

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20
Date: 14 January 2026

THE APPEALS CHAMBER

Before: Judge Erdenebalsuren Damdin, Presiding
Judge Luz del Carmen Ibañez Carranza
Judge Solomy 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

Defence Application under Regulation 24(5) of the Regulations of the Court

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

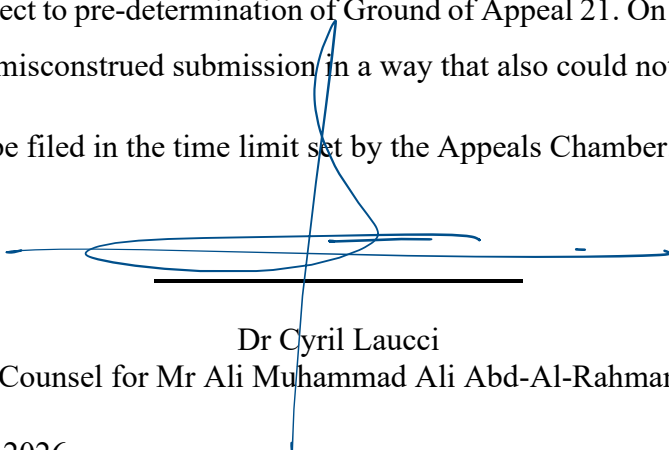
☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

1. The Defence for Mr Ali Muhammad Ali Abd-Al-Rahman (“Mr Abd-Al-Rahman”, “Appellant”) hereby seeks leave to reply to the Prosecution’s Response¹ to the Defence Application for the extension of page limit for its Appeal Brief (“Application”).²
2. In its Response, the Prosecution seeks to limit the number of pages for the Defence Appeal Brief to 130 pages only, instead of the 250 pages sought, which would leave the Defence with an average of 1,5 pages for its submissions on each pre-identified ground of appeal. This would result in a *de facto* denial of Mr Abd-al-Rahman’s right to appeal the Trial Judgment pursuant to Article 81(1)(b) of the Statute. The totally abusive nature of these submissions could not have reasonably been anticipated at the time of the Defence’s Application. Fairness of the appeal proceedings requires these to be replied.
3. The Defence will address in its Reply the Prosecution’s submission according to which the number of pages authorised cannot *ipso facto* result from the number of grounds of appeal, and the alternative factors that the Prosecution invites the Appeals Chamber to consider.³ The Application relied primarily on the number, novelty and complexity of the Defence’s Grounds of Appeal listed in its Notice, as the usual criteria for extensions of page limit set by the Appeals Chamber. The proposed radical deviation from this well settled case law⁴ could not be reasonably anticipated.
4. With leave from the Appeals Chamber, the Defence will also address the Prosecution’s submission with respect to pre-determination of Ground of Appeal 21. On the face of it, it seems that the Prosecution misconstrued submission in a way that also could not be anticipated.
5. The Reply will be filed in the time limit set by the Appeals Chamber.



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

Dated this 14 January 2026,
At The Hague, The Netherlands.

¹ ICC-02/05-01/20-1294 A.

² [ICC-02/05-01/20-1293 A](#).

³ ICC-02/05-01/20-1294 A, par. 4.

⁴ [ICC-02/05-01/20-1293 A](#), relying on *Lubanga*: [ICC-01/04-01/06-177 OA3](#), para. 6; *Katanga*: [ICC-01/04-01/06-3334 OA13](#), para. 7; *Bemba et al.*: [ICC-01/05-01/13-2124 A A2 A3 A4 A5](#), paras. 7-8.