

**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

**Public Redacted Version of "Defence 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 04 September 2025**

Source: Defence of Patrice-Edouard Ngaïssona

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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☒ Counsel for the Defence

D30

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☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

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I. INTRODUCTION

1. The Defence of Mr Ngaïssona ('the Defence') hereby replies to the "Prosecution's Observations to 'Request for Amendment of Mr Ngaïssona's Contact Restrictions'", filed on 21 August 2025 ('Prosecution's Observations' or 'Observations').¹ The Defence submits that the Prosecution's arguments regarding the potential communication between Mr Ngaïssona and [REDACTED] are unsubstantiated and should be dismissed as speculative.

II. CONFIDENTIALITY

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

III. PROCEDURAL HISTORY

3. On 4 August 2025, the Defence submitted its "Request for Amendment of Mr Ngaïssona's Contact Restrictions" ('Request').²
4. On 12 August 2025, the Registry submitted its "Observations on the 'Request for Amendment of Mr Ngaïssona's Contact Restrictions'".³
5. On 21 August 2025, the Prosecution filed its Observations, opposing the Defence's Request.⁴
6. On 25 August 2025, the Defence sought leave to reply to the Prosecution's Observations ('Defence Request for Leave to Reply') on the issue of the relevance of [REDACTED] to the Request, as advanced by the Prosecution.⁵

¹ ICC-01/14-01/18-2802-Conf.

² ICC-01/14-01/18-2795. The Request was filed on 4 August 2025 and was notified the next day, on 5 August 2025.

³ ICC-01/14-01/18-2798.

⁴ ICC-01/14-01/18-2802-Conf.

⁵ ICC-01/14-01/18-2803-Conf.

7. On 28 August 2025, the Prosecution submitted its “Response to the Defence’s 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)’”, opposing said Request.⁶
8. On 1 September 2025, the Appeals Chamber (‘Chamber’) granted the Defence Request for Leave to Reply, allowing the Defence to file a reply by 16h00 on Thursday, 4 September 2025.⁷

IV. SUBMISSIONS

9. At the outset, the Defence submits that [REDACTED] did not benefit from any privileged communication status with Mr Ngaïssona [REDACTED]. Furthermore, as stated in the Defence’s Request for Leave to Reply, [REDACTED] is not included on Mr Ngaïssona’s list of non-privileged contacts.⁸
10. According to the Prosecution, [REDACTED] reflect his influence over [REDACTED] and, by extension, that of Mr Ngaïssona.⁹ However, the Prosecution has provided no evidence to substantiate this claim. This assertion is purely speculative and unsupported by any concrete material proving that Mr Ngaïssona contacted [REDACTED] at any point, let alone linking Mr Ngaïssona to the content or dissemination of [REDACTED]. Mr Ngaïssona exercises no control over [REDACTED], nor has the Prosecution demonstrated otherwise.
11. Mr Ngaïssona has not requested permission to disclose confidential information, nor has the Defence sought to lift the safeguards that ensure compliance with the applicable restrictions regime. On the contrary, the limited relief sought pertains solely to Mr Ngaïssona’s ability to discuss the publicly available Judgment in his case with his non-privileged contacts,¹⁰ who have been screened and approved by the Detention Centre according to standard practice. The Defence recalls that the

⁶ ICC-01/14-01/18-2805-Conf.

⁷ ICC-01/14-01/18-2806-Conf.

⁸ ICC-01/14-01/18-2803-Conf, para. 5. *See also* ICC-01/14-01/18-2803-Conf-AnxA.

⁹ ICC-01/14-01/18-2802-Conf, para. 9.

¹⁰ ICC-01/14-01/18-2795, para. 8.

Judgment was delivered in open session, was broadcast in real time, and its public redacted version is accessible via the Court's official channels. Mr Ngaïssona has no control over how information already available in the public domain may circulate among third parties, including [REDACTED], whose [REDACTED] are their own and not attributable to Mr Ngaïssona. Rejecting the Defence's request to authorise Mr Ngaïssona to speak about the public Judgment with his non-privileged contacts will not alter this reality, nor will it prevent public information from continuing to circulate independently of Mr Ngaïssona's actions. Indeed, it was foreseeable that [REDACTED] would emerge on the day of the Judgment or shortly thereafter—at a time when the contact restrictions remained fully in effect—further illustrating that such [REDACTED] were not prompted by any relaxation of the regime, but rather by the public nature of the proceedings themselves.

12. The Defence underlines Trial Chamber V's ruling regarding an incident involving Mr Ngaïssona and reported in the "Twelfth Registry Report on the Implementation of the Restrictions on Contacts of Mr Ngaïssona Ordered by Trial Chamber V".¹¹ While Trial Chamber V did note that, in that particular incident, Mr Ngaïssona made limited references to case-related matters, it also explicitly found that the content in question was drawn from a document presented in open court during the Prosecution's closing statement and was therefore publicly known.¹² As such, Trial Chamber V could not "discern any risk for victims, witnesses or other individuals".¹³ In line with that finding, Mr Ngaïssona should be allowed to discuss, at this stage of the proceedings against him, the publicly available Judgment in his case as no discernible risk may occur to victims, witnesses or other individuals. The Defence reiterates that Mr Ngaïssona remains fully aware of his obligations and has consistently acted in accordance with the applicable

¹¹ ICC-01/14-01/18-2752-Conf-Exp.

¹² ICC-01/14-01/18-2759-Red, paras 7-8.

¹³ ICC-01/14-01/18-2759-Red, para. 8.

restrictions regime, as confirmed by numerous Registry reports.¹⁴ Against this backdrop, attempts to draw adverse inferences from [REDACTED] made by third parties—at a time when restrictions remained in place—risk echoing a broader pattern of misplaced suspicion that has, regrettably, characterised aspects of the Prosecution’s approach throughout these proceedings.

13. Furthermore, the Prosecution’s argument overlooks the existing monitoring regime in place under Regulation 174 of the Regulations of the Registry, which provides for passive oversight of all non-privileged communications. The sought amendment to Mr Ngaïssona’s contact restrictions constitutes a narrowly tailored adjustment to the current regime, with ample safeguards already in place to prevent misuse. Accordingly, the requested amendment is both reasonable and proportionate.

V. RELIEF SOUGHT

14. The Defence respectfully requests the Chamber to:

GRANT the Request.

Respectfully submitted,



Mr Knoop, Lead Counsel for Patrice-Edouard Ngaïssona

¹⁴ See ICC-01/14-01/18-115-Conf-Exp; ICC-01/14-01/18-125-Conf-Exp; ICC-01/14-01/18-166-Conf-Exp; ICC-01/14-01/18-225-Conf-Exp; ICC-01/14-01/18-416-Red; ICC-01/14-01/18-444-Conf-Exp; ICC-01/14-01/18-546; ICC-01/14-01/18-645-Conf; ICC-01/14-01/18-1105; ICC-01/14-01/18-1307-Conf; ICC-01/14-01/18-1741-Conf; ICC-01/14-01/18-2444; ICC-01/14-01/18-2724; ICC-01/14-01/18-2779-Conf. In each of the aforementioned filings, the Registry had no incidents to report.

Dated this 02 October 2025

At The Hague, the Netherlands