



Original: English

**No. ICC-02/05-01/20 A
Date: 22 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 Further Extension of Time Limit to submit the
Defence Appeal Brief pursuant to Regulation 35(2) of the Regulations of the
Court”**

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

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 Further Extension of Time Limit to submit the Defence Appeal Brief pursuant to Regulation 35(2) of the Regulations of the Court” of 16 December 2025 (ICC-02/05-01/20-1286),

Renders, pursuant to regulation 35(2) of the Regulations of the Court, the following

DECISION

The Defence “Application for Further Extension of Time Limit to submit the Defence Appeal Brief pursuant to Regulation 35(2) of the Regulations of the Court” is rejected.

REASONS

I. PROCEDURAL HISTORY

1. On 6 October 2025, Trial Chamber I (hereinafter: “Trial Chamber”) issued the “Trial Judgment” (hereinafter: “Trial Judgment”).¹
2. On 6 November 2025, the Defence for Mr Ali Muhammad Ali Abd-Al-Rahman (hereinafter: “Defence”) submitted its notice of appeal against the Trial Judgment.²
3. On 9 December 2025, the Trial Chamber issued the “Sentencing Judgment” (hereinafter: “Sentencing Judgment”).³
4. On 15 December 2025, following a request by the Defence (hereinafter: “First Request”),⁴ the Appeals Chamber extended the time limit for the filing of the appeal

¹ [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](#)).

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

³ ICC-02/05-01/20-1281-Conf (a public redacted version was registered on the same day, [ICC-02/05-01/20-1281-Red](#)), with a confidential annex, ICC-02/05-01/20-1281-Conf-Anx.

⁴ [Application for Extension of Time to File the Defence Appeal Brief](#), ICC-02/05-01/20-1279.

brief against the Trial Judgment to 30 January 2026 (hereinafter: “15 December 2025 Decision”).⁵

5. On 16 December 2025, the Defence filed a request seeking a further extension of the time limit for the filing of its appeal brief against the Trial Judgment (hereinafter: “Second Request”).⁶

6. On 17 December 2025, the Deputy Prosecutor filed her response to the Second Request.⁷

II. MERITS

7. At the outset, the Appeals Chamber recalls that in the 15 December 2025 Decision, it found that “good cause” had been shown by the Defence in the First Request to extend the time limit for the filing of the appeal brief against the Trial Judgment to 30 January 2026, in light of the fact that: (i) “sentencing proceedings continued after the rendering of the Trial Judgment”;⁸ (ii) “the current 90-day time limit for the Defence to file its appeal brief includes three public holidays as well as the judicial recess”;⁹ and (iii) “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”.¹⁰ In this respect, the Appeals Chamber held that the Defence may seek a variation of grounds of appeal, under regulation 61 of the Regulations of the Court (hereinafter: “Regulations”), 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.¹¹

8. In the Second Request, the Defence requests that the time limit for the filing of the appeal brief against the Trial Judgment be extended from 30 January 2026 to

⁵ [Decision on the “Application for Extension of Time to File the Defence Appeal Brief”](#), ICC-02/05-01/20-1285 (A), p. 3, para. 14.

⁶ [Application for Further Extension of Time Limit to submit the Defence Appeal Brief pursuant to Regulation 35\(2\) of the Regulations of the Court](#), ICC-02/05-01/20-1286.

⁷ [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”](#), ICC-02/05-01/20-1287.

⁸ [15 December 2025 Decision](#), para. 10.

⁹ [15 December 2025 Decision](#), para. 10.

¹⁰ [15 December 2025 Decision](#), para. 12.

¹¹ [15 December 2025 Decision](#), p. 3, para. 12.

2 March 2026.¹² It submits that it “will be simply unable, for good cause and for reasons outside its control” to file its appeal brief by 30 January 2026.¹³

9. The Appeals Chamber first notes the Defence’s submission made with reference to regulation 35(2), second sentence, of the Regulations, that the 15 December 2025 Decision “fails to factor in relevant good causes” which were the basis of the Defence’s First Request, and “which are outside its control”.¹⁴ The Appeals Chamber considers that the legal basis advanced by the Defence is not applicable in the present case, as this part of the regulation concerns scenarios *after* the lapse of a time limit, and in the present circumstances, the time limit for filing the appeal brief against the Trial Judgment has not yet elapsed. In addition, the Appeals Chamber notes that the arguments advanced in the Second Request,¹⁵ with the exception of those concerning the potential appellate proceedings on sentencing which are discussed further below, were already raised by the Defence in the First Request.¹⁶ The Appeals Chamber considered each of the identified factors and, in the 15 December 2025 Decision, relied on those demonstrating “good cause” to extend the time limit for the filing of the appeal brief.¹⁷ Taking into account the circumstances of this case, the Appeals Chamber found it appropriate to extend the time limit to 30 January 2026.¹⁸ In the Second Request, the Defence reiterates arguments related to issues already adjudicated by the Appeals Chamber. Accordingly, the Appeals Chamber will not consider them further in the present decision.

10. The Appeals Chamber notes that, in addition to the above arguments, the Defence argues, with reference to regulation 35(2), first sentence, of the Regulations, that the “concurring time limit for submission of the potential Defence Notice of Appeal on Sentencing, if any, is yet another factor providing good cause for a further extension of the time limit”.¹⁹ It submits that “[t]hese possible additional appellate proceedings on the sentencing were not included in the initial Defence request since the sentence was

¹² [Second Request](#), para. 16, p. 9.

¹³ [Second Request](#), para. 5.

¹⁴ [Second Request](#), paras 6, 11-14.

¹⁵ [Second Request](#), paras 6, 11-14.

¹⁶ See [First Request](#), para. 6.

¹⁷ [15 December 2025 Decision](#), paras 9-13.

¹⁸ [15 December 2025 Decision](#), p. 3, para. 14.

¹⁹ [Second Request](#), para. 5.

only delivered on 9 December 2025” and accordingly “the Defence requests the Appeals Chamber to take into account this new factor”.²⁰

11. The Appeals Chamber notes that the date of the delivery of the Sentencing Judgment, and consequently the date of 9 January 2026 as the time limit for the filing of a potential notice of appeal on sentencing pursuant to rule 150 of the Rules of Procedure and Evidence, were already known to the Defence when, on 5 December 2025, it made its First Request for an extension of the time limit to file its appeal brief.²¹ If, according to the Defence, the “concurring time limit for submission of the potential Defence Notice of Appeal on Sentencing, if any”²² is a factor providing good cause for an extension of the time limit to file the appeal brief, this factor should have been raised in the First Request. The Appeals Chamber does not consider that the aforementioned factor is a “new factor” demonstrating “good cause” for a further extension of the time limit for the filing of the appeal brief against the Trial Judgment.

12. Accordingly, the Second Request is without merit and is rejected.

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



Judge Erdenebalsuren Damdin
Presiding

Dated this 22nd day of December 2025

At The Hague, The Netherlands

²⁰ [Second Request](#), para. 9.

²¹ See [Transcript of 19 November 2025](#), ICC-02/05-01/20-T-166-Red-ENG, p. 14, lines 1-2 whereby the Trial Chamber stated “[W]e will deliver our sentence on 9 December [2025] [...]”.

²² [Second Request](#), para. 5.