

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 13 October 2025

THE APPEALS CHAMBER

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public Document

**Public Redacted Version of the "Ngaïssona Defence Response to the Yekatom
Defence's 'Request for extension of time to file the Appeal Brief', ICC-01/14-01/18-
2817-Conf", 6 October 2025, ICC-01/14-01/18-2819-Conf**

Source: Defence for Patrice-Edouard Ngaïssona

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

D30

D29

☒ 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 Ngaïssona ('Ngaïssona Defence') hereby responds to the "Request for extension of time to file the Appeal Brief" ('Yekatom Extension Request'), filed by the Defence for Mr Yekatom ('Yekatom Defence') on 30 September 2025.¹ The Defence fully joins and concurs with the arguments presented in the Yekatom Extension Request, and as elaborated below, sets out further reasons in support of the extension.

II. CONFIDENTIALITY

2. The present response is filed on a confidential basis pursuant to Regulation 23bis(2) of the Regulations of the Court ('RoC') since it responds to a filing of the same classification. The Defence will file a public redacted version as soon as practicable.

III. PROCEDURAL HISTORY

3. On 24 July 2025, Trial Chamber V rendered the "Judgment"² in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* and found both Mr Yekatom and Mr Ngaïssona guilty on most of the confirmed counts against them. Mr Yekatom was sentenced to a joint term of 15 years, while Mr Ngaïssona was sentenced to a total of 12 years of imprisonment.
4. On 24 July 2025, the Appeals Chamber dismissed *in limine* a joint request from both Defence teams requesting the suspension of the time limit to file the notice of appeal during the judicial recess.³ The Appeals Chamber held that its decision was without prejudice to the Defence filing a request for extension of time after the notification of the Judgment.⁴

¹ The Yekatom Extension Request was sent to the parties and participants as a courtesy copy via email on 30 September 2025, and was officially notified on 2 October 2025, ICC-01/14-01/18-2817-Conf.

² ICC-01/14-01/18-2784-Red ('Judgment').

³ ICC-01/14-01/18-2787.

⁴ *Ibid*, para. 5.

5. On 28 July 2025, the Yekatom Defence filed its “Request for Extension of Time to File the Notice of Appeal and Appeal Brief”, requesting authorisation to file the notice of appeal no later than 22 October 2025 and the appeal brief 60 days after the submission of its notice.⁵
6. On 29 July 2025, the Ngaïssona Defence filed its “Response to the Request for Extension of Time to File the Notice of Appeal and Appeal Brief, ICC-01/14-01/18-2789”, fully joining and concurring with the Yekatom Defence arguments.⁶
7. On 30 July 2025, the Prosecution filed its “Response to Mr. Yekatom’s and Mr. Ngaïssona’s requests for extension of time to file their notices of appeal and appeal briefs (ICC-01/14-01/18- 2789 A, ICC-01/14-01/18-2790 A)”. The Prosecution did not oppose the Defence requests for the extension of time and requested an equivalent extension of time to file any notice of appeal and appeal brief on its own behalf.⁷
8. On 1 August 2025, the Appeals Chamber issued its “Decision on requests for extension of time limits for notices of appeal and appeal briefs against the decision of Trial Chamber V entitled ‘Judgment’”, extending the time limits for the filing of notices of appeal to 16:00 on Friday, 26 September 2025, and for the filing of appeal briefs to 16:00 on Tuesday, 25 November 2025.⁸ Furthermore, the Appeals Chamber ordered the Language Services Section of the Registry (‘LSS’) to inform it, “by 16:00 on Thursday 28 August 2025 [...] of the estimated time to deliver the translated sections of the ‘Judgment’ (ICC-01/14-01/18-2784-Conf), identified as essential by the Defence for Mr Yekatom and the Defence for Mr Ngaïssona”.⁹
9. On 14 August 2025, LSS submitted the “Registry’s Observations on measures taken to prioritize the draft translation of essential parts of the Yekatom and Ngaïssona Judgment”.¹⁰

⁵ ICC-01/14-01/18-2789.

⁶ ICC-01/14-01/18-2790.

⁷ ICC-01/14-01/18-2791.

⁸ ICC-01/14-01/18-2794, para. 13.

⁹ ICC-01-14-01/18-2794, p. 3.

¹⁰ ICC-01/14-01/18-2799.

10. On 27 August 2025, the Counsel Support Section ('CSS') forwarded to the Ngaïssona Defence the first batch of the translation of the Judgment provided by LSS.¹¹

11. On 19 September 2025, CSS forwarded to the Ngaïssona Defence the second batch of the translation of the Judgment provided by LSS.¹²

12. On 26 September 2025, the Ngaïssona Defence,¹³ the Yekatom Defence¹⁴ and the Prosecution¹⁵ filed their respective notices of appeal.

13. On 30 September 2025, the Yekatom Extension Request was filed.

IV. APPLICABLE LAW

14. Rule 150(2) of the Rules of Procedure and Evidence ('RPE') establishes that:

"The Appeals Chamber may extend the time limit set out in sub-rule 1, for good cause, upon the application of the party seeking to file the appeal".

15. Regulation 35(2) of the RoC stipulates that:

The Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard. After the lapse of a time limit, an extension of time may only be granted if the participant seeking the extension can demonstrate that he or she was unable to file the application within the time limit for reasons outside his or her control.

V. SUBMISSIONS

a. The complexity and length of the Judgment including the novelty of the grounds of appeal constitute good cause for granting the Yekatom Extension Request

16. The Appeals Chamber has recognized the complexity of the case as a central consideration when determining whether to grant an extension of time. Relevant indicators of complexity include (i) the length of the Conviction Decision,¹⁶ (ii) the

¹¹ Email from CSS to the Ngaïssona Defence on 27 August 2025, at 14:36.

¹² Email from CSS to the Ngaïssona Defence on 19 September 2025, at 15:06.

¹³ ICC-01/14-01/18-2815 ('Ngaïssona Notice').

¹⁴ ICC-01/14-01/18-2816.

¹⁵ ICC-01/14-01/18-2814.

¹⁶ *The Prosecutor v. Al Hassan*, Decision on the Defence's "Request for Extension of Time to File the Notice of

novelty and difficulty of the legal issues raised on appeal,¹⁷ (iii) the number of counts resulting in conviction,¹⁸ (iv) the scope of the grounds of appeal, particularly where analysis of factual findings spans hundreds of pages and numerous footnotes,¹⁹ and (v) the overall size of the record, including the number of witnesses and admitted items of evidence.²⁰ The Appeals Chamber has further acknowledged

Appeal” against the decision of Trial Chamber X entitled “Trial Judgment”, 12 July 2024, ICC-01/12-01/18-2606, paras 12-14; *The Prosecutor v. Ongwen*, Decision on Defence Request for an Extension of Time Decision on the Defence request for extension of time limit for the filing of the notice of appeal and the appeal brief, 24 February 2021, ICC-02/04-01/15-1781, paras 6, 9-10; *The 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, ICC-01/04-02/06-2364, paras 3-5; *The Prosecutor v. Gbagbo and Blé Goudé*, Decision on the Prosecutor’s request for time extension for the notice of appeal and the appeal brief, 19 July 2019, ICC-02/11-01/15-1268, paras 4 and 8.

¹⁷ Examples of novel issues on appeal include instances where the Appeals Chamber would be deciding, for the first time, a particular (i) mode of liability (see *The 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, ICC-01/05-01/08-3370, para. 6 referring to the Bemba Defence’s request, ICC-01/05-01/08-3353, paras 10-14, in particular para. 11); (ii) defence (see *The 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-01/12-01/18-2606, para. 12 citing paras 2 and 25 of the Al Hassan Defence request, ICC-01/12-01/18-2597); (iii) crime (see *The 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-01/12-01/18-2606, para. 12, citing paras 2 and 26 of the Al Hassan Defence request, ICC-01/12-01/18-2597); or (iv) type of evidence (see *The 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, ICC-01/05-01/08-3370, para. 6 citing the Bemba Defence’s request, ICC-01/05-01/08-3353, paras 10-14, specifically para. 13, where the Defence states that “the documentary case record of 733 items include[s] lengthy reports, cahiers, case files, and contemporaneous audio recordings and one of the items of evidence relied upon by the Trial Chamber to convict the Appellant is a file of 203 procès-verbaux d’audition de victime, containing records of the questioning of victims of crimes allegedly committed by MLC troops”).

¹⁸ *The Prosecutor v. Ongwen*, Decision on Defence Request for an Extension of Time Decision on the Defence request for extension of time limit for the filing of the notice of appeal and the appeal brief, 24 February 2021, ICC-02/04-01/15-1781, para. 12 referring to the Defence’s request, i.e. ICC-02/04-01/15-1764-Red, para. 34 where the Defence states that never has been an accused been convicted for 61 charges.

¹⁹ *The 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, ICC-01/04-02/06-2364, paras 3 and 5. In the Ntaganda Defence’s request seeking an extension, the Defence listed the number of pages of the Chamber’s factual findings and the number of footnotes which were over 2000. It added that the analysis of this evidence did not include the evidence disregarded by the Chamber, which needs to be addressed, see ICC-01/04-02/06-2361, para. 14. See also *The 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, ICC-01/05-01/08-3370, para. 6 referring to the Bemba Defence’s request ICC-01/05-01/08-3353, paras 10-14. In its request, the Defence mentioned the 2226 citations to a numerous case record, and the complex factual matrix of the case, including the fact that the findings go to the history and structure of the *Movement de Libération du Congo*, but also address a five-month operation in 19 different locations of CAR.

²⁰ *The Prosecutor v. Bemba et al.*, Decision on requests for an extension of the time limit for the filing of the documents in support of the appeal, 23 November 2016, ICC-01/05-01/13-2046, para. 18 citing, *inter alia*, the Babala Defence’s response which stated that “[m]uch of the evidence relied upon by the Trial Chamber was documentary evidence not addressed in detail during oral hearings. The issues arising out of the interpretation of that large volume of documentary evidence, therefore, require greater analysis than might otherwise have been required in respect of testimonial evidence”, see ICC-01/05-01/13-2021, para. 3. In *Bemba*, the Appeals Chamber accepted the Defence’s arguments regarding the extent and complexity of the case record which contained 733 items of evidence and 77 witnesses, see *The 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, ICC-01/05-01/08-3370, para. 6, referring to the Bemba Defence’s request, ICC-01/05-01/08-3353, paras 10-14, in particular para. 13.

that appeals engaging fair trial rights issues add materially to the complexity of the proceedings.²¹

17. The Appeals Chamber previously acknowledged the complexity of this case as argued by the Ngaïssona Defence and granted an initial extension; however, the full extent of that complexity – particularly the novelty and complexity of the errors raised on appeal – has only become fully apparent as the Defence preparations have progressed. The Ngaïssona Defence incorporates by reference the complexity grounds previously accepted²² as demonstrating “good cause”²³ but submits that the compounded and evolving demands of the appeal justify a further extension.
18. The grounds of appeal – particularly Grounds 1 to 3 – raise complex and interwoven challenges to the Trial Chamber’s reasoning.
19. Ground 1 raises novel and legally significant issues of first impression. This ground challenges the Trial Chamber’s interpretation and application of Article 25(3)(c) of the Rome Statute (‘Statute’), including the scope of individual criminal responsibility and the mental element required for aiding and abetting liability. This is the first time the Appeals Chamber will be called upon to adjudicate these issues in the context of Article 25(3)(c), particularly in relation to remote and generalised conduct allegedly linked to a loosely affiliated organisational structure. The Trial Chamber’s approach departs from established jurisprudence and raises fundamental questions about the boundaries of criminal liability under the Statute. Addressing these issues requires a thorough comparative analysis of international criminal case law, a detailed examination of the factual record, and the development of principled arguments that can guide future jurisprudence. The novelty and legal significance of Ground 1 therefore demand additional time to ensure that the Defence can present a fully reasoned and authoritative submission.

²¹ *The 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, ICC-01/04-02/06-2415, para. 12 citing ICC-01/04-02/06-2398, para. 15.

²² ICC-01/14-01/18-2790, paras 8-23.

²³ ICC-01/14-01/18-2794, para. 9.

20. Ground 2 presents a complex and interwoven challenge to the evidentiary foundation of the Judgment. It encompasses multiple sub-grounds that allege systemic errors in the Trial Chamber's evaluation of relevance, reliability, weight, and credibility of evidence. These include misapplications of evidentiary standards, inconsistent treatment of hearsay and circumstantial evidence, flawed credibility assessments of insider witnesses, and failures to reconcile conflicting narratives. The errors alleged in Ground 2 are not textually isolated; they permeate the Trial Chamber's reasoning and underpin a wide array of factual findings that support Mr Ngaïssona's conviction. Properly advancing this ground requires a thorough and painstaking examination of the entire evidentiary record, including thousands of pages of transcripts, exhibits and prior statements, to demonstrate how these errors collectively rendered the Trial Chamber's findings unsafe. The interdependence of the evidentiary errors and their impact on multiple counts, as well as Mr Ngaïssona's contributions, significantly increases the analytical burden and necessitates additional time to ensure that the appeal brief is both comprehensive and precise.
21. Ground 3 raises an issue of fundamental importance, namely the fairness of the proceedings against Mr Ngaïssona. As mentioned above, the Appeals Chamber has recognised that questions going to the fairness of the proceedings warrant heightened scrutiny and has accepted such issues as a legitimate basis for extending deadlines. Given the gravity and procedural complexity of the fairness concerns raised in the Ngaïssona Notice, it is essential that sufficient time be afforded to present a full and reasoned argument. The issues at stake go to the heart of the reliability of the Judgment and the legitimacy of the proceedings.
22. The Ngaïssona Defence has proceeded diligently and efficiently since the issuance of the Judgment, making full use of available resources and progressing the appeal preparation to the fullest extent possible. However, this preparation has revealed the true scale and intricacy of the issues to be addressed. It is now evident that the drafting of the appeal brief entails a workload and precision of such magnitude

that, without a further extension, it cannot be accomplished to the standard required to assist the Appeals Chamber effectively.

23. A further extension is therefore essential to respond to the expanded scope and depth of the appeal. Without it, the Defence risks being prejudiced in its ability to present a full and reasoned challenge to the Judgment. When considered cumulatively with the submissions of the Yekatom Defence, the above reasons provide compelling grounds for the granting of the requested extension of the deadline.

b. Mr Ngaïssona's right under Rule 144(2)(b) of the RPE for a French translation of the Judgment constitutes good cause for granting the Yekatom Extension Request

24. The Ngaïssona Defence's ability to take meaningful instructions from Mr Ngaïssona continues to be significantly constrained by the fact that Mr Ngaïssona is francophone, and the French translation of the Judgment is still outstanding in substantial part. Mr Ngaïssona is entitled under Rule 144(2)(b) of the RPE to receive the Judgment in a language he fully understands and speaks. This right is not a formality—it is a fundamental safeguard that enables the accused to engage with the findings against him, understand and assess the legal and factual basis of his conviction, and instruct counsel accordingly.

25. Despite the Registry's efforts, the pace of translation has fallen materially short of projections.²⁴ As of today, only 302 pages have been translated across both Defence teams: 132 pages in August, while LSS was understaffed due to the summer recess²⁵, and 170 pages in September. Against the September projection of approximately 400 pages (4 weeks × 100), the actual output represents about 43% of the estimate.²⁶ The Registry's prioritisation of "common parts" between the

²⁴ LSS's initial projection was approximately 100 pages per week, on a rolling basis, see ICC-01/14-01/18-2799, para. 9.

²⁵ *Ibid*, para. 8.

²⁶ In *Al Hassan*, the Appeals Chamber took into account that only 42% of the Conviction Decision had been translated into Arabic in draft form, thus impacting Mr Al Hassan's ability to participate in the appellate proceedings, see *The 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, ICC-01/12-01/18-2647, paras 15-17.

Yekatom and Ngaïssona requests has not yet yielded sufficient progress on the sections specifically requested by the Ngaïssona Defence.²⁷ As a result, Mr Ngaïssona still lacks access to significant portions of the Judgment that are essential for his understanding and input.

26. Meetings with Mr Ngaïssona and oral explanations of the Judgment in French, while helpful in mitigating the gap created by the absence of translation, cannot substitute for the official written translation, which alone enables Mr Ngaïssona to review the Judgment at his own pace, fully consider the findings, and provide informed and meaningful instructions.

27. In these circumstances, additional time for the appeal brief is not only justified but warranted to uphold Mr Ngaïssona's fair trial rights. Proceeding with the current deadline would risk forcing the Ngaïssona Defence to submit an incomplete or inadequately instructed appeal brief, thereby undermining the integrity of the appellate process and prejudicing the rights of Mr Ngaïssona.

c. The disruptions foreseen due to the [REDACTED] warrant the granting of the Yekatom Extension Request

28. As mentioned in the Yekatom Extension Request, [REDACTED] will affect the preparation of the appeal brief. [REDACTED]. At present, [REDACTED] on the Ngaïssona Defence's preparations remain unknown since [REDACTED].

29. [REDACTED]. As such, the Ngaïssona Defence cannot ascertain at which stage of the appeal drafting process [REDACTED]. This uncertainty further underscores the need for an extension, to safeguard the Ngaïssona Defence's ability to meet its obligations to Mr Ngaïssona and the Appeals Chamber.

30. [REDACTED]. [REDACTED]. This difficulty is compounded by the fact that consultations with him are already impacted by the lack of translations of essential parts of the Judgment, as mentioned above. Together, these obstacles significantly

²⁷ ICC-01/14-01/18-2799, para. 7.

undermine Mr Ngaïssona's ability to contribute to the preparation of the appeal in a timely and effective manner.

31. [REDACTED].²⁸ While necessary, these efforts require time and attention that would otherwise have been devoted to the preparation of the appeal brief. This additional strain on limited resources further compounds the challenges outlined above, making an extension indispensable to ensure that the Ngaïssona Defence can present its arguments with the requisite thoroughness.

32. For these reasons, and in full support of the request already made by the Yekatom Defence, the Ngaïssona Defence respectfully joins in seeking the extension. The considerations outlined above further illustrate why the additional time is both necessary and justified.

d. The additional time sought will enhance the Ngaïssona Defence's capacity

33. The proposed new deadline of 2 February 2026 also aligns with the scheduled return of two members of the Ngaïssona Defence from parental leave. Both have been integral to the Ngaïssona Defence since the beginning of the case and possess in-depth knowledge of the case record and the procedural history.

34. Crucially, both team members will return sufficiently in advance of the proposed deadline to contribute meaningfully to the preparation of the appeal brief. This would not be the case under the current deadline of 25 November 2025. Their reintegration will substantially enhance the Defence's ability to meet the demands of drafting the appeal brief, drawing on their institutional knowledge and prior involvement to support the development of complex legal arguments across the numerous grounds of appeal.

35. Granting the requested extension would therefore not only reduce current resource constraints but also ensure that the Appeals Chamber receives submissions that are comprehensive and precise. Such an outcome aligns squarely with Mr Ngaïssona's

²⁸ Yekatom Extension Request, para. 31.

right to an effective and efficient defence, the interests of justice, and the Chamber's own interest in being fully assisted in its determination of the appeal.

e. The sought extension is reasonable and promotes judicial economy

36. The Ngaïssona Defence concurs with the submissions of the Yekatom Defence as to the reasonableness of the requested extension and its contribution to judicial economy and efficiency. In particular, the comparative analysis of prior appellate briefing schedules²⁹ demonstrates that materially less complex cases have resulted in significantly longer time-limits than the present ones. The Ngaïssona Defence likewise endorses the submissions concerning the risks to judicial economy and efficiency arising from the misalignment between the translation schedule and the current appellate briefing calendar.³⁰

37. In addition, the Ngaïssona Defence underscores that, in the present case, the concurrent conduct of the Article 74 and 76 proceedings and the exceptional length of the Judgment place an unprecedented burden on appellate preparation. Furthermore, until the essential translations are delivered, Mr Ngaïssona cannot provide full and informed instructions based on a judgment he does not understand. Requiring the filing of an incomplete appeal brief would only multiply proceedings through supplemental filings, thereby delaying rather than advancing the appellate process.

38. None of the parties oppose the Yekatom Extension Request. The Ngaïssona Defence fully joins and supports the arguments therein, while 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".³¹ Moreover, no prejudice results from granting the sought extension since both Messrs Ngaïssona and Yekatom support the extension.

²⁹ See Yekatom Extension Request, paras 35-40 comparing the appellate briefing schedules in *Ntaganda*, *Ongwen* and *Bemba*.

³⁰ *Ibid*, paras 43-52.

³¹ Yekatom Extension Request, para. 6.

VI. CONCLUSION

39. In light of the reasons presented above, together with those advanced in the Yekatom Extension Request, the Ngaïssona Defence submits that the requested extension is fully justified. In these unprecedented circumstances, an extension until 2 February 2026 is both reasonable and proportionate. It would ensure that the appeals proceed on a fair and informed basis, without prejudice to the Prosecution or undue delay to the proceedings. Crucially, it would promote judicial economy by avoiding the inefficiencies of incomplete or fragmented submissions. Both Defence teams will be able to contribute effectively to the preparation of their respective appeal briefs, thereby enhancing the quality and efficiency of the appellate proceedings.

VII. RELIEF SOUGHT

40. For the foregoing reasons, the Ngaïssona Defence respectfully requests the Appeals Chamber to **GRANT** the Yekatom Extension Request.

Respectfully submitted,



G. J. Alexander Knoop
on behalf of
Patrice-Edouard Ngaïssona

Dated this 13 October 2025

At The Hague, the Netherlands