



Original: **English**

No.: **ICC-02/05-01/20**
Date: **17 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 Further Extension of Time to Submit the
Defence Appeal Brief pursuant to Regulation 35(2) of the Regulations of the Court"**

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

☒ 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 Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

1. Following the Appeals Chamber's order extending the time to file the Appeal Brief against the trial judgment until 30 January 2026,¹ the Defence seeks a further extension until 2 March 2026.² The Defence request does not merely repeat its prior submissions, but now also relies on the second sentence of regulation 35(2) with regard to "reasons outside his or her control" which prevent compliance with a time limit.³
2. Without entering into the Defence arguments in their entirety, the Prosecution respectfully recalls and maintains its previous submission that there is good cause for an extension of time until 2 March 2026, having regard to: the schedule for providing relevant translations of the judgment; the judicial interest in clear and comprehensive legal submissions from all parties and participants (without amendments or supplements, which may be deleterious to procedural economy), and; the closure of the Court for public holidays during the relevant time period and the judicial recess.⁴
3. The Prosecution further notes that, on 9 December 2025, Mr Abd-Al-Rahman was sentenced to a term of 20 years' imprisonment.⁵ Any notices of appeal against that judgment are due on 9 January 2026, with any subsequent appeal briefs due on 9 March 2026.⁶ The Prosecution agrees that this is also relevant in establishing the necessary good cause.



Nazhat Shameem Khan, Deputy Prosecutor

Dated this 17th day of December 2025

At The Hague, the Netherlands

¹ See [ICC-02/05-01/20-1285 A](#) ("Extension of Time Decision"), para. 14.

² See [ICC-02/05-01/20-1286 A](#) ("Request"), para. 16.

³ See [Request](#), paras. 6-15.

⁴ [ICC-02/05-01/20-1272 A](#) ("Prosecution First Response"), paras. 2, 8-11; [ICC-02/05-01/20-1283 A](#) ("Prosecution Second Response"), paras. 1-2.

⁵ See [ICC-02/05-01/20-1281-Red](#) ("Sentencing Judgment").

⁶ See also [Request](#), para. 5, 8-10. The Prosecution notes that the Request appears to miscalculate the deadline for any notice of appeal against the sentencing judgment by one day (referring to "8 January 2026").