

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No. ICC-01/14-01/18
Date: 28 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 CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

***THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public

Prosecution request for an extension of time to respond to the Defence appeal briefs

Source: Office of the Prosecutor

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INTRODUCTION

1. The Prosecution requests an extension of time to respond to the Defence Appeal Briefs¹ against the Judgment issued by Trial Chamber V on 24 July 2025.² Good cause exists pursuant to regulation 35(2) of the Regulations of the Court, justifying the requested extension.
2. The Defence Appeals Briefs are exceptionally lengthy (totalling 396 pages) and complex, raising many legal, factual, and technical issues that require careful review. The Prosecution is responding simultaneously to Yekatom's and Ngaïssona's separate appeals against their respective convictions and sentences, and Yekatom's request to introduce additional evidence on appeal. The Prosecution will also be impacted by the upcoming Court recess and holiday period. The extension of time is in the interests of justice as it would ensure fair and efficient appellate proceedings, ultimately facilitating the Appeals Chamber's timely determination of these appeals. Because of these factors, and noting that the Defence received a 32-day extension to file their appeals,³ granting the Prosecution a corresponding extension until 27 February 2026 is justified.

SUBMISSIONS

3. The Prosecution's consolidated response to the Defence Appeal Briefs is due on 26 January 2026.⁴ Pursuant to regulation 35(1) of the Regulations of the Court, the Prosecution requests until 27 February 2026 to file its response and submits that the following factors constitute good cause within the meaning of regulation 35(2).
4. *First*, the length and complexity of the Defence Appeals Briefs justify the requested extension. The Prosecution is responding to exceptionally lengthy submissions on appeal,

¹ ICC-01/14-01/18-2848-Conf ("Yekatom Appeal Brief"); ICC-01/14-01/18-2847-Conf ("Ngaïssona Appeal Brief") (collectively: "Defence Appeal Briefs").

² [ICC-01/14-01/18-2784-Red](#) ("Judgment").

³ [ICC-01/14-01/18-2794](#) ("Defence Time Extension Decision").

⁴ Under regulation 59(1), the Prosecution may file a response to an appeal brief within 60 days of the notification of that brief. Regulation 63(1)(b) and (4) provide that when more than one convicted person files an appeal brief, the Prosecution shall file a consolidated response, and the time limit for filing that response runs from the notification of the last appeal brief filed by a convicted person — the Yekatom and Ngaïssona Defence filed their appeal briefs on 25 November 2025. Under the Court's legal framework, the 60-day time-limit to file a response to an appeal brief (regulation 59) normally applies to an appeal of up to 100 pages (regulation 58), relating to either a conviction or a sentence, and filed within 90 days from the notification of the conviction or sentencing decision (regulation 58). In this case, the Prosecution is responding to two appeal briefs, each covering both conviction and sentence decisions. Together, these briefs total 396 pages and the appellants were granted an extra 32 days to file their respective notices of appeal, and accordingly to prepare the Appeal Briefs.

totalling 396 pages,⁵ based on the longest judgment rendered to-date by a trial chamber of this Court, totalling 1,649 pages.⁶

5. The respective Defence Appeal Briefs are highly complex. Although they are divided into twelve grounds, together they allege more than 80 errors encompassing a wide range of legal issues, including the elements of the crimes, modes of responsibility, sentencing issues, the assessment of evidence, and fair trial matters.⁷ They also raise factually complex matters involving technical evidence, numerous incidents, witness credibility, and issues specific to the individual responsibility of the convicted persons, which require review of the extensive evidentiary record. The Appeals Chamber acknowledged that the length and complexity of the judgment as well as the burden to simultaneously address both the conviction decision and the sentencing decision were relevant factors when it granted time extension for the appellants.⁸ These same considerations should now also apply to the Prosecution.

6. Moreover, the Prosecution is responding to arguments raised by two appellants, further adding to the complexity of the already time-limited appeal process. There is limited overlap between the arguments in the appeal briefs of Yekatom and Ngaïssona, such that many grounds are specific to a given appellant and the Prosecution must therefore respond individually to each, requiring adequate time to do so effectively. Overlapping arguments similarly require adequate time to address coherently and comprehensively. Effectively, the Prosecution is concurrently addressing arguments that would normally be set out in four separate appeal briefs. This further justifies the relatively modest extension sought.

7. *Second*, a significant part of the time for preparing the consolidated response falls within the Court's recess and holiday period. This further renders the requested extension warranted. The Court's judicial recess, scheduled from 13 December 2025 until 4 January 2026,⁹ is to ensure that the Chamber, Parties and Participants are able to rest.¹⁰ Therefore, not only the available working time to prepare this consolidated response will be shorter, but also the

⁵ Yekatom Appeal Brief (200 pages); Ngaïssona Appeal Brief (196 pages).

⁶ [Judgment](#).

⁷ Yekatom Appeal Brief (6 grounds and around 50 errors); Ngaïssona Appeal Brief (6 grounds and more than 30 errors).

⁸ ICC-01/14-01/18-2794 ("Extension of Time Decision"), paras. 5, 9.

⁹ See [The Court - Home](#). Although the Court recess extends from 12 December until 5 January, Friday 12 December 2025 and Monday 5 January are working days.

¹⁰ See [ICC-01/05-01/08-T-43-Red2-ENG](#) WT, p.31, lines 13-24. See also [ICC-01/04-01/07-T-224-ENG CT](#) WT, p.56, lines 5-23.

number of Prosecution staff working on it will be reduced as the judicial recess and holiday period are times when staff typically take leave to spend time with their families.¹¹

8. The Appeals Chamber has previously found that “complex issues on appeal”,¹² the objectively high workload,¹³ and the judicial recess,¹⁴ may constitute “good cause” justifying extensions of a time limit. All these factors apply in these appellate proceedings, and significantly impact the Prosecution’s ability to file a consolidated response by 26 January 2026.

9. The Appeals Chamber should ensure the expeditiousness and *fairness* of the proceedings in this context.¹⁵ Granting the Prosecution sufficient time to prepare a comprehensive consolidated response brief in full conformity with regulation 59 of the Regulations of the Court is in the interests of justice, as it ensures fair and efficient appellate proceedings.¹⁶ As noted, the present request is equivalent to the extension granted to the appellants in preparation for their notices of appeals and thus the filing of their respective briefs. Its relative brevity is a favourable factor,¹⁷ including because it is unlikely to have an impact on the overall expeditious conduct of the appeals proceedings. To the contrary, the additional time would allow the Prosecution to present its arguments in response in a clearer and focused manner, while analysing all relevant matters arising from the Appeal Briefs. This, in turn, will better assist the Appeals Chamber in a timely determination of the Parties’ appeals.

¹¹ See [ICC-02/04-01/15-1861](#), para. 17.

¹² E.g., [ICC-01/12-01/18-2647](#), paras. 16-17; [ICC-01/04-02/06-2415](#), para. 12; [ICC-02/04-01/15-1861](#), para. 17; [ICC-01/18-403](#), para. 7; [ICC-01/04-02/06-2364](#), paras. 3, 5; [ICC-01/12-01/18-2606 A](#), para. 12; [ICC-01/09-01/11-1346](#), para. 9.

¹³ E.g., [ICC-01/12-01/18-2628](#), para. 12; [ICC-01/12-01/18-2647](#), paras. 16-17. See [ICC-02/11-01/11-458-Red](#), para. 6; [ICC-02/11-01/11-189](#), para. 4.

¹⁴ E.g., [ICC-02/04-01/15-1861](#), para. 17; [ICC-01/12-01/18-2628](#), para. 13; [ICC-01/12-01/18-2647](#), paras. 16-17; [ICC-01/18-403](#), para. 7; [ICC-01/04-01/07-121](#), para. 5; [ICC-02/18-52](#), paras. 7-8; [ICC-01/04-01/07-115](#), para. 7.

¹⁵ See Rule 101(1) of the Rules of Procedure and Evidence. See also IRCMT, *Prosecutor v. Karadžić*, MICT-13-55-A, [Decision on Motion for Extension of Time to File Notice of Appeal](#), 21 April 2016, p. 2.

¹⁶ See [ICC-01/05-01/13-2161](#), para. 12. See also IRCMT, *Prosecutor v. Karadžić*, MICT-13-55-A, [Decision on Motion for Extension of Time to File Notice of Appeal](#), 21 April 2016, p. 2; ICTY, *Prosecutor v. Milutinović et al.*, IT-05-87-A, [Decision on Motions for Extension of Time to File Notices of Appeal](#), 23 March 2009, p. 4; ICTY, *Prosecutor v. Šainović et al.*, IT-05-87-A, [Decision on Joint Request Extension of Time for Respondent’s Brief](#), 27 July 2009, p. 4.

¹⁷ See also [ICC-01/04-01/06-562](#) OA3, para. 5; [ICC-01/04-01/06-190](#) OA3, paras. 2-5.

CONCLUSION

10. For the reasons set out above, the Prosecution respectfully requests, pursuant to regulation 35(2), a 32-day extension of the time limit to file a consolidated response to the Defence Appeal Briefs by 27 February 2026.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 28th day of November 2025
At The Hague, the Netherlands