

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **24 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**

**Yekatom Defence Request for an extension of page limit**

**Source:** Defence for Mr. Alfred Rombhot Yekatom

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☐ Unrepresented Victims

☐ Unrepresented Applicants  
(Participation/Reparation)

☐ The Office of Public Counsel for  
Victims

☒ The Office of Public Counsel for the  
Defence

☐ States' Representatives

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## REGISTRY

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1. The Defence for Mr. Alfred Rombhot Yekatom ('Defence') respectfully requests that the Appeals Chamber extend the page limit for the Defence Appeal Brief from 100 pages to 300 pages pursuant to regulations 37(2) and 58(3) of the Regulations of the Court.
2. The Appeals Chamber has recognised that exceptional circumstances under regulation 37(2) may be established for appeals briefs where, *inter alia*: the article 74 decision is complex and lengthy,<sup>1</sup> the evidence and number of convictions are voluminous,<sup>2</sup> the anticipated brief raises novel legal and factual issues and/or multiple complex issues,<sup>3</sup> and compliance with regulation 58(2) requires the appellant to set out the legal and factual reasons supporting each ground of appeal.<sup>4</sup>
3. It is on this basis that the Defence submits that exceptional circumstances are equally established in this case and that the requested extension to 300 pages is warranted.

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<sup>1</sup> ICC-01/12-01/18-2656, *Prosecutor v. Al Hassan*, Decision on the 'Defence Request for Extension of Page Limit for its Appeal Brief', 17 October 2024 ('Al Hassan Decision'), paras. 12 and 14 ( *where the Appeals Chamber was persuaded by the Defence's contentions concerning 'the complex and lengthy nature of the Conviction Decision, including separate and partially dissenting opinions, and the wide-ranging scope of novel legal and factual issues in each ground of the Defence's anticipated appeal brief, as well as its obligation to submit an appeal brief in accordance with regulation 58(2) of the Regulations, setting out, inter alia, 'the legal and factual reasons in support of each ground of appeal' (footnotes omitted);* ICC-02/04-01/15-1850, *Prosecutor v. Ongwen*, Decision on Defence request for a page limit extension for its appeal brief and order setting time limit for responses to the Prosecutor request for extension of time to file her response to the appeal brief, 8 June 2021 ('Ongwen Decision'), para. 14 (*where the Appeals Chamber found that 'the length and complexity of the Conviction Decision coupled with the volume of the evidence and the number of convictions constitute exceptional circumstances' within the meaning of regulation 37(2) of the Regulations.*<sup>31</sup> *The Appeals Chamber further notes the scope and range of the arguments anticipated in the present appeal, as presented in the Notice of Appeal' (footnotes omitted);* and ICC-01/04-01/06-2946, *Prosecutor v. Lubanga*, Decision on Mr. Lubanga's request for an extension of the page limit, 28 November 2021 ('Lubanga Decision'), para. 5 (*where the Appeals Chamber considered the fact that the appeal may 'raise complex and novel issues, and the length of the Conviction Decision'.*

<sup>2</sup> Ongwen Decision, para. 14.

<sup>3</sup> Al Hassan Decision para. 12; Ongwen Decision, para. 14; ICC-01/04-02/06-2415, *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 ('Ntaganda Decision'), para. 20 (*where the Appeals Chamber considered 'the scope and range of the arguments anticipated in the present appeal';* ICC-01/05-01/13-2124, *Prosecutor v. Bemba et al.*, Decision on Mr Babala's request for an extension of page limit for his document in support of the appeal, 23 March 2017, para. 7 (*where the Appeals Chamber considered the 'broad range of purported legal, factual and procedural errors that are likely to be developed in his document in support of the appeal. The Appeals Chamber further observes that the present appeal raises multiple and complex issues, some of which will be brought before the Court for the first time';* ICC-01/05-01/08-3405, *Prosecutor v. Bemba*, Decision on Mr Bemba's request for an extension of page limit for his document in support of the appeal, 11 July 2016, para. 10 (*where the Appeals Chamber found that Mr. Bemba had 'identified a broad range of purported legal, procedural, and factual errors that are likely to form the basis of his appeal' and that the appeal 'may raise both complex and novel issues';* and Lubanga Decision, para. 5.

<sup>4</sup> Al Hassan Decision, para. 12, Ntaganda Decision, para. 20 (*where the Appeals Chamber stated that the extension would 'sufficient to allow Mr Ntaganda to clearly and concisely articulate his arguments and considers that the additional pages requested by Mr Ntaganda would not contribute to the clarity or focus of his arguments'.*

4. First, the Appeals Chamber has previously taken particular note of the unprecedented length of the Trial Decision,<sup>5</sup> whilst the full complexity of the trial proceedings was repeatedly recognised by Trial Chamber V during the oral summary of the judgment, with the Presiding Judge explicitly stating that 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’.<sup>6</sup> Such complexity further derives from the volume of evidence of the case record – which extends to 174 witnesses and the formal recognition of 19,950 items as evidence<sup>7</sup> – and the fact that Mr. Yekatom was convicted of a total of twenty counts of crimes against humanity and war crimes.<sup>8</sup> Taken together, these hallmarks of scope and complexity are precisely those that the Appeals Chamber has treated as constituting exceptional circumstances under regulation 37(2).
  
5. Second, and relatedly, the anticipated Appeal Brief will necessarily address multiple complex legal and factual issues. As reflected in the Notice of Appeal, the brief is organised into eight parts, each containing several grounds of mixed legal, factual and procedural errors,<sup>9</sup> and all of which target material findings across the entirety of the Judgment.<sup>10</sup> Additional pages are therefore required to enable the Defence to develop, substantiate and clearly set out the reasoning for each ground, in compliance with regulation 58(2). This need is further heightened by the fact that the anticipated Appeal Brief must address the manner in which the Judgment is presented. In this regard, it is recalled that the Judgment’s findings are diffuse – dispersed across sections invariably without references or use of circular cross-referencing – and, at points, internally inconsistent.<sup>11</sup>

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<sup>5</sup> ICC-01/14-01/18-2794, para. 9.

<sup>6</sup> 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-T312-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’*).

<sup>7</sup> See ICC-01/14-01/18-2789, para. 12 and cites therein.

<sup>8</sup> See also ICC-01/14-01/18-2789, para. 11.

<sup>9</sup> ICC-01/14-01/18-2816. There is a total of 53 grounds set out in the notice.

<sup>10</sup> ICC-01/14-01/18-2816, Section II. Summary of Challenged Findings.

<sup>11</sup> ICC-01/14-01/18-2789, paras. 9 and 14; see also ICC-01/14-01/18-2817-Red, para. 23.

6. Further still, the assessment of the evidence is systematically piecemeal, selective, or framed in terms that do not reflect the record.<sup>12</sup> In this respect, the Defence recalls that a significant number of items of evidence submitted by the parties were not addressed in the Judgment, notwithstanding their express reference in the Defence Closing Brief and closing arguments as being relevant to material findings. Moreover, several witnesses whose testimony was central to the Defence case are omitted from the initial evidentiary assessment, and where their evidence is cited elsewhere in the Judgment, it is selectively treated — for instance, by reference only to their Rule 68 statements, without engagement with the substance of their in-court testimony under Defence questioning. Demonstrating that the Trial Chamber failed to assess the totality of the evidence and establishing the relevance and materiality of the unaddressed evidence requires a comprehensive and substantiated analysis with precise references to the record. As such, in disentangling the Judgment, the Defence assures the Appeals Chamber that it will present concise submissions and will use the additional pages judiciously to facilitate the Chamber’s efficient consideration of the grounds and its understanding of the errors in the Judgment.
7. Third, the anticipated Appeal Brief will also – for the first time before this Court – challenge errors with respect to conviction and sentencing. This not only raises novel issues concerning the application and interaction of articles 74 and 76,<sup>13</sup> but also necessitates additional pages to address conviction- and sentence-related grounds coherently in one filing. Whilst the Appeals Chamber assesses whether exceptional circumstances exist on a case-by-case basis,<sup>14</sup> the requested 300-page limit is proportionate and consistent with the cumulative page allowances previously authorised when conviction and sentencing appeals have been briefed separately in all other cases.<sup>15</sup>
8. Finally, the sought extension is brought at the earliest practicable stage: it is filed approximately one month after the Notice of Appeal and one month before the due date

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<sup>12</sup> ICC-01/14-01/18-2816, Part A: Errors in the treatment and assessment of evidence; see also ICC-01/14-01/18-2817-Red, paras. 20-21.

<sup>13</sup> ICC-01/14-01/18-2816, Ground H.1.

<sup>14</sup> Al Hassan Decision, para. 11.

<sup>15</sup> Ongwen = granted a total 350 pages (Art 74: 250 pp + Art 76: 100 pp); Ntaganda = granted a total 250 pages (Art 74: 150 pp + Art 76: 100 pp); Bemba *et al.* = granted a total of 215 pages (Art 74: 115 pp + Art 76: 100 pp); Bemba = granted a total of 300 pages (Art 74: 200 pp + Art 76: 100 pp); Lubanga = granted a total of 220 pages (Art 74: 120 pp + Art 76: 100 pp). Although Mr. Al Hassan did not file an appeal, he was granted a total of 280 pages (Art 74: 180 pp + Art 76: 100 pp).

for the Defence Appeal Brief. The intervening period has been used to review the Judgment and to refine the grounds as well as more accurately determine the number of pages necessary to concisely but comprehensively present Mr. Yekatom's arguments on appeal. Resolving the page limit now will cause no prejudice to the Prosecution and promote procedural economy by providing certainty as to the length of submissions.

Relief sought

9. For the aforementioned reasons, the Defence for Mr. Yekatom respectfully requests the Appeals Chamber to **GRANT** a page limit extension from 100 pages to 300 pages for the Defence Appeal Brief.

**RESPECTFULLY SUBMITTED ON THIS 24<sup>TH</sup> DAY OF OCTOBER 2025**

A handwritten signature in blue ink, appearing to read 'Mylène Dimitri'.

Me Mylène Dimitri  
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands