

1 International Criminal Court
2 Appeals Chamber
3 Situation: Central African Republic II
4 ICC-01/14
5 Presiding Judge Gocha Lordkipanidze
6 Appeals Judgement - Courtroom 1
7 Wednesday, 11 March 2026
8 (The hearing starts in open session at 11.01 a.m.)
9 THE COURT USHER: [11:01:26] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE LORDKIPANIDZE: [11:02:04](Microphone not activated)
13 THE COURT OFFICER: [11:02:16] Good morning, Mr President.
14 This is the second situation in the Central African Republic, case reference ICC-01/14.
15 And for the record, we are in open session.
16 PRESIDING JUDGE LORDKIPANIDZE: [11:02:28](Microphone not activated)
17 THE INTERPRETER: [11:02:43] Microphone.
18 PRESIDING JUDGE LORDKIPANIDZE: [11:03:02](Microphone not activated) ...
19 and Judge Erdenebalsuren Damdin.
20 I note for the presence of the authorities of the Central African Republic, the Defence
21 team, the Office of the Prosecutor and the Office of Public Counsel for Victims. I
22 take it that the attendees are the same as the ones appearing on the list which the
23 court officer kindly provided to the Chamber before the hearing. If the composition
24 of any of the teams has changed, please notify the court officer by email.
25 The Appeals Chamber is today delivering its judgement in the appeal filed by the

1 Defence of Mr Edmond Beina against the decision of Pre-Trial Chamber II of
2 12 September 2025 entitled "Decision on the Central African Republic's challenge to
3 the admissibility of the case against Edmond Beina". I shall refer to the decision as
4 the "Impugned Decision".

5 This is a non-authoritative summary of the Appeals Chamber's written judgement in
6 the appeal. The written judgement is the authoritative text and it will be notified
7 after this hearing.

8 I now move to the background to the appeal proceedings.

9 Pre-Trial Chamber II, hereinafter "Pre-Trial Chamber", on 7 December 2018, issued a
10 warrant of arrest against Mr Beina for crimes against humanity and war crimes
11 allegedly committed in Guen between at least 1 February to early April 2014. On
12 3 May 2022, the *Cour pénale spéciale*, hereinafter "CPS", in the Central African Republic
13 issued a warrant for the arrest of Mr Beina.

14 In June 2024, Mr Beina was arrested in the Central African Republic, and
15 in October 2024, the Central African Republic challenged the admissibility of
16 Mr Beina's case before the Court, hereinafter "Admissibility Challenge".

17 On 12 September 2025, the Pre-Trial Chamber issued the Impugned Decision, in
18 which it determined that the case against Mr Beina before the Court is inadmissible
19 under Article 17(1)(a) of the Statute. The Defence for Mr Beina, hereinafter "the
20 Appellant", appealed the decision, raising five grounds of appeal.

21 I now move to the Appeals Chamber's judgment.

22 Today's Appeals Chamber judgment is unanimous. For reasons that I shall proceed
23 to outline, the Impugned Decision is confirmed.

24 Ground of appeal 1.

25 Under the first ground of appeal, the Appellant submits that the Pre-Trial Chamber

1 erred by distinguishing between different organs of the Central African Republic in
2 its assessment of whether the Central African Republic, as "a State" within the
3 meaning of Article 19(2)(b) of the Statute, brought its Admissibility Challenge "at the
4 earliest opportunity", in accordance with Article 19(5) of the Statute.

5 The Appeals Chamber recalls its consistent jurisprudence that "[a]rticle 19(5) of the
6 Statute requires a State to challenge admissibility as soon as possible once it is in a
7 position to actually assert a conflict of jurisdictions" and that "[a]dmissibility
8 proceedings should [...] only be triggered when a State is ready and able, in its view,
9 to fully demonstrate a conflict of jurisdiction on the basis that the requirements set out
10 in Article 17 are met".

11 The Appeals Chamber notes that the Pre-Trial Chamber, in line with the
12 aforementioned jurisprudence and based on the submissions before it, carried out a
13 holistic examination of the timeline of the relevant events, and concluded that, prior
14 to August 2024, the State was not in a position to determine that there was a conflict
15 of jurisdiction, nor could it have sought to demonstrate the inadmissibility of the case
16 before the Court at an earlier juncture.

17 The Appeals Chamber emphasises that, as correctly assessed by the Pre-Trial
18 Chamber, what matters is at which point in time, taking a comprehensive view on the
19 question of "State" for the above purposes, the Central African Republic was in a
20 position to actually and fully demonstrate the jurisdictional conflict.

21 In light of the foregoing, the Appeals Chamber rejects the first ground of appeal.

22 Grounds of appeal 2, 3, 4 and 5 grounds of appeal.

23 Under the second, third, fourth and fifth ground of appeal, the Appellant submits that
24 the Pre-Trial Chamber erred in its assessment under Article 17(2)(c) of the Statute by
25 considering as irrelevant and/or unsubstantiated its submissions relating to the

1 Central African Republic's judicial system as a whole and other "comparable cases".
2 According to the Appellant, these submissions showed the "unwillingness" of the
3 CAR genuinely to carry out the proceedings against Mr Beina.
4 Concerning the fourth and fifth grounds of appeal, the Appeals Chamber recalls that
5 while "human rights standards may assist in the Court in its assessment of whether
6 the proceedings are or were conducted 'independently or impartially' within the
7 meaning of Article 17(2)(c) of the Statute", this Court "was not established to be an
8 international court of human rights, sitting in judgment over domestic legal systems
9 to ensure that they are compliant with international standards of human rights". It is
10 not for the Court to pass judgment "generally on the internal functioning of the
11 domestic legal systems of States in relation to individual guarantees of due process".
12 The Appeals Chamber further recalls that "unwillingness" within the meaning of
13 Article 17(2)(c) of the Statute is "primarily concerned with a situation in which
14 proceedings are conducted in a manner which would lead to a suspect evading justice
15 as a result of a State not being willing genuinely to investigate or prosecute". As
16 such, "the notions of independence impartiality [under this provision] must be seen in
17 this light".
18 The Appeals Chamber notes that the Pre-Trial Chamber, in accordance with the
19 abovementioned established jurisprudence of the Court, found that it did not need to
20 assess whether the proceedings against Mr Beina before the CPS in the Central
21 African Republic are or have been conducted in a manner which is inconsistent with
22 an intent to bring the person to justice, given that it had not been established that
23 these proceedings "are not being conducted independently or impartially".
24 The Appeals Chamber further notes that the Pre-Trial Chamber considered that the
25 CPS has a witness protection mechanism, duly assessed the Appellant's submissions

1 in this regard and found that "there is no information before the Chamber suggesting
2 that witnesses in the proceedings against Mr Beina would be deliberately exposed to,
3 or intentionally left unprotected from reprisals".

4 In light of the above, the Appeals Chamber finds that the Appellant has failed to
5 show any error in the Pre-Trial Chamber's assessment of whether the proceedings
6 against Mr Beina before the CPS are being or have been conducted independently or
7 impartially, or in a manner inconsistent with an intent to bring Mr Beina to justice.

8 Therefore, the Appeals Chamber rejects the fourth and fifth grounds of appeal.

9 Consequently, and noting the Appellant's submission that the third ground of appeal
10 is "fund[amentally] linked with" the fourth ground of appeal, the Appeals Chamber
11 deems it unnecessary to entertain the Appellant's arguments under the third ground
12 of appeal.

13 Lastly, the Appeals Chamber notes the Appellant's contention under the second
14 ground of appeal that the Pre-Trial Chamber, in essence, reversed the Central African
15 Republic's burden of proof to show that the case against Mr Beina before the Court is
16 inadmissible, when it dismissed the Appellant's submissions alleging a lack of
17 independence impartiality of the Central African Republic's judiciary and an absence
18 of effective witness protection mechanisms in the Central African Republic.

19 The Appeals Chamber recalls that "a State that challenges the admissibility of a case
20 bears the burden of proof to show that the case is inadmissible".

21 The Appeals Chamber notes that this was the approach adopted by the Pre-Trial
22 Chamber. The Pre-Trial Chamber assessed the two-limb test under Article 17(1)(a)
23 of the Statute on the basis of the information provided by the Central African
24 Republic authorities and in light of the Appellant's submissions. This is to be
25 distinguished from finding that the Appellant failed to substantiate how the general

1 information it provided concretely impacts the proceedings against Mr Beina. In this
2 regard, the Appeals Chamber recalls that "it is an essential tenet of the rule of law that
3 judicial decisions must be based on facts established by evidence" and, crucially, that
4 "[p]roviding evidence to substantiate an allegation is a hallmark of judicial
5 proceedings".

6 Accordingly, the Appeals Chamber finds that the Appellant has not demonstrated
7 any error in the approach or findings of the Pre-Trial Chamber. Therefore, the
8 Appeals Chamber rejects the second ground of appeal.

9 In concluding, for these reasons, and for the reasons stated more fully in the written
10 judgment, the Appeals Chamber unanimously rejects the appeal and confirms the
11 Impugned Decision.

12 This brings us to the ends of the summary of the Appeals Chamber's judgement.

13 I would like to thank the legal team that assisted me in this appeal, the court reporters,
14 interpreters and other Registry staff for their valuable assistance today in holding this
15 hearing.

16 The hearing is adjourned.

17 THE USHER: [11:17:03] All rise.

18 (The hearing ends in open session at 11.17 a.m.)