

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 18 March 2026

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
NGAISSONA***

Public Document

Request for leave to Reply to the "Prosecution consolidated response to Yekatom's and Ngaïssona's appeals against the Judgment and Yekatom's request to present additional evidence" (ICC-01/14-01/18-2885-Conf)

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**

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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**

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Reparations Section**

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I. INTRODUCTION

1. Pursuant to Regulation 60(1) of the Regulations of the Court, the Defence for Mr Ngaïssona ('Defence') requests leave to reply to the "Prosecution consolidated response to Yekatom's and Ngaïssona's appeals against the Judgment and Yekatom's request to present additional evidence" ('Response').¹
2. A limited reply would be in the interests of justice and would assist the Appeals Chamber in its determination of the Defence's appeal.

II. SUBMISSIONS

3. The Appeals Chamber has broad discretion in ordering an appellant to file a reply on a case-by-case basis, when it considers it necessary in the interests of justice.²
4. In its Response, the Prosecution argues that the Trial Chamber was neither bound by the beyond reasonable doubt standard, or the rules on circumstantial evidence and corroboration, in respect to core factual findings leading to Mr Ngaïssona's conviction.³ In doing so, the Prosecution downplays and reframes the significance of certain key findings which led to Mr Ngaïssona's conviction. For example, the Prosecution labels key findings underpinning Mr Ngaïssona's Article 25(3)(c) liability as "subsidiary"⁴ in an effort to bolster the weakness of the underlying evidence, that is either uncorroborated, circumstantial, or does not meet the beyond reasonable doubt standard.⁵ The Prosecution's stance and reading of the Judgment is also internally inconsistent, given that it elsewhere contends that those very facts are determinative of Mr Ngaïssona's liability.⁶

¹ ICC-01/14-01/18-2885-Conf ('Prosecution Response').

² Regulations 60(1), Regulations of the Court; *Prosecutor v. Ntaganda*, [ICC-01/04-02/06-2522](#), para. 6, relying on *Prosecutor v. Bemba et al.*, [ICC-01/05-01/13-2259 \(A6 A7 A8 A9\)](#), para. 9, referring to *Prosecutor v. Bemba*, [ICC-01/05-01/08-3480 \(A\)](#), para. 8.

³ See e.g. Prosecution Response, paras 461, 464, 469, 471, 475, fn. 1727. Rome Statute, Article 66(3).

⁴ See e.g. Prosecution Responses para. 458, 471, 481.

⁵ See e.g. Prosecution Response, paras 297, 411, 457-458, 461, 464, 469, 471, 474, 481, 484, 488, 568; [ICC-01/14-01/18-2847-Conf](#), paras 10-410.

⁶ See e.g. Prosecution Response, para. 569.

5. This novel and incoherent approach, which does not find support in international criminal law, could not have been anticipated by the Defence, further justifying the need for a focused Defence reply.⁷
6. Given the complexity and relevance of this issue to numerous cross-cutting appellate arguments, succinct written submissions would assist the Chamber in its determination of the Defence's appeal and streamline any potential oral submissions. In particular, they would support the Chamber's assessment of the errors identified by the Defence in Grounds I and II,⁸ by providing an accurate articulation of the evidentiary standards as they apply to the key findings that underpin Mr Ngaïssona's conviction.

III. RELIEF SOUGHT

7. The Defence respectfully requests that the Appeals Chamber grant it leave to reply to the Prosecution's Response on the issue identified above.



Geert-Jan Alexander Knoop
on behalf of
Patrice-Edouard Ngaïssona

Dated this 18 March 2026

At The Hague, the Netherlands

⁷ Although not determinative, whether an issue could have been anticipated may be considered by the Appeals Chamber in its assessment, *see e.g. Prosecutor v. Ntaganda*, [ICC-01/04-02/06-2522](#), paras 11-12.

⁸ ICC-01/14-01/18-2847-Conf, paras 10-410; *see Prosecutor v. Ntaganda*, [ICC-01/04-02/06-2522](#), para. 10.