



Original: **English**

No.: **ICC-02/05-01/20**
Date: **22 April 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

Prosecution response to the Defence notice of intent to reply

Source: Office of the Prosecutor

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| ☒ 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
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Submission

1. On 20 April 2026, the Appellant filed a “Notice of Intent to Reply”¹ to the Prosecution response² and CLRV’s observations³ on his Appeal Brief.⁴ The Appellant generally argued that “[a] Reply is necessary in the interests of justice” because “the Appeal raises complex and novel issues”.⁵
2. The Prosecution notes that the Appeals Chamber has discouraged the filing of notices of intention to seek leave to reply.⁶
3. The Prosecution will respond to any request for leave to reply by the Appellant, identifying specific issues, if and when such a request is filed.



Nazhat Shameem Khan, Deputy Prosecutor

Dated this 22nd day of April 2026

At The Hague, the Netherlands

¹ ICC-02/05-01/20-1322 (“Defence Notice of Intent to Reply”).

² ICC-02/05-01/20-1320-Conf (“Response Brief”).

³ ICC-02/05-01/20-1321-Conf (“CLRV Observations”).

⁴ ICC-02/05-01/20-1303-Red (“[Defence Appeal Brief](#)”).

⁵ Defence Notice of Intent to Reply, para. 2.

⁶ ICC-02/11-01/15-1318 (“[Gbagbo Scheduling Order](#)”), para. 5 (“As a matter of practice and precedent, the Appeals Chamber discourages the filing of ‘notice of intention to file a request for leave to reply.’ An appellant who sees a need to request leave to file a written reply should make the request promptly within a reasonable time following the filing of the respondent’s brief. It is unhelpful to file a ‘notice of intention’ to request leave to reply”).