



Original: English

No.: ICC-02/05-01/20
Date: 6 December 2024

TRIAL CHAMBER I

Before: Judge Joanna Korner, Presiding Judge
Judge Reine Alapini-Gansou
Judge Althea Violet Alexis-Windsor

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR v.
*ALI MUHAMMAD ALI ABD-AL-RAHMAN ("ALI KUSHAYB")***

Public

Prosecution's response to "Requête en vertu de la norme 35 du Règlement de la Cour"

Source: Office of the Prosecutor

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

The Office of the Prosecutor Mr Karim A. A. Khan KC Ms Nazhat Shameem Khan Mr Julian Nicholls	Counsel for the Defence Mr Cyril Laucci Mr Iain Edwards
Legal Representatives of the Victims Ms Natalie von Wistinghausen Mr Anand Shah	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	
Registrar Mr Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Section Mr Nigel Verrill	Detention Section
Victims Participation and Reparations Section Mr Philipp Ambach	Other

I. INTRODUCTION

1. The Prosecution respectfully requests the Chamber to reject the Defence's "Requête en vertu de la norme 35 du Règlement de la Cour" ("Request")¹ for additional time to present its closing submissions. The Request is without merit.

II. SUBMISSIONS

2. The Prosecution notes that it does not have access to the Defence's detailed reasoning for additional time as it is contained in the confidential *ex parte* version of the filing and its annex. The Prosecution thanks the Defence for the courtesy copy provided.

3. Nevertheless, the Prosecution submits that the request is unnecessary. The Chamber has allotted time to the Parties and Participants, no doubt following due consideration as to what time is appropriate to respond to arguments of the opposing Party, while factoring in responses to the Chamber's questions.

4. Moreover, the Defence's argument that it requires additional time because the Prosecution will potentially have more time to respond to its 18 questions is wrong. Instead, in accordance with the Chamber's instructions,² the Prosecution will endeavour as much as possible to integrate responses to the Chamber's questions into its 4.5 hours allotted time. Additionally, it is assumed that both Parties will be prepared to address every question, as the Chamber may also seek the views of the opposing Party. Lastly, it is obvious that the number of questions alone does not accurately reflect the speaking time required to answer them, as some questions will necessitate more comprehensive and detailed responses than others.

5. The Defence has once again invoked the principle of "equality of arms", ostensibly to justify its position, when in reality, the Request reflects an attempt to avoid efficiently complying with the Chamber's instructions. Should the Defence be granted additional time, the Prosecution may be forced to also ask for additional time to adequately present its arguments.

¹ Requête en vertu de la norme 35 du Règlement de la Cour, [ICC-02/05-01/20-1214-Red.](#)

² Email from Trial Chamber I dated December 5 2024 at 14:24.

III. RELIEF REQUESTED

6. For the above reasons, the Prosecution respectfully requests the Chamber to reject the Request.



Karim A. A. Khan KC
Prosecutor

Dated this 6th day of December 2024

At The Hague, The Netherlands