



**Original: English**

**No. ICC-02/05-01/20 A  
Date: 15 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 document**

**Decision on the “Application for Extension of Time to File the Defence Appeal  
Brief”**

**Decision 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**

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**Registrar**  
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations  
Section**

☐ **Other**

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Ali Muhammad Ali Abd-Al-Rahman against the decision of Trial Chamber I entitled “Trial Judgment” of 6 October 2025 (ICC-02/05-01/20-1240),

Having before it the “Application for Extension of Time to File the Defence Appeal Brief” of 5 December 2025 (ICC-02/05-01/20-1279),

*Renders*, pursuant to rule 150(2) of the Rules of Procedure and Evidence and regulation 35(2) of the Regulations of the Court, the following

## DECISION

1. The time limit for the filing of the appeal brief against the “Trial Judgment” is extended to 16h00 on Friday, 30 January 2026.
2. The Defence may seek a variation of grounds of appeal, under regulation 61 of the Regulations of the Court, within 14 days of the receipt of the translation of the last portion of Annex B to the “Trial Judgment”, should such translation not be available at the time when the Defence files its appeal brief.

## REASONS

### I. PROCEDURAL HISTORY

1. On 6 October 2025, Trial Chamber I issued the “Trial Judgment” (hereinafter: “Trial Judgment”).<sup>1</sup>
2. On 6 November 2025, the Defence for Mr Ali Muhammad Ali Abd-Al-Rahman (hereinafter: “Defence” and “Mr Abd-Al-Rahman” respectively) submitted its notice of appeal against the Trial Judgment.<sup>2</sup> The notice of appeal started the appeal proceedings.

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<sup>1</sup> [ICC-02/05-01/20-1240](#), with public Annexes A ([ICC-02/05-01/20-1240-AnxA](#)), C ([ICC-02/05-01/20-1240-AnxC](#)) and D ([ICC-02/05-01/20-1240-AnxD](#)), and Annex B (confidential version, ICC-02/05-01/20-1240-AnxB-Conf; public redacted version, [ICC-02/05-01/20-1240-AnxB-Red](#)).

<sup>2</sup> [Defence Notice of Appeal Pursuant to Article 81\(1\)\(b\) of the Rome Statute](#), ICC-02/05-01/20-1261.

3. On 2 December 2025, the Appeals Chamber rejected an application<sup>3</sup> by the Defence under article 67(1)(f) of the Statute, rule 144(2)(b) of the Rules of Procedure and Evidence (hereinafter: “Rules”) and regulation 58(1) of the Regulations of the Court (hereinafter: “Regulations”), requesting that the 90-day time limit for the filing of its appeal brief starts running from the date on which the Arabic translation of relevant parts of the Trial Judgment and its Annex B are received.<sup>4</sup>

4. On 5 December 2025, the Defence filed a request for the extension of the time limit for the filing of its appeal brief against the Trial Judgment (hereinafter: “Request”).<sup>5</sup>

5. On 9 December 2025, following an order from the Appeals Chamber,<sup>6</sup> the Deputy Prosecutor (hereinafter: “Prosecutor”) filed her response to the Request.<sup>7</sup>

## II. MERITS

6. The Defence requests that the time limit for the filing of the appeal brief against the Trial Judgment, which currently expires on 6 January 2026, be extended to 31 March 2026, that is by 85 days.<sup>8</sup> In its view, the Request meets the requirement of “good cause” as set out in rule 150(2) of the Rules and regulation 35(2) of the Regulations for an extension of the time limit, due to the following “cumulative factors”:<sup>9</sup> (i) sentencing proceedings running in parallel to the 90-day time limit for the filing of its appeal brief which have “heavily utilised Defence resources”;<sup>10</sup> (ii) the time required for the translation of the relevant portions of the Trial Judgment and its Annex B into Arabic, so that Mr Abd-Al-Rahman can “fully understand it and provide

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<sup>3</sup> [Defence Application under Article 67\(1\)\(f\) of the Statute, Rule 144\(2\)\(b\) of the Rules of Procedure and Evidence and Regulation 58\(1\) of the Regulations of the Court](#), 14 November 2025, ICC-02/05-01/20-1269, para. 13, p. 5.

<sup>4</sup> [Decision on the “Defence Application under Article 67\(1\)\(f\) of the Statute, Rule 144\(2\)\(b\) of the Rules of Procedure and Evidence and Regulation 58\(1\) of the Regulations of the Court”](#), ICC-02/05-01/20-1277 (A) (hereinafter: “Article 67 Decision”), para. 25, p. 1.

<sup>5</sup> [Application for Extension of Time to File the Defence Appeal Brief](#), ICC-02/05-01/20-1279.

<sup>6</sup> [Order shortening the time limit for responses to the “Application for Extension of Time to File the Defence Appeal Brief”](#), 8 December 2025, ICC-02/05-01/20-1280 (A).

<sup>7</sup> [Prosecution Response to “Application for Extension of Time to File the Defence Appeal Brief”](#), ICC-02/05-01/20-1283 (hereinafter: “Prosecutor Response”). On 9 December 2025, the Common Legal Representative of Victims informed the Appeals Chamber by email that it did not intend to file a response or make any specific observations in relation to the Request.

<sup>8</sup> [Request](#), para. 5, p. 9.

<sup>9</sup> [Request](#), para. 6.

<sup>10</sup> [Request](#), paras 6-9.

informed instructions”;<sup>11</sup> (iii) additional delays incurred by the resolution of pending legal aid issues;<sup>12</sup> (iv) various public holidays falling within the current 90-day time limit;<sup>13</sup> and (v) the “number, novelty and complexity of issues” to be addressed in the appeal.<sup>14</sup> The Defence adds that “it is the cumulative effect of these five factors which provides good cause for the requested extension of time limit”.<sup>15</sup>

7. The Prosecutor submits that the Defence has shown “good cause” for an extension of the time limit to file its appeal brief until 2 March 2026.<sup>16</sup> In particular, the Prosecutor notes that: (i) the Defence has not sought any extension of time to file its notice of appeal; (ii) Mr Abd-Al-Rahman has only just begun to receive the Arabic translations of relevant portions of the Trial Judgment; and (iii) certain public holidays and the judicial recess fall during the relevant time period.<sup>17</sup>

8. Pursuant to rule 150(2) of the Rules and regulation 35(2) of the Regulations, the Appeals Chamber may extend the time limits for the filing of an appeal brief against a conviction decision if “good cause” is shown.

9. Having considered the reasons advanced by the Defence in support of the Request, the Appeals Chamber finds that “good cause” has been demonstrated to justify an extension of the time limit for the filing of the appeal brief.

10. In particular, the Appeals Chamber notes that in the present case, sentencing proceedings continued after the rendering of the Trial Judgment, thus requiring the Defence to prepare and make submissions in these proceedings whilst simultaneously preparing its appeal brief.<sup>18</sup> In addition, the Appeals Chamber notes that the current 90-day time limit for the Defence to file its appeal brief includes three public holidays

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<sup>11</sup> [Request](#), paras 6, 10-11.

<sup>12</sup> [Request](#), paras 6, 12-14.

<sup>13</sup> [Request](#), paras 6, 15-17.

<sup>14</sup> [Request](#), paras 6, 18-21.

<sup>15</sup> [Request](#), para. 6. *See also* paras 9, 11, 14, 17, 21, 23-25.

<sup>16</sup> [Prosecutor Response](#), para. 1.

<sup>17</sup> [Prosecutor Response](#), para. 2.

<sup>18</sup> *See also* Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Decision on Mr Bosco Ntaganda’s and the Prosecutor’s requests for time extension for the notice of appeal and the appeal brief](#), 19 July 2019, ICC-01/04-02/06-2364 (A), paras 3, 5; Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Decision on Mr Ntaganda’s request for an extension of the page and time limit for the filing of the appeal brief and related matters](#), 20 September 2019, ICC-01/04-02/06-2415 (A), para. 12.

as well as the judicial recess, which the Appeals Chamber has previously found may be a factor that constitutes “good cause” warranting an extension of the time limit.<sup>19</sup>

11. The Appeals Chamber further notes the Defence’s submission about the unavailability of the translations into Arabic of the relevant portions of the Trial Judgment and its Annex B. In this regard, the Appeals Chamber recalls article 67(1)(f) of the Statute and rule 144(2)(b) of the Rules, and its previous finding that it

does not, *per se*, require that a full translation of the decision under article 74 of the Statute be provided to a convicted person before filing a notice of appeal. In this regard, the Appeals Chamber considers that it must also take into account the circumstances as a whole and the convicted person’s ability to understand the details of his conviction by other means.<sup>20</sup>

12. In the present case, the Appeals Chamber notes that the Defence has recently started to receive translations of relevant portions of the Trial Judgment and Annex B into Arabic which are scheduled to be completed by 15 December 2025, and 13 February 2026, respectively.<sup>21</sup> This means that the Defence will have received translations of a significant part of the relevant portions by the beginning of 2026. The Appeals Chamber also takes note of the Defence’s ability and efforts to prepare internal translations and assist Mr Abd-Al-Rahman in the comprehension of Annex B.<sup>22</sup> The Appeals Chamber further recalls that, pursuant to regulation 61 of the Regulations, the appellant may seek a variation of the grounds of appeal. In the circumstances of the present case, the Appeals Chamber finds that, given that the translation of some portions of Annex B may not be available at the time when the appeal brief is filed, it is appropriate to recall that the Defence may, if it so wishes, seek a variation under regulation 61 of the Regulations, within 14 days of the receipt of the translation of the

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<sup>19</sup> See e.g. *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on the “Prosecution request for an extension of time to respond to the Defence appeal briefs”](#), 8 December 2025, ICC-01/14-01/18-2858 (A A2 A3), para. 13; *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on requests for extension of time limits for notices of appeal and appeal briefs against the decision of Trial Chamber V entitled “Judgment”](#), 1 August 2025, ICC-01/14-01/18-2794 (A), paras 5, 9; *Situation in the State of Palestine*, [Decision on the “Prosecution’s Urgent Request for an extension of time to respond to Israel’s Appeal Briefs OA, OA2”](#), 18 December 2024, ICC-01/18-403 (OA OA2), para. 7; *Situation in the Bolivarian Republic of Venezuela I*, [Decision on the Bolivarian Republic of Venezuela’s application for extension of time to file the appeal brief](#), 12 July 2023, ICC-02/18-52 (OA), para. 8.

<sup>20</sup> [Article 67 Decision](#), paras 17-20, referring to relevant jurisprudence.

<sup>21</sup> See [Registry’s Submissions concerning translation timelines](#), 27 November 2025, ICC-02/05-01/20-1275, paras 3-4. See also [Prosecutor Response](#), para. 2.

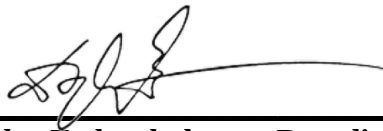
<sup>22</sup> [Request](#), para. 22.

last portion of Annex B, should such translation not be available at the time when the Defence files its appeal brief.

13. Finally, the Appeals Chamber notes that the Prosecutor does not object to a reasonable extension of time for the filing of Mr Abd-Al-Rahman's appeal brief.<sup>23</sup>

14. For the foregoing reasons, the Appeals Chamber considers that "good cause" has been shown warranting an extension of the time limit for the filing of the appeal brief, although shorter than that sought by the Defence. In the circumstances of this case, the Appeals Chamber finds it appropriate to extend the time limit for the filing the appeal brief to 16h00 on Friday, 30 January 2026.

Done in both English and French, the English version being authoritative.



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**Judge Erdenebalsuren Damdin**  
**Presiding**

Dated this 15<sup>th</sup> day of December 2025

At The Hague, The Netherlands

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<sup>23</sup> [Prosecutor Response](#), para. 2.