

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18

Date: 28 July 2025

THE APPEALS CHAMBER

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

SITUATION IN CENTRAL AFRICAN REPUBLIC II

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

Public

Request for Extension of Time to File the Notice of Appeal and Appeal Brief

Source: Defence for Mr. Alfred Rombhot Yekatom

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

D29

D30

☒ Legal Representatives of the Victims

V44

V45

☐ 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

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Defence for Mr. Yekatom ('Defence') respectfully requests a limited extension of 35 days, to commence following the summer judicial recess, to file the notice of appeal pursuant to rule 150(2) and regulation 35(2) of the Regulations of the Court ('RoC'), following the delivery of the Trial Judgment under article 74 and the Sentencing Decision under article 76 of the Statute.¹ The Defence further requests that the 60-day timeframe to file the appeal brief commences from the date of notification of its notice of appeal, in accordance with the time frame envisaged under regulation 58 of the RoC.
2. Good cause for this request is based on: (i) the time required to analyse the Trial Judgment and Sentencing Decision, which exceeds 1,600 pages and represents an unprecedented length at the Court; (ii) the factual and legal complexity of the anticipated appeal; (iii) the current unavailability of any translation—including of relevant portions—of the Trial Judgment and Sentencing Decision in a language Mr. Yekatom fully understands, as required under rule 144(2)(b) and article 67(1)(f); (iv) the burden arising from concurrent appellate proceedings—both in relation to conviction and sentence—and potential reparations proceedings; and (v) the impact of the judicial summer recess at the very start of the appellate proceedings.
3. The extended time is reasonable, consistent with the Appeal Chamber's prior practice and fully aligned with the interests of judicial economy, as it will allow for the preparation of comprehensive notices of appeal in accordance with regulation 57 RoC and a succinct appeal brief which encapsulates the entirety of the grounds of appeal. Moreover, following consultations, the Prosecution has indicated that it does not oppose the present request, thereby eliminating any risk of prejudice.

¹ ICC-01/14-01/18-2784-Conf, Judgment, 24 July 2025 ('Trial Judgment and Sentencing Decision').

II. SUBMISSIONS

a. The request is timely

4. The Appeals Chamber will recall that the Defence previously requested that the time limit for filing any notice of appeal be suspended during the judicial recess and resume on 18 August 2025.² The Suspension Request – distinct from an extension request pursuant to regulation 35(2) RoC – was based on the premise that the Trial Judgment and Sentencing Decision would be delivered at 14:00 on 24 July 2025, and that the time limit under rule 150(1) would commence on 25 July 2025, coinciding with the start of the Court’s summer judicial recess.³ The request was submitted in advance of the issuance of the Trial Judgment and Sentencing Decision solely for pragmatic purposes — namely to enable the Appeals Chamber to consider and decide on the Suspension Request at the outset of the recess period and to afford the Defence sufficient time and resources after the recess to determine whether an extension request would be required to file any notice of appeal.⁴
5. The Suspension Request was, however, dismissed *in limine* following the issuance of the Trial Judgment and Sentencing Decision on the basis that the Appeals Chamber ‘could not be seised of an appeal against a decision which has not been rendered’.⁵ Notably, the Appeals Chamber held that its decision was made ‘without prejudice to any request for the extension of time which the Defence may wish to make after the notification of the Trial Judgment’.⁶
6. Accordingly, and noting that good cause is established in part by the impact of the summer judicial recess, the Defence files the present request on the first working day of the recess, following the issuance of the Trial Judgment and Sentencing

² ICC-01/14-01/18-2780, Request for the suspension of rule 150(1) time limit, 11 July 2025 (‘Suspension Request’).

³ Suspension Request, paras. 1-2.

⁴ Suspension Request, para. 4.

⁵ ICC-01/14-01/18-2787, Decision on the Defence’s request for suspension of time limits, 24 July 2025, para. 4.

⁶ ICC-01/14-01/18-2787, Decision on the Defence’s request for suspension of time limits, 24 July 2025, para. 5.

Decision, and well in advance of the expiry of the time limit under rule 150(1) and regulation 58.

b. The Trial Judgment and Sentencing Decision are unprecedented in length

7. The Appeals Chamber has previously found that, given the requirements under regulation 57 RoC, the length of a trial judgment is a significant factor in determining whether good cause exists for an extension. In this regard, in *Ntaganda* and *Al Hassan*, the Appeals Chamber recognised that unusually lengthy judgments may warrant additional time for review and analysis, and extensions of 30 and 35 days were granted respectively.⁷
8. In the present case, the Trial Judgment and Sentencing Decision comprise a dense 1,649 pages. This total is unprecedented and exceeds the combined length of the article 74 and article 76 decisions in any prior ICC case. Indeed, prior to these proceedings, the *Ongwen* Trial Judgment was considered the longest judgment issued by the Court, at a combined total of 1,221 pages⁸—a substantial 428 pages fewer than the total in the present case.⁹

⁷ ICC-01/04-02/06-2364 A, *Prosecutor v. Ntaganda*, Decision on Mr Bosco Ntaganda's and the Prosecutor's requests for time extension for the notice of appeal and the appeal brief, 19 July 2019, paras. 3 and 5 (granting a 30-day extension due to the complexity and length of the conviction judgment); ICC-01/12-01/18-2606 A, *Prosecutor v. Al Hassan*, Decision on the Defence's 'Request for Extension of Time to File the Notice of Appeal' against the decision of Trial Chamber X entitled 'Trial Judgment', 12 July 2024, para. 12 (granting a 35-day extension on the basis of judgment length, complexity, and translation issues). A second extension of 14 days was subsequently granted in *Al Hassan*: see ICC-01/12-01/18-2628 A, *Prosecutor v. Al Hassan*, Decision on the Defence and Prosecution joint request for an extension of time, 26 July 2024. See further ICC-01/04-01/07-3454 A, *Prosecutor v. Katanga*, Decision on the requests of Mr Germain Katanga and the Prosecutor relating to the time limits for their filings on appeal, 4 April 2014, paras. 1, 18 (The Appeals Chamber expressly noted the length of the Trial Judgment (711 pages) and the partly dissenting opinion of Judge Van den Wyngaert (170 pages), and held that '[t]he Conviction Decision and the Partly Dissenting Opinion are lengthy documents and are likely to raise significant issues of law and fact'. The parties were granted a total of 185 days to file their appeal briefs, noting that at the time, notices of appeal were not required to meet the standards currently set out in regulation 57 RoC).

⁸ The *Ongwen* Trial Judgment is 1,077 pages whilst the article 76 decision, including partly dissenting opinion amounts to 144 pages. See ICC-02/04-01/15-1762-Red, *Prosecutor v. Ongwen*, Trial Judgment, 4 February 2021; ICC-02/04-01/15-1819-Red, Sentence, 6 May 2021 and ICC-02/04-01/15-1819-Anx, *Prosecutor v. Ongwen*, Partly Dissenting Opinion of Judge Raul C. Pangalangan, 6 May 2021.

⁹ Noting that this deficit is roughly the equivalent of the entire Bemba Trial Judgment, including separate opinions, (393) and Sentencing Decision, including separate opinion (52) (total 445 pages) see ICC-01/05-01/08-3343, *Prosecutor v. Bemba*, Judgment pursuant to Article 74 of the Statute, 21 March 2016; ICC-01/05-01/08-3343-AnxI, *Prosecutor v. Bemba*, Separate Opinion of Judge Sylvia Steiner, 21 March 2016 ; ICC-01/05-01/08-3343-AnxII, *Prosecutor v. Bemba*, Separate Opinion of Judge Kuniko Ozaki; ICC-01/05-01/08-3399, *Prosecutor v.*

9. The sheer length and density of the Trial Judgment and Sentencing Decision render it impossible for the Defence to conduct a comprehensive review, identify appealable errors, and articulate fully reasoned grounds of appeal within the standard 30-day time limit. The process of systematically reading, analysing, and cross-referencing over 1,600 pages and more than 11,000 footnotes—requires a substantial investment of time and resources. Further, as part of its initial review, the Defence has already identified sections of the Trial Judgment and Sentencing Decision that are unsupported by any footnotes and/or rely solely on internal cross-references, thereby further prolonging the review process.¹⁰
10. This burden is amplified by the obligation under regulation 57 to provide detailed grounds of appeal, including the identification of specific errors and the relief sought,¹¹ which in turn significantly reduces the time available for the substantive drafting of the appeal brief. Even absent any additional justifications, the scope of the judgment alone would warrant a finding of good cause for an extension.

Bemba, Decision on Sentence pursuant to article 76 of the Statute, 21 June 2016 and ICC-01/05-01/08-3399-AnxI, *Prosecutor v. Bemba*, Separate Opinion of Judge Kuniko Ozaki. For a breakdown of the page number of the remaining trial convictions excluding article 65 proceedings: (i) *Lubanga* : Trial Judgment, including separate and dissenting opinion (624) and Sentencing Decision (52) (total **676** pages) ; (ii) *Katanga* : Trial Judgment, including minority and concurring opinions (833660) and Sentencing Decision, including dissenting opinion (70) (total **903** pages) ; (iii) *Bemba et al.*, Trial Judgment (458) and Sentencing Decision, including separate opinion (107) (total **565** pages) ; (iv) *Ntaganda* : Trial Judgment (539) and Sentencing Decision (117) (total **656** pages) ; (v) *Al Hassan* : Trial Judgment, including separate and partly dissenting opinions (921) and Sentencing Decision (68) (total **989** pages). All copies concern English versions.

¹⁰ See, for example, Section II entitled ‘*Findings of Fact*’, paragraphs 24 to 125 which the Trial Chamber states includes the ‘facts and circumstances which form the basis for the Chamber’s decision under Article 74’ and ‘[t]he reasoning for the Chamber’s determination in this regard is provided below, in Section IV (‘Factual findings and evidentiary analysis’)’ see Trial Judgment and Sentencing Decision, para. 24. The entire section however does not have any footnotes or internal cross-reference thereby requiring further time to decipher the specific factual analysis in relation to the material facts and circumstances which underpin the conviction. In this regard, the Defence notes that in contrast, the text of the ‘finding of facts’ in the Ongwen Trial Judgment also functioned as hyperlinks to the relevant sections of the evidentiary analysis and that ‘clicking on each such finding will direct to the corresponding evidentiary analysis’ see ICC-02/04-01/15-1762-Red, *Prosecutor v. Ongwen*, Trial Judgment, 4 February 2021, fn. 236.

¹¹ See e.g. ICC-01/04-02/06-2364 A, *Prosecutor v. Ntaganda*, Decision on Mr Bosco Ntaganda’s and the Prosecutor’s requests for time extension for the notice of appeal and the appeal brief, 19 July 2019, para. 5 (whereby the Appeals Chamber held that regulation 57 RoC required ‘a thorough analysis of the impugned decision, which, in the present case, is indeed both complex and lengthy’). See further ICC-01/12-01/18-2606 A, *Prosecutor v. Al Hassan*, Decision on the Defence’s ‘Request for Extension of Time to File the Notice of Appeal’ against the decision of Trial Chamber X entitled ‘Trial Judgment’, 12 July 2024, para. 12; ICC-01/12-01/18-2628 A, *Prosecutor v. Al Hassan*, Decision on the ‘Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal’, 26 July 2024, para. 13.

c. The anticipated grounds of appeal will deal with complex factual and legal issues

11. Mr. Yekatom was convicted of a total of twenty counts of crimes against humanity and war crimes—constituting the third highest number of convictions against any accused before the Court and as part of proceedings which involved the second highest number of convictions in total.¹² The anticipated notice of appeal and appeal brief will therefore not address limited or discrete issues but will necessarily engage with a wide range of complex and interrelated issues of both fact and law.¹³ As repeatedly noted by the Presiding Judge of Trial Chamber V during the oral summary of the judgment, the case against Mr. Yekatom was ‘exceptionally comprehensive and complicated, both in terms of establishing the facts, as well as assessing the evidence and the contributions of the accused to the crimes.’¹⁴
12. The scale of the evidentiary record adds yet a further layer of complexity. As recorded in the Trial Judgment, the Chamber heard testimony from 174 witnesses (including 138 admitted pursuant to rule 68)¹⁵ and, having adopted a submission-based approach, formally recognised 19,950 items as evidence.¹⁶ This is, by a

¹² For a breakdown of number of counts convicted in relation article 5 crimes and outside of article 65 proceedings: (i) *Ongwen* (61 counts) ;(ii) *Ngaïssona* (28 counts); (iii) *Ntaganda* (18 counts) ; (iv) *Al Hassan* (8 counts) ; (v) *Katanga* (5 counts); and (vi) *Lubanga* (1 count).

¹³ The Appeals Chamber has previously found good cause where the appeal is complex see e.g. ICC-01/04-02/06-2364 A, *Prosecutor v. Ntaganda*, Decision on Mr Bosco Ntaganda’s and the Prosecutor’s requests for time extension for the notice of appeal and the appeal brief, 19 July 2019, paras. 3 and 5; ICC-01/12-01/18-2606 A, *Prosecutor v. Al Hassan*, Decision on the Defence’s ‘Request for Extension of Time to File the Notice of Appeal’ against the decision of Trial Chamber X entitled ‘Trial Judgment’, 12 July 2024, para. 12. See also ICC-01/04-02/06-2415 A, *Prosecutor v. Ntaganda*, Decision on Mr Ntaganda’s request for an extension of the page and time limit for the filing of the appeal brief and related matters, 20 September 2019, para. 12 and ICC-01/05-01/08-3370 A, *Prosecutor v. Bemba*, Decision on Mr Bemba’s request for an extension of time for the filing of his document in support of the appeal, 15 April 2016, para. 6.

¹⁴ ICC-01/14-01/18-T-312-ENG ET WT, Transcript, 24 July 2025, p. 4, lines 7-12. See also ICC-01/14-01/18-T-312-ENG ET WT, p. 21, lines 20-21 (‘the verdict in this case, which concerns two accused, and many charges and related sentence, are very long and complex’); ICC-01/14-01/18-T-312-ENG ET WT, p. 32, lines 2-5 (‘all the details of the really complex and complicated decision on sentencing - in this regard we had also to, of course, consider that there is a huge factual overlap between the many convictions we had - will be -- could be seen and could be read in the written judgment’).

¹⁵ The Defence further notes that the prior recorded testimony of several Prosecution rule 68 witnesses was collected pursuant to article 55 and consists of several hundred pages of interview transcripts. This significantly complicates the review of their testimony, particularly where the Trial Judgment refers to this material only in part.

¹⁶ Trial Judgment, paras 13 – 16 and 22. The vast majority of these items were formally recognised as submitted into evidence prior to the Trial Chamber’s decision on 18 July 2024 to simultaneously issue its article 74 judgment and article 76 decision see ICC-01/14-01/18-2600, Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings, 18 July 2024.

considerable margin, the largest evidentiary record in the Court's history.¹⁷ Moreover, a substantial portion of this material, including telecommunications data and satellite imagery, required a degree of technical expertise to interpret and analyse the material. The magnitude and technical nature of this record directly inform the complexity of the anticipated factual errors to be raised on appeal.

13. In addition, approximately 943 items of Facebook-related evidence were formally submitted,¹⁸ representing more than 27,900 pages of material overall. As the Chamber refers to certain portions but not others, a detailed verification process is required to assess how this evidence was used or omitted in the judgment, adding significantly to the complexity of the appeal.

14. This complexity is further reflected in Section IV of the Trial Judgment, entitled '*Factual Findings and Evidentiary Analysis*', which spans 1,081 pages and contains 8,033 footnotes, including approximately 533 internal cross-references. Despite this scale, the Chamber cited only 1,757 of the 19,950 items formally admitted — meaning that approximately 91.2% of the evidence was omitted from the Trial Chamber's factual findings which underpin the conviction. The anticipated grounds of appeal will address both the treatment and the relative scarcity of the evidentiary basis underpinning the convictions, as viewed in the context of the record as a whole. This is a resource-intensive exercise requiring detailed engagement with a complex case file of unprecedented size.

d. Additional time is required to preserve Mr. Yekatom's rights under article 61(7)

15. In accordance with rule 144(2)(b) and article 67(1)(f) of the Statute, Mr. Yekatom is entitled to receive the Trial Judgment and Sentencing Decision in a language he

¹⁷ For a breakdown of number of items submitted into evidence at trial in relation to article 5 crimes and outside of article 65 proceedings : (i) *Lubanga* (1,373 items) see ICC-01/04-01/06-2842, para. 11; (ii) *Katanga* and *Ngudjolo* (643 items) see ICC-01/04-01/07-3436-tENG, para. 22; (iii) *Bemba* (733 items) see ICC-01/05-01/08-3343, para. 221; (iv) *Ntaganda* (1791 items) see ICC-01/04-02/06-2359-AnxA, para. 1; (v) *Ongwen* (5149 items) see ICC-02/04-01/15-1762-Red, para. 25; and (vi) *Al Hassan* (13,273 items) see ICC-01/12-01/18-2594-Red, para. 24.

¹⁸ Trial Judgment and Sentencing Decision, para. 144.

fully understands and speaks. This fundamental right is essential to ensure that Mr. Yekatom can fully comprehend the legal and factual findings underpinning his conviction and the imposition of a fifteen-year sentence. It is on this basis that the Appeals Chamber has repeatedly found good cause to exist, where the judgment has been rendered in a language that the convicted person does not understand.¹⁹

16. In this case, Mr. Yekatom is proficient in French.²⁰ He does not speak or understand English at any level and is therefore unable to meaningfully engage with the Trial Judgment and Sentencing Decision, which were issued exclusively in English.

17. The Defence has already liaised with the Counsel Support Section to initiate priority translation requests with the Language Services Section (LSS), including both a general enquiry as to the estimated timeline for full translation of the 1,649-page judgment, and the submission of discrete excerpts identified for expedited translation.²¹ However, owing to workload constraints within LSS, arising from the volume of the required translations and competing priority translation requests from the Ngaiisonga Defence, the Defence has yet to receive a definitive timeline for completion of the French translation in accordance with rule 144(2)(b).²² However, based on prior translation timelines for comparable ICC judgments from English

¹⁹ See e.g. ICC-02/04-01/15-1781, *Prosecutor v. Ongwen*, Decision on Mr Ongwen's request for time extension for the notice of appeal and on translation, 24 February 2021, para. 12 (whereby the Appeals Chamber extended the time limit for the filing of the notice of appeal by 45 days taking into account the necessity for the translation of selection portions of the judgment from English to Acholi). See further ICC-01/12-01/18-2606 A, *Prosecutor v. Al Hassan*, Decision on the Defence's 'Request for Extension of Time to File the Notice of Appeal' against the decision of Trial Chamber X entitled 'Trial Judgment', 12 July 2024, paras. 10-11 (whereby the Appeals Chamber took note of the fact that Mr. Al Hassan did not speak or understand English and that obtaining translations in Arabic would extend beyond the 30 days envisaged in rule 150(1)); ICC-01/04-02/06-2364 A, *Prosecutor v. Ntaganda*, Decision on Mr Bosco Ntaganda's and the Prosecutor's requests for time extension for the notice of appeal and the appeal brief, 19 July 2019, paras. 3 and 5.

²⁰ ICC-01/14-01/18-56-Conf, Decision on Language Proficiency of Alfred Yekatom for the Purposes of the Proceedings, 11 January 2019, para. 17. See further paragraphs 16 and 18 i.e. whilst Mr. Yekatom is 'proficient' in French, it was expressly noted that the standard under article 67(1)(a) of the Statute cannot be fully applied in his case—neither for French nor for Sango. Although Mr. Yekatom has access to a linguistic assistant, the process of explaining in Sango the portions of the judgment he does not fully understand from a plain reading in French is time-consuming and requires careful interpretation to ensure meaningful understanding and informed decision-making.

²¹ See Email from Yekatom Defence to CSS, 25 July 2025 at 10 :55 (available upon request). The Defence intends to submit further sections to be translated as a priority on a rolling basis.

²² Noting that LSS is only able to provide the French translation of the main text of the judgment and not the footnotes see Email from CSS to Yekatom Defence, 25 July 2025 at 17 :20 (available upon request).

to French or *vice versa*, it is estimated that the process will take approximately 15 to 30 months to complete.²³

18. In the intervening period, and in an effort to expedite the process and ensure that Mr. Yekatom can provide immediate instructions, the Defence intends to provide internally prepared draft translations, along with oral interpretation in French, of sections of the Trial Judgment and Sentencing Decision. However, this initiative requires in-person meetings, during which Defence team members must go through the judgment sequentially with Mr. Yekatom. This is necessary because Mr. Yekatom is logistically unable to independently review or follow oral translations of the English version of the Trial Judgment and Sentencing Decision via telephone.

19. With this in mind, on 11 June 2024, the Defence submitted a request to the Detention Centre proposing a structured meeting schedule: morning sessions with the legal team and linguistic interpreter, followed by afternoon meetings with Counsel. The proposal aimed to facilitate an efficient and coordinated review of the judgment.²⁴ Regrettably, the Detention Centre rejected the proposal on the basis

²³ See e.g. (i) *Lubanga* (approx. **172 days** to translate 624 pages from English to French) see ICC-01/04-01/06-2842, 14 March 2012 and ICC-01/04-01/06-2842-tFRA, 31 August 2012 ; (ii) *Katanga* (approx. **409 days** to translate 711 pages from French to English (noting English version amounts to 660 pages) see ICC-01/04-01/07-3436, 7 March 2014 and ICC-01/04-01/07-3436-tENG, 20 April 2015 ; (iii) *Bemba* (approx. **196 days** to translate 364 pages from English to French see ICC-01/05-01/08-3343, 21 March 2016 and ICC-01/05-01/08-3343-tFRA, 3 October 2016 ; (iv) *Ntaganda* (approx. **507 days** to translate 539 pages from English to French) see ICC-01/04-02/06-2359, 8 July 2019 and ICC-01/04-02/06-2359-tFRA, 26 November 2020 ; and (v) *Ongwen* (approx. **1,319 days** to translate 1,077 pages from English to French) see ICC-02/04-01/15-1762-Red, 4 February 2021 and ICC-02/04-01/15-1762-Red-tFRA, 12 September 2024. The Defence recognises that not all of these translations were required pursuant to rule 144(2)(b). However, and as noted by the Appeals Chamber, a full translation is not necessarily required prior to the filing of the notice of appeal (see *Prosecutor v. Ongwen*, ICC-02/04-01/15-1781, Decision on Mr. Ongwen's request for time extension for the notice of appeal and on translation, 24 February 2021, para. 10). This does not, however, negate the fact that: (i) a full translation remains required for the purposes of rule 144(2)(b) in respect of Mr. Yekatom—even if the deadline for completion falls after the filing of the notice of appeal; and (ii) the Court routinely translates its judgments into both working languages. Accordingly, the above timeframes serve as a reasonable indicator of how long a full English-to-French translation of the Trial Judgment and Sentencing Decision may take. See further, ICC-01/04-02/06-2415 A, *Prosecutor v. Ntaganda*, Decision on Mr. Ntaganda's request for an extension of the page and time limit for the filing of the appeal brief and related matters, 20 September 2019, para. 14 ('This order [for rolling translations of the judgment] is made without prejudice to the question of whether a judicial order is required for translation to be effectuated in accordance with rule 144(2) of the Rules of Procedure and Evidence').

²⁴ Email from Yekatom Defence to Detention Centre, 11 June 2025 at 15 :46 (available upon request).

that two visits in a single day would not be permitted.²⁵ Accordingly, the Defence's ability to assist Mr. Yekatom in understanding the English judgment is significantly constrained by the Detention Centre's limited visiting hours,²⁶ and the availability of consultation rooms.²⁷

20. The requested extension will therefore enable Mr. Yekatom to receive, within a realistic timeframe, written translations of critical sections from LSS, supplemented by oral explanations from the Defence team. This will ensure that Mr. Yekatom is in a more informed position to provide instructions for his appeal, in full respect of his fair trial rights under rule 144(2)(b) and article 67(1)(f). In doing so, Mr. Yekatom reserves the right to supplement his notice of appeal and/or appeal brief upon receipt of the fully translated French version of the Trial Judgment and Sentencing Decision.

e. Preparations for the appeal are expected to proceed concurrently with reparations proceedings

21. The Trial Judgment and Sentencing Decision mark the first time in the Court's history that an article 74 judgment has been issued simultaneously with a sentencing decision under article 76, outside the framework of article 65 proceedings. As a result, the Defence must not only assess potential errors in both conviction and sentencing concurrently but must also do so while anticipating and preparing for reparations proceedings under article 75, which will be conducted before a newly constituted Trial Chamber.

²⁵ Email from Detention Centre to Yekatom Defence, 16 July 2025 at 10:41 (stating that same team and detained person cannot have more than one visit per day) (available upon request). See also Email from Detention Centre to Yekatom Defence, 18 June 2025 at 16:55 (stating that as the proposed visits were at the end of July, it could not confirm the times at this moment) (available upon request).

²⁶ Visits with Mr. Yekatom can be scheduled on Wednesdays between 09:20 and 13:00; Mondays, Tuesdays and Fridays between 09:20 and 13:00 or 15:20 and 16:20 and Thursdays 09:20 – 16:20.

²⁷ There is a maximum of four available consultation rooms for all ICC detainees (and exceptionally from the KSC and IRMCT) and subject to availability. As recently explained by the Detention Centre, '[i]t is not possible to confirm visits weeks in advance, as [the Detention Centre] may have to cancel them due to constraints in detention scheduling' see Email from Detention Centre to Yekatom Defence, 10 July 2025 at 16:39 (available upon request).

22. As with concurrent sentencing proceedings in previous cases—where the Appeals Chamber has acknowledged the burden placed on Defence teams when preparing notices of appeal under article 74 while simultaneously addressing sentencing²⁸—the Defence in the present case faces comparable resource constraints. In particular, the Defence will be required to prepare submissions regarding the appropriate timing and procedural framework for a fair and orderly reparations process; review disclosed victim information; consider potential requests for the exclusion of participating victims represented by the Common Legal Representative of the Former Child Soldiers in relation to individual or collective reparations; and make related submissions concerning Mr. Yekatom’s indigent status. Moreover, should the Trial Chamber initiate the reparations phase concurrently with the appellate proceedings, Defence resources will be further strained by the need to prepare additional procedural and evidentiary submissions.
23. The simultaneous demands of appellate preparation, sentencing considerations, and the anticipated commencement of reparations proceedings—each complex in its own right—impose an exceptional burden on the Defence at this stage of the proceedings. These circumstances, including the novelty of the procedural posture and the transition to a newly constituted Trial Chamber for reparations, further reinforce the existence of good cause for the requested extension.

²⁸ See e.g. ICC-01/12-01/18-2606 A, *Prosecutor v. Al Hassan*, Decision on the Defence’s ‘Request for Extension of Time to File the Notice of Appeal’ against the decision of Trial Chamber X entitled ‘Trial Judgment’, 12 July 2024; ICC-01/12-01/18-2628 A, *Prosecutor v. Al Hassan*, Decision on the ‘Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal’, 26 July 2024, para. 12; and ICC-01/04-02/06-2364 A, *Prosecutor v. Ntaganda*, Decision on Mr Bosco Ntaganda’s and the Prosecutor’s requests for time extension for the notice of appeal and the appeal brief, 19 July 2019, paras. 3-5. See further, in relation to extension of time to file appeal brief due to competing deadlines ICC-01/05-01/08-3370 A, *Prosecutor v. Bemba*, Decision on Mr Bemba’s request for an extension of time for the filing of his document in support of the appeal, 15 April 2016, para. 6 and ICC-01/04-02/06-2415 A, *Prosecutor v. Ntaganda*, Decision on Mr Ntaganda’s request for an extension of the page and time limit for the filing of the appeal brief and related matters, 20 September 2019, para. 12.

f. The summer judicial impact has a direct impact on the Defence's available resources

24. The aforementioned factors are further compounded by the fact that the time limit under rule 150(1) commenced on 25 July 2025, which coincided with the start of the Court's summer judicial recess. In other words, the first crucial twenty-five days of the appellate process will take place during the summer judicial recess.
25. As set out, in the Suspension Request, several Defence team members are unavailable throughout the summer judicial recess, having scheduled leave during this period as a matter of professional necessity and fairness, following the inability to take leave during either judicial recess in 2024.²⁹ Additionally, team members worked actively throughout the deliberation period - either in these proceedings or, due to the limitations imposed by the legal aid policy,³⁰ on other professional commitments and were unable to take leave prior to the issuance of the judgment. Team members, all of whom are non-Dutch nationals, also have longstanding family and educational commitments to balance.³¹ As such, the Defence reiterates that it will not be able to operate at full capacity, and that many team members will be unavailable to prepare the notice of appeal during the recess period.
26. The unavailability of team members over the judicial recess period has been considered by the Appeals Chamber to constitute good cause for an extension of time in various instances including in relation to the filing of notices of appeals and

²⁹ During the winter judicial recess 2024, the Defence was preparing for the sentencing hearing scheduled on 8 to 10 January 2025, whilst during the summer judicial recess 2024, the Defence was preparing additional sentencing evidence which was to be filed 6 September 2024, bar table motions and request to present rebuttal evidence see ICC-01/14-01/18-2600, Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings, 18 July 2024 ; ICC-01/14-01/18-2520-Conf, Decision on the CLRV1 Submission Request from the Bar Table, 4 June 2024 ; ICC-01/14-01/18-2694-Conf, Decision on the Prosecution Request for the Submission of Rebuttal Evidence, 17 September 2024; ICC-01/14-01/18-2695-Conf, Decision on the Common Legal Representative of the Former Child Soldiers Request to Present Evidence in Rebuttal, 18 September 2024.

³⁰ See e.g. ICC-01/14-01/18-2760-Conf, Decision on the Yekatom Defence Request for Review of the Registrar's Decision regarding its Team Composition during the Reduced Activity Phase, 18 February 2025 (in reference to the application of paragraph 73 of the Legal Aid Policy (ICC-ASP/22/9)); ICC-01/14-01/18-2756-Red, Public Redacted Version of 'Urgent Request for Review of 'Registrar decision on the 'Request for review of CSS Decision of 14 January 2025'' submitted by the Yekatom Defence on 16 January 2025', 3 February 2025, ICC-01/14-01/18-2756-Conf-Exp, 7 February 2025.

³¹ Suspension Request, para. 6.

appeal briefs,³² and reflects a broader practice to suspend time limits over the recess period as adopted by various Chambers.³³ As set out in the Suspension Request, the suspension of time limits over the recess period is in recognition of the need for legal teams to take scheduled breaks to accommodate the intense workload borne by legal teams over the course of lengthy proceedings.³⁴

27. Moreover, the necessity of scheduled breaks is not only afforded to staff and principals across all organs of the Court,³⁵ but must be applied equally to all parties. In the present instance, given the timing and outcome of the Trial Judgment, only the Prosecution team is in a position to benefit from the summer judicial recess as the appellate phase commences.

28. To address this disparity, the requested extension should therefore commence from the end of the summer judicial recess, namely 18 August 2025, so as to permit the Defence to operate at full capacity and adequately prepare its grounds of appeal. This would preserve the utility of the extension and prevent the Defence from being placed at a procedural disadvantage *vis-à-vis* the Prosecution during the appellate proceedings.

³² See e.g. ICC-02/05-03/09-624, *Prosecutor v. Abdallah Banda Abakaer Nourain*, Decision on Mr Banda's request for extension of time for the filing of a document in support of the appeal, 24 December 2014, para. 6 ('The Appeals Chamber notes the argument of Mr Banda that the time limit for the filing of the document in support of the appeal runs at the time of judicial recess, when members of his defence team are unavailable to work. In the particular circumstances of the present case, the Appeals Chamber is satisfied that, in light of these submissions, 'good cause' has been shown'). See further ICC-01/04-01/07-121 OA2, *Prosecutor v. Katanga*, Decision on the "Defence Application for Extension of Time to File Document in Support of Appeal", ICC-01/04-01/07-121, 21 December 2007, para. 5; ICC-02/04-01/15/1861, *Prosecutor v. Ongwen*, Decision on the Prosecutor's request for an extension of the time limit to file a response to the appeal brief, 17 June 2017, para. 17 and ICC-01/12-01/18-2606 A, *Prosecutor v. Al Hassan*, Decision on the Defence's 'Request for Extension of Time to File the Notice of Appeal' against the decision of Trial Chamber X entitled 'Trial Judgment', 12 July 2024, paras 7 and 13.

³³ Suspension Request, para. 5 and cites therein.

³⁴ Suspension Request, para. 5 and cites therein.

³⁵ See e.g. ICC-01/05-01/08-T-43-Red2-ENG WT, *Prosecutor v. Jean-Pierre Bemba Gombo*, Transcript, 3 December 2010, p. 31, lines 13-24 ('This recess is not only to allow Judges and Chamber staff a break, but also for counsel [...] If any decisions are issued during the course of the recess, time limits will remain suspended'). See also ICC-01/04-01/07-T-286-Red-ENG CT WT, *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Transcript, 6 July 2011, p. 5, lines 4 – 8.

g. The factors in support of the requested extension under rule 150(2) apply *mutatis mutandis* to regulation 58

29. The requested 35-day extension, to commence following the summer judicial recess, is necessary to allow the Defence to file the notice of appeal in accordance with the detailed requirements of regulation 57. During this period, the Defence will therefore undertake the necessary preparations to file its notice of appeal, if granted, no later than 22 October 2025.
30. While preparations for the notice of appeal will provide the foundation and framework for the appeal brief, the two exercises do not entirely overlap. The filing of the notice is not a substitute for the comprehensive submission of the appeal brief. The Defence will still be required to articulate the legal and/or factual reasons supporting each ground of appeal, to refer to the relevant parts of the record or other sources of information, and to explain in sufficient detail how each alleged error materially affects the appealed decision—consistent with the requirements of regulation 58(2). Given the length and scope of the conviction, and the fact that the appeal brief must address errors relating to *both* conviction and sentencing, the Defence anticipates that its grounds and sub-grounds of appeal will be extensive and involve complex mixed errors of fact and law that will be fully substantiated in its appeal brief.
31. The Defence therefore requests, without prejudice to any further substantiated requests for an extension of time, that the 60-day timeframe to file its appeal brief commences from the date of notification of its notice of appeal. This timeline will allow the Defence to prepare its appeal brief in a comprehensive manner as envisaged by the statutory framework and is consistent with regulation 58, read together with rule 150(1), which provides that the appeal brief is to be filed 60 days after the notice of appeal. It also aligns with the prior practice of the Appeals Chamber in *Ongwen* and *Al Hassan*, where the parties were granted an extension of time to file their appeal briefs following extensions to file their respective notices

of appeal and to avoid the parties having to file their appeal briefs days after the notice of the appeal.³⁶ Moreover, issuing a decision on both extensions at this stage will allow for a clear scheduling order that promotes judicial efficiency and reflects a reasonable, coordinated approach.

III. CONCLUSION AND RELIEF SOUGHT

32. The factors establishing good cause in the present circumstances are either directly comparable to those in previous proceedings where similar extensions were granted for the filing of notices of appeal or are exceeded by the present facts. The Trial Judgment and Sentencing Decision constitute the *longest* judgment in the Court's history. The evidentiary record is the *most extensive* to date. Mr. Yekatom stands convicted of twenty counts, in the case that holds the *third highest* number of convictions ever entered against a single accused before the Court. This is also the *first instance* in which a Defence team must simultaneously prepare an appeal against both conviction and sentence while anticipating reparations proceedings, all before a newly constituted Trial Chamber.
33. This burden is further compounded by the fact that the judgment was issued immediately prior to the judicial recess, at a time when the Defence is operating well below full capacity. Team members are unavailable to review the extensive judgment, formulate grounds of appeal that reflect the complex legal and factual issues arising from the case, and—most crucially—explain the entirely English-

³⁶ ICC-02/04-01/15-1781 A, *Prosecutor v. Ongwen*, Decision on Mr Ongwen's request for time extension for the notice of appeal and on translation, 24 February 2021, para. 13 ('The Appeals Chamber also finds it appropriate to extend, on its own motion, the time limit for Mr Ongwen to file his appeal brief, filed pursuant to regulation 58 of the Regulations, by 45 days. This is because otherwise, Mr Ongwen would be required to file his appeal brief only 30 days after the notice of appeal is due to be filed'); ICC-01/12-01/18-2647, *Prosecutor v. Al Hassan*, Decision on the requests for an extension of time to file appeal briefs against the decision of Trial Chamber X entitled 'Trial Judgment', 11 September 2024, para. 13 ('In accordance with regulation 58(1) of the Regulations, "the appellant shall file an appeal brief within 90 days of notification of the relevant decision". In this regard, regulation 58(1) of the Regulations read with rule 150(1) of the Rules envisages that a party has 60 days after filing any notice of appeal to file its appeal brief. In the present case, and as correctly pointed out by the parties,²⁴ their respective appeal briefs are due on 25 September 2024, just one week after the filing of the notices of appeal').

language judgment to Mr. Yekatom in French, so that he may understand the basis for his conviction and the reasons underlying his fifteen-year sentence.

34. For the foregoing reasons, and in accordance with rule 150(2), regulations 35 and 58 RoC, the Yekatom Defence respectfully requests that the Appeals Chamber:

GRANT the Defence an extension of 35 days, to commence following the summer judicial recess,

AUTHORISE the Defence to file any notice of appeal no later than 22 October 2025, and

AUTHORISE the Defence to file any appeal brief 60 days after the submission of its notice of appeal.

RESPECTFULLY SUBMITTED ON THIS 28th DAY OF JULY 2025



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

Dated on 28th July 2025

At The Hague, the Netherlands