

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14 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**

Confidential document

**Decision on the Ngaïssona Defence's request for an extension of time to file
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

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- | | |
|---|---|
| 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 “Urgent Ngaïssona Defence Request for Extension of Time to File the Appeal Brief Pursuant to Regulation 35(2) of the Regulations of the Court” of 5 November 2025 (ICC-01/14-01/18-2837),

Having before it the “Yekatom Defence Response to the Ngaïssona Defence ‘Urgent Request for Extension of Time to File the Appeal Brief pursuant to Regulation 35(2) of the Regulation of the Court’ (ICC-01/14-01/18-2837)” of 7 November 2025 (ICC-01/14-01/18-2838-Conf),

Renders, pursuant to regulations 23bis(3), 24(1), 35(2) and 58(1) of the Regulations of the Court, the following

DECISION

1. The “Urgent Ngaïssona Defence Request for Extension of Time to File the Appeal Brief Pursuant to Regulation 35(2) of the Regulations of the Court” is rejected.
2. The Defence for Mr Yekatom is directed to file a public redacted version of document ICC-01/14-01/18-2838-Conf.
3. The Registrar is directed to reclassify document ICC-01/14-01/18-2841-Conf as public.

REASONS

I. PROCEDURAL HISTORY

1. On 24 July 2025, Trial Chamber V (hereinafter: "Trial Chamber") rendered the "Judgment" (hereinafter: "Impugned Decision").¹
2. On 1 August 2025, following requests by the Defence for Mr Alfred Yekatom (hereinafter: "Yekatom Defence") and Mr Patrice-Édouard Ngaïssona (hereinafter: "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 of 1 August 2025").³
3. On 26 September 2025, the Deputy Prosecutor, the Ngaïssona Defence and the Yekatom Defence filed their respective notices of appeal against the Impugned Decision.⁴
4. On 20 October 2025, the Appeals Chamber rejected requests by the Defence Teams for a further extension of time limit for the filing of their appeal briefs (hereinafter: "Decision of 20 October 2025").⁵

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.

² [Request for Extension of Time to File the Notice of Appeal and Appeal Brief](#), 28 July 2025, ICC-01/14-01/18-2789 (hereinafter: "Yekatom's First Request"); [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 (hereinafter: "Ngaïssona's First Response"). See also [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).

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 [Decision on Yekatom Defence request for extension of time to file the appeal brief](#), ICC-01/14-01/18-2828-Conf (A A2 A3) (public redacted version filed on the same day, ICC-01/14-01/18-2828-Red (A A2 A3)). See also [Yekatom Defence Request for extension of time to file the Appeal Brief](#), 30 September 2025, ICC-01/14-01/18-2817-Conf (public redacted version filed on 3 October 2025, ICC-01/14-01/18-2817-Red; a confidential addendum to the classification of the request was filed on 3 October 2025, ICC-01/14-01/18-2818-Conf) (hereinafter: "Yekatom's Second Request"); [Ngaïssona Defence Response to the Yekatom Defence's "Request for extension of time to file the Appeal Brief"](#), ICC-01/14-01/18-2817-Conf, 6 October 2025, ICC-01/14-01/18-2819-Conf (public redacted version filed on 13 October 2025, ICC-01/14-01/18-2819-Red) (hereinafter: "Ngaïssona's Second Response"); [Prosecution Response to the Yekatom Defence request for extension of time to file the appeal brief](#), 7 October 2025, ICC-01/14-01/18-2820-Conf (public redacted version filed on 7 October 2025, ICC-01/14-01/18-2820-Red); [Concerns of a group of participating Victims about the "Yekatom Defence Request for extension of time to file the Appeal Brief" \(ICC-01/14-](#)

5. On 5 November 2025, following requests by the Defence Teams,⁶ the Appeals Chamber extended the page limit for the filing of their respective appeal briefs by 100 pages, and of the Prosecutor's consolidated response to the appeal briefs by 140 pages.⁷

6. On 5 November 2025, the Ngaïssona Defence filed a request seeking a further extension of time for the filing of its appeal brief (hereinafter: "Ngaïssona's Request").⁸

7. On 7 November 2025, the Yekatom Defence filed its response to Ngaïssona's Request (hereinafter: "Yekatom's Response").⁹ In addition to supporting and joining Ngaïssona's Request, the Yekatom Defence set out further reasons justifying the same extension of time with respect to Mr Yekatom's appeal brief.¹⁰

8. On 12 November 2025, following an order of the Appeals Chamber,¹¹ the Registrar filed observations on the status of the translation into French of the portions of the Impugned Decision identified by the Defence Teams as essential (hereinafter: "Registrar's Observations").¹²

[01/18-2817-Conf A](#)), 10 October 2025, ICC-01/14-01/18-2824-Conf (public redacted version filed on 13 October 2025, ICC-01/14-01/18-2824-Red); [Response to 'Concerns of a group of participating Victims about the "Yekatom Defence Request for extension of time to file the Appeal Brief" \(ICC-01/14-01/18-2817-Conf A\)'](#), ICC-01/14-01/18-2826-Conf (reclassified as public on 20 October 2025, ICC-01/14-01/18-2826); [Response to the "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"](#), 17 October 2025, ICC-01/14-01/18-2827-Conf (reclassified as public on 20 October 2025, ICC-01/14-01/18-2827).

⁶ [Yekatom Defence Request for an extension of page limit](#), 24 October 2025, ICC-01/14-01/18-2829; [Ngaïssona Defence Response to the "Yekatom Defence Request for an extension of page limit"](#), ICC-01/14-01/18-2829, 27 October 2025, ICC-01/14-01/18-2831. *See also* Prosecution consolidated response to the Defence requests for extensions of the page limit, 31 October 2025, ICC-01/14-01/18-2832.

⁷ Decision on the Yekatom Defence's request for a page limit extension for the appeal brief, 5 November 2025, ICC-01/14-01/18-2836 (A A2 A3), p. 3, paras 21-22.

⁸ Urgent Ngaïssona Defence Request for Extension of Time to File the Appeal Brief Pursuant to Regulation 35(2) of the Regulations of the Court, ICC-01/14-01/18-2837.

⁹ Yekatom Defence Response to the Ngaïssona Defence 'Urgent Request for Extension of Time to File the Appeal Brief pursuant to Regulation 35(2) of the Regulation of the Court' (ICC-01/14-01/18-2837), ICC-01/14-01/18-2838-Conf.

¹⁰ Yekatom's Response, paras 1-4, 6-8.

¹¹ Order in relation to the "Urgent Ngaïssona Defence Request for Extension of Time to File the Appeal Brief Pursuant to Regulation 35(2) of the Regulations of the Court", 11 November 2025, ICC-01/14-01/18-2839.

¹² Registry's Observations further to the Appeals Chamber's 'Order in relation to the "Urgent Ngaïssona Defence Request for Extension of Time to File the Appeal Brief Pursuant to Regulation 35(2) of the Regulations of the Court"', ICC-01/14-01/18-2839, dated 11 November 2025, ICC-01/14-01/18-2840.

9. On the same day, the Ngaïssona Defence filed its observations on the Registrar's Observations (hereinafter: "Ngaïssona's Observations").¹³

II. MERITS

10. The Defence Teams request that the time limit for the filing of their appeal briefs against the Impugned Decision be extended from 25 November 2025 to 16 December 2025.¹⁴ They submit that the three-week extension is modest and reasonable, and would promote judicial economy, without causing prejudice to any party or participant.¹⁵

11. The Ngaïssona Defence submits it "does not seek to revisit matters already adjudicated" in the Decision of 20 October 2025.¹⁶ Rather, the Ngaïssona Defence seeks an extension of the time limit "on an exceptional basis" due to new and unforeseeable "factual developments" that have arisen since this decision that "affect the Defence's ability to meet" the 25 November 2025 deadline.¹⁷ In particular, the Ngaïssona Defence refers to: (i) the "absence of complete official French translations" of portions of the Impugned Decision, which "materially impairs" the Ngaïssona Defence's "ability to obtain and integrate" the instructions of Mr Ngaïssona; and (ii) the temporary constraints on the drafting capacity of the Ngaïssona Defence team caused by the "ongoing reintegration" of a member who recently returned from parental leave and the "continued absence" of two members on parental leave.¹⁸

12. The Yekatom Defence submits that, while it is "fully mindful" of the Decision of 20 October 2025, it is "compelled" to join and support Ngaïssona's Request.¹⁹ It argues that because of the scope of the Impugned Decision and the "interwoven evidentiary references", the team is working "extremely demanding" hours and under "unbearable strain". According to the Yekatom Defence, it has therefore become "nearly impossible" to meet the current deadline of 25 November 2025 "without compromising the

¹³ Defence observations to "Registry's Observations further to the Appeals Chamber's 'Order in relation to the 'Urgent Ngaïssona Defence Request for Extension of Time to File the Appeal Brief Pursuant to Regulation 35(2) of the Regulations of the Court'[sic], ICC-01/14-01/18-2839, dated 11 November 2025", 12 November 2025, ICC-01/14-01/18-2841-Conf.

¹⁴ Ngaïssona's Request, paras 1, 21-22; Yekatom's Response, para. 8.

¹⁵ Ngaïssona's Request, paras 18, 20-21; Yekatom's Response, para. 8.

¹⁶ Ngaïssona's Request, paras 2, 12.

¹⁷ Ngaïssona's Request, paras 2, 12.

¹⁸ Ngaïssona's Request, paras 13-17.

¹⁹ Yekatom's Response, paras 1-2.

completeness, accuracy, and quality of the appeal brief”.²⁰ The Yekatom Defence adds that the present request is made “only after exhausting all possible internal measures”.²¹

13. The Registrar submits that the previous time estimate for completing the translation of essential portions of the Impugned Decision remains valid.²² Referring to the Ngaïssona Defence’s submission on the impact of the absence of a translation of certain essential portions on its ability to integrate Mr Ngaïssona’s instructions, the Registrar recalls the Defence Teams identified portions which should be prioritised and notes that “the overlapping portions deemed essential did not carry the same level of urgency for both teams”.²³

14. At the outset, the Appeals Chamber notes that the Ngaïssona Defence filed a document labelled “observations” seeking to address the Registrar’s Observations and noting, *inter alia*, that contrary to the Registrar’s indication neither of the Defence Teams received the batch of translations sent on 7 November 2025.²⁴ No legal basis for this filing is provided. If the Ngaïssona Defence intends this document to be a response to the Registrar’s Observations, the Appeals Chamber recalls that, pursuant to regulation 24(1) of the Regulations of the Court (hereinafter: “Regulations”), “the defence may file a response to any document filed by any *participant* in the case”.²⁵ However, the Appeals Chamber has held that the Registrar cannot be considered to be a “participant in the case” and that, for this reason, “submissions of the Registrar under regulation 24 *bis* cannot be considered a ‘document filed by a participant’ in terms of regulation 24 (1) of the Regulations of the Court, to which the Prosecutor and the defence may automatically respond”.²⁶ The Ngaïssona Defence should have first sought leave for filing any additional submissions.²⁷ It did not do so. This notwithstanding, in the circumstances of this case the Appeals Chamber will exceptionally consider Ngaïssona’s Observations.

²⁰ Yekatom’s Response, paras 1-4, 6.

²¹ Yekatom’s Response, para. 7.

²² Registrar’s Observations, paras 4, 8.

²³ Registrar’s Observations, para. 5.

²⁴ Ngaïssona’s Observations, paras 1-2.

²⁵ Emphasis added.

²⁶ *The Prosecutor v. Mathieu Ngudjolo Chui*, [Decision on the defence request to reply to the Registrar’s observations pursuant to regulation 24 bis of the Regulations of the Court \(ICC-01/04-02/12-25 A\)](#), 20 March 2013, ICC-01/04-02/12-43 (A), para. 11.

²⁷ See Appeals Chamber, *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, [Decision on Mr Mokom’s request for leave to reply to the Registry’s observations and related matters](#), 8 May 2025, ICC-01/14-01/22-364 (OA5), para. 8.

15. Turning to the merits of the present decision, the Appeals Chamber recalls regulation 58(1) of the Regulations which provides that “the appellant shall file an appeal brief within 90 days of notification of the relevant decision”. Pursuant to regulation 35(2) of the Regulations, the Appeals Chamber may extend a time limit provided “good cause” is shown.

16. The Appeals Chamber finds that, for the reasons set out below, “good cause” has not been shown to warrant any further extension of the time limit for the filing of the appeal briefs in these proceedings.

17. The Appeals Chamber notes the Ngaïssona Defence’s submissions that the Registry’s projected timeline for the translation of the remaining essential sections of the Impugned Decision has not been met and the absence of “complete official French translations” materially impairs the Ngaïssona Defence’s ability to obtain and integrate Mr Ngaïssona’s instructions.²⁸ However, it is clear from the Registrar’s Observations that the translation process continues to adhere to the designated schedule and the essential portions of the Impugned Decision are translated in the order of priority indicated by the Defence Teams.²⁹ The Appeals Chamber notes that with the exception of the limited delay in receiving one of several batches of translations, the Defence Teams nevertheless received same well in advance of the 25 November 2025 deadline for the filing of the appeal briefs.³⁰ Furthermore, in the Decision of 20 October 2025, the Appeals Chamber held that “while not all of the identified essential portions of the Impugned Decision may be available to the convicted persons before 25 November 2025, when the appeal briefs are due, [...] this is no impediment *per se* to the Defence Teams adhering to this timeline”.³¹ In light of this determination, the Appeals Chamber finds the Ngaïssona Defence’s submissions in this regard to be untenable. Indeed, the Appeals Chamber already took into account the potential unavailability of a full translation at the time of filing the appeal briefs and the Registrar’s Observations confirm that the circumstances have not changed in this regard.

²⁸ Ngaïssona’s Request, paras 13-16.

²⁹ Registrar’s Observations, paras 4, 5, 8.

³⁰ Email from Registry to the Appeals Chamber on 13 November 2025 at 14:37. The Appeals Chamber notes that due to a technical fault the 7 November 2025 batch of translations was sent but not received by the Defence Teams. The matter has since been resolved and the Defence Teams received same on 12 November 2025.

³¹ [Decision of 20 October 2025](#), para. 21.

18. As regards matters related to members of the Defence Teams, the Appeals Chamber recalls that issues concerning working hours and its impact on the team,³² as well as the “ongoing reintegration” of a member who recently returned from parental leave and the “continued absence” of two members on parental leave,³³ have been fully ventilated by the Defence Teams in their previous requests for an extension of time. Specifically, in both Yekatom’s First Request and Yekatom’s Second Request, the Yekatom Defence argued that “[t]he simultaneous demands of appellate preparations, sentencing considerations and anticipated commencement of reparations proceedings [...] impose an exceptional burden on the Defence”.³⁴ In the same vein, the Ngaïssona Defence, in Ngaïssona’s First Response and Ngaïssona’s Second Response, provided submissions concerning the parental leave of three team members and the temporary replacements for these members.³⁵ The Appeals Chamber has considered and adjudicated these issues in the Decision of 1 August 2025 and the Decision of 20 October 2025.³⁶ Moreover, the Appeals Chamber recalls that pursuant to regulation 35(2) of the Regulations, “good cause” is necessarily associated with a party’s duties and obligations in the judicial process.³⁷ Inability to conform with the applicable procedural regulation “must be for sound reasons, such as would objectively provide justification for the inability of a party to comply with his/her obligations”.³⁸ In the matter at hand, the Appeals Chamber is not persuaded that the reasons advanced by the Defence Teams in relation to their capacity and/or resource constraints objectively justify a further request, at such an advanced stage of the proceedings, for yet another extension of time. Accordingly, the Appeals Chamber finds that the Defence Teams do not demonstrate “good cause” that would warrant a further extension of the time limit for the filing of the appeal briefs.

19. Having found that the Defence Teams have not shown “good cause” for an extension of time for the filing of the appeal briefs, the Appeals Chamber rejects the Defence Teams’ requests.

³² Yekatom’s Response, paras 1-4, 6.

³³ Ngaïssona’s Request, paras 13-17.

³⁴ [Yekatom’s First Request](#), para. 23; [Yekatom’s Second Request](#), para. 33.

³⁵ [Ngaïssona’s First Response](#), paras 30-32; [Ngaïssona’s Second Response](#), paras 33-35.

³⁶ [Decision of 1 August 2025](#), paras 5, 9; [Decision of 20 October 2025](#), para. 19.

³⁷ [The Prosecutor v. Thomas Lubanga Dyilo, Reasons for the “Decision of the Appeals Chamber on the request of counsel to Mr. Thomas Lubanga Dyilo for modification of the time limit pursuant to regulation 35 of the Regulations of the Court of 7 February 2007” issued on the 16 February 2007](#), 21 February 2007, ICC-01/04-01/06-834 (OA8) (hereinafter: “Lubanga OA8 Decision”), para. 7.

³⁸ [Lubanga OA8 Decision](#), para. 7.

20. The Appeals Chamber further notes the Yekatom Defence's submission that its response was filed confidentially but it does not oppose that the Appeals Chamber reclassify the request should it "consider that a lesser level of confidentiality is appropriate".³⁹ The Appeals Chamber therefore directs the Yekatom Defence to file a public redacted version of its response.

21. The Appeals Chamber also notes the confidential classification of Ngaïssona's Observations, for which the Ngaïssona Defence states no factual and legal basis, contrary to the requirement under regulation 23bis(1) of the Regulations. As that document neither contains confidential information, nor refers to any confidential document, the Appeals Chamber directs the Registrar to reclassify same as public pursuant to regulation 23bis(3) of the Regulations.

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



Judge Solomy Balungi Bossa
Presiding

Dated this 14th day of November 2025

At The Hague, The Netherlands

³⁹ Yekatom's Response, para. 9.