

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18
Date: 31 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 CENTRAL AFRICAN REPUBLIC II

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

Public

**Prosecution consolidated response to the Defence requests for extensions
of the page limit**

Source: The Office of the Prosecutor

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I. INTRODUCTION

1. The Yekatom Defence requests an extra 200 pages for its appeal brief, to bring its total page limit to 300 pages.¹ The Ngaïssona Defence supports the Yekatom Request and joins in seeking the same extension of pages for its appeal brief.²

2. The Prosecution opposes both Requests. The number of extra pages sought is excessive, amounting to triple the page limit allotted for appeal briefs under regulation 58(5) of the Regulations of the Court (“RoC”).³ No exceptional circumstances exist that would warrant page extensions of the length sought by the Defence.

3. The Prosecution does, however, consider that a modest extension (of approximately 30 pages) may be appropriate for each Defence team due to the fact that their appeal briefs will address the conviction and sentence decisions of the Trial Chamber in the same appeal. If the Appeals Chamber is minded to grant any page extension to the Yekatom or Ngaïssona Defence, the Prosecution requests that it be granted a commensurate extension of pages for its consolidated response brief.

II. SUBMISSIONS

4. Regulation 37(2) of the RoC provides that the Appeals Chamber may extend page limits in exceptional circumstances. The Chamber’s determination under regulation 37(2) of the RoC is made on a case-by-case basis, depending on its assessment of the specific circumstances of each case.⁴ As such, the Chamber is not bound by its prior decisions granting extensions in other cases.⁵

A. There are no exceptional circumstances warranting the page extension sought by the Yekatom Defence

5. The Yekatom Defence claims that the requested page extension is justified by the length and complexity of the trial judgment (“Judgment”),⁶ the multiple complex legal and factual issues to be addressed in the appeal, the need to provide a comprehensive and substantiated analysis of the Chamber’s evidentiary assessment, and that the appeal will challenge errors with

¹ ICC-01/14-01/18-2829 (“[Yekatom Request](#)”).

² ICC-01/14-01/18-2831 (“[Ngaïssona Request](#)”).

³ Regulation 58(3) of the [RoC](#) provides that the appeal brief shall not exceed 100 pages.

⁴ ICC-01/12-01/18-2656 (“[Al Hassan Page Extension Decision](#)”), para. 11.

⁵ [Al Hassan Page Extension Decision](#), para. 11.

⁶ [ICC-01/14-01/18-2784-Red.](#)

respect to conviction and sentencing.⁷ These factors do not constitute exceptional circumstances warranting the page extension sought.

6. *First*, the complexity of the Judgment is a feature common to most judgments rendered by this Court and does not *per se* constitute exceptional circumstances.⁸ Similarly, the number of witnesses, items of evidence and convictions in the case are not exceptional in this Court.⁹ The page limits prescribed in the RoC were designed to fit proceedings of this nature, which is why regulation 37(2) allows for page extensions only as an exception, and not as a matter of routine. The Yekatom Defence does not concretely demonstrate that the circumstances in this case merit such an exception.

7. *Second*, the fact that the Yekatom Defence's appeal will address multiple complex legal and factual issues is also not of itself an exceptional circumstance.¹⁰ The Defence has brought a wide-ranging appeal that challenges every aspect of the Judgment as it concerns Mr Yekatom,¹¹ including a comprehensive challenge of all aspects of the Trial Chamber's evidentiary assessment.¹² An appeal brief is not an opportunity for parties to repeat their arguments at trial, but rather to present arguments according to the appellate standard of review. The smaller page allowance afforded to appeal briefs than to trial briefs under the RoC reflects this.¹³ Since the Yekatom Defence's notice of appeal does not cite to the Judgment's findings, it is not possible to properly assess whether it will be able to fairly present all of its arguments within the allocated page limit under the RoC. In any event, such an expansive appeal presents a risk that the Defence will not properly focus its arguments in its appeal brief—a risk that will only increase with a significantly larger page limit. Rather, the Defence should be required to focus its submissions and ensure the clarity of its arguments.¹⁴

8. *Third*, the requested page extension will not promote procedural economy,¹⁵ but instead, risks lengthening the appeal proceedings. The appeal briefs would amount to 600 pages in total for both Defence teams, if their requests are granted. The Appeals Chamber must then consider these submissions, including the response of the Prosecution and observations of the Victims,

⁷ [Yekatom Request](#), paras. 4-7.

⁸ *Contra* [Yekatom Request](#), para. 4.

⁹ *Contra* [Yekatom Request](#), para. 4.

¹⁰ *Contra* [Yekatom Request](#), para. 5.

¹¹ ICC-01/14-01/18-2816 ("[Yekatom Notice of Appeal](#)").

¹² [Yekatom Request](#), para. 6.

¹³ *See* [RoC](#), regulation 38(1) (specifying a 120-page limit for pre-trial, trial and closing briefs and responses), and regulation 58(3) (specifying a 100-page limit for appeal briefs).

¹⁴ ICC-01/04-02/06-2415 ("[Ntaganda Page Extension Decision](#)"), para. 20

¹⁵ *Contra* [Yekatom Request](#), para. 8.

and any oral submissions if a hearing is held, and render its judgment. While the current guidelines require judgments to be rendered within ten months of the filing of response briefs, or an oral hearing if one is to occur,¹⁶ the Chamber's ability to meet this timeframe will be impacted by the sheer volume of submissions before it.

9. Notwithstanding the above, the Prosecution recognises that exceptional circumstances may arise due to the fact that the appeal brief must address both the conviction and sentence in the one brief.¹⁷ Accordingly, the Prosecution submits that a modest extension of approximately 30 pages may be appropriate in the circumstances. If the Chamber is minded to grant the Yekatom Defence such an extension, the Prosecution requests that it be given a corresponding extension of pages for its consolidated response to the appeal, in line with regulation 63(3) of the RoC.

B. There are no exceptional circumstances warranting the page extension sought by the Ngaïssona Defence

10. The Ngaïssona Defence largely relies upon the same arguments made in the Yekatom Request in support of its request for an additional 200 pages for its appeal brief.¹⁸ The Ngaïssona Defence does not demonstrate that exceptional circumstances arise which justify the requested page extension.

11. *First*, the Ngaïssona Defence relies on the same general features of the Trial Judgment as submitted by the Yekatom Defence, such as the complexity of the Judgment, the volume of the evidentiary record, the existence of multiple convictions, the multiplicity of complex legal and factual issues in the appeal, and alleged structural deficiencies in the Judgment.¹⁹ For the same reasons as stated above, these do not give rise to exceptional circumstances *per se* that would warrant a page extension.²⁰ The Ngaïssona Defence does not otherwise provide any specific reasons why these issues cause the Defence difficulties in presenting its appeal within the 100-page limit.

12. *Second*, while the Ngaïssona Defence broadly submits that further specific factors justify the requested extension,²¹ these are unpersuasive. The Ngaïssona Defence states that its appeal requires the development of complex and detailed submissions on factual and legal issues,

¹⁶ [Chambers Practice Manual](#) (2024), para. 91.

¹⁷ [Yekatom Request](#), para. 7.

¹⁸ [Ngaïssona Request](#), paras. 4-5.

¹⁹ [Ngaïssona Request](#), paras. 4-5.

²⁰ *See above* para. 6.

²¹ [Ngaïssona Request](#), para. 7.

including fair trial issues.²² These are features common to most appeals in this Court, and the Ngaïssona Request is vague as to the concrete impact of these factors on its ability to present its appeal within the prescribed page limit. Moreover, a 300-page appeal brief is excessive in light of the fact that the Ngaïssona notice of appeal is confined to three grounds of appeal on the conviction and three grounds of appeal on the sentence.

13. As with its response to this aspect of the Yekatom Request,²³ the Prosecution considers that an extension of approximately 30 pages for the Ngaïssona Defence to address both the conviction and sentence in its appeal brief may be appropriate,²⁴ provided the Prosecution receives a commensurate extension of pages for its consolidated response.

III. CONCLUSION

14. The Prosecution opposes the Yekatom and Ngaïssona requests to extend the page limits of their respective appeal briefs to 300 pages, but considers that a modest extension of approximately 30 pages may be appropriate for each appeal brief. If the Chamber grants any extension of pages to the Yekatom or Ngaïssona Defence, the Prosecution requests that it be granted a commensurate extension of pages for its consolidated response brief, calculated in accordance with regulation 63(3) of the RoC.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 31st day of October 2025

At The Hague, the Netherlands

²² [Ngaïssona Request](#), para. 7.

²³ *See above* para. 9.

²⁴ [Ngaïssona Request](#), para. 8.