

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: ICC-01/12-01/18
Date: **2 September 2024**

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
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

Prosecution Request for Extension of Time to File Appeal Brief

Source: Office of the Prosecutor

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

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Submissions

1. The Prosecution requests an extension of the deadline to file its appeal brief against the Trial Judgment of 26 June 2024¹ until 18 November 2024, which is 60 days after it will have filed its notice of appeal. Having thoroughly analysed the Trial Judgment, the Prosecution has decided that it will file a notice of appeal against the Trial Judgment pursuant to rule 150 of the Rules of Procedure and Evidence (“Rules”).
2. In relation to appeals against convictions, regulation 58(1) of the Regulations of the Court (“Regulations”) provides that “the appellant shall file an appeal brief within 90 days of notification of the relevant decision”. Thus, assuming time limits commence from the date of notification of the Trial Judgment on 26 June 2024,² the Prosecution’s appeal brief would currently be due on 25 September 2024, just one week after filing the notice of appeal.
3. The Prosecution submits that there is good cause for granting the requested extension, pursuant to regulation 35(2) of the Regulations.
4. In the present case, the Appeals Chamber had first granted a 35-day extension of time to both parties—until 4 September 2024—to file any notice of appeal, following requests by the parties.³ In that decision, the Appeals Chamber found that “good cause” for an extension of time was shown considering, *inter alia*, the need to satisfy the requirements for a notice of appeal in regulation 57 of the Regulations and the factual and legal complexity and length of the Trial Judgment.⁴ The Appeals Chamber subsequently granted the parties a further extension of time to file any notice of appeal until 18 September 2024.⁵ This was in light the fact that the Trial Chamber had moved the sentencing hearing to 4 September 2024, the significant workload for the parties in the lead-up to the sentencing hearing, that converging deadlines fell during and immediately after the judicial recess, placing additional pressure on the resources available to the parties, and the need for the parties to thoroughly analyse the Trial Judgment.⁶

¹ [ICC-01/12-01/18-2594-Red.](#)

² The Prosecution’s calculation is based on the date of notification of the Trial Judgment, and not on the subsequent date of notification of Judge Mindua’s Dissenting opinion. The Appeals Chamber did not take a position on this question (see [ICC-01/12-01/18-2606](#), para. 13).

³ [ICC-01/12-01/18-2606](#).

⁴ [ICC-01/12-01/18-2606](#), paras. 12-13.

⁵ [ICC-01/12-01/18-2628](#).

⁶ [ICC-01/12-01/18-2628](#), paras. 12-13.

5. The factors considered by the Appeals Chamber for extending the time limit for filing any notice of appeal also apply, *mutatis mutandis*, to any extension of time for filing any appeal brief. In particular, (i) the length of the Trial Judgment, which, including annexes and the three separate and dissenting opinions issued by each Judge of the Trial Chamber, totals more than 1,000 pages; (ii) the split Judgment prompting separate and dissenting opinions on a number of issues gives rise to a factually and legally complex appeal; and (iii) the issues to be analysed and addressed are novel, including issues related to charges litigated for the first time at the ICC. These factors constitute good cause for extending the time limit for filing any appeal brief. The Appeals Chamber has previously considered that the factual and legal complexity of an appeal constituted good cause for extending the deadline for filing an appeal brief.⁷

6. Even if the Prosecution has already thoroughly analysed the Trial Judgment, it will still require significant time to articulate the legal and/or factual reasons in support of each ground of appeal, to refer to the relevant parts of the record or any other documents or sources of information, and to explain in sufficient detail how the errors affect the appealed decision, consistent with the requirements under regulation 58(2) of the Regulations. This is why regulation 58(1), read together with rule 150(1) of the Rules, foresees that a party ordinarily has 60 days after filing any notice of appeal to file its appeal brief.

7. The Prosecution's present request for an extension of time is consistent with the logic of this procedural framework. It is also consistent with the previous practice of the Appeals Chamber. In the *Ongwen* case, the Appeals Chamber—after extending the deadline for filing any notice of appeal—extended the time limit to file any appeal brief on its own motion by 45 days. According to the Appeals Chamber, this was necessary “because otherwise Mr Ongwen would [have been] required to file his appeal brief only 30 days after the notice of appeal [was] due to be filed.”⁸

8. The Prosecution does not object to the Defence being granted an equivalent extension of time to file any document in support of its own appeal. The reasons set out above equally apply to the Defence, as is evident from the Defence's prior request for an extension of time to file any notice of appeal.⁹ An equivalent extension of time for both parties and a synchronised

⁷ [ICC-01/04-02/06-2415](#), para. 12.

⁸ [ICC-02/04-01/15-1781](#), para. 13.

⁹ [ICC-01/12-01/18-2597](#).

briefing schedule in this appeal would also be in the interests of justice, ensuring fair and efficient appellate proceedings.¹⁰

9. This request is without prejudice to any future applications for an extension of time to respond to any Defence appeal brief, pursuant to regulation 59 of the Regulations. Such a request would be informed by the scope and the length of any Defence appeal.

Conclusion and relief sought

10. For the reasons set out above, the Prosecution seeks an extension of the deadline to file any appeal brief against the Trial Judgment until 18 November 2024.



Karim A. A. Khan KC, Prosecutor

Dated this 2nd day of September 2024

At The Hague, The Netherlands

¹⁰ See e.g. *ICTY Prosecutor v. Prlic et al*, IT-04-74-A, [Decision on motions for extension of time to file appeal briefs and for authorization to exceed word limit](#), 22 August 2013, para. 15. In that case, the Prosecution submitted that “an unsynchronized briefing schedule may create inefficiency and an unfair disadvantage of the parties required to file before other appellants” (*ibid*, para. 12). See also *ICTY Prosecutor v. Blagojevic et al.*, IT-02-60-A, [Decision on Vidoje Blagojevic’s motion for extension of time in which to file his notice of appeal and on Dragan Jonkic’s motion for extension of time in which to file his appeal brief](#), 14 April 2005. In that decision, the Appeals Chamber considered “that the interests of preserving this Tribunal’s resources and convenience to the parties argue strongly in favour of re-synchronizing the appeals in this case, which in the interests of justice must be done [...]”.