

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 17 October 2025

THE APPEALS CHAMBER

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Confidential

**Response to the
"Response to 'Concerns of a group of participating victims about the 'Yekatom
Defence Request for extension of time to file the Appeal Brief' (ICC-01/14-01/18-
2817-Conf A)', 10 October 2025, ICC-01/14-01/18-2824-Conf"**

Source: Office of the Public Counsel for Victims

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

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I. INTRODUCTION

1. The present submission is filed by one of the Common Legal Representatives of Victims of the Other Crimes (the "Counsel") and relates to the filing by the Defence for Mr Yekatom entitled "Response to 'Concerns of a group of participating victims about the 'Yekatom Defence Request for extension of time to file the Appeal Brief'" (the "Defence Filing").¹

2. Preliminarily, Counsel recalls that Victims authorized to participate at trial have an automatic right to participate in any appeal ensuing from a judgment and a sentence.

3. Counsel also notes that the Defence Filing is in fact a reply to her submission in response to the Yekatom Defence's request for an extension of time to file the Appeal Brief² (the "Group of Victims' Concerns"). Indeed, this submission was clearly filed in response to said Defence request.

4. Pursuant to regulation 24(5) of the Regulations of the Court (the "Regulations"), the Defence for Mr Yekatom should have requested the Appeals Chamber leave to reply and demonstrated that the issues raised in the Group of Victims' Concerns were *new and could not have been reasonably anticipated*. Accordingly, Counsel respectfully requests the dismissal *in limine* of the Defence Filing. In any case, even if the Defence had filed a proper request to reply, it failed nonetheless to demonstrate in detail how the issues contained in the Group of Victims' Concerns were new or could not have been reasonably foreseeable. Instead, the Defence improperly used its purported

¹ See the "Response to 'Concerns of a group of participating victims about the 'Yekatom Defence Request for extension of time to file the Appeal Brief' (ICC-01/14-01/18-2817-Conf A)", 10 October 2025, ICC-01/14-01/18-2824-Conf", No. [ICC-01/14-01/18-2826-Conf A](#), 15 October 2025 (the "Defence Filing").

² See the "Concerns of a group of participating Victims about the 'Yekatom Defence Request for extension of time to file the Appeal Brief' (ICC-01/14-01/18-2817-Conf A)", No. [ICC-01/14-01/18-2824-Conf](#), 10 October 2025 (the "Group of Victims' Concerns"). A public redacted version was filed on 13 October 2025 (No. [ICC-01/14-01/18-2817-Red](#)).

response as a vehicle to develop additional arguments in support of its request for an extension of time, which is impermissible under the Regulations.

II. PROCEDURAL BACKGROUND

5. On 2 October 2025, the Defence for Mr Yekatom filed a request asking for an additional extension of time of 69 days to file its Appeal Brief (the "Extension Request").³

6. On 10 October 2025, Counsel filed the concerns of her clients in response to the Extension Request.⁴

7. On 15 October 2025, the Defence for Mr Yekatom submitted its Filing.⁵

III. CLASSIFICATION

8. Pursuant to regulation 23*bis* (2) of the Regulations, the present submission is classified as confidential, following the classification chosen by the Defence for Mr Yekatom. However, the document does not contain confidential information, and it can be reclassified as "Public".

³ See the "Yekatom Defence Request for extension of time to file the Appeal Brief", No. [ICC-01/14-01/18-2817-Conf](#), 2 October 2025 (the "Extension Request"). A public version was filed on 3 October 2025, (No. [ICC-01/14-01/18-2817-Red](#)).

⁴ See the Group of Victims' Concerns, *supra* note 2.

⁵ See the Defence Filing, *supra* note 1.

IV. SUBMISSIONS

9. Preliminarily, Counsel recalls that, in the constant practice before this Court, *"victims who were authorised to participate during trial proceedings may participate in final appeals without authorization"*.⁶ Counsel, therefore, notes with concern the Defence for Mr Yekatom omission to consult the CLRV's team on the basis of the *"procedural consideration that the CLR has not been granted standing to submit observations in these appellate proceedings"*.⁷

10. In any event, Counsel posits that the Defence Filing should be dismissed *in limine* as leave to submit a reply to the Group of Victims' Concerns filed in response to the Extension Request was neither sought by the Defence nor granted by the Appeals Chamber.

11. In footnote 1 of its Filing, the Defence indicates that it filed a "response" pursuant to regulation 24 of the Regulations *"as the Concerns were not filed as a formal response"* to the Extension Request.⁸ However, even if not formally titled "response", it is clear from its content and timing that the submission was filed in response to the Extension Request, and explicitly addressed the arguments contained therein.⁹

12. The Defence Filing necessarily qualifies as a reply to the Group of Victims' Concerns, submitted without the authorization of the Appeals Chamber. In fact, also

⁶ See the "Decision on the modalities of victim participation" (Appeals Chamber), No. [ICC-02/04-01/15-1859](#), 11 June 2021, para. 4.

⁷ See the Defence Filing, *supra* note 1, para. 3.

⁸ *Idem*, para. 1 (fn 1).

⁹ See the Group of Victims' Concerns, *supra* note 2, paras. 15-23.

the Defence anticipates, in footnote 1 of its Filing,¹⁰ a likely violation of regulation 24(5) of the Regulations.¹¹

13. In this regard, apart from generally submitting that "*the position of this particular group of victims could not reasonably have been anticipated*",¹² the Defence does not detail why said position could not be foreseeable, considering that the core of Counsel's submissions limited itself to responding directly to the arguments advanced by the Defence.¹³

14. Moreover, the Defence impermissibly uses its "response" to submit additional arguments to support the Extension Request following the observations filed by the Registry on 13 October 2025,¹⁴ which is not allowed under the Regulations.

15. Lastly, Counsel recalls that - contrary to the arguments advanced in the Defence Filing - ,¹⁵ participating Victims do not need to show any concrete prejudice that would result from granting the Extension Request, but rather have a statutory right to respond to any filing in the record of the case and present their views and concerns.

16. For all the foregoing reasons, Counsel submits that the Defence Filing should be dismissed *in limine*.

¹⁰ See the Defence Filing, *supra* note 1, para. 1 (fn 1).

¹¹ See e.g. the "Decision on the 'Prosecution's Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges'" (Pre-Trial Chamber II), No. [ICC-01/14-01/18-517](#), 14 May 2020, para. 13.

¹² *Ibid.*

¹³ See the Group of Victims' Concerns, *supra* note 2, paras. 15-23.

¹⁴ See the Defence Filing, *supra* note 1, para. 6 (where the Defence for Mr Yekatom provides arguments in response to the "Registry's Observations pursuant to the Appeals Chamber's 'Order in relation to the 'Yekatom Defence Request for extension of time to file the Appeal Brief'", dated 8 October 2025 (ICC-01/14-01/18-2822-Conf)", No. [ICC-01/14-01/18-2825-Conf](#), 13 October 2025).

¹⁵ *Idem*, para. 8.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Paolina Massidda', with a horizontal line drawn underneath the name.

Paolina Massidda
Common Legal Representative of a group of Victims of Other Crimes

Dated this 17th day of October 2025

At The Hague (The Netherlands)