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**No. ICC-01/14-01/18
Date: 22 March 2024**

TRIAL CHAMBER V

**Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

**Decision on the Prosecution Request for Partial Reconsideration of the ‘Further
Directions on the Conduct of the Proceedings’**

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

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TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64(2) and 67 of the Rome Statute, Rules 140 and 141 of the Rules of Procedure and Evidence and Regulations 34, 36 and 38(1)(c) of the Regulations of the Court, issues this ‘Decision on the Prosecution Request for Partial Reconsideration of the “Further Directions on the Conduct of the Proceedings”’.

1. On 2 February 2024, the Chamber issued the ‘Further Directions on the Conduct of the Proceedings (End of Defence Presentation of Evidence and Closure of Evidence)’ (the ‘Further Directions’). Therein, the Chamber, *inter alia*, set the page limit for any closing briefs to 200 pages and directed that they should be filed eight weeks after the declaration of the closure of the submission of evidence.¹
2. On 1 March 2024, the Office of the Prosecutor (the ‘Prosecution’) requested the Chamber to reconsider these time and page limits. Specifically, it asks the Chamber to grant the Prosecution ‘up to 375 pages for its closing brief and a filing deadline of 10 weeks after the close of evidence’ (the ‘Page Extension Request’, the ‘Time Extension Request’ and jointly, the ‘Request’).²
3. The Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of the Victims of the Other Crimes informed the Chamber that they (i) do not oppose the Page Extension Request and (ii) support the Time Extension Request and request to be granted the same extension.³
4. On 12 March 2024, the Ngaïssona Defence objected to the Request. In the alternative, should the Request be granted, it submits that the ‘same extensions, *i.e.* on the page and time limit, should apply for the Defence’.⁴

¹ ICC-01/14-01/18-2342, p. 6.

² Prosecution’s Request for Partial Reconsideration of the ‘Further Directions on the Conduct of the Proceedings’ (End of Defence Presentation of Evidence and Closure of Evidence) (ICC-01/14-01/18-2342), ICC-01/14-01/18-2391-Conf, paras 1, 5, 47.

³ Email from the Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of the Victims of the Other Crimes, 5 March 2024, at 14:43.

⁴ Ngaïssona Defence’s Response to the “Prosecution’s Request for Partial Reconsideration of the ‘Further Directions on the Conduct of the Proceedings’ (End of Defence Presentation of Evidence and

5. On the same day, the Yekatom Defence responded to the Request. It requests (i) that ‘an extension of page limits should be applied equally to both the Prosecution and Defence and should not exceed 300 pages’ and (ii) seeks ‘an extension of time for the preparation of closing arguments in response to the respective final briefs as opposed to an extension of time for the filing of the Prosecution closing brief’ (the ‘Yekatom Defence Request’).⁵
6. In light of the circumstances raised by the Prosecution, and noting that both defence teams indicated that they would also be assisted by a page extension, the Chamber is willing to reconsider the set page limits. However, recalling that the closing briefs should be succinct⁶ and that the Prosecution already submitted a substantive Trial Brief,⁷ the Chamber considers that a limited extension of 50 pages is sufficient. The same extension is granted to each defence team.
7. With regard to the timing of the closing briefs and statements, the Chamber notes that the parties have not advanced any new facts or arguments arising since the Further Directions were issued. Further bearing in mind the Chamber’s obligation to ensure the expeditiousness of the proceedings, the Chamber does not consider that reconsideration is justified. Accordingly, the Time Extension Request and the Yekatom Defence Request are rejected.

FOR THESE REASONS, THE CHAMBER HEREBY

PARTIALLY GRANTS the Page Extension Request;

DECIDES that the Prosecution and respective Defence teams have a 250-page limit for their closing briefs;

Closure of Evidence) (ICC-01/14-01/18-2342)”, ICC-01/14-01/18-2391-Conf, 1 March 2024, ICC-01/14-01/18-2403-Conf.

⁵ Yekatom Defence Response to “Prosecution’s Request for Partial Reconsideration of the ‘Further Directions on the Conduct of the Proceedings’ (End of Defence Presentation of Evidence and Closure of Evidence) (ICC-01/14-01/18-2342)”, 1 March 2024, ICC-01/14-01/18-2391-Conf, ICC-01/14-01/18-2407-Conf.

⁶ Further Directions, ICC-01/14-01/18-2342, para. 10.

⁷ See Prosecution Trial Brief, 9 November 2020, ICC-01/14-01/18-723-Conf (public redacted version notified on 3 March 2021) (with confidential Annexes A-E); Decision on the Prosecution Request for Extension of Page Limits, 23 October 2020, ICC-01/14-01/18-697, paras 6-7, granting a page extension of up to 250 pages for the Trial Brief.

REJECTS the Time Extension Request;

REJECTS the Yekatom Defence Request;

ORDERS the Prosecution and the Ngaïssona Defence to file public redacted versions of the Request, ICC-01/14-01/18-2391-Conf, and the response ICC-01/14-01/18-2403-Conf within one week of notification of the present decision, or request their reclassification; and

ORDERS reclassification of the Yekatom Defence's response ICC-01/14-01/18-2407-Conf, to public.

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



Judge Péter Kovács



Judge Bertram Schmitt

Presiding Judge



Judge Chang-ho Chung

Dated 22 March 2024

At The Hague, The Netherlands