



Original: English

No. ICC-02/05-01/20 A A2 A3

Date: 15 May 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 whether to hold a hearing and further directions

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 Trial Chamber I's "Trial Judgment" of 6 October 2025 (ICC-02/05-01/20-1240-Red),

In the appeals of Mr Ali Muhammad Ali Abd-Al-Rahman and the Deputy Prosecutor against Trial Chamber I's "Sentencing Judgment" of 9 December 2025 (ICC-02/05-01/20-1281-Red),

Renders the following

DECISION

1. The Appeals Chamber does not deem it necessary to hold a hearing in these appeals at the current stage of the proceedings.
2. The Defence for Mr Ali Muhammad Ali Abd-Al-Rahman and the Deputy Prosecutor may each file a response to the observations of the legal representative of victims on the Defence's appeal against the Trial Judgment by 5 June 2026, not exceeding 30 pages.
3. The Defence for Mr Ali Muhammad Ali Abd-Al-Rahman and the Deputy Prosecutor may each file a response to the observations of the legal representative of victims on their respective appeals against the Sentencing Judgment by 12 June 2026, not exceeding 15 pages.
4. Any requests by the parties for leave to reply to the responses to the appeal briefs shall be filed by 27 May 2026.
5. Responses by the parties to any requests for leave to reply shall be filed within five days of receipt of the same.

REASONS

I. PROCEDURAL HISTORY

1. On 6 October 2025, Trial Chamber I (hereinafter: “Trial Chamber”) convicted Mr Ali Muhammad Ali Abd-Al-Rahman (hereinafter: “Mr Abd-Al-Rahman”) of war crimes and crimes against humanity (hereinafter: “Trial Judgment”).¹
2. On 6 November 2025, the Defence for Mr Abd-Al-Rahman (hereinafter: “Defence”) filed a notice of appeal against the Trial Judgment.²
3. On 9 December 2025, the Trial Chamber sentenced Mr Abd-Al-Rahman to 20 years of imprisonment (hereinafter: “Sentencing Judgment”).³
4. On 8 and 9 January 2026 respectively, the Defence⁴ and the Deputy Prosecutor⁵ (hereinafter: “Prosecutor”) filed notices of appeal against the Sentencing Judgment.
5. On 30 January 2026, the Defence filed its appeal brief against the Trial Judgment.⁶
6. On 10 March 2026, the Defence⁷ and the Prosecutor⁸ filed their respective appeal briefs against the Sentencing Judgment.
7. On 23 January and 11 March 2026 respectively, the Appeals Chamber authorised the legal representative of victims participating in the proceedings (hereinafter: “Victims”) to file observations on the respective appeal briefs, and indicated that it would rule in due

¹ [Trial Judgment](#), ICC-02/05-01/20-1240 with public Annexes [A](#), [C](#) and [D](#) and confidential [Annex B](#) (a public redacted version was filed on the same day, 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 [Sentencing Judgment](#), ICC-02/05-01/20-1281-Conf (a public redacted version was filed on the same day, ICC-02/05-01/20-1281-Red) with confidential [Annex](#) (a public redacted version was filed on the same day, ICC-02/05-01/20-1281-Anx-Red).

⁴ [Defence Notice of Appeal Pursuant to Article 81\(2\) of the Rome Statute](#), ICC-02/05-01/20-1290.

⁵ [Prosecution notice of appeal](#), ICC-02/05-01/20-1291.

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

⁷ [Defence Sentencing Appeal Brief](#), ICC-02/05-01/20-1312-Conf (a public redacted version was filed on the same day, ICC-02/05-01/20-1312-Red) (hereinafter: “Defence Sentencing Appeal Brief”), with public [annex](#).

⁸ [Prosecution Appeal Brief \(Sentencing\)](#), ICC-02/05-01/20-1313, with public [Annex A](#).

course on the manner and time limit within which the Defence and Prosecutor may respond to these observations.⁹

8. On 17 April 2026, the Prosecutor¹⁰ and Victims,¹¹ respectively, filed their response and observations to the Defence’s appeal brief against the Trial Judgment.

9. On 20 April 2026, the Defence filed a notice of its intent to reply to the Prosecutor’s response and the Victims’ observations to its appeal brief against the Trial Judgment,¹² to which the Prosecutor responded on 22 April 2026.¹³

10. On 11 May 2026, the Prosecutor, Defence and Victims filed their respective responses and observations to the Defence’s and Prosecutor’s appeal briefs against the Sentencing Judgment.¹⁴

II. MERITS

A. Whether to hold a hearing

11. The Appeals Chamber recalls that “the decision to hold an oral hearing in appeal proceedings against final judgments is discretionary and made on a case-by-case basis” and that “[s]uch decisions should be based primarily on the potential utility of an oral hearing, namely whether it would assist the Appeals Chamber in clarifying and resolving issues raised in the appeal”,¹⁵ taking into account the complexity and novelty of the issues at stake. As previously stated, “[t]his enables [it] to ensure that the proceedings are conducted

⁹ [Decision on the modalities of victim participation](#), ICC-02/05-01/20-1299 (A) (hereinafter: “Decision on modalities of victim participation”); [Decision on the modalities of victim participation in the sentencing appeals proceedings](#), ICC-02/05-01/20-1314 (A2 A3) (hereinafter: “Decision on modalities of victim participation (Sentencing)”).

¹⁰ Prosecution Response Brief (Conviction), ICC-02/05-01/20-1320-Conf, with confidential Annexes A and B (ICC-02/05-01/20-1320-Conf-AnxA; ICC-02/05-01/20-1320-Conf-AnxB).

¹¹ CLR V Observations on the “Defence Appeal Brief” (ICC-02/05-01/20-1303-Conf), ICC-02/05-01/20-1321-Conf, with public Annex A (ICC-02/05-01/20-1321-AnxA).

¹² [Defence Notice of Intent to Reply](#), ICC-02/05-01/20-1322.

¹³ [Prosecution response to the Defence notice of intent to reply](#), ICC-02/05-01/20-1323.

¹⁴ [Prosecution Response Brief \(Sentencing\)](#), ICC-02/05-01/20-1331, with public [Annex A](#) (ICC-02/05-01/20-1331-AnxA); CLR V Observations on the “Defence Sentencing Appeal Brief” (ICC-02/05-01/20-1312-Conf) and the “Prosecution Appeal Brief (Sentencing)” (ICC-02/05-01/20-1313), ICC-02/05-01/20-1332-Conf, with public Annex A (ICC-02/05-01/20-1332-AnxA); [Defence response to “Prosecution Appeal Brief \(Sentencing\)”](#), ICC-02/05-01/20-1333, with public [Annex 1](#) (ICC-02/05-01/20-1333-Anx1).

¹⁵ Appeals Chamber, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on whether to hold a hearing and further directions](#), 23 March 2026, ICC-01/14-01/18-2894 (A A2 A3) (hereinafter: “*Yekatom and Ngaïssona* Decision of 23 March 2026”), para. 7 and references therein.

in the fairest and most expeditious manner, tailored to the context of the specific proceedings at this Court and to the circumstances of the individual appeal(s) before it”.¹⁶

12. In the present case, the Appeals Chamber has considered, *inter alia*, the submissions of the parties and the responses and observations thereto.¹⁷ Having done so, the Appeals Chamber does not deem it necessary to hold a hearing at this stage of the proceedings. Should it later appear during the course of the Appeals Chamber’s further deliberations on these appeals that additional submissions or clarifications are necessary, whether oral or in writing, the Appeals Chamber will issue further directions at that time.

B. Responses to the Victims’ observations

13. The Appeals Chamber recalls that it “considers it appropriate in the context of final appeals to always afford the appellant and the respondent an opportunity to respond to the victims’ observations, either orally or in writing”.¹⁸ Having considered the issues on appeal as well as the Victims’ observations, the Appeals Chamber deems it appropriate to allow the Defence and the Prosecutor each to file a response to the Victims’ observations: (i) on the Defence’s appeal against the Trial Judgment by 5 June 2026, which shall not exceed 30 pages; and (ii) on their respective appeals against the Sentencing Judgment by 12 June 2026, which shall not exceed 15 pages.

¹⁶ [Yekatom and Ngaïssona Decision of 23 March 2026](#), para. 7 and reference therein.

¹⁷ See [Yekatom and Ngaïssona Decision of 23 March 2026](#), para. 8 and references therein.

¹⁸ [Decision on modalities of victim participation](#), para. 5. See also [Decision on modalities of victim participation \(Sentencing\)](#), para. 5.

C. Requests for leave to reply and responses thereto

14. Noting the Defence's notice of its intent to reply, and in order to streamline its proceedings, the Appeals Chamber deems it appropriate to direct that any requests by the parties for leave to reply to the responses to the appeal briefs shall be filed by 27 May 2026,¹⁹ and any responses thereto shall be filed within five days of receipt of the same.

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



Judge Erdenebalsuren Damdin
Presiding

Dated this 15th day of May 2026

At The Hague, The Netherlands

¹⁹ [Yekatom and Ngaïssona Decision of 23 March 2026](#), para. 10 referring to Appeals Chamber, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, [Order scheduling a hearing before the Appeals Chamber and setting a time limit for any request for leave to reply](#), 20 March 2020, ICC-02/11-01/15-1318 (A), para. 6.