

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18
Date: 17 September 2025

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Kimberly Prost
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

SITUATION IN CENTRAL AFRICAN REPUBLIC II

*IN THE CASE OF THE PROSECUTOR v.
ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA*

Public

Public redacted version of "Prosecution's Response to "Defence Request for Leave to Reply to the "Prosecution's Observations to 'Request for Amendment of Mr Ngaïssona's Contact restrictions' (ICC-01/14-01/18-2802- Conf)" (ICC-01/14-01/18-2803-Conf)", ICC-01/14-01/18-2805-Conf, 28 August 2025

Source: The Office of the Prosecutor

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

D29

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☒ Legal Representatives of the Victims

V44

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☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☒ The Office of Public Counsel for the Defence

☐ States' Representatives

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Reparations Section

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) opposes the NGAISSONA Defence’s Request for leave to Reply¹ to the Prosecution’s observations on the Defence’s request to amend the conditions of detention (“Observations”).² For the reasons set out below, the Appeals Chamber (“Chamber”) should dismiss the Request.

II. CONFIDENTIALITY

2. In accordance with regulation 23 *bis* (2) of the Regulations of the Court, this document is filed as “Confidential” as it responds to a filing of the same designation. A “Public Redacted” version of the Request will be filed as soon as practicable.

III. SUBMISSIONS

3. The Request fails to satisfy the threshold requirements for the Chamber to grant leave to reply for three principal reasons, set out below.

4. *First*, the Request is predicated on a flawed understanding of the Prosecution’s Observations. The Observations are not limited to an assessment of the risk inherent in amending the conditions of detention on the *sole basis* of NGAISSONA’s direct contact with [REDACTED]. Rather, the assessment is informed by his potential contact with persons of influence in respect of his associates and supporters – including members of the Anti-Balaka, whether direct or indirect.³

5. *Second*, the NGAISSONA Defence should have reasonably anticipated that, insofar as it sought to relax NGAISSONA’s conditions — even if limited, the Prosecution would necessarily set out its concerns regarding, not only the prior conduct of the Defendant, but also of those members of his political party, supporters, and Anti-Balaka members relevant to the Chamber’s full consideration of the issue.

¹ ICC-01/14-01/18-2803-Conf (“Request”).

² ICC-01/14-01/18-2802-Conf.

³ *Contra* ICC-01/14-01/18-2803-Conf, para. 5 (incorrectly asserting that the Prosecution’s Observations are based on a “demonstrably inaccurate assumption that Mr Ngaïssona maintains contact with [REDACTED]”).

This is even more so, given that on 16 July 2024, the Prosecution submitted observations in relation to the Registry's Thirteenth Report on the Implementation of the Restrictions on Contacts of Mr Ngaïssona.⁴ In arguing that the current contact restrictions should remain in place, the Prosecution noted in particular, "the continued need to safeguard potential further proceedings, as well as to protect witnesses who have provided evidence in this case at risk to their own and their families' well-being."⁵

6. The conduct of, *inter alia*, [REDACTED] particularly, given his influence over NGAISSONA's supporters and members of the Anti-Balaka,⁶ goes directly to this issue. Moreover, as is evident in the Observations, [REDACTED] *present* conduct directly impacts this issue. The concern arises regardless of whether he receives information directly from the Defendant, or *indirectly* through other persons on his contact list. The point is that significant information pertinent to the case commonly circulates among [REDACTED].⁷ Hence, the Defence's argument that "concerns about Mr Ngaïssona's close relations with, and influence over, members of the Anti-Balaka and [REDACTED] are unfounded in the present circumstances"⁸, is inapposite.

7. *Third*, the proposed Reply on whether the public statements of [REDACTED] are *relevant* to the issue at hand – whether the Chamber should relax the contact restrictions in place is neither necessary nor helpful. The Chamber is well disposed to assess for itself the relative risks attending any proposed modification of the current contact restrictions irrespective of the Prosecution's "focus" in its Observations. With that said, it bears noting that the current restrictions have remained in force in the proceedings before the Trial Chamber largely unmodified.

⁴ See ICC-01/14-01/18-2779-Conf ("Thirteenth Report"); see ICC-01/14-01/18-2781-Conf ("Prosecution's Observations on the Thirteenth Report").

⁵ ICC-01/14-01/18-2781-Conf, para. 6.

⁶ See ICC-01/14-01/18-T-092, p. 76, l. 8-p. 78, l. 13 (noting that most of the Anti-Balaka combatants are [REDACTED]).

⁷ See ICC-01/14-01/18-T-29, p. 6, l. 19-p. 7, l. 22 (noting [REDACTED] is the purpose of their discussions is the case against NGAISSONA).

⁸ ICC-01/14-01/18-2803-Conf, para. 5.

IV. CONCLUSION

8. For the foregoing reasons, the Prosecution requests that the Chamber reject the present Request.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 17th day of September 2025
At The Hague, The Netherlands