

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **3 October 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 THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR v.*
*ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

**Public Redacted Version of “Yekatom Defence Request for extension of
time to file the Appeal Brief”, 30 September 2025, ICC-01/14-01/18-2817-
Conf**

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

☐ 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

INTRODUCTION

1. The Defence for Mr Alfred Rombhot Yekatom ('Defence') hereby respectfully requests an extension for filing its appeal brief from 25 November 2025 to 2 February 2026, pursuant to regulation 35 of the Regulations of the Court ('RoC').
2. Good cause exists for the sought extension.
3. Due to the extraordinary quantity, quality, and variety of errors contained in the Judgment and Sentencing Decision, itself the longest such document issued in proceedings before the Court by a substantial margin, maintaining the current deadline of 25 November 2025 will significantly hinder the Defence's ability to present Mr Yekatom's arguments on appeal. This burden directly implicates two core fair trial rights: Mr Yekatom's right to translation, given that essential sections of the Judgment and Sentencing Decision – including findings on the crime-bases, legal characterisation and sentencing – have yet to be provided to Mr Yekatom; and his right to adequate time and facilities to prepare his defence, in light of the unprecedented scale of the Judgment and Sentencing Decision and trial record. These burdens are further compounded by [REDACTED].
4. Against this backdrop, the requested extension is both proportionate and consistent with past practice. Appellate briefing schedules established in previous proceedings before the Court have allowed for considerably more time in relation to judgments and records of significantly smaller scale. The sought extension therefore reflects not only the unprecedented demands of this case and other prevailing circumstances, but also the necessity of safeguarding Mr Yekatom's fair trial rights.
5. The sought extension would also promote judicial economy and efficiency, as it would minimise the need for recourse to burdensome variation of the appeal

brief, which would carry with it the real risk of detrimental impact to appellate preparations and concomitant delays and disruptions.

6. Following consultations, the Prosecution has indicated that it would not oppose a reasonable extension of time to submit the Defence appeal brief, and that it intends to leave the matter to the discretion of the Appeals Chamber.

PROCEDURAL BACKGROUND

7. On 24 July 2025, Trial Chamber V ('Trial Chamber') issued the Trial Judgment and Sentencing Decision ('Judgment and Sentencing Decision') in the *Yekatom & Ngaiisonga* proceedings.¹
8. On 28 July 2025, the Defence filed its 'Request for Extension of Time to File the Notice of Appeal and Appeal Brief' ('First Extension Request'), seeking an extension of time limits for filing its notice of appeal and appeal brief to 22 October 2025 and 22 December 2025, respectively.²
9. On 1 August 2025, the Appeals Chamber issued the 'Decision on requests for extension of time limits for notices of appeal and appeal briefs against the decision of Trial Chamber V entitled "Judgment"' ('Decision on Extension Requests'), in which the Appeals Chamber extended the time limits for filing of notices of appeal to 26 September 2025, and for the filing of appeal briefs to 25 November 2025.³ The Appeals Chamber also instructed the Registry's Language Services Section ('LSS') to inform it of the estimated time to deliver translations of essential sections of the Judgment and Sentencing Decision.⁴
10. On 14 August 2025, pursuant to the Decision on Extension Requests, the Registry filed the 'Registry's Observations on measures taken to prioritise the

¹ ICC-01/14-01/18-2784.

² ICC-01/14-01/18-2789.

³ ICC-01/14-01/18-2794.

⁴ Ibid., p. 3.

draft translation of essential parts of the Judgment' ('Registry Observations'), in which it indicated that translations of essential sections of the Judgment and Sentencing Decision would begin in earnest in early September and that it estimated that LSS would require '11 to 12 weeks to translate all the sections identified as essential' by the Defence.⁵

11. On 18 August 2025, the Defence filed the 'Yekatom Defence Response to "Registry's Observations on measures taken to prioritise the draft translation of essential parts of the Judgment" (ICC-01/14-01/18-2799)' ('Response to Registry Observations'), in which it identified those sections of the Judgment and Sentencing Decision that it deemed 'first-level priority sections', as requested by LSS.⁶
12. On 26 September 2025, the Defence filed the 'Yekatom Defence Notice of Appeal against the Judgment (ICC-01/14-01/18-2784-Conf)' ('Notice of Appeal').⁷

SUBMISSIONS

A. The circumstances are such that the current deadline for filing the appeal brief cannot be met without unduly prejudicing Mr Yekatom's rights.

13. The Defence submits that in the circumstances, the 25 November 2025 deadline for filing the appeal brief cannot be met without causing undue prejudice to Mr Yekatom's right to adequate time and resources for defence preparation, and his right to translations as are necessary to meet the requirements of fairness.⁸
14. In the *Ntaganda* appeal proceedings, the Appeals Chamber granted a defence request for an extension of time to file its appeal brief, having found that it 'must accept the genuine concern of [the] defence team that the presentation of Mr

⁵ ICC-01/14-01/18-2799, paras 8-10.

⁶ ICC-01/14-01/18-2800; see also *ibid.*, para. 10.

⁷ ICC-01/14-01/18-2816.

⁸ See articles 67(1)(b) and (f) of the Rome Statute; and rule 144(2)(b) of the Rules of Procedure and Evidence ('Rules').

Ntaganda's arguments on appeal may be significantly hindered' by the briefing schedule set out in those proceedings.⁹

15. In the same vein, the Defence submits that the current deadline of 25 November 2025, which falls 124 days after the issuance of the Judgment and Sentencing Decision, does not allow the Defence sufficient time to prepare a comprehensive appeal brief duly articulating the reasons supporting the 53 grounds and sub-grounds of appeal recently notified,¹⁰ referring to relevant parts of the extensive trial record or other sources, and explaining in clear and concise detail how each error materially affects the Judgment and Sentencing Decision, in accordance with regulation 58(2).
16. This is first and foremost a consequence of the extraordinary quantity, quality, and variety of errors contained in the Judgment and Sentencing Decision.
17. The Defence recalls that in the Decision on Extension Requests, the Appeals Chamber found that the reasons advanced by the Defence in support of the First Extension Request demonstrated good cause justifying an extension of the time limit for filing its notice of appeal and appeal brief; and it took particular note of the unprecedented length of the Judgment and Sentencing Decision, which contains over 1,600 pages of the Trial Chamber's determinations on both convictions and sentence.¹¹
18. However, the preparatory burden posed by the length of the Judgment and Sentencing Decision is significantly compounded by the sheer scale of the errors contained therein, which effectively requires the Defence to challenge the quasi-entirety of the findings entered against Mr Yekatom, as has become clear since the Decision on Extension Requests was issued.¹²

⁹ *Prosecutor v Ntaganda*, Decision on Mr Ntaganda's request for reconsideration of the decision on time and page extensions, [ICC-01/04-02/06-2426](#), 1 October 2019, para. 8.

¹⁰ See Notice of Appeal.

¹¹ See Decision on Extension Requests, para. 9.

¹² See Notice of Appeal, paras 2-5.

19. As set out in the Notice of Appeal, the Trial Chamber fundamentally erred in its overarching narrative of the events subject of these proceedings, which errors permeate each of the 20 convictions entered against Mr Yekatom: the nature of the 'Anti-balaka' movement; the objectives and structure of the RFACPP; the nature of Mr Yekatom's role; the instructions and training given to RFACPP members; the conduct and intent attributed to Mr Yekatom; and the crime-base factual findings underpinning his convictions.¹³
20. These findings were entered via a multitude of errors in the Trial Chamber's treatment and assessment of evidence which, in their extraordinary quantity, quality and variety, cumulatively give rise to a reasonable apprehension of bias on the part of the Trial Chamber.¹⁴ In this regard, the Defence emphasises the particular preparatory burden posed by the systematic manner in which the Trial Chamber misstated and mischaracterised evidence and omitted key context within testimonial evidence, proof of which must be clearly and concisely presented and argued before the Appeals Chamber.¹⁵
21. In the same vein, as foreshadowed by the Defence via an initial statistical analysis,¹⁶ the length of the Judgment and Sentencing Decision notwithstanding, the Trial Chamber also persistently failed to holistically engage with the evidence, including by failing to meaningfully consider (or even address) exculpatory evidence and key Defence arguments; and it systematically failed to provide adequate reasoning throughout the Judgment and Sentencing Decision, often merely reciting witness summaries without any meaningful analysis or explanation of its findings.¹⁷ These errors in particular require the Defence to extensively re-engage with the evidentiary record – itself

¹³ See Notice of Appeal, paras 8-17, 35-44; 64-78.

¹⁴ See Notice of Appeal, paras 18-24.

¹⁵ See Notice of Appeal, paras 19, 22, 24.

¹⁶ Specifically, the Defence has previously noted that in the Judgment and Sentencing Decision, the Trial Chamber cited to less than 9% of the evidentiary record in these proceedings; see First Extension Request, para. 14.

¹⁷ See Notice of Appeal, paras 20, 23-24.

the largest in the Court's history¹⁸ – in the preparation of the appeal brief, including in order to properly direct the Appeals Chamber to relevant evidence.

22. In parallel, the Trial Chamber committed legal errors on specific crimes and procedural errors that compromised the fairness of the proceedings; it exceeded the parameters of the charges as confirmed; it failed to enter necessary temporal, chronological and geographical findings; and it systematically ignored the prevailing circumstances of the non-international armed conflict.¹⁹ The Trial Chamber committed further factual, legal and procedural errors in the determination of the sentence entered against Mr Yekatom.²⁰ In this regard, the appeal brief will set out a wide range of complex, interrelated issues of fact and law²¹ – itself a factor that has been found to constitute good cause for an extension of time for filing an appeal brief.²²
23. As emphasised in the Notice of Appeal, many of the above errors recur across multiple sections of the Judgment and Sentencing Decision, are inter-related in their nature, and/or are cascading in their impact.²³ The Defence anticipates that it will be a significantly resource-intensive task to set out the cross-cutting nature of these errors in the appeal brief, and is particularly mindful of the need to ensure that the Defence's arguments in this regard are presented clearly and concisely therein, with the aim of facilitating the work of the Appeals Chamber and assisting to ensure efficient appeals proceedings. The absence of specific references for key factual findings of the Trial Chamber, themselves subsequently relied on to support its legal characterisation findings, further compounds the preparatory burden in this respect.²⁴

¹⁸ For reasons of judicial economy, the Defence respectfully refers the Appeals Chamber to its submissions in the First Extension Request, para. 12.

¹⁹ See Notice of Appeal, paras 25-34, 45-78.

²⁰ See Notice of Appeal, paras 79-86.

²¹ See also, First Extension Request, para. 11.

²² See e.g., *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, [ICC-01/04-02/06-2364](#), 19 July 2019, paras 3, 5.

²³ See Notice of Appeal, para. 4.

²⁴ See also, First Extension Request, para. 10, fn. 10.

24. Second, and relatedly, the Defence will be unable to meet the 24 November 2025 deadline on account of the ongoing lack of translations of essential parts of the Judgment and Sentencing Decision.²⁵
25. The Defence reiterates its understanding that the Trial Chamber does not appear to have identified or submitted key sections of the Judgment and Sentencing Decision to LSS prior to its issuance, and that as a consequence, LSS was unable to carry out translation work in parallel to the Trial Chamber's drafting.²⁶
26. At time of filing therefore – that is, over 60 days since the Judgment and Sentencing Decision was issued – Mr Yekatom is yet to receive translations of the Trial Chamber's factual findings, including material facts, on any of the three crime-base pertaining to the 20 counts for which Mr Yekatom was convicted.²⁷ Nor has Mr Yekatom received any translations of the Trial Chamber's legal characterisation findings,²⁸ or its sentencing findings.²⁹
27. This ongoing lack of translations constitutes a compound burden on Defence preparations. As the Appeals Chamber has noted, the Defence has been preparing internal translations and communicating details of the Judgment and Sentencing Decision to Mr Yekatom via telephone and in-person meetings.³⁰ However, time spent by Defence team personnel effectively translating the Judgment and Sentencing Decision for Mr Yekatom – in lieu of receiving LSS translations of essential parts of the Judgment, as per his statutory right – is time

²⁵ Regarding the impact of the ongoing lack of translations on the current briefing schedule, see below, section C.

²⁶ See Response to Registry Observations, para. 4.

²⁷ Specifically, identified essential findings within Section IV ('Factual Findings and Evidentiary Analysis'): Section IV.B ('The attack on Bangui, including Boeing and Cattin, on 5 December 2013'); Section IV.D ('The events at Yamwara on and around 24 December 2013'); and Section IV.E ('The Anti-Balaka's advance through and takeover of villages along the PK9-Mbaiki Axis'); see Response to Registry Observations, para. 6.

²⁸ Specifically, identified essential findings within Section V.B.3 ('Specific elements of the crimes and individual criminal responsibility'); see Registry Observations, para. 5.

²⁹ Specifically, identified essential findings within Section VI.B.2 ('Factors and circumstances applicable to both accused') and Section VI.B.3 ('Mr Yekatom'); see Registry Observations, para. 5.

³⁰ Decision on Extension Requests, para. 12.

that has been (and will continue to be) diverted from defence work proper, i.e. further factual and legal research, strategy discussions, and the preparation and drafting of Mr Yekatom's appeal brief.

28. Moreover, the Defence's efforts notwithstanding, it cannot be controversial that a document as lengthy, dense and complex as the Judgment and Sentencing Decision simply does not lend itself to non-professional and/or over-the-phone internal interpretation, for the purposes of Mr Yekatom's full absorption and retention.³¹ As a consequence, and due also to the staggered manner in which translations are being received, Mr Yekatom's comprehension of the Judgment and Sentencing Decision is necessarily piecemeal – as are, by extension, his instructions in relation thereto – and are anticipated to remain so until he is delivered essential sections thereof.
29. Thirdly, the imposition of further, potentially substantial burdens on Defence appellate preparations is imminently anticipated.
30. [REDACTED],³² [REDACTED].
31. [REDACTED].
32. [REDACTED].³³ [REDACTED].
33. Moreover, as previously raised and detailed by the Defence, an increased workload concomitant with concurrent reparations proceedings is also

³¹ In this regard, the Defence respectfully refers the Appeals Chamber to its previous submissions in respect of the difficulties encountered in scheduling visits with Mr Yekatom at the Detention Centre; see First Extension Request, para. 19. The Defence also emphasises the distinction between discussing select issues for the purposes of preparing the Notice of Appeal, and receiving informed instructions given on the basis of Mr Yekatom's independent access to the entirety of the translated essential sections. The Defence stresses that the dissection and explanation of complex factual and legal issues, reasoning and concepts is a time-consuming process, and that due regard must be given to Mr Yekatom's individual circumstances; see Annex - Language assessment report regarding Mr Alfred Yekatom, ICC-01/14-01/18-42-Conf-Anx, 24 December 2018, pp 1-3.

³² [REDACTED].

³³ [REDACTED].

reasonably anticipated.³⁴ In this regard, the Defence notes that since the Decision on Extension Requests was issued, Trial Chamber V (before whom reparations proceedings will be held) has been re-composed, its Presiding Judge elected, and its Single Judge designated.³⁵

B. The sought extension is reasonable in the circumstances.

34. The sought extension would afford the Defence a period of 193 days from the issuance of the Judgment and Sentencing Decision³⁶ to file its appeal brief challenging the Trial Chamber's article 74 and article 76 decisions set out in the former. It is submitted that the sought extension is reasonable in the circumstances.
35. This is aptly illustrated by way of comparison with appellate briefing schedules established in previous proceedings before the Court; specifically, in the time ultimately granted to defence teams to file their appeal briefs against article 74 and article 76 decisions following the issuance of the trial judgment.³⁷
36. In the *Ongwen* proceedings, wherein the trial judgment constituted the longest hitherto issued by the Court (which, at 1,077 pages, is 417 pages shorter than the article 74 decision issued in these proceedings), the defence appeal brief against the trial judgment was filed 167 days after the latter was issued;³⁸ and the defence appeal brief against the sentencing judgment (itself comprising 144

³⁴ For reasons of judicial economy, the Defence respectfully refers the Appeals Chamber to its previous submissions set out in the First Extension Request, paras 21-23.

³⁵ See Decision notifying the election of the Presiding Judge and the designation of a Single Judge, ICC-01/14-01/18-2810, 11 September 2025.

³⁶ As opposed to 123 days, per the current deadline.

³⁷ In this respect, mindful that (unlike in the *Yekatom & Ngaissona* proceedings) previous appeal proceedings have not involved concurrent article 74 and article 76 proceedings, the Defence submits that parallel article 74 and article 76 appellate briefing schedules established in previous proceedings provide a useful comparison insofar as they are considered and calculated in combination (albeit taking into account their partial overlap), so as to reflect in toto the workload necessitated by the preparation and filing of appeal briefs against article 74 and article 76 decisions.

³⁸ See *Prosecutor v Ongwen*, Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled "Trial Judgment", [ICC-02/04-01/15-2022-Red](#), 15 December 2022, paras 55, 61; Trial Judgment, [ICC-02/04-01/15-1762-Red](#), 4 February 2021 ('Ongwen Trial Judgment').

pages) was filed 112 days after the latter's issuance.³⁹ Taking into account their partial overlap, these briefing schedules thus ran for a combined period of 203 days following the issuance of the *Ongwen* trial judgment.⁴⁰

37. In the *Ntaganda* appeal proceedings, briefing schedules were ultimately established as follows: the defence was afforded 207 days to file the defence appeal briefs against the trial judgment (of 539 pages) and 95 days to file an appeal brief against the sentencing decision (of 117 pages), amounting to a total of 217 days.⁴¹
38. In the *Bemba* appeal proceedings, the defence was afforded 182 days to file its appeal brief(s) against the trial judgment (of 364 pages),⁴² and 122 days to file its the appeal brief(s) against the sentencing decision (of 47 pages),⁴³ which amounts to a total of 214 days.⁴⁴
39. The timeframes afforded to defence teams in the above appellate proceedings to file their appeal briefs against article 74 and article 76 decisions are thus substantially longer than the 123 days currently afforded the Defence, despite the fact that these appeal briefs were filed against article 74 and article 76

³⁹ See *Prosecutor v Ongwen*, Judgment on the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX of 6 May 2021 entitled "Sentence", [ICC-02/04-01/15-2023](#), 15 December 2022, paras 20-25 ('Ongwen Sentencing Appeal Judgment'); Sentence, [ICC-02/04-01/15-1819-Red](#), 6 May 2021; Partly Dissenting Opinion of Judge Raul C. Pangalangan, [ICC-02/04-01/15-1819-Anx](#), 6 May 2021.

⁴⁰ The Ongwen Trial Judgment was issued on 4 February 2021 and the defence's sentencing appeal brief was filed on 26 August 2021; see, Ongwen Trial Judgment; Ongwen Sentencing Appeal Judgment, fn. 25.

⁴¹ See *Prosecutor v Ntaganda*, Public redacted version of Judgment on the appeals of Mr Bosco Ntaganda and the Prosecutor against the decision of Trial Chamber VI of 8 July 2019 entitled 'Judgment', Annex A: Procedural History, [ICC-01/04-02/06-2666-AnxA](#), 30 March 2021 ('Ntaganda Appeal Procedural History'), paras 1-15; Judgment, [ICC-01/04-02/06-2359](#), 8 July 2019; Sentencing Judgment, [ICC-01/04-02/06-2442](#), 7 November 2019. The defence appeal brief against sentence was filed on 10 February 2020; see, Judgment on the appeal of Mr Bosco Ntaganda against the decision of Trial Chamber VI of 7 November 2019 entitled 'Sentencing judgment', [ICC-01/04-02/06-2667-Red](#), 30 March 2021, para. 13.

⁴² *Prosecutor v Bemba*, Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III's "Judgment pursuant to Article 74 of the Statute", [ICC-01/05-01/08-3636-Red](#), 8 June 2018, paras 12-14; Judgment pursuant to Article 74 of the Statute, [ICC-01/05-01/08-3343](#), 21 March 2016 ('Bemba Trial Judgment').

⁴³ *Prosecutor v Bemba*, Decision on the appeals of the Prosecutor and Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 21 June 2016 entitled "Decision on Sentence pursuant to Article 76 of the Statute", [ICC-01/05-01/08-3637](#), 8 June 2018, paras 1, 4 ('Bemba Sentencing Appeal Judgment'); Decision on Sentence pursuant to Article 76 of the Statute, [ICC-01/05-01/08-3399](#), 21 June 2016.

⁴⁴ The Bemba Trial Judgment was issued on 21 March 2016, and the defence appeal brief against sentence was filed on 21 October 2016; see, Bemba Sentencing Appeal Judgment, para. 4.

decisions whose respective combined lengths were significantly shorter than the Judgment and Sentencing Decision issued in this case.⁴⁵

40. The Defence also notes that the sought extension, should it be granted, will include both the 2025 summer judicial recess and the 2025-2026 winter judicial recess.⁴⁶
41. The Defence is mindful that in the above-cited *Ongwen*, *Ntaganda* and *Bemba* proceedings, the respective defence teams were preparing sentencing submissions in parallel during part of the above-noted appeal briefing schedules.⁴⁷ It submits however that in the current circumstances, this is not a materially distinguishing factor. Even where sentencing was addressed separately, defence teams were still required to undertake the same substantive work of analysing the judgment, substantiating alleged errors, and preparing appellate submissions accordingly. In the present case, that burden is further compounded by the Trial Chamber's decision to conduct article 74 and article 76 proceedings concurrently — a course only announced at the conclusion of the Defence case, leaving no opportunity for advance preparation.⁴⁸ Moreover, the Chamber's judgment expanded the factual narrative beyond the scope of the confirmed charges, such that appellate preparations must now include a detailed review of the judgment to identify which factors were taken into

⁴⁵ The Defence notes that both *Ongwen* and *Ntaganda* proceedings involved a single accused. In the circumstances however, this is not a materially distinguishing factor, given the substantially overlapping nature of the cases brought against Mr Yekatom and Mr Ngaissona in these proceedings. In this regard, the Defence also emphasises that it intends to appeal aspects of the Judgment and Sentencing Decision that relate to the 'Anti-Balaka' movement (as opposed to the RFACPP) more broadly, including the Trial Chamber's finding that the 'Anti-Balaka' was one movement; that Mr Yekatom was himself 'Anti-Balaka'; and the that the RFACPP was part of the 'Anti-Balaka'; see Notice of Appeal, paras 36-38.

⁴⁶ The Defence notes that in both *Bemba* and *Ongwen*, the above-cited briefing schedules only included one judicial recess. See also First Extension Request, paras 24-28.

⁴⁷ See above, paras 35-38; see also Decision on Extension Requests, para. 9.

⁴⁸ See Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings, ICC-01/14-01/18-2600, 18 July 2024. See also, Yekatom Defence Request for Partial Reconsideration of 'Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings' (ICC-01/14-01/18-2600), ICC-01/14-01/18-2614, 2 August 2024.

account for sentencing, and to demonstrate how, had those factors been known at the time, they would have been further addressed in sentencing submissions.

C. The sought extension would promote judicial economy and efficiency.

42. As indicated in the Registry Observations, filed subsequently to the Decision on Extension Requests, LSS will require '11 to 12 weeks' counting from 'early September'⁴⁹ to deliver translations of essential parts of the Judgment and Sentencing Decision ('Translations').⁵⁰ As things stand therefore, it is anticipated that the Translations will be available between the last week of November and the first week of December 2025.⁵¹
43. As set out in the Decision on Extension Requests, the Defence has been granted a period of 14 days from the receipt of the translation of the last essential section of the Judgment and Sentencing Decision, to add to and/or amend its Notice of Appeal under regulation 61 of the RoC.⁵² Applied to the anticipated date of receipt set out above, this 14-day period would thus end between approximately 10 and 17 December 2025.⁵³
44. It is therefore envisaged that, following the completed delivery of Translations, the Defence may notify the Parties and the Appeals Chamber of its intent to amend and/or add grounds of appeal, approximately two to three months after the Notice of Appeal has been filed, and two to three weeks after the Defence will have filed its appeal brief, per the current applicable deadline of 25 November 2025.

⁴⁹ Registry Observations, para. 8.

⁵⁰ Registry Observations, para. 10.

⁵¹ Counting from 10 September 2025.

⁵² *Prosecutor v Lubanga*, Decision and order in relation to the request of 23 December 2013 filed by Mr Thomas Lubanga Dyilo, [ICC-01/04-01/06-3057-Corr](#), 13 January 2014, para. 7.

⁵³ The Defence also submits that this timing of delivery of the translated last essential section of the Judgment and Sentencing Decision also potentially impacts Defence preparations, in that it is anticipated that contacting Mr Yekatom to discuss these sections to receive instructions during the judicial recess will present its own difficulties.

45. The discordance between the timeframe to receive Translations and the current appellate briefing schedule thus gives rise to the real risk of delays, and detrimentally impacts judicial economy and efficiency.
46. First, amendment and/or addition of grounds of appeal so late in the appellate briefing schedule will inevitably disrupt the Appeals Chamber's and Parties' preparations, and potentially nullify the gains in judicial economy and efficiency that the regulatory framework was designed to yield. In this regard, as the Appeals Chamber has previously held, 'regulations 57 and 58 of the Regulations were amended on 12 July 2017 with the principle aim of enabling the Appeals Chamber to commence its work on the appeals at an earlier stage and to allow for an oral hearing to be held sooner in the appellate process'.⁵⁴ In the same vein, for its part, the Prosecution has argued in other proceedings before the Court that regulation 57 as amended 'serves to ensure that [...] that all parties, participants and the Appeals Chamber are given clear notice of the scope of the appeal so that they can effectively prepare'.⁵⁵ While the nature and extent of any potential variation is as yet unknown, any consequent detrimental impact on preparations would likely cause cascading delays along the briefing schedule, and thereby may postpone the full briefing of the Appeals Chamber.
47. Second, and in the same vein, as envisaged in regulation 61(6) of the RoC, the amendment and/or addition of grounds of appeal after the appeal brief has been filed will require the Appeals Chamber to establish a parallel briefing schedule for the filing of a 'supplemental brief', as well as responses and potential relies thereto, thus inherently impacting judicial economy and increasing the burden on Parties and the Appeals Chamber.⁵⁶ Moreover, parallel briefing schedules

⁵⁴ *Prosecutor v Al Hassan*, Decision on the "Prosecution Request regarding the Defence Notice of Appeal", [ICC-01/12-01/18-2657](#), 21 October 2024, para 10.

⁵⁵ *Prosecutor v Al Hassan*, Prosecution request regarding the Defence Notice of Appeal, [ICC-01/12-01/18-2650](#), 27 September 2024, para. 4.

⁵⁶ Regulation 61(6) of the RoC: 'If the variation is granted and the appeal brief has already been filed, the Appeals Chamber shall specify both the time and page limit within which the appellant shall file a supplemental brief setting out the grounds of appeal as varied, including the legal and factual reasons in support of each ground of

inherently carries with it the concomitant risk of further extension-related litigation,⁵⁷ not least in light of the above-noted additional preparatory burdens and disruptions that are imminently anticipated to impact these proceedings and indeed, [REDACTED].

48. Third, it is not guaranteed that submissions can be neatly divided between the various briefs and responses (not least if any supplemental brief does not simply add grounds, but also amends existing grounds);⁵⁸ and in this respect, judicial efficiency would be inevitably compromised by Parties' cross-referencing across the multiple briefs, responses and replies that will have been filed pursuant to the parallel briefing schedules. More concretely, having Parties file submissions and cross-responses across multiple documents risks compromising the comprehensibility and clarity of the Parties' arguments and positions.
49. The Defence submits that the crux of the issue is this: that there is very little, if anything, to be gained from the Defence having to file an unfinished appeal brief, filed pursuant to incomplete instructions, given on the basis of Mr Yekatom's partial comprehension of the 1,600 page Trial Judgment and Sentencing Decision entered overwhelmingly against him in a language that he does not understand. Whatever gains in time arising from the current briefing schedule – again, issued prior to the establishment of the timeframe for the delivery of Translations – will be offset, if not outright reversed, by the detrimental impact on judicial economy and efficiency that is likely to result.

appeal. Regulation 58, subregulation 2, shall apply *mutatis mutandis* to the supplemental brief.' See also, regulations 61(7)-(8), governing responses and replies to supplemental briefs.

⁵⁷ This is aptly illustrated by the *Ntaganda* appellate proceedings, wherein the Appeals Chamber ordered the Ntaganda defence to divide its appeal brief across two briefs following a defence extension request, and in which the Appeals Chamber was ultimately called upon to issue four separate decisions on nine extension requests and/or responses thereto pertaining to the appellate briefing schedule filed by the Parties in those proceedings; see, Ntaganda Appeal Procedural History, paras 3, 5, 6, 12, and references cited therein. As noted above, it was ultimately 207 days from the issuance of the trial judgment that the Ntaganda Defence filed its second appeal brief against the article 74 judgment; see above, para. 37.

⁵⁸ In this respect, the Defence reiterates the cross-cutting and cascading nature of the errors within the Judgment and Sentencing Decision, as detailed above; see above, para. 23.

50. In this regard, there is a material distinction between the availability of a remedy, in the form of a ‘supplemental brief’ filed pursuant to regulation 61(6); and the desirability of it. Indeed, regulation 61(6) should not be understood as a mechanism designed to cure the prejudice that arises where a defence appeal brief has been filed without the benefit of full and informed instructions – in other words, as a mechanism for ‘finishing’ effectively incomplete appeal briefs.
51. The Defence is particularly mindful that in the Decision on Extension Request – again, issued prior to the establishment of the timeframe for the delivery of Translations – the Appeals Chamber twice took into express consideration the potential unavailability of Translations at the time when the notices of appeal are filed;⁵⁹ but by contrast, did not expressly envisage the potentiality that the delivery of the Translations would not be completed sufficiently in time for the filing of the Defence appeal brief.
52. It is submitted that the interests of fairness, expeditiousness, and judicial economy are better served by ensuring that an appellant has a reasonable period of time to provide full and informed instructions on the basis of their comprehensive understanding of essential sections of a judgment and sentencing decision that has been entered against them.

RELIEF SOUGHT

53. For the foregoing reasons, the Defence respectfully requests that the Appeals Chamber:

GRANT the sought extension of time to file the Defence’s appeal brief, to 2 February 2026.

RESPECTFULLY SUBMITTED ON THIS 3rd DAY OF OCTOBER 2025

⁵⁹ See Decision on Extension Requests, para. 12.



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands