

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 02 October 2025

THE APPEALS CHAMBER

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

**Public Document
With Confidential Annex A**

**Public Redacted Version of "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)"" filed on 25 August 2025**

Source: Defence of Patrice-Edouard Ngaïssona

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

D30

D29

☒ Legal Representatives of the Victims

V44

V45

☐ 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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☒ Detention Section

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Reparations Section

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I. INTRODUCTION

1. Pursuant to regulation 24(5) of the Regulations of the Court, the Defence for Mr. Patrice-Edouard Ngaïssona ("Defence") hereby respectfully seeks leave to reply to the "Prosecution's Observations to 'Request for Amendment of Mr Ngaïssona's Contact Restrictions (ICC-01/14-01/18-2795)'" ("Prosecution's Observations").¹ The Defence could not have reasonably anticipated one issue from the Prosecution's Observations, thus warranting a succinct reply thereto. A limited and focused reply on this discrete issue would assist the Appeals Chamber ("Chamber") in its determination of the "Request for Amendment of Mr Ngaïssona's Contact Restrictions" ("Defence Request").

II. CONFIDENTIALITY

2. The present response is filed on a confidential basis pursuant to regulation 23bis(2) of the Regulations of the Court ('RoC') since it responds to a filing of the same classification. A public redacted version shall be filed in due course.

III. SUBMISSIONS

3. The Defence respectfully seeks leave to reply to correct a fundamental factual error underlying the Prosecution's Observations and to address the Prosecution's inappropriate attempt to relitigate matters concerning Mr Ngaïssona's character that are irrelevant to the determination of the Defence Request.²

4. The Defence requests leave to reply on the following succinct issue:

whether [REDACTED] are relevant to the determination of the Defence's request to amend Mr Ngaïssona's current communication restrictions, where:

- the Defence Request is limited to allowing Mr Ngaïssona to discuss non-confidential aspects of the Judgement with his approved non-privileged contacts; and

¹ ICC-01/14-01/18-2802-Conf.

² ICC-01/14-01/18-2781-Conf, paras 3 and 7; ICC-01/14-01/18-2782-Conf, paras 8-13.

- [REDACTED] is not included on Mr Ngaïssona's approved non-privileged contact list.
5. The Defence could not have anticipated that the Prosecution would ground its opposition on the demonstrably inaccurate assumption that Mr Ngaïssona [REDACTED] contact with [REDACTED] while simultaneously acknowledging in a footnote their own uncertainty as to whether [REDACTED] is on Mr Ngaïssona's contact list.³ This approach is particularly troubling given that [REDACTED] is not included on Mr Ngaïssona's list of non-privileged contacts, and no communication between them is [REDACTED] permitted under the Registry-managed contact regime.⁴ If the present request is granted, the Defence will concisely address how the Prosecution's purported concerns about Mr Ngaïssona's close relations with, and influence over, members of the Anti-Balaka and the [REDACTED] are unfounded in the present circumstances.
 6. A narrowly tailored reply would demonstrate that the Prosecution's extensive focus on [REDACTED] alleged influence, knowledge of confidential information, or past conduct is irrelevant to the Chamber's current determination, and fundamentally misplaced, particularly where the Prosecution admits uncertainty about the basic factual premise underlying their arguments. This correction is essential to the Chamber's proper assessment of whether the proposed amendment would "augment existing risks to the integrity of the ongoing proceedings" as claimed.⁵

IV. RELIEF SOUGHT

³ Prosecution's Observations, para. 12 and footnote 18: "[t]he Prosecution is currently unaware whether [REDACTED] on NGAISSONA's non-privileged contact list".

⁴ See email from Acting CCO to the Defence dated 22 August 2025, at 15:53, as set out in [Annex A](#).

⁵ Prosecution's Observations, para. 11.

7. For the foregoing reasons, the Defence respectfully requests that the Chamber:
GRANT leave to reply to the Prosecution's Observations in relation to the discrete issue mentioned at paragraph 4 of the present submissions.

Respectfully Submitted,



G. G. J. Alexander Knoop
on behalf of
Patrice-Edouard Ngaïssona

Dated this 02 October 2025

At the Hague, the Netherlands