

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20
Date: 02 December 2025

TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

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

PUBLIC

**Public Redacted Version of the
Defence's Application for Extension of Time to File Submissions on Sentence
Pursuant to Regulation 35(2) of the Regulations of the Court
(ICC-02/05-01/20-1252-Conf)**

Source: Defence for Mr Ali Muhammad Ali Abd-Al-Rahman

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ 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 Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

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Reparations Section

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1. Pursuant to Regulation 35(2) of the Regulations of the Court (“the RoC”), the Defence for M. Abd-Al-Rahman (“The Defence”, “M. Abd-Al-Rahman”) hereby seeks an extension of the time limit set by Trial Chamber I (“the Chamber”) for the filing of its submissions on sentence (“Sentencing Brief”) at paragraph 7 of its Decision on the Sentencing Procedure (“the Sentencing Procedure”).¹ The current time limit is set for Monday 3 November 2025. As detailed below, the Defence hereby seeks either a limited extension of 72 hours – i.e. to 6 November 2025 – for submission of its Brief on all aspects except submissions on [REDACTED]; or a longer extension until receipt of the outcome of [REDACTED].

CLASSIFICATION

2. Pursuant to Regulation 23*bis*-1 of the RoC, the present application is classified “Confidential” because it refers to confidential issues. A public redacted version is filed on the same day.

SUBMISSIONS

3. Since the issuance of the Sentencing Procedure, the Defence has strived to respect the timeline set by the Chamber. The Defence had pre-emptively undertaken significant preparatory steps in order to be ready for sentencing in the event of a verdict of guilt on one or more counts on 6 October 2025. These included collecting additional witness evidence, [REDACTED] and addressing well in advance, by May 2025, all issues regarding legal aid over the sentencing phase with the Registry. A swift but careful study of the Article 74 Decision prompted additional measures – including the interview of Witness D-0016, but the Defence was able to complete these in time for its submission of additional evidence on 20 October 2025. The completion of these last-minute investigative steps caused no delay and

¹ [ICC-02/05-01/20-1241](#), para. 7.

does not form part of the reasons why the Defence is unfortunately compelled to seek an extension of time today.

4. The Defence's preparation of its Sentencing Brief is essentially impacted by two factors. These factors are out of the Defence's control. Individually and together, these two factors form good cause for the requested extension of time, pursuant to Regulation 35(2) of the RoC. The Defence will address these two factors prior to its submissions on the length of the requested extension.

GOOD CAUSE: FIRST FACTOR – [REDACTED]

5. [REDACTED]² [REDACTED]
6. At paragraphs 12 to 18 of its observations of Monday 27 October 2025,³ the Registry indicates that the issue [REDACTED].⁴ No indicative time frame is provided. [REDACTED] Despite all best efforts of the Defence to have this process conducted as expeditiously as possible, [REDACTED] will not be known by 3 November 2025, when the Parties and Participants are expected to submit their Sentencing Briefs. In a very real sense, the matter is out of the Defence's hands.
7. [REDACTED] will be an important and relevant factor for sentencing purposes [REDACTED] needs to be fully assessed, even if [REDACTED], for consideration by the Chamber. It is submitted that this unexpected information [REDACTED] amount to good cause for an extension of the time limit to file written observations on their impact, if any, on sentence. Of course, the same extension should be afforded to the Prosecution and the Legal Representatives of Victims ("LRV's") for the same reason. The anticipated length of the required extension is discussed below.

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

GOOD CAUSE: SECOND FACTOR – DELAYS IN RESOLUTION OF LEGAL AID ISSUES

8. This second factor has been dealt with by way of confidential *ex parte* – Defence, Registry only – submissions. The Prosecution and LRV are not privy to it. [REDACTED]⁵ [REDACTED]⁶ [REDACTED]⁷ [REDACTED]
9. This unfortunate sequence has impacted on the work of the Defence team in preparation of sentencing proceedings in, at least, two ways: first, it substantially disrupted the work of the Defence in preparation for the sentencing proceedings in parallel to the preparation of any notice of appeal. Although the members of the Defence team are experienced and committed professionals who have the fortitude of carrying on their work irrespective of the adverse decisions impacting on it and questioning their right to carry it on, the induced level of anxiety and uncertainty, with some junior members of the Defence team being potentially compelled to quit European territory within the coming weeks, had an impact. Second, the Lead Counsel had to dedicate a substantial portion of his time on litigating these Legal Aid issues, to the detriment of his ability to focus on work on the Sentencing Brief. No less than four full working days were lost on this matter: [REDACTED]. Similar delays have been found to provide good cause for extensions of time limits in the past.⁸ Additional submissions are coming ahead, as this matter is still not fully resolved.
10. This additional burden also amounts to good cause for a limited extension of time limit to submit the Defence Sentencing Brief. Although the Prosecution and LRVs were not impacted by these, the Defence has no objection to the application of the same extension to them as well. This limited extension will also have the advantage

⁵ [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

⁸ *Bemba*, Order Granting the Defence's Application for Extension of Time, [ICC-01/05-01/08-604](#), 11 November 2009, para. 5.

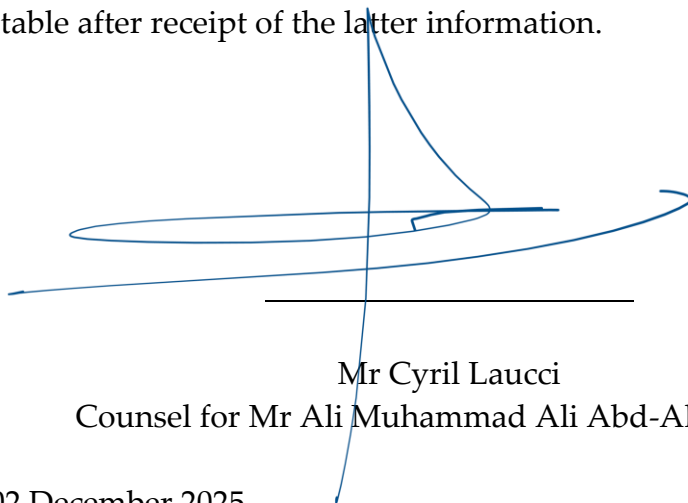
of allowing them more time for their observations on the final report of the Defence Expert, which is expected to be disclosed on 30 October 2025.

LENGTH OF THE REQUESTED EXTENSION

11. The Defence was extremely reluctant to submit the present application and does so only because it is compelled to. This being said, the Defence is concerned by the impact the requested extension may have on the sentencing proceedings. M. Abd-Al-Rahman needs to know what is going to be his sentence. Any delay should be limited to what is strictly required for the fairness of the proceedings, and what cannot be avoided.
12. With this in mind, the Defence would like to propose two alternative solutions, for a very short extension of 72 hours for the Sentencing Brief, with the right to file additional submissions once [REDACTED]; or for a longer extension, [REDACTED].
13. The first and preferred option is a limited extension of time limit for submission of all Sentencing Briefs from 3 to 6 November 2025. This limited extension essentially relies on the second factor demonstrating good cause, i.e. the time and energy lost on Legal Aid issue as a consequence of the Registry's incapacity to rule on it preemptively in May 2025. Although the Defence is only impacted by this litigation, the Defence proposes that the Prosecution and LRVs may also benefit of the same extension, that will give them time for their submissions [REDACTED]. The Defence believes that this limited – 72 hours extension – may be granted without impacting on the current schedule of the hearing on sentencing, from 17 to 21 November 2025.
14. The second option would be the postponement of all Sentencing Briefs until reception of the outcome of [REDACTED]. The Registry gave no indication as to

when these could be completed. Additional observations from the Registry on this issue may assist the Chamber in its determination.

FOR THE FOREGOING REASONS, the Defence hereby prays the Chamber to postpone the date of 3 November 2025 for the submission of the Sentencing Briefs to: (i) **6 November 2025**, with leave to complete submissions once in possession of all information [REDACTED]; **OR** (ii) the earliest workable date the Chamber may find suitable after receipt of the latter information.



Mr Cyril Laucci
Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman

Dated this 02 December 2025

At The Hague, The Netherlands.