



Original: English

**No. ICC-02/05-01/20 A
Date: 19 February 2026**

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 “Prosecution request for an extension of time to respond to 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

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 “Prosecution request for an extension of time to respond to the Defence Appeal Brief” of 6 February 2026,

Renders, pursuant to regulations 35(2) and 59(1) of the Regulations of the Court, the following

DECISION

1. The time limit for the filing of the Prosecutor’s response to Mr Ali Muhammad Ali Abd-Al-Rahman’s appeal brief is extended to Friday, 17 April 2026.
2. The time limit for the filing of observations by the legal representatives of victims on Mr Ali Muhammad Ali Abd-Al-Rahman’s appeal brief is set to Friday, 17 April 2026.

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

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. On 9 December 2025, the Trial Chamber issued the “Sentencing Judgment” (hereinafter: “Sentencing Judgment”).³

4. On 23 January 2026, the Appeals Chamber decided that the legal representatives of victims participating in the proceedings may file observations on the Defence’s appeal brief within 60 days of notification of the same.⁴

5. On 30 January 2026, in accordance with an extension granted by the Appeals Chamber,⁵ the Defence filed its appeal brief against the Trial Judgment (hereinafter: “Appeal Brief”).⁶

6. On 6 February 2026, the Deputy Prosecutor (hereinafter: “Prosecutor”) requested an extension of time to respond to the Appeal Brief until 1 May 2026 (hereinafter: “Request”).⁷

7. On 9 February 2026, the Defence filed a response to the Request.⁸

8. On 11 February 2026, the legal representative of victims participating in the proceedings also filed a response to the Request.⁹

II. MERITS

9. The Prosecutor requests an extension of time until 1 May 2026 to file her response to the Appeal Brief.¹⁰ The Prosecutor submits that good cause for this extension exists,¹¹ and notes that the Defence received a 24-day extension to file its Appeal Brief.¹²

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 [Decision on the modalities of victim participation](#), ICC-02/05-01/20-1299 (A).

⁵ [Decision on the “Application for Extension of Time to File the Defence Appeal Brief”](#), 15 December 2025, ICC-02/05-01/20-1285 (A).

⁶ [Defence Appeal Brief](#), ICC-02/05-01/20-1303-Conf (a public redacted version was filed on 4 February 2026, ICC-02/05-01/20-1303-Red), with confidential [Annex](#) (a public redacted version was filed on 4 February 2026, ICC-02/05-01/20-1303-Anx-Red).

⁷ [Prosecution request for an extension of time to respond to the Defence Appeal Brief](#), ICC-02/05-01/20-1304.

⁸ [Defence Response to Application ICC-02/05-01/20-1304](#), ICC-02/05-01/20-1306 (hereinafter: “Response”), paras 1, 3.

⁹ [CLR V Response to the Prosecution Request for Extension of Time](#), ICC-02/05-01/20-1307 (hereinafter: “CLR V Response”).

¹⁰ [Request](#), paras 1, 7.

¹¹ [Request](#), paras 2-6.

¹² [Request](#), para. 1.

10. The Prosecutor notes that she was notified of the Appeal Brief only on 2 February 2026, bringing the time limit for her response to 7 April 2026, and further submits that good cause within regulation 35(2) of the Regulations of the Court (hereinafter: “Regulations”) exists because of: (i) the “length, complexity, and novelty” of the issues raised in the Appeal Brief;¹³ and (ii) the “current exceptionally high workload of the Prosecution with respect to appellate proceedings”.¹⁴

11. The Defence “in essence” does not oppose the Request, and leaves to the Appeals Chamber’s discretion the determination of an appropriate extension, “bearing in mind the Appellant’s right to have his appeal resolved expeditiously”.¹⁵

12. The legal representative of victims participating in the proceedings does not oppose the Request and asks, should it be granted, to be afforded the same extension to file the victims’ observations on the Appeal Brief.¹⁶ The Defence does not oppose this request.¹⁷

13. Under regulation 59(1) of the Regulations, “[a] participant may file a response within 60 days of notification of the appeal brief described in regulation 58 [of the Regulations]”. Pursuant to regulation 35(2) of the Regulations, the Appeals Chamber may extend a time limit provided “good cause” is shown.

14. Having considered the reasons advanced by the Prosecutor in support of the Request, the Appeals Chamber finds that “good cause” has been demonstrated to justify an extension of the time limit for responding to the Appeal Brief. In particular in the present case, the Appeals Chamber notes the length of the Appeal Brief, the fact that the Prosecutor is preparing the response to the Appeal Brief at the same time as preparing its own appeal brief against the Sentencing Judgment, followed by its response to the Defence’s appeal brief thereon, as well as the fact that the Defence does

¹³ [Request](#), para. 3.

¹⁴ [Request](#), para. 4; *see also* para. 5, referring to relevant case-law.

¹⁵ [Response](#), paras 1-3.

¹⁶ [CLRV Response](#), paras 2-3.

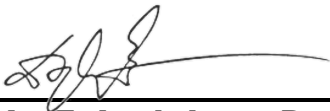
¹⁷ [Defence Response to Application ICC-02/05-01/20-1307](#), 11 February 2026, ICC-02/05-01/20-1309 (notified on 12 February 2026), para. 2.

not oppose, in principle, the requested extension.¹⁸ The Appeals Chamber also notes the period of judicial recess at the beginning of April.

15. For the foregoing reasons, the Appeals Chamber considers that “good cause” has been shown warranting an extension of the time limit for filing of the response to the Appeal Brief, albeit shorter than that sought by the Prosecutor. In the circumstances of this case, the Appeals Chamber finds it appropriate to extend the time limit for filing of the Prosecutor’s response to the Appeal Brief to Friday, 17 April 2026.

16. Finally, and noting that it allowed the legal representatives of victims participating in the proceedings to file observations on the Appeal Brief within 60 days of notification thereof, to be in line with the time limit for responses to an appeal brief pursuant to regulation 59(1) of the Regulations,¹⁹ the Appeals Chamber also extends the time limit for the victims’ observations to Friday, 17 April 2026.

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



Judge Erdenebalsuren Damdin
Presiding

Dated this 19th day of February 2026

At The Hague, The Netherlands

¹⁸ See also [Decision on the “Application for Extension of Time to File the Defence Appeal Brief”](#), 15 December 2025, ICC-02/05-01/20-1285 (A), para. 10 and references therein.

¹⁹ See [Decision on the modalities of victim participation](#), ICC-02/05-01/20-1299 (A), para. 3.