

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 19 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 CENTRAL AFRICAN REPUBLIC II**

**IN THE CASE OF**

***THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD  
NGAISSONA***

**Public**

**Prosecution Response to Ngaïssona's Request for Leave to Reply**

**Source:** Office of the Prosecutor

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☒ Counsel for the Defence

D29

D30

☒ 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

☐ States' Representatives

☐ Amicus Curiae

## REGISTRY

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Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and  
Reparations Section

☐ Other

## SUBMISSIONS

1. The Prosecution defers to the Appeals Chamber's discretion regarding the disposition of Ngaïssona's "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'" ("Request"),<sup>1</sup> subject to the following considerations:

2. *First*, the Request is narrowly framed, addressing only the application of the beyond reasonable doubt standard and the rules governing circumstantial evidence and corroboration in relation to a limited set of findings.<sup>2</sup> Any reply should therefore remain within the scope of the Request.

3. *Second*, the Request mischaracterises the Prosecution's position. The Prosecution did not argue that "the Trial Chamber was neither bound by the beyond reasonable doubt standard, or the rules on circumstantial evidence in respect to core factual findings leading to Mr Ngaïssona's conviction", understood as referring to facts indispensable for entering a conviction.<sup>3</sup> None of the portions of the Prosecution's Response Brief cited in the Request support such a claim.

4. *Third*, Mr Ngaïssona appears either to misunderstand or to disagree with established jurisprudence, according to which the beyond reasonable doubt standard applies only to the material facts, namely the facts that correspond to "the elements of the crime and the mode of liability of the accused as charged",<sup>4</sup> and not to subsidiary

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<sup>1</sup> [ICC-01/14-01/18-2892](#).

<sup>2</sup> [Request](#), para. 4.

<sup>3</sup> *Contra* [Request](#), para. 4.

<sup>4</sup> [ICC-01/04-01/06-3121-Red](#) (Lubanga AJ), para. 22; [ICC-01/05-01/13-2275-Red](#) (Bemba *et al.* AJ), para. 96; [ICC-02/04-01/15-2022-Red](#) (Ongwen AJ), para. 321.

facts.<sup>5</sup> He likewise appears to disagree with the applicable law on corroboration of evidence, both in the context of rule 68(2)(c),<sup>6</sup> and more generally.<sup>7</sup>

5. *Fourth*, Mr Ngaïssona fails to demonstrate how the alleged errors that are the focus of the Request materially affected his conviction.




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**Mame Mandiaye Niang, Deputy Prosecutor**

Dated this 19<sup>th</sup> day of March 2026  
At The Hague, The Netherlands

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<sup>5</sup> [ICC-01/09-01/11-373](#) (*Ruto & Sang* CD) para. 48; [ICC-02/11-01/11-325](#) (*Gbagbo & Ble Goude* 14 Dec 2012 Decision), para. 27; [ICC-01/09-02/11-382-Red](#) (*Kenyatta* CD), para. 60.

<sup>6</sup> See e.g. [Request](#), footnote 4, referring to ICC-01/14-01/18-2885-Conf (Prosecution Response Brief), para. 461.

<sup>7</sup> Trial Chambers enjoy broad discretion in assessing inconsistencies within the evidence and in deciding whether corroboration is necessary ([ICC-01/04-02/06-2666-Red](#) - *Ntaganda* AJ, para. 672). Depending on the circumstances, a single piece of evidence may suffice to establish a specific fact (*Ntaganda* AJ, paras. 683, 690; quoting *Lubanga* AJ, para. 218). For the purposes of corroboration, different testimonies do not need to “be identical in all aspects or describe the same fact in the same way. Every witness presents what he has seen from his own point of view at the time of the events, or according to how he understood the events recounted by others. Accordingly, while testimonies need not be identical in all aspects, they must confirm, *even if in different ways*, the same fact” (*Ntaganda* AJ, para. 672). See also *Gbagbo & Blé Goudé Majority* AJ, paras. 357-358. See further Prosecution’s Response Brief, paras. 365-366.