



Original: English

No.: ICC-01/14-01/18

Date: 11 February 2026

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

Public redacted version of "Prosecution Response to Alfred YEKATOM's "Request for leave to reply to "Under Seal, *EX PARTE*, Redacted version of 'Prosecution's Observations on Alfred YEKATOM's request for partial lifting of a freeze on his assets, 9 May 2019, ICC-01/14-94-US-Exp-Red'",
ICC-01/14-01/18-200-Conf, 15 May 2019

Source: 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

[REDACTED]

[REDACTED]

[REDACTED]

Counsel for Alfred Yekatom

[REDACTED]

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

[REDACTED]

Counsel Support Section

Victims and Witnesses Unit

[REDACTED]

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. YEKATOM's request for leave to reply¹ to the Prosecution's Observations² concerning his application to partially lift a freeze on his assets³ fails to meet the requirements of Regulation 24(4) of the Regulations of the Court, and should be dismissed. No reply is warranted. Nor, would the reply requested assist the Pre-Trial Chamber II's ("Chamber") resolution of the matter.

II. CONFIDENTIALITY

2. This response is filed under seal and *EX PARTE* (only available to the Prosecutor and to the YEKATOM Defence) pursuant to regulation 23*bis*(2) of the Regulations of the Court as it refers to submissions filed with the same classification.⁴

III. SUBMISSIONS

3. YEKATOM identifies no new issues arising from the Prosecution's Observations meriting a reply, let alone any issue that his Defence could not have reasonably anticipated⁵ given the nature of the Request. Rather than delving into abstract argumentation, YEKATOM should simply provide additional information (a) on the provenance of the funds which he seeks the Chamber to release and (b) whether he has alternative means of support for his family.

4. That YEKATOM and his family should only be allowed access to money legitimately obtained⁶ and that, as the registered owner of the relevant account, he bears the burden of demonstrating such legitimacy is clear. These are not controversial

¹ ICC-01/14-01/18-195-US-Exp ("Leave Request").

² ICC-01/14-94-US-Exp-Red (Prosecution's Observations").

³ ICC-01/14-01/18-181-US-Exp-Red; ICC-01/14-01/18-187-US-Exp-Red, (collectively "Yekatom's Request" or "Request").

⁴ ICC-01/14-01/18-195-US-Exp.

⁵ ICC-02/11-01/15-915-Red OA9, paras. 25, 26; ICC-01/05-01/13-893-Red, para. 10.

⁶ Leave Request, paras. 6-9.

matters of public policy, and well-established. Further submissions on these matters are unnecessary for the Chamber to decide YEKATOM's Request.

5. In any event, if YEKATOM disputed that public policy prohibited him or his family from benefitting from any proceeds regardless of their legitimacy, this is a matter which YEKATOM should have reasonably anticipated and made submissions thereon in his Request. Whether YEKATOM decided to address such matters in his Request was for him to decide, based on the strategy that he pursued to persuade the Chamber to unfreeze part of his assets.

6. YEKATOM's reference to the Pre-Trial Chamber's determination that his alleged illicit conduct did not amount to a crime within the jurisdiction of the Court,⁷ is predicated on a misreading of the Prosecution's Observations. The Chamber made no determination that YEKATOM had not committed any crime *per se* nor that there were no reasonable grounds to believe that the underlying conduct had not occurred. As such, the Chamber's determination does not justify a reply.⁸

7. An assessment of the legitimacy of YEKATOM's funds is not dependent on whether they were acquired by means amounting to a crime under the Rome Statute, but whether they are the product of criminal conduct (his or others') — *anywhere*. This is an assessment that any Chamber has to make. Moreover, any presumption of the legitimacy of the funds in this case is negated by clear evidence of the type of criminal conduct by YEKATOM which *could have* produced them.

8. Furthermore, whether either YEKATOM or his family have access to other available means for their support beyond the funds for which he seeks partial release,⁹ is not a new issue. YEKATOM's Request asserts that the funds were the *sole* available

⁷ ICC-01/14-01/18-31-Conf, para. 18(d).

⁸ Leave Request, paras. 10-11.

⁹ Leave Request, paras. 12-13.

means of support to his family.¹⁰ The proposed reply cannot effectively be used as a ‘second bite of the apple’ — to revisit a position firmly asserted in the Request on which YEKATOM could reasonably have anticipated a challenge.

9. The Prosecution defers to the Chamber’s discretion with regards to the sufficiency of the information that YEKATOM alleges to have already addressed in his declaration to the Registry in respect of [REDACTED].¹¹ Still, YEKATOM should be directed to provide additional information on the legitimacy of the funds at issue and regarding any other source of support for his family besides the bank account and [REDACTED], if any.

IV. CONCLUSION

10. Based on the foregoing, the Chamber should dismiss YEKATOM’s Leave Request.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 11th day of February 2026
At The Hague, The Netherlands

¹⁰ ICC-01/14-01/18-181-US-Exp-Red, para. 2; ICC-01/14-01/18-187-US-Exp-Red, para. 4.

¹¹ Leave Request, para. 13.