

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No: **ICC-01/12-01/18**

Date: **25 July 2024**

THE APPEALS CHAMBER

Before:

**Judge Luz del Carmen Ibáñez Carranza, President
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Miatta Maria Samba
Judge Erdenebalsuren Damdin**

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF

THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG MAHMOUD

Public

Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

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

The Office of the Prosecutor

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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

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Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
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Other

1. The Defence for Mr Al Hassan Ag Abdoul Aziz and the Office of the Prosecutor jointly and respectfully request, pursuant to Rule 150(2)¹ and Regulation 35(2)², a limited extension of two additional weeks to file the notice and grounds of appeal in respect of the Trial Judgment in the present case. The duration of the requested extension is believed to be reasonable and appropriate, and will result in the deadline being moved from **4 September 2024** – as was granted by the Appeals Chamber on 12 July 2024³ – to **18 September 2024**.
2. In the interests of procedural economy, the Defence and the Office of the Prosecutor have already consulted on this matter, and the Office of the Prosecutor has reviewed this request in draft. On this occasion, to avoid the need for a separate response on its part, the Office of the Prosecutor has agreed to join and support the request on the terms and for the reasons set out herein.
3. There is good cause to grant this modest request. On 23 July 2024, Trial Chamber X issued the Third Decision on the Sentencing Calendar,⁴ along with various email decisions, which together establish a series of critical deadlines in the next six (6) weeks, until and including 4 September 2024.⁵ This includes deadlines on 6, 8, 20, and 26 August 2024 for various legal submissions and sentencing observations as well as a hearing on 4 September 2024 during which the parties will be expected to address the written submissions. Since these deadlines fall during, and immediately after, the judicial recess, the parties will have fewer resources available to meet them. This, in turn, will impact on the resources available to address the ongoing review of the Trial Judgment.
4. There are also various logistical difficulties that stem from this convergence of deadlines. The Sentencing Calendar envisages that any responses to the observations of the Defence

¹ Rules of Procedure and Evidence (“Rules”), Rule 150(2) (“[t]he Appeals Chamber may extend the time-limit set out in sub-rule 1, for good cause, upon the application of the party seeking to file the appeal”).

² Regulations of Court (“Regulations”), Reg. 35(2) (“[t]he Chamber may extend or reduce a time limit if good cause is shown”).

³ Decision on the Defence’s “Request for Extension of Time to File the Notice of Appeal” against the decision of Trial Chamber X entitled “Trial Judgment”, ICC-01/12-01/18-2606, 12 July 2024 (“Extension of Time Decision”).

⁴ Third decision on the sentencing procedure, ICC-01/12-01/18-2618, 23 July 2024 (“Third Decision on Sentencing Procedure”).

⁵ Third Decision on Sentencing Procedure, paras. 18-20.

and the Prosecution can be delivered at the sentencing hearing.⁶ This means that in the lead-up to 4 September, the parties must prepare oral submissions for the hearing while also developing additional oral responses. In the case of the Defence, such responses will require consultation with Mr Al Hassan based on internally prepared draft translations. This will have an appreciable impact on the ability of the Defence to finalise its Notice of Appeal in consultation with Mr Al Hassan.

5. The rationale underpinning the Appeals Chamber's decision of 12 July 2024 applies equally to the current situation.⁷ The present request has been submitted by both parties on the basis that the requested extension will grant no prejudice to either side, consistent with the Appeals Chamber's view that it is appropriate to maintain the same deadlines for both the Defence and the Office of the Prosecutor.⁸
6. The Appeals Chamber is thus respectfully requested to:

GRANT this joint request for a limited extension of 14 days for the parties to file the notice of appeals to the Trial Judgment, and

ORDER that the updated filing deadline for any party seeking to file an appeal to the Trial Judgment is now 18 September 2024.



Melinda Taylor
Lead Counsel for Mr. Al Hassan

Respectfully submitted this 25 July 2024,
At The Hague, The Netherlands

⁶ Third Decision on Sentencing Procedure, para. 20.

⁷ Extension of Time Decision, paras. 10-15.

⁸ Extension of Time Decision, para. 15.