



Original: English

**No. ICC-01/14-01/18 A
Date: 9 October 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 THE CENTRAL AFRICAN REPUBLIC II

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

**Public redacted version of
Decision on Ngaïssona Defence request for leave to reply
regarding contact restrictions**

Decision 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

D30

☒ **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**

☐ **Amicus Curiae**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☒ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

The Appeals Chamber of the International Criminal Court,

Further to the decision of Trial Chamber V entitled “Judgment” of 24 July 2025 (ICC-01/14-01/18-2784-Red),

Further to the “Decision on requests for extension of time limits for notices of appeal and appeal briefs against the decision of Trial Chamber V entitled ‘Judgment’” of 1 August 2025 (ICC-01/14-01/18-2794),

Having before it the “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)’” of 25 August 2025 (ICC-01/14-01/18-2803-Conf),

Pursuant to regulations 24(5) and 34(c) of the Regulations of the Court,

Renders the following

DECISION

The Defence for Mr Ngaïssona may file a reply to the “Prosecution’s Observations to ‘Request for Amendment of Mr Ngaïssona’s Contact Restrictions’” (ICC-01/14-01/18-2802-Conf) by 16h00 on Thursday, 4 September 2025. The reply shall only address the issue identified at paragraph 6 below and its content shall comply with paragraph 9 below.

REASONS

I. PROCEDURAL HISTORY

1. On 4 August 2025, the Defence for Mr Ngaïssona (hereinafter: “Ngaïssona Defence”) filed a request for a modification of the current contact restrictions imposed on Mr Ngaïssona (hereinafter: “Request for Variation of Contact Restrictions”).¹

¹ [Request for Amendment of Mr Ngaïssona’s Contact Restrictions](#), ICC-01/14-01/18-2795, dated 4 August 2025 and registered on 5 August 2025.

2. On 12 August 2025, the Registry filed its observations on the Request for Variation of Contact Restrictions.²

3. On 21 August 2025, the Prosecutor filed his observations (hereinafter: “Prosecutor’s Observations”) on the Request for Variation of Contact Restrictions, in which he opposes the variation sought therein.³

4. On 25 August 2025, the Ngaïssona Defence filed a request for leave to reply to the Prosecutor’s Observations (hereinafter: “Request for Leave to Reply”).⁴

5. On 28 August 2025, the Prosecutor filed a response to the Request for Leave to Reply (hereinafter: “Prosecutor’s Response”).⁵

II. MERITS

6. The Ngaïssona Defence seeks leave to reply to the Prosecutor’s Observations, stating that it could not have reasonably anticipated that the Prosecutor would ground his objection to the Request for Variation of Contact Restrictions on an “inaccurate assumption”.⁶ The Ngaïssona Defence seeks to reply on the issue of relevance to the current contact restrictions of [REDACTED] by an individual who is not included on the list of Mr Ngaïssona’s non-privileged contacts.⁷

7. The Prosecutor opposes the Request for Leave to Reply, arguing that, contrary to the Ngaïssona Defence’s understanding, the Prosecutor’s Observations are not limited to a risk assessment based solely on Mr Ngaïssona’s contacts with the individual in question.⁸ The Prosecutor submits that the Ngaïssona Defence should have reasonably anticipated that, when addressing the Request for Variation of Contact Restrictions, the Prosecutor would express concerns regarding the conduct of members of

² [Registry’s Observations on the “Request for Amendment of Mr Ngaïssona’s Contact Restrictions” \(ICC-01/14-01/18-2795\) dated 4 August 2025](#), ICC-01/14-01/18-2798.

³ Prosecution’s Observations to “Request for Amendment of Mr Ngaïssona’s Contact Restrictions (ICC-01/14-01/18-2795)”, ICC-01/14-01/18-2802-Conf, with confidential Annex, paras 13-16.

⁴ 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, with confidential Annex A.

⁵ 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.

⁶ Request for Leave to Reply, para. 5.

⁷ Request for Leave to Reply, paras 3-6.

⁸ Prosecutor’s Response, para. 4.

[REDACTED], supporters and Anti-Balaka members, particularly the individual concerned.⁹ The Prosecutor contends that the Ngaïssona Defence’s proposed reply on the relevance of the [REDACTED] of that individual to the issue at hand is “neither necessary nor helpful”.¹⁰

8. Regulation 24(5) of the Regulations of the Court provides:

Participants may only reply to a response with the leave of the Chamber, unless otherwise provided in these Regulations. Unless otherwise permitted by the Chamber, a reply must be limited to new issues raised in the response which the replying participant could not reasonably have anticipated.

9. The Appeals Chamber is satisfied that the Ngaïssona Defence could not reasonably have anticipated the issue identified in the Prosecutor’s Observations. Indeed, the Prosecutor appears to rely in his observations on Mr Ngaïssona’s “continuing association” with the individual concerned,¹¹ while admitting to being unaware of whether that individual continues to be on said contact list.¹² As the Request for Variation of Contact Restrictions relates to Mr Ngaïssona’s contacts with persons from the list of his non-privileged contacts, the issue of that individual’s non-inclusion on the list may be relevant to the overall assessment. The Appeals Chamber therefore considers that a reply on this issue would assist it in its determination of the Request for Variation of Contact Restrictions. The reply shall not repeat submissions already made in the Request for Variation of Contact Restrictions.

Done in both English and French, the English version being authoritative.



Judge Solomy Balungi Bossa
Presiding

Dated this 9th day of October 2025

At The Hague, The Netherlands

⁹ Prosecutor’s Response, paras 5-6.

¹⁰ Prosecutor’s Response, para. 7.

¹¹ Prosecutor’s Observations, para. 6.

¹² Prosecutor’s Observations, para. 12, fn 18.