (DII61), annex 215 (DII62), annex 216 (DII63), annex 217 (DII64), annex 218 (DII65), annex 219 (DII66), annex 220 (DII67).

112. The judicial investigation which commenced in February 2020 is now well-advanced and on the verge of concluding: *Cabinet d’instruction* No. 3 expects to dispose of the case in the final quarter of 2024.¹⁸¹

113. In the light of the foregoing, the Central African Republic submits that concrete and progressive investigative steps have been taken by the competent authorities, namely the SCC, in the case against Edmond Beina.

C. The Central African Republic is willing and able to carry out the prosecution

114. Circumstances have changed in the Central African Republic, where the SCC has given fresh impetus to the fight against impunity – a development recognized by the international community (1). Not only is the Central African Republic willing (2) and able (3) to carry out the investigation and prosecution against Edmond Beina, but it would be inconsistent with the proper administration of justice for the SCC to relinquish jurisdiction to the ICC (4).

(1) The change of circumstances since the referral of 30 May 2014

115. It is appropriate to begin by underscoring that the circumstances which led the Central African Republic to make a referral to the ICC on 30 May 2014, and particularly the circumstances surrounding the fight against impunity, have changed significantly.

116. Among the arguments which the Central African Republic put forward in support of its request at the time were that

[TRANSLATION] the CAR courts, enduringly impacted by the violence and crises that have affected the country for a number of years, are not in a position to carry out the necessary investigations and prosecutions of these crimes. Action by the International Criminal Court now seems indispensable if the perpetrators of the most serious of these crimes, which must not go unpunished, are to be prosecuted and brought to trial”.¹⁸²

117. Whereas in 2014 the Central African Republic acknowledged that it was not in a position to carry out criminal investigations and prosecutions and requested the ICC to step in, the situation in 2024 is different. The creation and entry into operation in 2018 of the SCC –

¹⁸¹ **Annex 24** (DII272). On 2 September 2024, the President of the *Chambre d’accusation spéciale* wrote to *Cabinet d’instruction* No. 3, explaining: “[TRANSLATION] I do not consider it necessary, in the interests of the proper administration of justice, to refer the matter to the *Chambre d’accusation spéciale* and would simply remind you that you must continue your efforts to complete the judicial investigation and, should the need arise, renew your order of 16 August 2024 in six (6) months pursuant to section 106(D) of the RPE.” See **annex 25** (DII275).

¹⁸² Referral of the situation by the Central African Republic, 30 May 2014, available at <https://www.icc-cpi.int/sites/default/files/2014-05-30-CAR-referral.pdf>

with the financial, technical and logistical backing of partners including the ICC, the United Nations Development Programme, MINUSCA, the European Union, Belgium, Burkina Faso, Canada, the Democratic Republic of the Congo, Egypt, France, Germany, Madagascar, the Netherlands, Switzerland, Togo and the United States of America – has ushered in this breakthrough in the fight against impunity in the Central African Republic.

118. MINUSCA and the UNDP, in particular, played a decisive role in the establishment and entry into operation of the SCC and continue to support its work in accordance with United Nations Security Council Resolution 2709. The assistance those entities provide to the SCC is part and parcel of their mandate from the United Nations Security Council.¹⁸³

119. Since the SCC’s inaugural sitting on 22 October 2018, the Court has delivered a final judgment in the *Paoua* case;¹⁸⁴ the hearings in *Ndélé I* have reached the phase of closing oral argument; seven persons charged in *Ndélé II* have been committed for trial to the *Chambre d’assises*, which has already held several status conferences; and four persons charged, including a former Head of State, have just been committed for trial in *Bossembélé*.

120. In six years, the SCC has examined the potential criminal liability of 105 persons; 21 judicial investigations are in progress, 41 persons have been charged and 5 judicial investigations have been concluded (3 committals for trial to the *Chambre d’assises*, 1 committal which is under appeal and 1 dismissal of the charges).¹⁸⁵

121. The independence and impartiality of the SCC are illustrated by its resolve to discharge its mandate in spite of the political hurdles, as evidenced by the issuance of an international

¹⁸³ United Nations Security Council, Resolution 2709 (2023), 15 November 2023, S/RES/2709 (2023), paras. 37(e)(iv) and (v), available at <https://documents.un.org/doc/undoc/gen/n23/356/82/pdf/n2335682.pdf>: “Further authorises MINUSCA to pursue the following tasks of its mandate, working in close coordination with the United Nations Country Team, bearing in mind that these tasks as well as those in paragraph 36 above are mutually reinforcing:

[...]

(iv) To provide technical assistance, in partnership with other international partners and the UNCT, and capacity building for the CAR authorities, to facilitate the operationalisation and the functioning of the SCC, in particular in the areas of investigations, arrests, detention, criminal and forensic analysis, evidence collection and storage, recruitment and selection of personnel, court management, prosecution strategy and case development and the establishment of a legal aid system, as appropriate, as well as to provide security for magistrates, including at the premises and proceedings of the SCC, and take measures for the protection of victims and witnesses, in line with the CAR’s international humanitarian law and international human rights obligations; (v) To assist in the coordination and mobilisation of increased bilateral and multilateral support to the functioning of the SCC [...]”.

¹⁸⁴ SCC, *Chambre d’appel*, “Arrêt N. 9 relatif aux appels interjetés contre le jugement N. 003-2022 du 31 octobre 2022 de la Première Section d’Assises”, 20 July 2023, available at <https://www.legal-tools.org/doc/fls6pp/>

¹⁸⁵ SCC, *Bulletin trimestriel d’information, juillet-septembre 2024*, 24 September 2024, available at <https://cpsrca.cf/documents/bulletin-trimestriel-d-information-juillet-septembre-2024-4-27-septembre-2024-.pdf>

warrant for the arrest of former President François Bozizé Yangouvonda on 27 February 2024 and his committal for trial on 9 September 2024.¹⁸⁶

122. *Paoua*, the first case in which the SCC delivered a final judgment, is a prime example of the Court's growing activity. The trial was held from 19 April to 19 August 2022, with the trial judgment delivered on 31 October 2022¹⁸⁷ and the reparations judgment on 16 June 2023. The judgment of the *Chambre d'appel* on the appeal against the trial judgment was delivered on 20 July 2023,¹⁸⁸ and the appeal judgment on reparations on 23 October 2023.¹⁸⁹ A mere 18 months elapsed from the start of the trial to the appeal judgment on reparations.

123. On 31 August 2024, the *Service d'aide aux victimes et à la défense* [Victims and Defence Assistance Service (VDAS)] of the SCC finished implementing the reparations judgment handed down on 23 October 2023 by the *Chambre d'appel* in *Paoua*:

[TRANSLATION] Following the conviction of Issa Sallet Adoum, Yaouba Ousman and Mahamat Tahid, the VDAS delivered the reparations awarded by the *Chambre d'appel* to the civil parties, namely 9 direct victims of the crimes (including 5 victims of sexual violence) and the 32 families affected by the attack on the villages of Lemouna and Koundjili on 21 May 2019.

The sum-total of the individual and collective financial reparations awarded, which were delivered on 31 August 2024, is eighteen million eight hundred and fifty-five thousand CFA francs (XAF 18,855,000). In addition to financial reparations, the award provides that the victims of sexual violence are to have access to the *Projet Nengo* scheme. For the first time in the history of the Central African Republic, court-ordered reparations have been implemented for the direct benefit of victims who participated in the proceedings as civil parties.

In its judgment, the *Chambre d'appel* attached importance to the effective and prompt delivery of reparations measures. It is in that spirit that the VDAS has completed its task, 10 months on from the Court's decision.¹⁹⁰

¹⁸⁶ SCC, press release, 13 September 2024, available at <https://cpsrca.cf/documents/ce-lundi-9-septembre-2024-les-juges-du-cabinet-d-instruction-de-la-cour-penale-speciale-cps-ont-rendu-une-ordonnance-de-renvoi-devant-la-chambre-d-assis-de-la-cps-dans-le-dossier-d-instruction-dit-bossemebele-.pdf>

See also Security Council, 9673rd meeting, 27 June 2023, S/PV.9673, p. 7, available at <https://documents.un.org/doc/undoc/pro/n24/186/43/pdf/n2418643.pdf>: "The issuance of an international arrest warrant against former President Bozizé by the Special Criminal Court for crimes against humanity is a welcome sign that there will be no impunity for violators of human rights."

¹⁸⁷ SCC, case of *le Procureur c. ISSA SALLET Adoum alias BOZIZE, YAOUBA Ousmane et MAHAMAT Tahir, Première Section d'Assises* [Trial Section I], *Jugement N°003-2022*, 31 October 2022, available at <https://www.legal-tools.org/doc/lr7fqm/>

¹⁸⁸ SCC, case of *le Procureur c. ISSA SALLET Adoum alias BOZIZE, YAOUBA Ousmane et MAHAMAT Tahir, Chambre d'appel, Arrêt n°9 relatif aux appels interjetés contre le jugement n°003-2022 du 31 octobre 2022 de la Première Section d'Assises*, 20 July 2023, available at <https://www.legal-tools.org/doc/fls6pp/pdf>

¹⁸⁹ SCC, case of *le Procureur c. ISSA SALLET Adoum alias BOZIZE, YAOUBA Ousmane et MAHAMAT Tahir, Chambre d'appel, Arrêt no 13 relatif à l'appel interjeté contre le jugement no 001-2023 du 16 juin 2023 de la Première Section d'Assises*, 23 October 2023, available at <https://www.legal-tools.org/doc/aqlc74/>

¹⁹⁰ SCC, press release, 16 September 2024, available at <https://cpsrca.cf/documents/le-service-d-aide-aux-victimes-et-la-defense-savd-de-la-cour-penale-speciale-cps-a-acheve-l-execution-de-l-arret-sur-les-reparations-rendu-le-23-octobre-2023-par-la-chambre-d-appel-dans-l-affaire-dite-de-paoua-.pdf>. See also RFI, "Centrafrique: les réparations financières pour les crimes contre l'humanité de 2019 ont été remises aux victimes", 18 September 2024, available at <https://www.rfi.fr/fr/afrique/20240918-centrafrique-les-r%C3%A9>

124. This first judgment from the SCC has drawn positive comment from international observers¹⁹¹ and in particular the ICC Prosecutor,¹⁹² the United Nations Security Council¹⁹³ and the United States Department of State.¹⁹⁴

125. The SCC's body of decisions, although still nascent, is developing and is making a contribution to international law, as evidenced in its use by the Chambers of the ICC, particularly on the subject of reparations to victims,¹⁹⁵ establishing the SCC as "[TRANSLATION] a building block in the edifice of international criminal justice".¹⁹⁶

[parations-financi%C3%A8res-pour-les-crimes-contre-l-humanit%C3%A9-de-2019-ont-%C3%A9t%C3%A9-remises-aux-victimes](https://www.voaafric.com/a/en-centrafrique-les-victimes-du-massacre-de-paoua-indemnis%C3%A9es-cinq-ans-apr%C3%A8s/7787493.html); Voice of America, "En Centrafrique, les victimes du massacre de Paoua indemnisées cinq ans après", 17 September 2024, available at <https://www.voaafric.com/a/en-centrafrique-les-victimes-du-massacre-de-paoua-indemnis%C3%A9es-cinq-ans-apr%C3%A8s/7787493.html>

¹⁹¹ See, e.g., MINUSCA, "La Cour pénale spéciale rend son premier jugement définitif" <https://minusca.unmissions.org/la-cour-p%C3%A9nale-sp%C3%A9ciale-rend-son-premier-jugement-d%C3%A9finitif>

¹⁹² In his statement on the conclusion of the investigation phase in the situation in the Central African Republic II, the ICC Prosecutor explained: "I welcome this dynamic cooperation with the Special Criminal Court and the issuance of its first verdict on 31 October 2022 against three individuals accused of crimes against humanity and war crimes. The world is witnessing the complementarity as envisioned in the Rome Statute being made effective in the Central African Republic". See ICC, "The Prosecutor of the International Criminal Court, Karim A.A. Khan KC, announces conclusion of the investigation phase in the Situation in the Central African Republic", 16 December 2022, available at <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-announces-conclusion-investigation-0>

¹⁹³ United Nations Security Council, Resolution 2709 (2023), 15 November 2023, S/RES/2709 (2023), preamble, available at <https://documents.un.org/doc/undoc/gen/n23/356/82/pdf/n2335682.pdf>: "Stressing the urgent and imperative need to end impunity in the CAR, noting the ongoing work of the Special Criminal Court, welcoming the first final judgement of the appeals chamber of the Special Criminal Court for crimes against humanity and war crimes, and calling on the CAR authorities to swiftly investigate allegations of crimes and to bring to justice perpetrators of violations of international humanitarian law and of violations and abuses of human rights" (emphasis added).

¹⁹⁴ "The verdict, which is subject to appeal, comes on the heels of other successes for the SCC and Central African authorities, including the arrest of two former Central African Armed Forces members and one ex-Séléka militia general on charges of crimes against humanity. The achievements of the hybrid court model should signal that atrocities will not be tolerated". See U.S. Department of State, "First Trial Judgment by the Special Criminal Court in the Central African Republic (CAR)", 8 November 2022, available at <https://www.state.gov/first-trial-judgment-by-the-special-criminal-court-in-the-central-african-republic-car/>

¹⁹⁵ ICC, *The Prosecutor v. Dominic Ongwen*, Trial Chamber IX, "Reparation Order", 28 February 2024, ICC-02/04-01/15-2074, para. 579; ICC, *The Prosecutor v. Bosco Ntaganda*, Trial Chamber II, "Second Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations", 27 February 2024, ICC-01/04-02/06-2894-Red, para. 42.

¹⁹⁶ *Revue de science criminelle et de droit pénal comparé*, Iryna Grebenyuk, "La Cour pénale spéciale centrafricaine : une illustration de 'complémentarité élargie' ?", 2018, available at <https://shs.cairn.info/revue-de-science-criminelle-et-de-droit-penal-compare-2018-1-page-1?lang=fr#re22no22>

126. The SCC's efforts in the fight against impunity have been recognized by the United Nations Secretary-General,¹⁹⁷ the members of the Security Council,¹⁹⁸ civil society¹⁹⁹ and the United States Ambassador-at-Large for Global Criminal Justice, Beth Van Schaack.²⁰⁰ The renewal of the SCC's mandate on 9 January 2023 was also welcomed by the United Nations Secretary-General²⁰¹ and the Special Representative of the Secretary-General for the Central African Republic.²⁰²

¹⁹⁷ "46. On 5 December, the Special Criminal Court launched the trial of its second case concerning 10 individuals accused of war crimes and crimes against humanity committed in Ndélé in 2020 during clashes between two factions of the Front populaire pour la renaissance de la Centrafrique. Hearings were adjourned on 8 December and resumed on 16 January. [...]"

78. I welcome the resumption of criminal hearings by the court martial and the opening by the Special Criminal Court of the trial of its second case, demonstrating progress in the fight against impunity, which is a priority to end the cycle of violence and promote reconciliation. The three criminal sessions that were held in a single year by the Bangui Court of Appeal are unprecedented and a sign of the strengthening of the criminal justice system in that jurisdiction. I also welcome the trial of the case concerning the two Moroccan peacekeepers killed during an attack against the village of Zemio on 3 January 2017. The conviction of one individual in the case is an important step towards accountability for crimes committed against peacekeepers".

See United Nations Security Council, Report of the Secretary-General, 15 February 2024, S/2024/170, paras. 46 and 78, available at https://minusca.unmissions.org/sites/default/files/s_2024_170_1.pdf

¹⁹⁸ "The efforts of the Special Criminal Court in addressing war crimes and crimes against humanity, and in particular the reopening of hearings into the intercommunal violence in Ndélé, are commendable". See Security Council, 9673rd meeting, 27 June 2024, S/PV. 9673, p. 5, available at <https://documents.un.org/doc/undoc/pro/n24/186/43/pdf/n2418643.pdf>

See also Security Council, 9265th meeting, 21 February 2023, S/PV.9265, pp. 6, 7, 10, 13, 18 and 20, available at https://digitallibrary.un.org/record/4004241/files/S_PV.9265-EN.pdf

¹⁹⁹ *Le Monde*, "En Centrafrique, la Cour pénale spéciale passe à la vitesse supérieure", 26 May 2020, available at https://www.lemonde.fr/afrique/article/2020/05/26/en-centrafrique-la-cour-penale-speciale-passe-a-la-vitesse-superieure_6040801_3212.html; Human Rights Watch, "Key Arrests in Central African Republic", 11 September 2024, available at <https://www.hrw.org/news/2024/09/11/key-arrests-central-african-republic>; Amnesty International, "CAR: Former President François Bozizé must face trial for crimes against humanity", 30 April 2024, available at <https://www.amnesty.org/en/latest/news/2024/04/car-former-president-francois-bozize-must-face-trial-for-crimes-against-humanity/>; Human Rights Watch, "Central African Republic: Step Toward Accountability", 2 July 2024, available at <https://www.hrw.org/news/2024/07/02/central-african-republic-step-toward-accountability>

²⁰⁰ "I commend the work of Central African Republic's Special Criminal Court, & and their national and international jurists, in fighting for justice for all Central Africans. Recent arrest & the announcement of charges against former President Bozizé show there is not expiration date on justice & accountability", available at https://www.linkedin.com/posts/beth-van-schaack_key-arrests-in-central-african-republic-activity-7240486094474022913-BOKH and https://x.com/StateDept_GCJ/status/1834719598442152019

The United States Ambassador for Global Justice attributed the following remark to the ICC Prosecutor: "I do not need to advance any additional indictments in CAR because the Special Criminal Court is working and working well". See *Asymmetrical Haircuts*, episode 73, 27 January 2023, at 00:34:04, available at <https://www.asymmetricalhaircuts.com/episodes/episode-73-what-about-u-s-with-beth-van-schaack/>

²⁰¹ "I welcome the renewal of the mandate of the Special Criminal Court and the holding of the second criminal session of the Bangui Court of Appeals, demonstrating progress in the fight against impunity. It is critical to build on those commendable achievements and improve the functioning of the courts outside Bangui to guarantee equal access to justice for all".

See Security Council, Report of the Secretary-General, 16 February 2023, S/2023/108, para. 88, available at https://minusca.unmissions.org/sites/default/files/unsg_report_on_car_-_february_2023.pdf

²⁰² "I welcome the renewal of the mandate of the Special Criminal Court following consultations between His Excellency President Touadera and myself. Valuable support was provided to the Special Criminal Court by MINUSCA. I call on Member States and partners to contribute to the Court's budget, which has now reached a level of maturity that allows it to handle more cases and render justice to the victims of the conflict."

127. The example set by the SCC appears to be prompting other countries, such as the Democratic Republic of the Congo, to follow suit. On 14 October 2024, the ICC Prosecutor welcomed “the decision taken by the DRC authorities to set up a steering committee to work on the establishment of a special criminal court for the DRC”.²⁰³

128. The Office of the Prosecutor of the ICC has taken note of, and drawn all the appropriate conclusions from, the change of circumstances in the CAR, not least on 16 December 2022 when announcing the close of the investigation phase in the CAR II situation before the ICC. The Prosecutor reiterated his support for the SCC and stated, in particular:

I welcome this dynamic cooperation with the Special Criminal Court and the issuance of its first verdict on 31 October 2022 against three individuals accused of crimes against humanity and war crimes. The world is witnessing the complementarity as envisioned in the Rome Statute being made effective in the Central African Republic.”²⁰⁴

He went on to say:

In the discussions held between my Office and Central African Republic authorities we have addressed a common vision through which the focus of action for accountability will now move to the domestic level, with the committed and meaningful support of my Office.²⁰⁵

129. In November 2023, in his remarks following the conclusion of the memorandum of understanding with the CAR Government, ICC Deputy Prosecutor Niang recalled:

Since taking oath, the ICC Prosecutor has been clear that the flag behind the jurisdiction which brings hope to the victims does not matter. We are determined to work closely with the national justice system in CAR, in particular the SCC, to ensure that investigations and prosecutions at the domestic level are supported through the sharing of information and expertise, as necessary. The signing of this MoU reflects the Office’s commitment to support national initiatives in CAR whenever possible to bring to justice those responsible for committing international crimes through concrete actions including information and expertise sharing.²⁰⁶

See Security Council, 9265th meeting, 21 February 2023, S/PV.9265, p. 4, available at https://digitallibrary.un.org/record/4004241/files/S_PV.9265-EN.pdf

²⁰³ ICC, statement, “Statement of ICC Prosecutor Karim A.A. Khan KC on the Situation in the Democratic Republic of the Congo and renewed investigations”, 14 October 2024, available at <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-situation-democratic-republic-congo-and-renewed>

²⁰⁴ ICC, statement, “The Prosecutor of the International Criminal Court, Karim A.A. Khan KC, announces conclusion of the investigation phase in the Situation in the Central African Republic”, 16 December 2022, available at <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-announces-conclusion-investigation-0>. Emphasis added.

²⁰⁵ ICC, statement, “The Prosecutor of the International Criminal Court, Karim A.A. Khan KC, announces conclusion of the investigation phase in the Situation in the Central African Republic”, 16 December 2022, available at <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-announces-conclusion-investigation-0>

²⁰⁶ ICC, statement, “The Deputy Prosecutor of the ICC, Mame Mandiaye Niang, concludes his visit to the Central African Republic on the occasion of the signing of two memoranda of understanding, deepening cooperation and complementarity with the national justice system”, 24 November 2023, available at <https://www.icc-cpi.int/news/deputy-prosecutor-icc-mame-mandiaye-niang-concludes-his-visit-central-african-republic>. Emphasis added.

130. The 2023 annual report of the Office of the Prosecutor of the ICC also makes clear the ICC's ambition to "move the focus of action" to the CAR domestic courts:

This new phase of engagement and cooperation between the Office and the CAR is a clear example of dynamic complementarity working in practice. Mutual discussions between the Office and CAR authorities produced a common vision for transferring accountability actions from the international level to the domestic level.²⁰⁷

The Office of the Prosecutor of the ICC further acknowledged that "[t]he world is witnessing complementarity as envisioned in the Rome Statute being made effective in the Central African Republic".²⁰⁸

131. On 24 April 2024, at the ceremony held in Bangui for the launch of the complementarity and cooperation policy of the Office of the Prosecutor of the ICC, ICC Deputy Prosecutor Mame Mandiaye Niang spoke of the CAR as an example of the rising role of domestic authorities in addressing international crimes. As the ICC press release put it: "The Deputy Prosecutor underlined that a partnership-centered approach offered the possibility of delivering more for victims, including through both the SCC and ordinary national courts in CAR, which investigate and prosecute international crimes committed in that country."²⁰⁹

132. Thus the approach of the Office of the Prosecutor of the ICC in the Central African Republic is now primarily focused on cooperation and assistance to the domestic courts, in line with the principle of complementarity, as spelled out in its Policy on Complementarity and Cooperation:

[T]he core principles of cooperation and complementarity at the heart of the Rome Statute are inextricably linked and mutually dependent. By strengthening our ability to cooperate with national authorities in addressing core international crimes, and by increasing our capacity to provide tangible support to domestic proceedings, we can foster a stronger basis for national actors to uphold their primary responsibilities and thereby reduce the need for the Office to step in.²¹⁰

(2) The Central African Republic is willing to prosecute and investigate

133. All the information presented in the section on concrete and progressive investigative steps (IV. B. 2) shows that the Central African Republic is willing to investigate and prosecute the person charged, Edmond Beina, and that no attempt whatsoever is being made to shield

²⁰⁷ ICC, Office of the Prosecutor Annual Report 2023, 6 December 2023, p. 78, available at <https://www.icc-cpi.int/sites/default/files/2023-12/2023-otp-annual-report.pdf>

²⁰⁸ ICC, Office of the Prosecutor Annual Report 2023, 6 December 2023, p. 78, available at <https://www.icc-cpi.int/sites/default/files/2023-12/2023-otp-annual-report.pdf>

²⁰⁹ ICC, press release, "ICC Office of the Prosecutor launches Policy on Complementarity and Cooperation", 25 April 2024, available at <https://www.icc-cpi.int/news/icc-office-prosecutor-launches-policy-complementarity-and-cooperation>

²¹⁰ ICC, Office of the Prosecutor, "Policy on Complementarity and Cooperation", April 2024, p. 63, available at <https://www.icc-cpi.int/sites/default/files/2024-04/2024-comp-policy-eng.pdf>

him, within the meaning of article 17(2)(a) of the Rome Statute, from criminal responsibility for crimes within the jurisdiction of the ICC. Quite the contrary: what is sought is to bring him before the SCC, a court with jurisdiction over the crimes laid down in the Rome Statute and incorporated into CAR domestic law, in accordance with the international obligations of the Central African Republic.

134. There has been no unjustified delay in the proceedings under way before the SCC that could cast doubt on the willingness of the Central African Republic to bring Edmond Beina to justice within the meaning of article 17(2)(b) of the Rome Statute, since both the preliminary prosecutorial investigation and the judicial investigation of the *Guen* case have proceeded in accordance with the law applicable before the SCC and the international obligations of the Central African Republic.²¹¹

135. The orders extending the duration of the judicial investigation stated the investigating judges' reasons for making them and were transmitted to the President of the *Chambre d'accusation* in accordance with the provisions of section 106 of the SCC Rules of Procedure and Evidence.²¹² In spite of the COVID-19 pandemic and the logistical challenges faced by the SCC, the judicial investigation has been conducted expeditiously, as pointed out by the President of the *Chambre d'accusation* in his letter of 2 September 2024: "[TRANSLATION] the President of the *Chambre d'accusation spéciale* decided that your investigation was to continue. Considering the expeditious steps you have taken thus far and those remaining to be taken, that conclusion still stands".²¹³

136. Lastly, the investigations have been conducted independently and impartially by the Special Prosecutor, the *Cabinet d'instruction* and the USPJ, under the supervision of the *Chambre d'accusation spéciale*, in a manner that is not inconsistent with an intent to bring Edmond Beina to justice within the meaning of article 17(2)(c) of the Rome Statute. The SCC is a hybrid court composed of national and international judges and prosecutors. That mixed composition is reflected in each of its organs, including those involved in conducting the prosecutorial and judicial investigations in *Guen*.

²¹¹ Section 3, paragraph 4 of the Organization Act provides that "[TRANSLATION] [t]he Special Criminal Court may have regard to internationally established substantive norms and rules of procedure where the legislation in force leaves a specific matter unaddressed, where there is uncertainty as to the interpretation or application of a rule of CAR law or where an issue arises as to the compatibility of CAR law with international norms".

²¹² See, above, section IV. B. 2. (a).

²¹³ **Annex 25** (DII275).

(3) The Central African Republic is able to prosecute and investigate

137. The Central African Republic is able, within the meaning of article 17(3) of the Rome Statute, to obtain the accused and the necessary evidence and testimony and to carry out its proceedings.

138. Edmond Beina was arrested by the CAR authorities with the support of the ICC and is now in custody²¹⁴ at the disposal of SCC *Cabinet d'instruction* No. 3.

139. As stated above (IV. B. 2), *Cabinet d'instruction* No. 3 has taken numerous investigative steps, including witness examinations. Evidence has also been obtained through the cooperation of the Office of the Prosecutor of the ICC and other entities.

140. The persons charged are represented by counsel admitted to the SCC Special Bar and are entitled to make requests for investigative steps to the *Cabinet d'instruction*,²¹⁵ a right they have exercised successfully, moreover, in the *Guen* case.²¹⁶

141. Witness security is of central concern to the SCC, whose Rules of Procedure and Evidence provide for the creation of an *Unité de soutien et de protection des victimes et des témoins* [Victims and Witnesses Support and Protection Unit]²¹⁷ (USPVT). In the present case, the USPVT prepared a witness protection plan at the stage of the preliminary prosecutorial investigation.²¹⁸ A psychologist is also available to the Court to assist witnesses or victims if they so request.

142. Although the Central African Republic is contending with a number of logistical, security-related and other difficulties, it is worth noting that it has mechanisms and partners to help it overcome those challenges. In the *Guen* case, the SCC has been able to rely on the cooperation and support of the ICC, the United Nations Development Programme, MINUSCA and other partners. Security concerns have not adversely affected the collection of evidence and the smooth progress of the judicial investigation.

²¹⁴ **Annex 31** (C5.5).

²¹⁵ SCC Rules of Procedure and Evidence, section 86.

²¹⁶ **Annex 130** (DII124), **annex 132** (DII274).

²¹⁷ SCC Rules of Procedure and Evidence, section 46.

²¹⁸ **Annex 221** (DI25).

(4) Relinquishment of jurisdiction by the SCC to the ICC would undermine the principle of the proper administration of justice

143. After four years of proceedings, the SCC's investigation in the *Guen* case will shortly reach the stage at which the judicial investigation comes to a close. It would be inconsistent with the proper administration of justice to terminate the proceedings at a time when the case may be committed for trial to the *Chambre d'assises* in 2024.

144. For the reasons set out below, the SCC is the most appropriate forum for this trial.

(a) Judicial economy

145. Edmond Beina is not the only person charged in the *Guen* case: charges have also been preferred against Mathurin Kombo; François Boybanda, alias “Balere”; Philémon Kahena; and Dieudonné Gomitoua. It is important for all the persons charged in the case to be tried at the same time, so as to afford the bench a complete picture of the facts.

146. Common sense and the concept of judicial economy call for a single trial of all five co-accused rather than two trials involving one accused before the ICC and four accused before the SCC.

147. Lastly, the fact that a trial before the SCC would be more expeditious and less costly, particularly in terms of witness transport and interpreting costs, for example, is undeniable. All SCC judges and prosecutors speak French – some also speak Sango – and are thoroughly acquainted with the CAR context.

(b) The principle of legal certainty

148. To the best of the Central African Republic's knowledge, the ICC has not issued warrants for the arrest of Mathurin Kombo; François Boybanda, alias “Balere”; Philémon Kahena; Dieudonné Gomitoua; or any other suspects for whom warrants of arrest have been issued in the *Guen* case before the SCC. The ICC would therefore be in a position to try only Edmond Beina, leaving the other persons charged in the case to stand trial before the SCC. In such a situation, the judgment delivered by the ICC would constitute a new circumstance capable of leading to an application for revision of the judgment handed down by the SCC.²¹⁹

²¹⁹ Section 141(A) of the SCC Rules of Procedure and Evidence provides that “[TRANSLATION] [r]evision of a first-instance or appeal judgment which is final may be sought by the convicted person or, in the event of incapacity, by his or her counsel. Where the convicted person is deceased or declared missing, by his or her spouse,

(c) The rights of victims

149. The impact on witnesses and victims who testify in the court proceedings must be taken into account. A single trial before the SCC would reduce the risk of retraumatization of the victims by limiting the number of times they have to provide their testimony. Obviating the need for them to travel abroad to testify would also reduce the risks of stigmatization and identification of the victims in their respective communities.

150. The SCC has a Victims and Witnesses Support and Protection Unit and a psychologist whom witnesses can consult.

(d) The right to be tried within a reasonable time

151. As stated above, the judicial investigation of the *Guen* case before the SCC is well-advanced. Before any surrender to the ICC, the surrender proceedings will have to take their course in accordance with the provisions of sections 348 *et seq.* of the CAR Code of Criminal Procedure. Pre-Trial Chamber II will then have to prepare the case with a view to arranging the confirmation of charges hearing.

152. Two other cases arising out of the situation in the CAR II are currently pending before the ICC: the case against Alfred Yekatom and Patrice-Edouard Ngaïssona, whose trial commenced on 16 February 2021 and remains ongoing, and the case against Mahamat Saïd Abdel Kani, whose trial commenced on 26 September 2022 and likewise remains ongoing.²²⁰ The Office of the Prosecutor of the ICC gave notice on 16 October 2023 that it was withdrawing the charges against Maxime Jeoffroy Eli Mokom Gawaka.²²¹

153. As far as the *Guen* case is concerned, the proceedings before the SCC seem more likely to be completed expeditiously than those before the ICC since, at the SCC, the duration of the proceedings before the *Chambre d'assises* is limited by section 127 of the Rules of Procedure and Evidence to no more than six months from their commencement.²²²

children, parents or one person who has been given express instructions to bring such a claim.” Section 142(a) provides that revision of a first-instance or appeal judgment which is final may be sought “[TRANSLATION] [w]here, after conviction, a new circumstance arises or new information is discovered which was unknown to the Court at the time of trial and which is capable of establishing the innocence of the convicted person or casting doubt on his or her guilt”.

²²⁰ ICC website, <https://www.icc-cpi.int/carII>

²²¹ ICC, *The Prosecutor v. Maxime Jeoffroy Eli Molom Gawaka*, Office of the Prosecutor, “Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka”, 16 October 2023, ICC-01/14-01/22-275.

²²² Section 127 of the Rules of Procedure and Evidence provides that “[TRANSLATION] [s]ave in exceptional circumstances duly justified with regard to the gravity of the charges against the accused, the complexity of the

(e) The proximity of the SCC

154. The SCC sits in Bangui and can transfer its seat to any other location on the territory of the Central African Republic.²²³ This puts it closest to the places where the crimes occurred and to the people affected by them. As a result, people in the CAR can attend court or listen to the public hearings broadcast on national and local radio. The SCC also has an Outreach Unit to inform the population about its work.

155. The Central African Republic believes that a judicial process which takes place on its territory will have a significant impact on the reconstruction of the country, the fight against impunity and the achievement of lasting peace.

hearings necessary for the determination of the truth and the exercise of the rights of the defence, the duration of the proceedings before the *Sections d'assises* [Trial Sections] shall not exceed six (06) months from the commencement thereof".

²²³ Organization Act, section 2.

V. **Conclusion**

156. The Central African Republic considers the case against Edmond Beina to be inadmissible before the ICC under article 17 of the Rome Statute. The case is currently before a hybrid court of competent jurisdiction which has taken concrete and progressive investigative steps that show the Central African Republic's willingness and ability to see the proceedings through to completion in accordance with the principle of the proper administration of justice.

157. For the reasons set out above, the Central African Republic, acting pursuant to article 95 of the Rome Statute, exercises its right to postpone the execution of the warrant issued for Edmond Beina's arrest pending a decision by Pre-Trial Chamber II.

FOR THESE REASONS, MAY IT PLEASE PRE-TRIAL CHAMBER II:

Having regard to the Preamble of the Rome Statute

Having regard to articles 17, 19 and 95 of the Rome Statute;

Having regard to rule 58 of the Rules of Procedure and Evidence;

- **To determine that this request may be entertained;**
- **To determine that the case against Edmond Beina is inadmissible before the ICC;**

Accordingly:

- **To vacate the warrant issued by the ICC for Edmond Beina's arrest.**

[stamp: Ministry for Justice, Promotion of Human Rights and Good Governance – Unity - Dignity - Labour – The Minister]

Dated this 14 November 2024 at Bangui
[signed]

Dr Arnaud Djoubaye Abazène
Minister of Justice, Promotion of Human Rights and Good Governance

LIST OF ANNEXES

Annex no.	Document no.	Document	Date
1	DI31	Dispatch from the Special Prosecutor to the Director of the <i>Unité spéciale de la police judiciaire</i>	21 May 2019
2	DI26	Letter from the Special Prosecutor to the Prosecutor of the International Criminal Court	29 October 2019
3	DI33	Letter from the Office of the Prosecutor of the ICC to the Office of the Special Prosecutor	6 November 2019
4	DI27	Application to suspend the time limit for a prosecutorial investigation	15 November 2019
5	DI28	Order concerning the application of the Special Prosecutor of the Special Criminal Court to suspend the time limit for his preliminary investigation	12 December 2019
6	DII1	Application to open a judicial investigation	20 January 2020
7	DII3	Order designating a <i>Cabinet d'instruction</i>	6 February 2020
8	DII243	Record of service of warrant of arrest on Beina, Edmond	16 June 2024
9	DII252	Letter from the investigating judges of <i>Cabinet</i> No. 3 to the Office of the Prosecutor of the ICC	18 June 2024
10	DII260	Consolidated report – execution of the warrant issued for the arrest of Edmond Beina	16 June 2024
11	DII250	Record of first appearance before the investigating judge	17 June 2024
12	C5.6	Order placing Edmond Beina in provisional detention	19 June 2024
13	DII253	Letter from the investigating judges of <i>Cabinet</i> No. 3 to the Chief Prosecutor of the Bangui Court of Appeal	20 June 2024
14	DII254	Letter from the investigating judges of <i>Cabinet</i> No. 3 to the Special Representative of the United Nations Secretary-General in the Central African Republic	20 June 2024
15	C5.1	Warrant for the arrest of Beina	3 May 2022
16	C5.2	Amended warrant for the arrest of Edmond Beina	15 June 2023

17	DII42	Record of first appearance of Mathurin Kombo before the investigating judges	21 November 2022
18	DII37	Order pursuant to section 106(D) of the SCC RPE	5 August 2022
19	DII33	Order pursuant to section 106 of the SCC RPE	5 January 2022
20	DII43	Judgment No. 027 of the <i>Chambre d'accusation spéciale</i>	29 November 2022
21	DII107	Order pursuant to section 106(D) of the SCC RPE	12 May 2023
22	DII167	Order pursuant to section 106(D) of the SCC RPE	12 February 2024
23	DII170	Letter from the President of the <i>Chambre d'accusation spéciale</i> of the Special Criminal Court to the judges of <i>Cabinet d'instruction</i> No. 3	14 February 2024
24	DII272	Order pursuant to section 106(D) of the SCC RPE	16 August 2024
25	DII275	Letter from the President of the <i>Chambre d'accusation spéciale</i> of the Special Criminal Court to the judges of <i>Cabinet d'instruction</i> No. 3	2 September 2024
26	DII162	Investigation report – in-person contact and discussion with suspect Beina	12 January 2024
27	DII206	Investigation report – Search for information on whereabouts of Edmond Beina, [REDACTED]	4 May 2024
28	DII198	Investigation report – photograph of Edmond Beina obtained	16 May 2024
29	C5.3	Order remanding Edmond Beina to prison	17 June 2024
30	C5.4	Record of inter partes hearing	19 June 2024
31	C5.5	Warrant committing Edmond Beina to custody	19 June 2024
32	DII262	Record of questioning of Edmond Beina	26 June 2024
33	DII268	Record of questioning of Edmond Beina	9 July 2024
34	DII278	Record of joint questioning of François Boybanda, alias “Balere”, and Edmond Beina	24 September 2024
35	DII279	Record of joint questioning of Dieudonné Gomitoua and Edmond Beina	24 September 2024
36	C1.1	Warrant for the arrest of Mathurin Kombo	3 May 2022
37	C1.2	Record of service of warrant for the arrest of Mathurin Kombo	19 November 2022
38	C1.5	Order for provisional detention of Mathurin Kombo	28 November 2022
39	C1.11	Order extending the provisional detention of Mathurin Kombo	17 November 2023

40	DII47	Record of questioning of Mathurin Kombo	23 January 2023
41	DII197	Record of questioning of Mathurin Kombo	24 May 2024
42	DII199	Record of questioning of Mathurin Kombo	21 May 2024
43	DII88	Documents concerning Mathurin Kombo transmitted by the Office of the Prosecutor of the ICC	
44	DII89	“Investigation report” concerning Mathurin Kombo transmitted by the Office of the Prosecutor of the ICC	30 October 2018
45	DII90	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	4 July 2018
46	DII91	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	4 July 2018
47	DII92	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	5 July 2018
48	DII93	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	5 July 2018
49	DII94	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	5 July 2018
50	DII95	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	6 July 2018
51	DII96	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	6 July 2018
52	DII97	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	6 July 2018
53	DII98	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	6 July 2018
54	DII99	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	6 July 2018
55	DII100	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	7 July 2018
56	DII101	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	7 July 2018

57	DII102	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	7 July 2018
58	DII103	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	8 July 2018
59	DII104	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	8 July 2018
60	DII105	Transcript of interview of Mathurin Kombo Nama transmitted by the Office of the Prosecutor of the ICC	8 July 2018
61	C2.1	Amended warrant for the arrest of François Boyanda alias “Balere”	15 June 2023
62	DII110	Arrest report concerning suspect François Boybanda	7 July 2023
63	DII114	Record of first appearance of François Boybanda, alias “Balere”, before the investigating judges	8 July 2023
64	C2.5	Order for provisional detention of François Boybanda, alias “Balere”	11 July 2023
65	C2.8	Order extending the provisional detention of François Boybanda, alias “Balere”	3 July 2024
66	DII116	Record of questioning of François Boybanda, alias “Balere”	13 July 2023
67	DII257	Record of questioning of François Boybanda, alias “Balere”	21 June 2024
68	DII264	Record of questioning of François Boybanda, alias “Balere”	1 July 2024
69	C3.1	Warrant for the arrest of Philémon Kahena	3 May 2022
70	DII111	Arrest report concerning suspect Philémon Kahena	7 July 2023
71	DII115	Record of first appearance of Philémon Kahena before the investigating judges	8 July 2023
72	C3.5	Order for provisional detention of Philémon Kahena	11 July 2023
73	C3.8	Order extending the provisional detention of Philémon Kahena	4 July 2024
74	DII117	Record of questioning of Philémon Kahena	17 July 2023
75	DII255	Record of questioning of Philémon Kahena	20 June 2024
76	DII187	Arrest report concerning Dieudonné Gomitoua	8 May 2024
77	DII188	Record of notification of placement in police custody of Dieudonné Gomitoua	7 May 2024
78	DII185	Order extending police custody of Dieudonné Gomitoua	10 May 2024

79	DII176	Delegation of judicial investigatory powers	26 April 2024
80	DII189	Record of questioning of suspect Dieudonné Gomitoua	8 May 2024
81	DII196	Record of first appearance of Dieudonné Gomitoua before the investigating judges	13 May 2024
82	C4.1	Order placing Dieudonné Gomitoua under court supervision	13 May 2024
83	DII201	Record of questioning of Dieudonné Gomitoua	23 May 2024
84	DII239	Record of questioning of Dieudonné Gomitoua	7 June 2024
85	DII5	International letter of request	15 October 2021
86	DII6	Letter from the Office of the Prosecutor of the ICC to the investigating judges of <i>Cabinet No. 3</i>	27 October 2021
87	DII35	Judgment No. 006 of the <i>Chambre d'accusation</i>	20 April 2022
88	DII35 <i>ter</i>	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	13 May 2022
89	DII36	Letter from the Office of the Prosecutor of the ICC to <i>Cabinet d'instruction</i> No. 3	29 July 2022
90	DII38	Letter from the Office of the Prosecutor of the ICC to <i>Cabinet d'instruction</i> No. 3	22 July 2022
91	DII39	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	9 September 2022
92	DII48	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	26 January 2023
93	DII52	Letter from the Office of the Prosecutor of the ICC to <i>Cabinet d'instruction</i> No. 3	23 February 2023
94	DII87	Letter from the Office of the Prosecutor of the ICC to <i>Cabinet d'instruction</i> No. 3	29 March 2023
95	DII127	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	16 November 2023
96	DII147	Letter from the Office of the Prosecutor of the ICC to <i>Cabinet d'instruction</i> No. 3	15 December 2023
97	DII150	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	18 December 2023

98	DII169	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	15 February 2024
99	DII178	Letter from the Office of the Prosecutor of the ICC to <i>Cabinet d'instruction</i> No. 3	6 March 2024
100	DII83	Letter from the Office of the Prosecutor of the ICC to <i>Cabinet d'instruction</i> No. 3	28 February 2023
101	DII269	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	9 July 2024
102	DII4	Delegation of judicial investigatory powers	30 June 2021
103	DII86 <i>bis</i>	Delegation of judicial investigatory powers	17 March 2023
104	DII86	“Record of witness interview” transmitted by the Office of the Prosecutor of the ICC	5 September 2019
105	DII120	Report on content of video CAR-OTP-2018-0754	28 August 2023
106	DII119	Delegation of judicial investigatory powers	27 July 2023
107	DII165	Delegation of judicial investigatory powers	16 November 2023
108	DII32	Judicial investigation mission report	5 January 2022
109	DII31	Consolidated report	5 July 2021
110	DII7	Forensic police report	10 January 2021
111	DII8	Site diagram	
112	DII9	Location map of the villages of Guen, Gadzi and Djomo	
113	DII10	Photographic record	
114	DII25	Identification of suspects	
115	DII155	Record of witness interview	27 December 2023
116	DII155 <i>bis</i>	Debrief report on mission to Boali and Bossembele	26 December 2023
117	DII202	Debrief report on mission to Berberati	29 May 2024
118	DII160	Investigation report	26 December 2023
119	DII161	Investigation report – photographs taken of named suspects at Camp Deroux	11 January 2024
120	DII163	Investigation report – search for information on whereabouts of [REDACTED]	11 January 2024
121	DII205	Investigation report	16 April 2024
122	DII159	Consolidated report	30 January 2024
123	DII204	Consolidated report	17 May 2024
124	DII136	Order for production of information by a qualified person	8 December 2023

125	DII39 <i>bis</i>	Request for judicial assistance addressed to the Office of the United Nations High Commissioner for Refugees	19 October 2022
126	DII109	Correspondence from Human Rights Watch to <i>Cabinet d'instruction</i> No. 3	21 June 2023
127	DII172	Letter from <i>Cabinet d'instruction</i> No. 3 to the Special Representative of the United Nations Secretary-General in the Central African Republic	20 March 2024
128	DII121	Investigation request from Philémon Kahena	9 October 2023
129	DII122	Investigation request from François Boybanda	9 October 2023
130	DII124	Response of <i>Cabinet d'instruction</i> No. 3 to the investigation requests of Philémon Kahena and François Boybanda	24 October 2023
131	DII273	Investigation request from Mathurin Kombo	27 August 2024
132	DII274	Response of <i>Cabinet d'instruction</i> No. 3 to the investigation request of Mathurin Kombo	29 August 2024
133	DI1	Record of witness interview	19 July 2019
134	DI2	Record of witness interview	24 July 2019
135	DI3	Record of witness interview	13 October 2019
136	DI4	Record of witness interview	13 October 2019
137	DI5	Record of witness interview	14 October 2019
138	DI6	Record of witness interview	15 October 2019
139	DI7	Record of witness interview	16 October 2019
140	DI8	Record of witness interview	19 October 2019
141	DI9	Record of witness interview	17 October 2019
142	DI10	Record of witness interview	20 October 2019
143	DI11	Record of witness interview	21 October 2019
144	DI12	Record of witness interview	21 October 2019
145	DI13	Record of witness interview	23 October 2019
146	DI14	Record of witness interview	23 October 2019
147	DI15	Record of witness interview	23 October 2019
148	DI16	Record of witness interview	26 October 2019
149	DI17	Record of witness interview	27 October 2019
150	DI18	Record of witness interview	25 October 2019
151	DI19	Record of witness interview	29 October 2019
152	DI20	Record of witness interview	27 October 2019
153	DI23	Record of seizure of objects, documents or other material surrendered voluntarily	3 August 2019
154	DI24	Record of seizure of objects, documents or other material surrendered voluntarily	17 October 2019
155	DI21	Consolidated report	21 November 2019

156	DI32	Technical report in the case concerning the events that took place in Guen and in Djomo in February and March 2014	30 January 2020
157	DI30	Analysis by United Nations consultants	
158	DII11	Record of witness interview	7 December 2021
159	DII12	Record of witness interview	7 December 2021
160	DII13	Record of witness interview	7 December 2021
161	DII14	Record of witness interview	9 December 2021
162	DII16	Record of witness interview	11 December 2021
163	DII17	Record of witness interview	11 December 2021
164	DII18	Record of witness interview	12 December 2021
165	DII19	Record of witness interview	14 December 2021
166	DII21	Record of witness interview	16 December 2021
167	DII22	Record of witness interview	16 December 2021
168	DII23	Record of witness interview	17 December 2021
169	DII24	Record of witness interview	21 December 2021
170	DII106	Record of witness interview	23 May 2023
171	DII134	Record of witness interview	5 December 2023
172	DII135	Record of witness interview	6 December 2023
173	DII137	Record of witness interview	12 December 2023
174	DII138	Record of witness interview	13 December 2023
175	DII144	Record of witness interview	14 December 2023
176	DII145	Record of witness interview	15 December 2023
177	DII149	Record of witness interview	18 December 2023
178	DII156	Record of witness interview	26 January 2024
179	DII177	Record of witness interview	
180	DII207	Record of witness interview	18 April 2024
181	DII208	Record of witness interview	18 April 2024
182	DII209	Record of witness interview	19 April 2024
183	DII210	Record of witness interview	23 April 2024
184	DII211	Record of witness interview	27 April 2024
185	DII212	Record of witness interview	30 April 2024
186	DII238	Record of witness interview	5 June 2024
187	DII241	Record of witness interview	19 June 2024
188	DII251	Record of witness interview	17 June 2024
189	DII153	Record of joint questioning of [REDACTED] and Mathurin Kombo	21 December 2023
190	DII68	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	8 April 2019
191	DII69	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	8 April 2019
192	DII70	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	9 April 2019
193	DII71	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	9 April 2019

194	DII72	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	9 April 2019
195	DII73	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	9 April 2019
196	DII74	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	10 April 2019
197	DII75	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	10 April 2019
198	DII76	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	10 April 2019
199	DII77	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	10 April 2019
200	DII78	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	10 April 2019
201	DII79	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	11 April 2019
202	DII80	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	11 April 2019
203	DII81	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	11 April 2019
204	DII82	Transcript of witness interview transmitted by the Office of the Prosecutor of the ICC	11 April 2019
205	DII53	Witness statement transmitted by the Office of the Prosecutor of the ICC	19 September 2018
206	DII130	Witness statement transmitted by the Office of the Prosecutor of the ICC	1 December 2015
207	DII133	Witness statement transmitted by the Office of the Prosecutor of the ICC	19 September 2018
208	DII179	Witness statement transmitted by the Office of the Prosecutor of the ICC	28 November 2015
209	DII56	Anti-Balaka outreach order, National Road no. 1 between Bangui and Beloko	29 July 2015
210	DII57	Authorization to participate in the Bangui forum	3 May 2015
211	DII58	Organization chart of the coordination office	

212	DII59	<i>Parti Centrafricain pour l'unité et le développement</i> [Central African Unity and Development Party] – List of former Anti-Balaka members	
213	DII60	<i>Parti Centrafricain pour l'unité et le développement</i> – Former Anti-Balaka members	
214	DII61	Networks of Anti-Balaka members in the city of Bangui	
215	DII62	List of military personnel	
216	DII63	Composition of the national coordination office	
217	DII64	List of military personnel	
218	DII65	Picture of Kolongo Base 1A	
219	DII66	Certificate of acknowledgement	
220	DII67	Mission order	
221	DI25	Protection plan for witnesses in the <i>Guen</i> case and assessment report on threats and risks to witnesses cooperating with the SCC in the <i>Guen</i> case in the Central African Republic	
222	DII119 bis	Judgment no. 019 on continuation of the judicial investigation in “ <i>Guen</i> ”	30 August 2023
223	DII242	Arrest report concerning suspect Beina, Edmond	16 June 2024
224	DII256	Report on mission to execute amended arrest warrant No. Guen-00005-190521 / <i>PQS Sommier</i> CAB3N°003/21 issued by <i>Cabinet d'instruction</i> No. 3 on 15 June 2024	18 June 2024
225	DII112	Service of warrant for the arrest of François Boybanda, alias “Balere”	6 July 2023
226	DII113	Service of warrant for the arrest of Philémon Kahena	7 July 2023
227	DII194	Final report on police custody of Dieudonné Gomitoua	13 May 2024
228	DII183	Letter from <i>Cabinet d'instruction</i> No. 3 to the Office of the Prosecutor of the ICC	10 May 2024
229	DII166	Order extending time for execution of the instructions given under the delegation of judicial investigatory powers of 27 July 2023 as supplemented on 16 November 2023	1 February 2024
230	DII265	Investigation report	1 July 2024
231	DII49	Letter from <i>Cabinet d'instruction</i> No. 3 to the Associate Director of Human Rights Watch	2 February 2023
232	DII50	Record of witness interview	16 February 2023