

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 5 November 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

**Urgent Ngaïssona Defence Request for Extension of Time to File the Appeal Brief
Pursuant to Regulation 35(2) of the Regulations of the Court**

Source: Defence for Patrice-Edouard Ngaïssona

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I. INTRODUCTION

1. This Urgent Request for Extension of Time (“Request”) is submitted pursuant to Regulation 35(2) of the Regulations of the Court (“RoC”). The Defence for Mr Patrice-Edouard Ngaïssona (“Defence”) respectfully seeks a brief variation of the current deadline for filing its appeal brief, from **25 November 2025 to 16 December 2025**. This limited request, amounting to three additional weeks, is made exceptionally and in good faith, to ensure that the Defence can finalise and file a complete, accurate and fully instructed brief that will best assist the Appeals Chamber in its determination.
2. The Defence acknowledges the Appeals Chamber’s Decision of 20 October 2025 rejecting earlier extension requests.¹ It does not seek to revisit matters already adjudicated. Rather, the Request is prompted by **developments that have arisen since that decision**, which were not foreseeable at the time and which materially affect the Defence’s ability to meet the present deadline despite its diligent efforts.
3. The Request is filed on an **urgent basis**, given the imminence of the current filing deadline and the need for the Appeals Chamber’s determination in advance of that date for the request to have practical effect.

II. PROCEDURAL HISTORY

4. On 24 July 2025, Trial Chamber V rendered its Judgment in the case *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, which included both the determinations on conviction and sentence.²
5. On 1 August 2025, the Appeals Chamber granted an initial extension of time for the filing of the notices of appeal and the appeal briefs, setting the respective

¹ ICC-01/14-01/18-2828-Conf.

² ICC-01/14-01/18-2784-Conf.

deadlines at 26 September 2025 and 25 November 2025 (“1 August 2025 Decision”).³

6. On 30 September 2025, the Defence for Mr Yekatom (“Yekatom Defence”) filed a request for a further extension of time to 2 February 2026,⁴ which the Ngaïssona Defence supported by way of a separate response.⁵
7. On 20 October 2025, the Appeals Chamber issued its “Decision on the Yekatom Defence Request for Extension of Time to File the Appeal Brief” (“20 October 2025 Decision”), rejecting both requests and maintaining the current deadline of 25 November 2025.⁶

III. APPLICABLE LAW

8. The Request is made pursuant to Regulation 35(2) of the RoC, which permits a Chamber to extend a time limit if good cause is shown.
9. The Appeals Chamber has previously held that extensions of time under Regulation 35(2) are **exceptional measures**, justified only where the applicant demonstrates that adherence to the existing schedule would materially prejudice its ability to present its case. In *Ntaganda*, the Appeal’s Chamber granted a limited variation of the briefing schedule “on an exceptional basis” after accepting the Defence’s genuine concern that its ability to present arguments on appeal would otherwise be significantly hindered.⁷

³ ICC-01/14-01/18-2794, para. 13.

⁴ ICC-01/14-01/18-2817-Conf (A3).

⁵ ICC-01/14-01/18-2819-Conf (A3).

⁶ ICC-01/14-01/18-2828-Conf.

⁷ *Prosecutor v. Ntaganda*, Decision on Mr Ntaganda’s request for reconsideration of the decision on time and page extensions, ICC-01/04-02/06-2426, 1 October 2019, para. 8.

IV. SUBMISSIONS

A. Adherence to the Existing Schedule would Materially Prejudice Ngaïssona Defence Ability to Present its Case

12. The Defence reiterates that it does not seek to revisit matters already determined by the Appeals Chamber in its 20 October 2025 Decision. Consistent with the Appeals Chamber's approach in *Ntaganda*, this Request is submitted **on an exceptional basis**, limited to **new factual developments that have arisen since that decision** and that now materially hinder the Defence's ability to complete a full and coherent appeal brief. While issues such as translation and staffing were previously noted, their **current manifestation and impact** could not reasonably have been foreseen and have only recently crystallised in a manner that significantly affects the Defence's preparations.

a. Delay and sequencing issues in the delivery of translations

13. The Registrar's Observations of 13 October 2025 estimated that the remaining essential French translations of the Judgment could be delivered on a rolling basis within *seven to nine weeks*.⁸ That projection formed part of the factual premise on which the Appeals Chamber's 20 October 2025 Decision rested. However, subsequent developments have shown that the projected timeline has not been met.

14. As of the date of this Request, several essential sections of the Judgment remain untranslated, including those relating to the activities in the context of reconciliation (paras. 1853–1893), the findings on Nana-Mambéré and Mambéré-Kadéï (paras. 1989–1999), substantial portions of the Bangui attack narrative (paras. 2192–2406), and the entirety of the sentencing section (paras. 4667–4845). These untranslated portions correspond directly to issues forming part of the Defence's appeal—particularly those concerning the contextual understanding of Mr Ngaïssona's intent, the scope of the charged attacks, and the sentencing

⁸ ICC 01/14-01/18-2825-Conf, para. 16.

determinations. Their absence continues to prevent Mr Ngaïssona from reviewing and discussing with counsel findings that are central to his appeal. The Defence therefore emphasises that this request is not made to seek additional time for convenience, but to ensure that the appeal brief is prepared on the basis of Mr Ngaïssona's full comprehension of the Judgment, as required by article 67(1)(f) of the Statute and rule 144(2)(b) of the Rules of Procedure and Evidence.

b. Resulting delay in obtaining and integrating Mr Ngaïssona's instructions

15. Because several substantial translated sections were received only in late October, Mr Ngaïssona has only recently been able to begin reviewing them in French, the language he understands. The complexity and scope of the findings necessitate Mr Ngaïssona's **direct engagement with the official French text** before his final instructions can be confirmed. This engagement is integral to the **principle of effective participation of the accused in his own defence**, recognised as a corollary of the right to a fair trial under **Article 6 of the European Convention on Human Rights**, as affirmed in *Stanford v. United Kingdom*.⁹ Only through full and timely access to the French translation of the Judgment can this principle—and the corresponding guarantees under **Article 67(1)(f)** of the Statute and **Rule 144(2)(b)** of the Rules of Procedure and Evidence—be effectively realised. Incorporating Mr Ngaïssona's fully informed instructions into the consolidated draft accordingly requires additional time to ensure that the appeal brief accurately reflects his understanding and position.

16. The Defence respectfully notes that, in its 1 August and 20 October 2025 Decisions, the Appeals Chamber observed that Mr Ngaïssona had been assisted in understanding the Judgment through internal translations and regular communications with counsel, and considered that these measures mitigated the impact of the incomplete official French translations.¹⁰ The Defence wishes to clarify that these efforts, while ongoing, were limited to informal oral explanations

⁹ *Stanford v. United Kingdom*, ECHR, Judgment of 23 February 1994, para. 26.

¹⁰ Decision of 1 August 2025, para.12 and Decision of 20 October 2025, para. 21.

of select portions of the Judgment that appeared most immediately relevant to Mr Ngaïssona's situation. They did not, and could not, constitute comprehensive or systematic translations of the Judgment's extensive factual and legal findings. The Defence does not possess the linguistic or logistical resources to produce internal translations of the scope and quality necessary to secure Mr Ngaïssona's full and informed understanding of the charges and findings against him. Accordingly, the continuing absence of complete official French translations materially impairs the Defence's ability to obtain and integrate Mr Ngaïssona's instructions, and undermines the effective exercise of his fair-trial rights under Article 67(1)(a) and (f) of the Statute.

c. Temporary capacity constraints within the Defence team

16. The Defence's drafting capacity has also been affected by overlapping maternity leaves among three core team members. One member returned on 20 October 2025, another is due to return in December 2025, and a third will remain on leave until February 2026. While the Appeals Chamber previously considered the general impact of these absences, the Defence has since experienced a renewed period of disruption due to the ongoing reintegration of returning staff and the continued absence of others. The return of one team member in late October has required a period of re-engagement with the case record and coordination with the interim replacement, whose onboarding was still underway. Given the complexity and volume of the case record, this transition has necessarily required time and supervision by counsel and other team members, temporarily reducing the team's effective drafting output.

17. Despite the Defence's sustained and intensive efforts since the 20 October 2025 Decision, the appeal brief remains incomplete. The Defence has worked at full capacity, including through evenings and weekends, to advance the drafting process. However, the convergence of delayed translations, the resulting postponement of Mr Ngaïssona's instructions, and the temporary reduction in

drafting capacity due to team absences and turnover have significantly impacted the pace of progress. The Defence is committed to filing as early as possible, but under the current circumstances, the 25 November 2025 deadline cannot be met without compromising the completeness, coherence, and accuracy of the submission. The requested three-week extension is therefore essential to ensure that the final brief reflects a fully instructed and legally sound presentation of Mr Ngaïssona's grounds of appeal.

B. Minimal Prejudice and Proportionality

18. The Defence emphasises that the requested three-week extension, to 16 December 2025, is modest and proportionate in the circumstances. It represents the minimum time required to integrate the outstanding translated sections, incorporate Mr Ngaïssona's final instructions, and complete the internal review of the consolidated draft.
19. No prejudice arises to the Prosecution or the participating victims from this short variation. The extension would not alter the overall appellate calendar in any meaningful way, nor would it impede the efficient conduct of the proceedings. By contrast, requiring the Defence to file before the translation process is complete risks generating incomplete or fragmented submissions, which could later necessitate supplemental filings under Regulation 61 and thereby delay the appellate process as a whole.
20. The requested period would also promote judicial economy and efficiency. The Appeals Chamber has previously observed that, should essential translations become available only after the filing deadline, the Defence could seek leave under Regulation 61 to vary its grounds of appeal and file a supplemental brief.¹¹ However, such a course would necessarily generate additional filings, parallel briefing schedules, and potential delays in the overall appellate process. Granting the short extension now would allow the Defence to submit a single, coherent, and

¹¹ Decision of 20 October 2025, para. 21.

fully informed brief, thereby reducing the procedural burden on the Appeals Chamber and all participants. The limited variation thus advances both fairness and efficiency, ensuring that the appellate record is complete and that Mr Ngaïssona's rights are effectively safeguarded.

V. CONCLUSION

21. In light of the reasons presented above, the Ngaïssona Defence submits that the requested extension is fully justified. In these circumstances, a short variation of the deadline for filing the appeal brief—from **25 November 2025 to 16 December 2025**—is both reasonable and proportionate. It would ensure that the appeal proceeds 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. The requested three-week period will enable the Defence to incorporate the final translated sections, reflect Mr Ngaïssona's informed instructions, and finalise a coherent, accurate, and complete brief that will best assist the Appeals Chamber.

VI. RELIEF SOUGHT

22. For the foregoing reasons, the Defence respectfully requests the Appeals Chamber to:

- **GRANT** an extension of time to file the Ngaïssona Defence appeal brief until 16 December 2025.

Respectfully submitted,



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

Dated this 5 November 2025

At The Hague, the Netherlands