

**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 "Corrected version of "Prosecution's Observations to
"Request for Amendment of Mr Ngaissona's Contact Restrictions (ICC-01/14-
01/18-2795)""", ICC-01/14-01/18-2802-Conf, 21 August 2025", ICC-01/14-01/18-2802-
Conf-Cor, 17 September 2025

Source: The Office of the Prosecutor

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) opposes the NGAISSONA Defence’s Request to modify the Defendant’s conditions of detention (“Request”).¹ Unlike the circumstances concerning the YEKATOM Defence’s *‘Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions’*², NGAISSONA’s prior conduct as reported by the Registry, together with conduct implicating his close associates in impropriety regarding contact with trial witnesses warrants the Appeals Chamber’s (“Chamber”) rejection of the Request.

II. CONFIDENTIALITY

2. In accordance with regulation 23 *bis* (1) of the Regulations of the Court, these Observations and their Annex are filed as “Confidential” as they refer to information in prior filings and decisions which are not public. A “Public Redacted” version of the Request will be filed as soon as practicable.

III. SUBMISSIONS

- *There is no compelling basis for the modification of the contact restrictions imposed and maintained by Trial Chamber V*

3. At the outset it bears noting that, in its 24 July 2025 *‘Twelfth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention’*, Trial Chamber V determined that “*there has been no material change in circumstances since the Eleventh Restrictions Decision. Accordingly, it sees no need to modify the restrictions regime currently in place [...].*”³ Contrary to the Request⁴, there is no compelling basis for the

¹ ICC-01/14-01/18-2795.

² See ICC-01/14-01/18-2792; see also ICC-01/14-01/18-2793 (deferring to the Appeals Chamber the disposition of the Yekatom Defence’s *‘Urgent Request for Amendment of Mr Yekatom’s Contact Restrictions (ICC-01/14-01/18-2792)*).

³ ICC-01/14-01/18-2785, para. 5 (emphasis added) (“Twelfth Contact Restrictions Decision”).

⁴ ICC-01/14-01/18-2795, para. 5.

modifications sought, even if limited and temporary in scope. Moreover, unlike YEKATOM, none is justified in the Defendant's *particular* circumstances.

- *An objective risk continues to exist*

4. *First*, as the Prosecution's 16 July 2025 observations on NGAISSONA's contact restrictions rehearse, the Defendant has a prior reported history of circumventing Trial Chamber V's order on contact restrictions,⁵ which the Judgment acknowledges.⁶

5. The Registry has reported, *inter alia*, NGAISSONA's use of coded language and prohibited discussion of the case.⁷ While Trial Chamber V accepted certain explanations provided by the NGAISSONA Defence in addressing the reported violations, the objective risk to the proceedings as assessed by Trial Chamber V in its Twelfth Contact Restrictions Decision and noted in the Judgement remains substantively unchanged.

6. *Second*, the Defendant maintains close relations with, and influence over, members of the Anti-Balaka and his political party '*Parti centrafricain pour l'unité et le développement*' ("PCUD")⁸ – which remains active in the Central African Republic ("CAR"), where the political and security situation remains unstable and highly complex.⁹ Of particular concern is the Defendant's continuing association with members of the Anti-Balaka and [REDACTED] the PCUD [REDACTED] implicated in improper contacts with witnesses during the trial.¹⁰

⁵ See ICC-01/14-01/18-2781-Conf.

⁶ See ICC-01/14-01/18-2784-Red, para. 4680.

⁷ See e.g. ICC-01/14-01/18-2759-Conf, para. 7 (*improper discussion of the case*); ICC-01/14-01/18-1536-Conf-Exp (*access to uninspected material*); ICC-01/14-01/18-2012-Conf (*access to uninspected material*); ICC-01/14-01/18-2143-Conf, paras. 8-10 (*use of coded language referring [REDACTED]*); ICC-01/14-01/18-469-Conf-Exp-Red, para. 22 (*use of coded language, and interaction with unauthorised individuals. see ICC-01/14-01/18-484-Red2, para. 22 "In the Chamber's view, these incidents demonstrate his willingness to disregard the restrictions and to conceal conversations from the Registry and ultimately the Chamber. This is, as PTC II noted, a serious matter: »*)

⁸ See Oubangis medias, '*Centrafrique : Edouard Patrice Ngaïssona fait sa déclaration non assermentée devant la CPI, ses proches réagissent pour le soutenir*', 30 August 2024 (noting, *inter alia*, « *Les militants et sympathisants du parti politique Pcu de Ngaïssona, croient en sa vision jusqu'aujourd'hui* ») <https://oubanguimedias.com/2024/08/30/centrafrique-edouard-patrice-ngaissona-fait-sa-declaration-non-assermentee-devant-la-cpi-ses-proches-reagissent-pour-le-soutenir/>.

⁹ ICC-01/14-01/18-2777-Conf, para. 10.

¹⁰ See ICC-01/14-01/18-2657-Conf (particularly, paras. 11 *et seq.* and fn 12 (*internal citations omitted*); see ICC-01/14-01/18-1575-Conf, paras. 26-27.

7. Although terminated as [REDACTED] for the NGAISSONA Defence in September 2024,¹¹ [REDACTED] has continued [REDACTED] since the 24 July 2025 Judgement whereby, as he has previously asserted,¹² [REDACTED] continues in perpetuating a false narrative claiming that NGAISSONA's arrest and now conviction are, *inter alia*, politically motivated:

[REDACTED]¹³

8. In an interview shortly after the delivery of the Judgement, [REDACTED] stated:

[REDACTED]¹⁴

9. [REDACTED] public statements also reflect [REDACTED] influence over the PCUD and its constituents – and by extension, that of the Defendant's.

10. For instance, in expressing [REDACTED] criticism of municipal elections last October, [REDACTED].¹⁵ [REDACTED] public rhetoric [REDACTED] in the Defendant's political party, underscore the existence of an objective risk to the integrity of these proceedings. As Trial Chamber V has observed, interference with witnesses can be prompted by supporters of a Party to proceedings even without that Party's direct involvement.¹⁶

11. In the present circumstances, relaxing the current contact restrictions - even on the limited basis proposed¹⁷ - would unnecessarily augment existing risks to the integrity of the *ongoing proceedings* posed by the Defendant and his supporters.

12. *Finally*, any undertaking or safeguard put in place by the Chamber so that the Defendant does not reveal the identity of protected persons, confidential information,

¹¹ ICC-01/14-01/18-2670-Conf, para. 14.

¹² [REDACTED].

¹³ [REDACTED], Annex.

¹⁴ [REDACTED].

¹⁵ [REDACTED].

¹⁶ See in the context of submission of prior recorded testimony pursuant to rule 68(2)(d) of the Rules, ICC-01/14-01/18-2126-Red, para. 20 ("Interpreting the provision as being applicable to interference by supporters of a party to proceedings – without the party's direct involvement – is consistent with the deterrent effect intended by the drafters with the aim of creating a broader disincentive for interested persons to interfere with witnesses before the Court.")

¹⁷ See ICC-01/14-01/18-2795, paras. 4, 7.

or otherwise use obscure or coded language in conversations with his non-privileged contacts¹⁸ would be ineffective, given: a) [REDACTED] former position [REDACTED];¹⁹ b) [REDACTED] knowledge of confidential information;²⁰ c) [REDACTED] previous improper contacts with trial witnesses;²¹ and d) [REDACTED] intention to impugn the Court's proceedings and Judgement.

- *The present restrictions are proportional and necessary*

13. Contrary to the assertions in the Request,²² maintaining the present contact restrictions is not disproportionate or unfair. Alternative means for NGAISSONA to appropriately communicate "the outcome of the proceedings with his family"²³ remain.

14. *First*, the circumstances and import of the Defendant's conviction of 28 counts of war crimes and crimes against humanity are publicly available in a particularly exhaustive decision. The "visibility" of the case and the circumstances surrounding it are nothing new.²⁴ Indeed, the Defendant's own constituents have taken part in the public discourse concerning the case in CAR. *Second*, there is no impediment to NGAISSONA's Counsel — as officer of the Court — appropriately apprising those who need any further explication concerning the convictions, sentence, and the posture of the proceedings. To the extent that such information is sought from the Defendant, he is well disposed to direct his family members to his Counsel to address their concerns.

¹⁸ The Prosecution is currently unaware whether [REDACTED] — as a former Defence [REDACTED] — continues to be on NGAISSONA's non-privileged contact list.

¹⁹ At least since April 2021, when it became known to the Prosecution, *see* ICC-01/14-01/18-972-Conf-Exp, para. 8.

²⁰ *See e.g.*, ICC-01/14-01/18-2166-Conf, para. 3 [REDACTED].

²¹ *See* above, para. 6.

²² ICC-01/14-01/18-2795, para. 6.

²³ ICC-01/14-01/18-2795, para. 5.

²⁴ *Contra* ICC-01/14-01/18-2795, para. 6.

15. As such, rejecting the Request would in no way unreasonably impinge on the Defendant's 'family life' nor 'well-being', as suggested.²⁵ By contrast, as measured against NGAISSONA's detention record, the potential vulnerability of witnesses – particularly those significant to the convictions –, and the continuation of the proceedings, the Request fails to establish any compelling need to depart from the Trial Chamber's 24 July 2025 determination.

IV. CONCLUSION

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



Mame Mandiaye Niang, Deputy Prosecutor

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

²⁵ *Contra* ICC-01/14-01/18-2795, para. 6.