

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 October 2026

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding Judge
 Judge Luz del Carmen Ibáñez Carranza
 Judge Gocha Lordkipanidze
 Judge Kimberly Prost
 Judge Erdenebalsuren Damdin

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

Victims' Response to the Yekatom Defence's Request for Hearing

Source: Common Legal Representatives of Victims of Other Crimes

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☒ Legal Representatives of the Victims
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☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

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Victims

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I. INTRODUCTION

1. The Common Legal Representatives of the Victims of the Other Crimes (the “CLRVC”) herewith file their response to the Yekatom Defence’s “Request for Hearing” (the “Request”)¹.

2. The Request should be rejected. The Appeals Chamber has already determined that an oral hearing is unnecessary, having regard to the scope and nature of the appeals and the sufficiency of the written submissions and observations before it. The Yekatom Defence has identified no new circumstances warranting a departure from that determination.

3. The Order for Further Submissions² was issued solely in relation to the Prosecution’s appeal concerning Mr Ngaïssona and did not invite submissions from the Yekatom Defence, which confirms that the Appeals Chamber did not consider the identified issues necessary to determine Mr Yekatom’s appeal. Nor can the Defence’s desire to elaborate orally on matters it could have addressed in writing, including in response to the Prosecution’s submissions, justify a hearing where it chose not to seek leave to reply in a timely manner.

4. Likewise, the findings concerning P-1339 in the *Saïd* case are independent of Trial Chamber V’s assessment in the present proceedings and cannot simply be transposed to the *Yekatom and Ngaïssona* case. Consideration of the *Saïd* Trial Judgment would therefore not assist the Appeals Chamber in resolving the present appeals.

5. An oral hearing would accordingly add an unnecessary procedural step and risk delaying the resolution of the appeals without contributing to the determination of the issues raised.

¹ See the “Request for Hearing”, [No. ICC-01/14-01/18-2932 A A2 A3](#), 29 September 2026 (the “Request”).

² See the “Order requesting further written submissions” (Appeals Chamber), [No. ICC-01/14-01/18-2929 A A2 A3](#), 25 August 2026 (the “Order for Further Submissions”).

II. PROCEDURAL HISTORY

6. On 24 July 2025, Trial Chamber V rendered the “Judgment”.³
7. On 25 November 2025, the Prosecution, the Defence for Mr Yekatom and the Defence for Mr Ngaïssona filed their respective Appeal Briefs.⁴
8. On 27 February 2026, the CLRV, the Prosecution, and the Ngaïssona Defence filed their respective responses to the Appeals Briefs.⁵
9. On 23 March 2026, the Appeals Chamber rendered a decision ruling, *inter alia*, that a hearing was not necessary (the “Decision on Hearing”).⁶
10. On 25 August 2026, the Appeals Chamber instructed the Prosecution, the Ngaïssona Defence and the CLRV to file further submissions on several questions arising from the Prosecution’s appeal (the “Order for Further Submissions”).⁷
11. On 29 September 2026, the Yekatom Defence filed its Request.⁸

³ See the “Judgment” (Trial Chamber V), [No. ICC-01/14-01/18-2784-Red](#), 24 July 2025.

⁴ See the “Prosecution Appeal Brief”, [No. ICC-01/14-01/18-2846-Conf A](#), 25 November 2025. A public redacted version [No. ICC-01/14-01/18-2846-Red A](#) was filed on 28 November 2025. See also, the “Ngaïssona Defence Appeal Brief against the Trial Judgment”, [No. ICC-01/14-01/18-2847-Conf A A2](#), 25 November 2025. A public redacted version [No. ICC-01/14-01/18-2847-Red A A2](#) was filed on 19 December 2025; and the “Yekatom Defence Appeal against the Judgment”, [No. ICC-01/14-01/18-2784-Conf A A3](#), 25 November 2025. A public redacted version [No. ICC-01/14-01/18-2848-Corr-Red A A3](#) was filed on 19 December 2025.

⁵ See the “Consolidated Victims’ Response to the Prosecution and Defence Appeals of the Judgment and Sentence against Mr Alfred Yekatom and Patrice-Edouard Ngaïssona”, [No. ICC-01/14-01/18-2884-Conf A A2 A3](#), 27 February 2026. A public redacted version [No. ICC-01/14-01/18-2884-Red A A2 A3](#) was filed on 23 March 2026. See also, the “Prosecution consolidated response to Yekatom’s and Ngaïssona’s appeals against the Judgment and Yekatom’s request to present additional evidence”, [No. ICC-01/14-01/18-2885-Conf A A2 A3](#), 27 February 2026. A public redacted version [No. ICC-01/14-01/18-2885-Red A A2 A3](#) was filed on 8 May 2026; and the “Corrigendum to the ‘Ngaïssona Defence Response to the Prosecution Appeal Brief (ICC-01/14-01/18-2846-Conf)’”, [No. ICC-01/14-01/18-2886-Conf-Corr](#), 12 March 2026. A public redacted version [No. ICC-01/14-01/18-2886-Corr-Red A A2 A3](#) was filed on the same day.

⁶ See the “Decision on whether to hold a hearing and further directions” (Appeals Chamber), [No. ICC-01/14-01/18-2894 A A2 A3](#), 23 March 2026 (the “Decision on Hearing”).

⁷ See the Order for Further Submissions, *supra* note 2.

⁸ See the Request, *supra* note 1.

12. On 30 September 2026, the Ngaïssona Defence responded to the Request.⁹ On the same day, the CLRV and the Prosecution filed their additional submissions on appeal.¹⁰

III. SUBMISSIONS

13. The Yekatom Defence requests the Appeals Chamber to hold a hearing on five matters: (a) two issues allegedly bearing on the determination of Grounds 1 and 2 of its appeal, namely, the use of contextual findings to establish individual responsibility and the contribution required of an accused, including the applicable mental elements; (b) two further issues, including the distinction between material and subsidiary facts and whether the Appeals Chamber has the findings and standard of review required to address the relevant notice and reasoning safeguards; and lastly, (c) the implications of the *Saïd* Trial Judgment's assessment of P-1339, including the applicable standard of review and the remedy available under article 83(2) of the Statute.¹¹

a) The Appeals Chamber has already determined that a hearing is unnecessary

14. In the Decision on Hearing, the Appeals Chamber held that whether to conduct an oral hearing is *discretionary* and depends principally on its potential utility in clarifying and resolving the issues raised on appeal, ensuring that the proceedings are conducted in the fairest and most expeditious manner.¹² Having considered the extensive written submissions of the parties and participants and the responses and observations thereto, it determined that a hearing was not necessary.¹³

⁹ See the "Ngaïssona Defence Response to the Yekatom Defence's 'Request for Hearing'", [No. ICC-01/14-01/18-2934 A A2 A3](#), 30 September 2026.

¹⁰ See the "Victims' Additional Submissions pursuant to Order No. ICC-01/14-01/18-2929 A A2 A3", [No. ICC-01/14-01/18-2933 A A2 A3](#), 30 September 2026; and the "Prosecution responses to the questions of the Appeals Chamber", [No. ICC-01/14-01/18-2935 A A2 A3](#), 30 September 2026.

¹¹ See the Request, *supra* note 1.

¹² See the Decision on Hearing, *supra* note 6, para. 7.

¹³ *Ibid.*, para. 8.

15. That determination was made with full knowledge of the nature, scope and complexity of the appeals and after the parties – including the Yekatom Defence – and participants had had ample opportunity to present their arguments in writing. Said determination was therefore made with due regard to the complexity or subject matter of the appeals and reflected the Appeals Chamber’s assessment of the appropriate manner in which those appeals could be determined.

16. The Yekatom Defence has identified no genuinely new issue or circumstance that would call that determination into question. The possibility that counsel could elaborate orally on arguments already advanced, or respond directly to questions from the Bench, does not establish that a hearing is necessary. Holding a hearing would therefore merely provide the Yekatom Defence with an opportunity to repeat or further elaborate upon arguments that have already been presented to the Appeals Chamber.

b) Questions in the Order for Further Submissions concern only the Prosecution’s appeal concerning Mr Ngaïssona’s liability

17. The Order for Further Submissions was issued in the context of the Prosecution’s appeal concerning Mr Ngaïssona’s liability under article 25(3)(c) of the Statute.¹⁴ In particular, the Appeals Chamber held that, *for the proper disposal of the appeal*, it was necessary to receive additional written submissions on specific issues requiring further elucidation, and accordingly identified a number of questions directly related to that appeal.¹⁵ The Appeals Chamber expressly directed only the Prosecution, the CLRV and the Ngaïssona Defence to address those specified questions

18. The Yekatom Defence was not invited to make submissions because the questions identified in the Order concern the Prosecution’s appeal and do not

¹⁴ See the Order for Further Submissions, *supra* note 2, paras. 5-6.

¹⁵ *Ibid.*

introduce a new issue concerning Mr Yekatom's mode of liability or the findings underlying his conviction.

19. Had the Appeals Chamber considered those questions relevant to Mr Yekatom's appeal, it could have invited further submissions from his Defence. It expressly chose not to do so. The Order therefore provides no basis for reconsidering the prior determination that a hearing is unnecessary.

c) The Yekatom Defence failed to seek leave to reply to the Prosecution's Response on time

20. The Yekatom Defence further relies on issues it argues arise from the Prosecution's Response, including the distinction between material and subsidiary facts and whether the Appeals Chamber has the findings and standard of review required to address the relevant notice and reasoning safeguards.¹⁶

21. Those matters could have been addressed in writing. The Yekatom Defence could have sought leave to reply in a timely manner and developed in detail its arguments. Having elected not to do so, it cannot now rely on that procedural choice to obtain an additional opportunity to advance those arguments orally. Permitting it to remedy that omission through a hearing would undermine the orderly and efficient conduct of the appellate proceedings.

d) Reassessment of P-1339's credibility is unnecessary

22. Furthermore, holding a hearing to revisit the assessment of P 1339's credibility in light of the *Saïd* Trial Judgment is unnecessary. The Yekatom Defence had already challenged the witness' credibility extensively in its Appeal Brief.¹⁷ The issues concerning the alleged reliability, consistency and probative value of his evidence are therefore not new and can be determined on the existing written record.

¹⁶ See the Request, *supra* note 1, para. 3.

¹⁷ See the Yekatom Appeal, *supra* note 4, paras. 108, 124-132, 193, 225, 241, 343-344, 350, 372-375, 377-386, 396-398, and 410-413.

23. Nor does Trial Chamber VI's assessment of P-1339's evidence in the *Saïd* case require a different conclusion. That assessment was made in the context of the evidentiary record, factual findings, charges and legal issues before it. Its conclusions cannot simply be transposed to the present case or treated as requiring a reassessment of Trial Chamber V's findings.

24. The fact that Trial Chamber VI reached different conclusions concerning P-1339 does not, in itself, establish that Trial Chamber V erred. The relevant question remains whether Trial Chamber V's determination was reasonable on the evidence before it, and consistent with the applicable standard of appellate review. The *Saïd* Trial Judgment therefore introduces no new issue requiring oral arguments.

e) Holding a hearing would add delay without demonstrated utility

25. Finally, the Yekatom Defence has not demonstrated that a hearing is necessary for the fair and effective determination of the appeals. Organising and conducting a hearing would require additional preparation, scheduling and judicial time, while the relevant issues can be resolved on the existing record. It would therefore add an unnecessary procedural step and risk delaying resolution of the appeals without demonstrated corresponding utility.

26. Nor do the combined nature of the Judgment or the public character of the proceedings provide a basis for a hearing. The Appeals Chamber was aware that the conviction and sentence were contained in a single Judgment when it established the written appellate procedure. The written submissions provide the parties and participants with a full opportunity to address the issues arising on appeal.

27. Likewise, the public nature of the proceedings is preserved through the written submissions forming part of the public record, subject to appropriate redactions. An additional hearing would not materially enhance public access to the substance of the appeals.

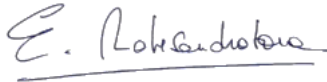
28. In conclusion, the Yekatom Defence has failed to demonstrate any basis for departing from the Appeals Chamber's prior determination that an oral hearing is unnecessary.

IV. CONCLUSION

29. For the foregoing reasons, the CLRV respectfully request the Appeals Chamber to dismiss the Request.



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Common Legal Representatives Victims of Other Crimes

Dated this 8th day of October 2026

At The Hague (The Netherlands), La Rochelle (France), Bangui (Central African Republic and Dakar (Senegal)