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No. ICC-01/14-01/18 A A2 A3

Date: 5 November 2025

THE APPEALS CHAMBER

Before:

**Judge Solomy Balungi Bossa, Presiding
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-ÉDOUARD NGAÏSSONA**

Public

**Decision on the Yekatom Defence's request for a page limit extension for
the appeal brief**

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

D29

D30

☒ **Legal Representatives of the Victims**

V44

V45

☐ **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**

☐ **States' Representatives**

☐ **Amicus Curiae**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

The Appeals Chamber of the International Criminal Court,

In the appeals of the Deputy Prosecutor, Mr Alfred Yekatom and Mr Patrice-Édouard Ngaïssona against the decision of Trial Chamber V entitled “Judgment” of 24 July 2025 (ICC-01/14-01/18-2784-Red),

Having before it the “Yekatom Defence Request for an extension of page limit” of 24 October 2025 (ICC-01/14-01/18-2829),

Having before it the “Ngaïssona Defence Response to the ‘Yekatom Defence Request for an extension of page limit’, ICC-01/14-01/18-2829” of 27 October 2025 (ICC-01/14-01/18-2831),

Renders, pursuant to regulations 37(2), 58(3), 59(2) and 63 of the Regulations of the Court, the following

DECISION

1. The page limit for Mr Yekatom’s appeal brief is extended by 100 pages.
2. The page limit for Mr Ngaïssona’s appeal brief is extended by 100 pages.
3. The page limit for the Prosecutor’s consolidated response to the appeal briefs is extended by 140 pages.

REASONS

I. PROCEDURAL HISTORY

1. On 24 July 2025, Trial Chamber V (hereinafter: “Trial Chamber”) rendered the “Judgment” (hereinafter: “Impugned Decision”) which reflects the determinations on both the convictions and sentence against each accused person.¹

2. On 1 August 2025, following requests by the Defence for Mr Alfred Yekatom (hereinafter: “Yekatom Defence”) and Mr Patrice-Édouard Ngaïssona (hereinafter:

¹ [Judgment](#), ICC-01/14-01/18-2784-Conf (public redacted version filed on the same day, ICC-01/14-01/18-2784-Red), with Annexes A and B.

“Ngaïssona Defence”)² (collectively hereinafter: “Defence Teams”), the Appeals Chamber extended the time limit for the filing of any notices of appeal and appeal briefs until 26 September 2025 and 25 November 2025 respectively (hereinafter: “Decision on Extension of Time”).³

3. On 26 September 2025, the Deputy Prosecutor (hereinafter: “Prosecutor”), the Ngaïssona Defence and the Yekatom Defence filed their respective notices of appeal against the Impugned Decision.⁴

4. On 24 October 2025, the Yekatom Defence filed an application, pursuant to regulation 62 of the Regulations of the Court (hereinafter: “Regulations”) seeking to present additional evidence on appeal (hereinafter: “Yekatom’s Application”).⁵

5. On the same day, the Yekatom Defence filed a request seeking an extension of the page limit for its appeal brief (hereinafter: “Yekatom’s Request”).⁶

6. On 27 October 2025, the Ngaïssona Defence filed its response to Yekatom’s Request (hereinafter: “Ngaïssona’s Response”).⁷ In addition to supporting and joining Yekatom’s Request, the Ngaïssona Defence sets out further reasons justifying the same page limit extension with respect to Mr Ngaïssona’s appeal brief.⁸

7. On 31 October 2025, the Prosecutor filed his response (hereinafter: “Prosecutor’s Response”), in which he opposes the requests from the Defence Teams.⁹

² [Request for Extension of Time to File the Notice of Appeal and Appeal Brief](#), 28 July 2025, ICC-01/14-01/18-2789; [Ngaïssona Defence Response to the “Request for Extension of Time to File the Notice of Appeal and Appeal Brief”](#), ICC-01/14-01/18-2789, 29 July 2025, ICC-01/14-01/18-2790; [Prosecution’s Response to Mr. Yekatom’s and Mr. Ngaïssona’s requests for extension of time to file their notices of appeal and appeal briefs \(ICC-01/14-01/18-2789 A, ICC-01/14-01/18-2790 A\)](#), 30 July 2025, ICC-01/14-01/18-2791.

³ [Decision on requests for extension of time limits for notices of appeal and appeal briefs against the decision of Trial Chamber V entitled “Judgment”](#), ICC-01/14-01/18-2794 (A). *See also* [Decision on Yekatom Defence request for extension of time to file the appeal brief](#), 20 October 2025, ICC-01/14-01/18-2828-Conf (A A2 A3) (public redacted version filed on the same day, ICC-01/14-01/1/-2828-Red (A A2 A3)).

⁴ [Prosecution notice of appeal of the judgment against Patrice-Edouard Ngaïssona](#), ICC-01/14-01/18-2814; [Ngaïssona Defence Notice of Appeal against the Trial Judgment](#), ICC-01/14-01/18-2815; [Yekatom Defence Notice of Appeal against the Judgment \(ICC-01/14-01/18-2784-Conf\)](#), ICC-01/14-01/18-2816.

⁵ [Yekatom Defence Application to present additional evidence](#), ICC-01/14-01/18-2830.

⁶ [Yekatom Defence Request for an extension of page limit](#), ICC-01/14-01/18-2829.

⁷ [Ngaïssona Defence Response to the “Yekatom Defence Request for an extension of page limit”](#), ICC-01/14-01/18-2829, ICC-01/14-01/18-2831.

⁸ [Ngaïssona’s Response](#), paras 4-10.

⁹ Prosecution consolidated response to the Defence requests for extensions of the page limit, ICC-01/14-01/18-2832, paras 2, 14.

8. On 5 November 2025, the Common Legal Representatives of Victims of Other Crimes (hereinafter: “CLRv”) filed a consolidated response to Yekatom’s Request.¹⁰

9. On 5 November 2025, the Appeals Chamber issued directions on the procedure concerning Yekatom’s Application (hereinafter: “Directions of 5 November 2025”).¹¹ The Directions of 5 November 2025, permitted the Prosecutor to respond to and adduce evidence in rebuttal, if any, to the Yekatom Application. For this purpose, the Prosecutor’s consolidated response to the appeal briefs was extended by 10 pages.¹² In addition, the Appeals Chamber indicated that the page limit for the victims’ consolidated observations and other modalities with respect to their participation in these proceedings will be determined in due course.¹³

II. MERITS

10. The Yekatom Defence requests, pursuant to regulation 37(2) of the Regulations, that the Appeals Chamber extend the page limit for its appeal brief from 100 to 300 pages on the basis that exceptional circumstances have been established in the present case.¹⁴ The Yekatom Defence submits that this is warranted due to: (i) the “unprecedented length of the [Impugned Decision]”; (ii) the complexity of the case; (iii) the “volume of evidence of the case record”;¹⁵ (iv) the manner in which the Impugned Decision is structured;¹⁶ and (v) the Trial Chamber’s piecemeal and selective approach to its assessment of evidence.¹⁷

11. The Yekatom Defence further submits that “for the first time before this Court”, it will need to address errors related to conviction and sentencing in the same brief.¹⁸ Therefore, it argues that additional pages are necessary and “consistent with the cumulative page allowances previously authorised when conviction and sentencing appeals have been briefed separately in all other cases”.¹⁹

¹⁰ Victims’ Consolidated Response to the Defence requests for extensions of the page limit (ICC-01/14-01/18-2829 and (ICC-01/14-01/18-2831), ICC-01/14-01/18-2834 (hereinafter: “Observations of CLRv”).

¹¹ Directions on the Yekatom Defence’s application under regulation 62 of the Regulations of the Court, ICC-01/14-01/18-2835.

¹² Directions of 5 November 2025, p. 3, para. 7.

¹³ Directions of 5 November 2025, p. 3, para. 8.

¹⁴ [Yekatom’s Request](#), paras 1-3, 9.

¹⁵ [Yekatom’s Request](#), para. 4.

¹⁶ [Yekatom’s Request](#), para. 5.

¹⁷ [Yekatom’s Request](#), para. 6.

¹⁸ [Yekatom’s Request](#), para. 7.

¹⁹ [Yekatom’s Request](#), para. 7.

12. The Ngaïssona Defence joins Yekatom’s Request in requesting the same page limit extension.²⁰ The Ngaïssona Defence submits that additional factors justify the sought extension, namely: (i) the “breadth and complexity of the issues to be addressed on appeal”;²¹ (ii) the “complex and detailed submissions” on legal and factual issues, some of which are novel before this Court, that will need to be developed in the appeal brief;²² and (iii) the simultaneous briefing for conviction and sentencing which “increases the complexity of the appeal and necessitates additional space to ensure coherent and comprehensive treatment of all grounds”.²³

13. The Prosecutor opposes the Defence Teams’ requests for an extension of the page limit on the basis that there are no exceptional circumstances that would justify page extensions of the length sought, and that it “will not promote judicial economy”.²⁴

14. The Prosecutor further submits that while the Yekatom Defence intends to appeal “every aspect” of the Impugned Decision, proceedings on appeal should not be “an opportunity for parties to repeat their arguments at trial”.²⁵ The Prosecutor argues that with a “significantly larger page limit”, there is a risk that the Yekatom Defence may not properly present focused arguments; rather, it should “be required to focus its submissions and ensure clarity of its arguments”.²⁶ The Prosecutor adds that the Ngaïssona Defence does not show why it needs the additional pages sought given that its notice of appeal only raises three grounds of appeal on conviction and the same for sentencing.²⁷

15. However, the Prosecutor concedes that having to address in one appeal brief “both the conviction and sentence” may constitute exceptional circumstances.²⁸ Therefore, the Prosecutor indicates that “a modest extension of approximately 30 pages may be appropriate for each appeal brief” since the Defence Teams’ respective appeal briefs will need to address both the Trial Chamber’s decisions on conviction and sentence in one appeal brief.²⁹ The Prosecutor submits that if the Appeals Chamber grants any page

²⁰ [Ngaïssona’s Response](#), paras 4-5, 10.

²¹ [Ngaïssona’s Response](#), para. 6.

²² [Ngaïssona’s Response](#), para. 7.

²³ [Ngaïssona’s Response](#), para. 8.

²⁴ Prosecutor’s Response, paras 2, 8; *see also* paras 5-6, 10-11.

²⁵ Prosecutor’s Response, para. 7.

²⁶ Prosecutor’s Response, para. 7.

²⁷ Prosecutor’s Response, para. 12.

²⁸ Prosecutor’s Response, para. 9.

²⁹ Prosecutor’s Response, paras 3, 9, 14.

extension to the Defence Teams, it requests that a “commensurate extension of pages” be equally granted for his consolidated response brief, in accordance with regulation 63(3) of the Regulations.³⁰

16. The CLRV are opposed to Yekatom’s Request as they consider the requested extension of pages to be excessive.³¹ In the event that the Appeals Chamber grants an extension of the page limit, the CLRV request “a commensurate extension of pages” for their observations on the appeal.³²

17. Regulation 58(3) of the Regulations provides that the appeal brief shall not exceed 100 pages. Regulation 63(3) provides, in relevant part, that in a case of multiple appeals, “the page limit [for the Prosecutor’s consolidated response] shall be 100 pages plus a further 40 pages for each additional convicted or acquitted person”. Pursuant to regulation 37(2) of the Regulations, the Appeals Chamber may extend the applicable page limit “in exceptional circumstances”.

18. The Appeals Chamber recalls that its determination under regulation 37(2) of the Regulations is made on a case-by case basis, depending on its assessment of the specific circumstances of each case.³³ It has previously found the complexity and novelty of issues raised on appeal to constitute “exceptional circumstances” within the meaning of regulation 37(2) of the Regulations.³⁴

19. In the present case, the Appeals Chamber notes the Yekatom Defence’s submission that it needs additional pages in order to “develop, substantiate and clearly set out the reasoning for each ground, in compliance with regulation 58(2)” of the Regulations.³⁵ It also refers to the length of the Impugned Decision, as well as the complexity and range of its anticipated arguments to address novel legal, factual and fair trial issues.³⁶ The Yekatom

³⁰ Prosecutor’s Response, paras 3, 9, 14.

³¹ Observations of CLRV, para. 2.

³² Observations of CLRV, paras 6-9.

³³ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision on the “Defence Request for Extension of Page Limit for its Appeal Brief”](#), 17 October 2024, ICC-01/12-01/18-2656 (A), para. 11.

³⁴ *The Prosecutor v. Dominic 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, ICC-02/04-01/15-1850 (A), para. 14; *The Prosecutor v. Thomas Lubanga Dyilo*, [Decision on Mr Lubanga’s request for an extension of the page limit](#), 28 November 2012, ICC-01/04-01/06-2946 (A5), para. 5.

³⁵ [Yekatom’s Request](#), para. 5.

³⁶ [Yekatom’s Request](#), paras 4-5; [Ngaïssona’s Response](#), para. 7.

Defence further observes that it is the first time that a defence team must simultaneously present arguments on conviction and sentencing in one appeal brief, and an extension of 300 pages would be “proportionate and consistent” with the bifurcated briefing procedure for defence teams that was followed in previous cases.³⁷

20. The Appeals Chamber takes note of the Defence Teams’ submissions regarding the complexity and length of the Impugned Decision. It is also persuaded by the argument that in this case, the Defence Teams will address in their respective appeal briefs issues effectively relating to two decisions – conviction and sentence. The Appeals Chamber recalls that it has already acknowledged the relevance of these factors when granting an extension of time for the parties to file their notices of appeal and appeal briefs.³⁸ The Appeals Chamber therefore finds that the Defence Teams have demonstrated the existence of “exceptional circumstances” within the meaning of regulation 37(2) of the Regulations justifying an extension of the page limit.

21. However, the Appeals Chamber is not persuaded that these exceptional circumstances are made out equally with respect to the conviction and the sentence in this case. Indeed, the Defence Teams’ notices of appeal set out considerably fewer grounds with respect to the sentence than they do with respect to Mr Yekatom’s and Mr Ngaïssona’s respective convictions.³⁹ Furthermore, the submission of one appeal brief with respect to both conviction and sentence gives each of the Defence Teams some leeway in distributing their page limit between conviction and sentence. Therefore, the Appeals Chamber is not convinced that an automatic doubling of the applicable page limit is warranted merely because both conviction and sentence are addressed in one appeal brief. Furthermore, the Appeals Chamber is not persuaded, based on the submissions before it, that the page extension sought would contribute to the clarity and focus of the Defence Teams’ arguments in their appeal briefs. In the circumstances, the Appeals Chamber considers that an extension by 100 pages for Mr Yekatom’s and Mr Ngaïssona’s appeal briefs is appropriate in the circumstances.

³⁷ [Yekatom’s Request](#), para. 7.

³⁸ [Decision on Extension of Time](#), paras 5, 9.

³⁹ For instance, Mr Ngaïssona’s notice of appeal contains three grounds of appeal against the sentence imposed by the Trial Chamber.

22. Pursuant to regulations 37(3) and 63(3) of the Regulations, the Appeals Chamber finds it appropriate to extend the page limit of the Prosecutor's consolidated response to the appeal briefs by 140 pages. The Appeals Chamber recalls its directions on the procedure concerning Yekatom's Application, in which it extended the page limit for the Prosecutor's consolidated response by 10 pages for the purposes of the response to Yekatom's Application.⁴⁰ Given these extensions, the page limit for the Prosecutor's consolidated response to the appeal briefs is 290 pages.

Done in both English and French, the English version being authoritative.



Judge Solomy Balungi Bossa
Presiding

Dated this 5th day of November 2025

At The Hague, The Netherlands

⁴⁰ Directions of 5 November 2025, p. 3, para. 7.