



Original: **English**

No.: **ICC-02/05-01/20**
Date: **9 December 2025**

THE APPEALS CHAMBER

Before: Judge Erdenebalsuren Damdin, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Keebong Paek

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR V. ALI MUHAMMAD ALI ABD-AL-RAHMAN
(“ALI KUSHAYB”)**

Public

Prosecution Response to “Application for Extension of Time to File the Defence 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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☒ 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

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1. Following the dismissal of its request to suspend or vary the date when Mr Abd-Al-Rahman was deemed to have been notified of the Trial Judgment,¹ the Defence now seeks an extension of time for the filing of its appeal brief.² For similar reasons given in its previous response, the Prosecution does not oppose an extension of time being granted.³ The Prosecution is of the view that the Defence has shown good cause for an extension of time until 2 March 2026.⁴

2. In particular, the Prosecution recalls that the Defence has not yet sought any extension of time in these appeal proceedings,⁵ and that Mr Abd-Al-Rahman has only just begun to receive translations of relevant portions of the Trial Judgment into Arabic.⁶ It respectfully submits that a reasonable extension of time to file the appeal brief is likely to facilitate the expeditious conduct of the proceedings overall, helping to ensure that the parties and participants can file clear and comprehensive legal submissions which will facilitate the determination of the Appeals Chamber.⁷ The Prosecution also notes the closure of the Court for public holidays during the relevant time period, and the judicial recess.⁸ On this basis, the Prosecution does not object to the Defence receiving an extension of time of 56 days to file its appeal brief, such that it falls due on 2 March 2026.

3. The Prosecution takes no position on the further matters raised by the Defence in support of its claim of good cause,⁹ and defers to the Appeals Chamber's

¹ [ICC-02/05-01/20-1277 A](#) ("Suspension Decision").

² See [ICC-02/05-01/20-1279 A](#) ("Application"). The Defence seeks an extension until 31 March 2026, which is an extension of 85 days: see paras. 24-25.

³ See [ICC-02/05-01/20-1272 A](#) ("Prosecution Response to Suspension Application"), paras. 2, 6, 8, 10-11, 13.

⁴ The Prosecution does not accept the Defence's reasoning that it is entitled *per se* to a specific amount of days per factor upon which it relies: *contra e.g.* [Application](#), paras. 9, 11, 14, 17, 20-22, 24 (totalling 161 or 185 days). Cf. [Prosecution Response to Suspension Application](#), paras. 10-11.

⁵ See [Prosecution Response to Suspension Application](#), para. 8.

⁶ See [ICC-02/05-01/20-1275 A](#) ("Registry Submission on Translation Timelines"). See further [Prosecution Response to Suspension Application](#), paras. 3-5 (concerning the right of Mr Abd-Al-Rahman to such translations as necessary to meet the requirements of fairness), 8.

⁷ See [Prosecution Response to Suspension Application](#), paras. 8-9.

⁸ See [Application](#), paras. 15-17. See further [ICC-01/14-01/18-2858 A A2 A3](#) ("Yekatom and Ngaïssona Extension Decision"), para. 14 (noting "that three weeks of the total period of time [...] falls within the upcoming Court's judicial recess" and considering it "reasonable to expect that a number of staff members will be on leave during that period, which may impact the [...] ability to prepare" a written submission "during that period").

⁹ See [Application](#), paras. 6, 7-9 (parallel sentencing proceedings), 12-14 (ongoing legal aid issues), 18-21 (novelty and complexity of issues).

assessment. It also defers to the Appeals Chamber as to whether such matters would require a further extension of time in addition to the above 56 days.



Nazhat Shameem Khan, Deputy Prosecutor

Dated this 9th day of December 2025

At The Hague, the Netherlands