

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **15 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***

Confidential

**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: Defence for Mr. Alfred Rombhot Yekatom

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

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D29
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| ☒ 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 |
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1. The Defence for Mr. Alfred Rombhot Yekatom ('Defence') hereby files this Response to 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)', filed on 10 October 2025 ('Concerns').¹
2. The Defence acknowledges and fully appreciates the views expressed by the Common Legal Representative of a group of Victims of Other Crimes ('CLR') concerning the importance of ensuring the expeditious conduct of the appeal proceedings. This objective is entirely shared by Mr. Yekatom, whose Defence has consistently sought to advance the proceedings efficiently and without undue delay.²
3. In this context, the Defence regrets that it did not consult the CLR prior to submitting its request for an extension of time to file the appeal brief.³ This omission arose solely from the procedural consideration that the CLR has not been granted standing to submit observations in these appellate proceedings.⁴ It does not reflect any disregard for the interests of victims or for the expeditious conduct of the case. On the contrary, the Defence has previously engaged with victims' representatives where appropriate, as demonstrated by its recent request concerning suspension of rule 150(1), when the victims confirmed that they did not intend to oppose the request and deferred to the Appeals Chamber.⁵
4. The Defence emphasises that the Extension Request is not directed towards delay but reflects its continuing commitment to the expeditious and orderly conduct of these proceedings. Far from undermining efficiency, the request is intended to safeguard it, as fragmented filings would serve no participant's interests - least of all those of the

¹ ICC-01/14-01/18-2824-Conf. This Response is submitted pursuant to regulation 24 of the Regulations of the Court, as the Concerns were not filed as a formal response to the 'Yekatom Defence Request for extension of time to file the Appeal Brief'. Should the Appeals Chamber consider them to fall within regulation 24(2), the Defence respectfully submits that any requirements thereunder are satisfied, since the position of this particular group of victims could not reasonably have been anticipated.

² See e.g. ICC-01/14-01/18-2476-Conf, para. 38 (re objection to the postponement of the confirmation hearing); T-311-ENG, p. 5, lines 2-6 (re Defence's fostering cooperation with the Prosecution and victims whenever possible in order to ensure no delays) and T-311-ENG, p. 37 line 23 - p. 38, line 9 (re Mr. Yekatom waiving right to attend hearings due to illness to avoid delay and out of respect for the witnesses' time).

³ ICC-01/14-01/18-2817-Conf ('Extension Request').

⁴ c/f e.g. ICC-01/12-01/18-2659 A (Al-Hassan); ICC-02/04-01/15-1859 A (Ongwen); ICC-01/04-02/06-2471 A (Ntaganda).

⁵ ICC-01/14-01/18-2780, para. 3; Email from CLR V1 and CLR V2 to Parties dated 10 July 2025 [14:06] (available upon request). At that time, the victims retained standing to participate until the Judgment was rendered on 24 July 2025.

victims or the Chamber. Granting the sought extension will permit the Defence to submit a single, comprehensive, and properly informed appeal brief, thereby ensuring that the appellate process proceeds on a coherent and efficient footing.

5. The Defence further observes that the Concerns appear to conflate the present request with the earlier application decided by the Appeals Chamber, which concerned only the filing of notices of appeal.⁶ In its first request of 28 July 2025, the Defence expressly maintained the standard sixty-day interval for the filing of the appeal brief and sought an extension solely in respect of the notice of appeal as warranted by the circumstances in which the request was sought.⁷ The Extension Request, by contrast, relates to the preparation of the appeal brief itself - a distinct procedural phase requiring a fundamentally different scope and nature of work. Whereas the notice identifies the grounds of appeal, the brief must substantiate them with detailed factual and legal analysis, referencing the record and demonstrating how each alleged error materially affected the Judgment. This heightened level of factual and legal engagement necessarily intersects with Mr. Yekatom's right to understand the Judgment and to provide informed instructions.⁸
6. The Registry has indicated that the translations will not be completed until mid-December 2025 and that they are being provided on a rolling basis.⁹ In practice, this requires the Defence to take instructions in stages as new sections are received, with final and comprehensive instructions only possible once Mr. Yekatom has had the opportunity to review and fully understand all essential portions.¹⁰ Moreover, the Defence has identified a number of inconsistencies and errors within the batches recently disclosed and is currently compiling these for transmission to the Language Services Section for correction.¹¹ The process of reviewing and rectifying these translations itself demands considerable time and resources.

⁶ ICC-01/14-01/18-2794 A.

⁷ ICC-01/14-01/18-2789 A, paras. 1 and 31. The Defence recalls that the timing of the request for an extension of time to file the notice of appeal was further necessitated by the fact that the Judgment was rendered the day before the commencement of the judicial recess.

⁸ As articulated in the Extension Request, the basis for the variation arises from Mr. Yekatom's statutory right, under articles 67(1)(b) and (f) and rule 144(2)(b), to understand the essential parts of the Judgment before giving instructions.

⁹ See most recently, ICC-01/14-01/18-2825-Conf A A2. A3, para. 16 and ICC-01/14-01/18-2799, paras. 8 – 10.

¹⁰ Extension Request, paras 26-28.

¹¹ This includes, for example, the mistranslation of key names, such as the incorrect substitution of Mr Ngaïssona's name for Mr Yekatom's, or the incorrect inclusion of Bernard Mokom's name in place of Maxime Mokom.

7. The appeal brief constitutes one of the most consequential submissions in Mr. Yekatom's case, addressing a judgment of exceptional length and complexity - all of which has been rendered in a language he does not understand. Further, given the number of factual and mixed errors raised on appeal, and contrary to the CLR's suggestion that counsel alone can finalise the grounds,¹² Mr. Yekatom's informed participation remains indispensable to the accuracy and integrity of the submissions. Safeguarding his ability to participate meaningfully in the preparation of that brief is therefore essential to the fairness and reliability of the appellate process. These rights cannot be curtailed or subordinated to the concerns of a single subset of victims,¹³ particularly where the CLR itself acknowledges that the participating victims do not hold a unified position on this issue.¹⁴ It is further notable that this group now adopts a stance inconsistent with the collective position previously taken by victims in these proceedings, who jointly emphasised the importance of receiving French translations of key documents to enable their effective participation.¹⁵
8. Even if the Chamber were to take the Concerns of this group of victims into account, the CLR has not demonstrated any concrete prejudice that would result from granting the Defence request and relies only on vague and abstract references to a potential negative impact on victims' rights.¹⁶ The only arguably concrete issue raised concerns the reparations phase,¹⁷ yet that issue is already moot - the Trial Chamber has fixed 27 March 2026 as the deadline for reparations submissions,¹⁸ ensuring that the appellate briefing schedule has no bearing on victims' participation or their right to seek reparation. Accordingly, the requested extension poses limited, if any, prejudice to

¹² Concerns, para. 17.

¹³ It is noted that there are 1,673 participating victims of other crimes *collectively* represented by Mr. Abdou Dangabo Moussa, Ms. Marie-Édith Douzima Lawson, Mr. Yaré Fall, Ms. Elisabeth Rabesandratana, and Ms. Paolina Massidda (see, e.g., ICC-01/14-01/18-2734-Conf). The Defence is not privy to the exact number of victims individually represented by Ms Massidda (*c/f* Concerns, para. 22).

¹⁴ Concerns, fn. 1. It is further noted that although the Concerns are described as having been filed by a Common Legal Representative of Victims, the source of the filing is indicated as the Office of Public Counsel for Victims. This inconsistency compounds the uncertainty as to whose position is in fact being conveyed. While this may simply reflect an administrative or clerical matter, it underscores that the filing does not purport to express a unified view on behalf of all participating victims, nor does its source alter that reality.

¹⁵ See e.g. ICC-01/14-01/18-2769-Conf-Anx4, p. 3 (re joint request for French translations of the closing briefs noting that CLRV2 had proposed the additional language 'and for the victims, it will contribute to their effective participation in the proceedings' see Email from CLRV2 to Parties and Participants dated 7 February 2025 [08:55] (email available upon request).

¹⁶ Concerns, para. 23 ('the Victims she represents believe that any further extension of the already extended deadline to file the appeal briefs *may* negatively impact on their rights' (emphasis added)).

¹⁷ Concerns, paras 2, 21 and 22.

¹⁸ ICC-01/14-01/18-2821, para. 6.

victims' interests and, in fact, promotes the shared objective of efficiency and finality in these proceedings.

9. This filing is submitted confidentially in accordance with regulation 23*bis*(2), consistent with the classification of the Concerns. The Defence does not oppose reclassification should the Concerns and the present Response be made public.

RESPECTFULLY SUBMITTED ON THIS 15TH DAY OF OCTOBER 2025



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands