



Original: English

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

Date: 16 June 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 Defence’s request for leave to reply

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),

Having before it the "Defence Application for Leave to Reply" of 27 May 2026 (ICC-02/05-01/20-1339),

Renders, pursuant to regulation 60 of the Regulations of the Court, the following

DECISION

1. The request of the Defence for leave to reply is granted in part. The Defence may file a written reply no longer than 25 pages on the issues identified in respect of the grounds of appeal specified at paragraphs 27 to 31 below, by Thursday, 25 June 2026.
2. The request of the Defence to dismiss *in limine* the Deputy Prosecutor's response to grounds of appeal 9 and 11, 13, 16 and 17 of its appeal brief against the Trial Judgment, is rejected. The Defence's alternative request regarding grounds of appeal 13, 16 and 17, namely to reclassify the relevant *ex parte* documents which are not currently available, is also rejected.
3. The Deputy Prosecutor and the legal representative of victims participating in the proceedings are directed to file public redacted versions, or request reclassification to "public", of their respective filings (documents ICC-02/05-01/20-1320-Conf and any annex, ICC-02/05-01/20-1341-Conf, and ICC-02/05-01/20-1321-Conf) by Tuesday, 30 June 2026.

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 9 December 2025, the Trial Chamber sentenced Mr Abd-Al-Rahman to 20 years of imprisonment (hereinafter: “Sentencing Judgment”).²
3. On 30 January 2026, the Defence for Mr Abd-Al-Rahman (hereinafter: “Defence”) filed its appeal brief against the Trial Judgment (hereinafter: “Defence Appeal Brief”).³
4. On 10 March 2026, the Defence⁴ and the Deputy Prosecutor (hereinafter: “Prosecutor”)⁵ filed their respective appeal briefs against the Sentencing Judgment.
5. On 23 January and 11 March 2026 respectively, the Appeals Chamber authorised the legal representatives of victims participating in the proceedings (hereinafter: “Victims”) to file observations on the respective appeal briefs, and indicated that it would rule in due course on the manner and time limit within which the Defence and the Prosecutor may respond to these observations.⁶

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 [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).

³ [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).

⁴ [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), with public [annex](#).

⁵ [Prosecution Appeal Brief \(Sentencing\)](#), ICC-02/05-01/20-1313, with public [Annex A](#).

⁶ [Decision on the modalities of victim participation](#), ICC-02/05-01/20-1299 (A); [Decision on the modalities of victim participation in the sentencing appeals proceedings](#), ICC-02/05-01/20-1314 (A2 A3).

6. On 17 April 2026, the Prosecutor⁷ and the Victims,⁸ respectively, filed their response (hereinafter: “Prosecutor’s Appeal Brief Response”) and observations on the Defence Appeal Brief (hereinafter: “Victims’ Observations”).

7. On 20 April 2026, the Defence filed a notice of its intent to reply to the Prosecutor’s Appeal Brief Response and the Victims’ Observations,⁹ to which the Prosecutor responded on 22 April 2026.¹⁰

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

9. On 15 May 2026, the Appeals Chamber found, *inter alia*, that at this stage of the proceedings it was not necessary to hold a hearing in the present appeal, and specified that any requests by the parties for leave to reply to the responses to the appeal briefs shall be filed by 27 May 2026, with responses to any such request to be filed within five days.¹²

10. On 27 May 2026, the Defence filed its application for leave to reply to the Prosecutor’s Appeal Brief Response (hereinafter: “Defence’s Request”).¹³

11. On 2 June 2026, the Prosecutor filed a response to the Defence’s Request (hereinafter: “Prosecutor’s Response”).¹⁴

⁷ 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).

⁸ CLRV 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).

⁹ [Defence Notice of Intent to Reply](#), ICC-02/05-01/20-1322.

¹⁰ [Prosecution response to the Defence notice of intent to reply](#), ICC-02/05-01/20-1323.

¹¹ [Prosecution Response Brief \(Sentencing\)](#), ICC-02/05-01/20-1331, with public [Annex A](#) (ICC-02/05-01/20-1331-AnxA); CLRV 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).

¹² [Decision on whether to hold a hearing and other directions](#), ICC-02/05-01/20-1336 (A A2 A3) (hereinafter: “Decision of 15 May 2026”).

¹³ [Defence Application for Leave to Reply](#), ICC-02/05-01/20-1339.

¹⁴ Prosecution Response to “Defence Application for Leave to Reply”, ICC-02/05-01/20-1341-Conf.

II. SUMMARY OF THE SUBMISSIONS

A. Defence's Request

12. The Defence submits that the Prosecutor's submissions in respect of grounds of appeal 9 and 11 should be dismissed *in limine* because, in its view, the Prosecutor "attempts to re-litigate" final rulings of the Trial Chamber.¹⁵ In the alternative, the Defence requests the Appeals Chamber to grant it leave to reply to those submissions.¹⁶ The Defence also requests the Appeals Chamber to dismiss *in limine* the Prosecutor's submissions that grounds of appeal 13, 16 and 17 should be dismissed *in limine* because the Defence relies on *ex parte* documents, arguing that the Prosecutor should have requested reclassification of the relevant documents.¹⁷ In the alternative, the Defence does not oppose the reclassification of the relevant documents and for the Prosecutor to be able to respond to the relevant submissions within a new deadline, and indicates that it reserves the right to seek leave to reply to any such submissions.¹⁸

13. Further, in relation to grounds of appeal 1 to 5, the Defence seeks leave to file a reply to three arguments, which it submits the Prosecutor made for the first time in the Prosecutor's Appeal Brief Response, and impact on "a central issue which may be determinative of the entire outcome of the appeal": (i) the Prosecutor's interpretation of article 22 of the Statute; (ii) the purported reversal of the burden of proof for the Defence to demonstrate that "domestic crimes under Sudanese law are not analogous to the charged crimes or, as an alternative, that the 'broader' definition of domestic criminalisation encapsulates the charged crimes"; and (iii) the Prosecutor's submissions on the principle of legality and the "customary international law nature of the crimes".¹⁹

14. With regard to grounds of appeal 6 and 7, the Defence seeks leave to reply to three arguments, which it also submits were made for the first time in the Prosecutor's Appeal Brief Response, and impact on issues relating to the fairness of the proceedings: (i) the Prosecutor's reliance on "an appeal ruling issued in a different case with no representations made by the Defence"; (ii) the Prosecutor's submissions that the Vienna Convention on the

¹⁵ [Defence's Request](#), para. 8.

¹⁶ [Defence's Request](#), para. 9.

¹⁷ [Defence's Request](#), paras 11-12.

¹⁸ [Defence's Request](#), para. 12.

¹⁹ [Defence's Request](#), para. 6, *referring to* Prosecutor's Appeal Brief Response, paras 9, 10, 17-19, 22-23, 25-27, 32, 38-39 and fns 43-44, 50, 52.

Law of Treaties (hereinafter: “VCLT”) does not apply to the Court in relation to the issue of the non-publicity and non-registration of the “Agreement on cooperation between the Court and the Republic of Sudan” signed on 10 May 2021; and (iii) the Prosecutor’s submissions on “non-conformities with the Statute” and on the Defence bearing the onus of proving that a violation of article 4(2) of the Statute renders a trial impossible.²⁰ Regarding grounds of appeal 12, 19 and 21 the Defence seeks leave to reply to the Prosecutor’s submissions that it does not have its own witness protection services,²¹ on the scope of article 69(7) of the Statute,²² and on the reasonableness of the page limit set by the Trial Chamber for the Defence’s final trial brief.²³

15. The Defence further seeks leave to reply to the Prosecutor’s submissions in relation to ground of appeal 22 regarding the asylum status of certain witnesses, arguing that the Prosecutor misrepresents its arguments.²⁴ In relation to grounds of appeal 24 to 26, the Defence seeks leave to reply to the Prosecutor’s purported confirmation of the “double standard” applied by the Trial Chamber in its consideration of the evidence, to underline “how and to what extent” the Prosecutor’s arguments confirm its own submissions.²⁵ In respect of ground of appeal 29, the Defence seeks leave to reply to what it alleges is a misrepresentation by the Prosecutor of its submissions as an “equality of arms” argument.²⁶

16. Regarding grounds of appeal 30 to 38, the Defence seeks leave to reply to the Prosecutor’s submissions, which it argues were raised for the first time in the Prosecutor’s Appeal Brief Response, and impact on the “central of the alias”, that: (i) “a finding of the Trial Chamber that Mr Abd-Al-Rahman and *Ali Kushayb* were one and the same person did not equate to a finding that he was responsible for any of the alleged crimes in this case”; and (ii) “the burden of proof of the impact of the public attribution of the alias *Ali Kushayb* to Mr Abd-Al-Rahman on the credibility of the evidence [...] is on the Defence”.²⁷

²⁰ [Defence’s Request](#), para. 7, referring to Prosecutor’s Appeal Brief Response, paras 64-80, 85, 87.

²¹ [Defence’s Request](#), para. 10, referring to Prosecutor’s Appeal Brief Response, para. 132.

²² [Defence’s Request](#), para. 13, referring to Prosecutor’s Appeal Brief Response, para. 173.

²³ [Defence’s Request](#), para. 14, referring to Prosecutor’s Appeal Brief Response, para. 177.

²⁴ [Defence’s Request](#), para. 15, referring to Prosecutor’s Appeal Brief Response, para. 188.

²⁵ [Defence’s Request](#), para. 16, referring to Prosecutor’s Appeal Brief Response, paras 195, 204, 209-210.

²⁶ [Defence’s Request](#), para. 17, referring to Prosecutor’s Appeal Brief Response, paras 217-218.

²⁷ [Defence’s Request](#), para. 18, referring to Prosecutor’s Appeal Brief Response, paras 225, 228, 254-255.

17. With regard to grounds of appeal 40 to 53, the Defence seeks leave to reply to the Prosecutor’s submissions, which it argues were raised for the first time in the Prosecutor’s Appeal Brief Response, and impact on the “central issue of evidence of the authority of Mr Abd-Al-Rahman over the *Janjaweed*”: (i) that “[the Prosecutor] was not required to prove the nature and structure of the *Janjaweed*, nor the leadership position of Mr Abd-Al-Rahman”; (ii) that “[the Prosecutor] never intended to base its demonstration of Mr Abd-Al-Rahman’s authority over the *Janjaweed* on the alleged title of *Agid-Al-Ogada*”; and (iii) on Mr Abd-Al-Rahman’s *de facto* authority over the *Janjaweed*.²⁸

18. In relation to grounds of appeal 54 to 57, the Defence seeks leave to reply to the Prosecutor’s submissions on the scope of article 32(2) of the Statute, which it avers were raised for the first time in the Prosecutor’s Appeal Brief Response and impact on a potential ground of exclusion of criminal responsibility for all crimes.²⁹

19. With regard to grounds of appeal 77 and 78, the Defence seeks leave to reply to the Prosecutor’s purported reversal of the burden of proof with regard to the “socially constructed gender role perception in Sudan”.³⁰

B. Prosecutor’s Response

20. The Prosecutor argues that the Defence fails to show that leave to reply is necessary in the interests of justice for any of the issues identified in the Defence’s Request.³¹ In relation to grounds of appeal 1 to 5, the Prosecutor submits that its arguments on the interpretation of article 22 of the Statute are not new, that the Defence could reasonably have anticipated such a response, and that it mischaracterises the Prosecutor’s submissions when alleging a reversal of proof.³²

21. In relation to grounds of appeal 6 and 7, the Prosecutor avers that the issues identified by the Defence could reasonably have been anticipated, were not raised for the first time in the Prosecutor’s Appeal Brief Response, and incorrectly suggest that the Prosecutor had “argued generally that ‘the [VCLT] does not apply to the Court’”.³³ Further, the Prosecutor

²⁸ [Defence’s Request](#), para. 19, referring to Prosecutor’s Appeal Brief Response, paras 282, 284, 286-287, 302-305.

²⁹ [Defence’s Request](#), para. 20, referring to Prosecutor’s Appeal Brief Response, paras 323-340.

³⁰ [Defence’s Request](#), para. 21, referring to Prosecutor’s Appeal Brief Response, para. 477.

³¹ Prosecutor’s Response, para. 4.

³² Prosecutor’s Response, para. 6.

³³ Prosecutor’s Response, para. 8.

argues that the Defence mischaracterises its submissions in relation to ground of appeal 12,³⁴ “shows no new or unforeseeable issue” arising from the Prosecutor’s Appeal Brief Response regarding ground of appeal 19,³⁵ and it was “entirely expected” that the Prosecutor would defend the Trial Chamber’s determination regarding the page limit, in respect of ground of appeal 21.³⁶

22. With regard to the Defence’s submissions in relation to grounds of appeal 9 and 11, 13, 16 and 17, the Prosecutor submits that a substantive request of this kind should not have been included in the Defence’s Request, and that in any event the Defence mischaracterises its submissions and fails to identify any new issue that could not reasonably have been anticipated.³⁷ With regard to the Defence’s alternative request in relation to the reclassification of *ex parte* documents, the Prosecutor points out that some of the documents emanate from the Registry.³⁸

23. The Prosecutor further argues that none of the considerations advanced by the Defence in respect of grounds of appeal 22, 24 to 26, and 29 warrant granting its request for leave to reply as any reply “would amount [...] to repeating or rehearsing their own primary appellate submissions”.³⁹ As to grounds of appeal 30 to 38, the Prosecutor avers that the Defence’s submissions are incorrect since, for the first issue, the Prosecutor referred to statements of the Trial Chamber known to the Defence, and, for the second issue, the Defence mischaracterises the Prosecutor’s submissions.⁴⁰ In relation to grounds of appeal 40 to 53, the Prosecutor argues that the Defence “is again mistaken” in its claim that the Prosecutor addressed the three issues “for the first time” as they had been addressed by the Trial Chamber, and it was foreseeable for the Defence that the Prosecutor would point this out.⁴¹

24. Moreover, in relation to grounds of appeal 54, 56 to 57, the Prosecutor argues that the same argument was “successfully advanced” at trial, and therefore no leave to reply is

³⁴ Prosecutor’s Response, para. 10.

³⁵ Prosecutor’s Response, para. 12.

³⁶ Prosecutor’s Response, para. 13.

³⁷ Prosecutor’s Response, paras 9, 11.

³⁸ Prosecutor’s Response, para. 11.

³⁹ Prosecutor’s Response, para. 14.

⁴⁰ Prosecutor’s Response, para. 15.

⁴¹ Prosecutor’s Response, paras 16-17.

warranted.⁴² With regard to grounds of appeal 77 and 78, the Prosecutor argues that the Defence mischaracterises the Prosecutor’s submissions as it “merely disputed the Defence claim that the Prosecutor was required to call expert evidence”.⁴³

III. MERITS

25. As recently recalled by the Appeals Chamber, pursuant to regulation 60(1) of the Regulations of the Court, it may order an appellant to file a reply whenever it considers it necessary in the interests of justice. The ordering of a reply lies within the Appeals Chamber’s discretion and is to be decided on a case-by-case basis.⁴⁴

26. Having carefully considered each of the issues on which the Defence requests leave to reply with regard to the Prosecutor’s response, the Appeals Chamber considers it necessary in the interests of justice to grant the Defence’s request to file a reply in respect of the following grounds of appeal.

27. With regard to the specific issues identified for grounds of appeal 1 to 5, the Defence seeks leave to reply to arguments raised by the Prosecutor in relation to the interpretation of article 22 of the Statute, concerning the *nullum crimen sine lege* principle. The Appeals Chamber does not consider it necessary for the Defence to develop its submission that “the Prosecutor suggests a reversal of the burden of proof” at paragraphs 10 and 22 to 23 of the Prosecutor’s Appeal Brief Response.⁴⁵ Conversely, the Appeals Chamber considers it necessary in the interest of justice to receive further submissions on the other issues referred to at paragraph 6 of the Defence Request.

28. Further, concerning grounds of appeal 22 and 29, the Appeals Chamber notes that they relate to matters affecting the approach taken by the Trial Chamber in assessing the

⁴² Prosecutor’s Response, para. 18.

⁴³ Prosecutor’s Response, para. 19.

⁴⁴ Appeals Chamber, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on requests for leave to reply](#), 8 May 2026, ICC-01/14-01/18-2917 (A A2 A3), para. 21, referring to Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Decision on request for leave to reply](#), 15 May 2020, ICC-01/04-02/06-2530 (A3), para. 7; Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo et al.*, [Decision on Mr Jean-Pierre Bemba Gombo’s requests for leave to reply](#), 5 July 2019, ICC-01/05-01/13-2333 (A10), para. 20; Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo et al.*, [Decision on requests for leave to reply to the Prosecutor’s consolidated response to the appeal briefs](#), 24 January 2018, ICC-01/05-01/13-2259 (A6 A7 A8 A9), para. 9, referring to Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision on Mr Bemba’s request for leave to reply to the Prosecutor’s Response to the Document in Support of the Appeal](#), 7 December 2016, ICC-01/05-01/08-3480 (A), para. 8 and the reference cited therein.

⁴⁵ [Defence’s Request](#), para. 6.

credibility of certain witnesses, such that the Appeals Chamber considers it opportune to receive the Defence's reply in this regard.

29. The Appeals Chamber further notes the specific issues on which the Defence seeks leave to reply in relation to the grounds of appeal challenging the Trial Chamber's finding that Mr Abd-Al-Rahman was known as "Ali Kushayb" (grounds of appeal 30 to 38), which concern the Prosecutor's submissions related to the Trial Chamber's statement that its finding that Mr Abd-Al-Rahman was "Ali Kushayb" did not directly equate to a finding that he was responsible for the crimes with which he was charged, and to the impact of the public attribution of the name "Ali Kushayb" to Mr Abd-Al-Rahman on the credibility of certain witnesses, in particular P-0905 and P-0935.⁴⁶ While noting the Prosecutor's argument that the Defence mischaracterised her submissions,⁴⁷ the Appeals Chamber considers that these issues are relevant to its determination on the Defence's challenges. As such, the Appeals Chamber considers that receiving further submissions on these issues is in the interests of justice.

30. Concerning grounds of appeal 54 and 56 to 57, the Appeals Chamber notes that it concerns the legal interpretation of article 32(2) of the Statute. The Defence submits that the Prosecutor proposes a restrictive interpretation of the scope of this article and for the first time provides any argument in response to Defence Line 3, which the Defence had no prior opportunity to address.⁴⁸ As such, the Appeals Chamber considers that receiving further submissions on the scope of article 32(2) of the Statute is necessary in the interests of justice.

31. Finally, as regards grounds of appeal 77 to 78, the Appeals Chamber notes that the Defence asserts that the Prosecutor suggests, for the first time in the proceedings, a reversal of the burden of proof, requiring proof of the socially constructed gender role persecution in Sudan to be adduced by the Defence.⁴⁹ Considering this, and bearing in mind the Defence Appeal Brief as well as the Prosecutor's Appeal Brief Response, the Appeals Chamber considers that receiving further submissions regarding these grounds is in the interests of justice.

⁴⁶ [Defence's Request](#), para. 18, *referring to* Prosecutor's Appeal Brief Response, paras 225, 228, 254-255.

⁴⁷ Prosecutor's Response, para. 15.

⁴⁸ [Defence's Request](#), para. 20.

⁴⁹ [Defence's Request](#), para. 21.

32. The Appeals Chamber specifies that the reply of the Defence shall not repeat submissions already made before the Appeals Chamber and/or exceed the scope of the specific issues identified by the Defence and the related grounds of appeal. Furthermore, the Appeals Chamber considers it appropriate in the circumstances to limit the Defence's reply to no more than 25 pages. The Defence's reply shall be filed by Thursday, 25 June 2026.

33. With respect to the issues on which the Defence requests leave to reply related to grounds of appeal 6 and 7, 9 and 11, 12, 19, 21, 24 to 26, 40 to 53, the Appeals Chamber considers that the parties have sufficiently addressed in their respective submissions the matters discussed as part of these grounds of appeal, and that further submissions are not necessary. Thus, the Appeals Chamber rejects the Defence's Request in respect of the issues identified in relation to these grounds of appeal.

34. The Appeals Chamber also rejects the Defence's request to dismiss *in limine* the Prosecutor's submissions in the Prosecutor's Appeal Brief Response in respect of grounds of appeal 9 and 11, 13, 16 and 17. This request for dismissal exceeds the scope of a request for leave to reply. As discussed above, the Defence's alternative request to be granted leave to reply to the Prosecutor's submissions on grounds of appeal 9 and 11 is rejected. With respect to the Defence's alternative request regarding grounds of appeal 13, 16 and 17, namely to reclassify the relevant *ex parte* documents which are not currently available, the Appeals Chamber also considers that the Defence's Request exceeds the scope of a request for leave to reply. As a result, the Appeals Chamber rejects the Defence's Request in this respect as well.

35. In relation to the Defence's submissions on the holding of a hearing in the present proceedings,⁵⁰ it is recalled that in its Decision of 15 May 2026, the Appeals Chamber already indicated that it did not deem it necessary to hold a hearing at this stage of the proceedings,⁵¹ specifying that "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

⁵⁰ [Defence's Request](#), paras 23-24.

⁵¹ [Decision of 15 May 2026](#), para. 12.

further directions at that time”.⁵² The Appeals Chamber sees no reason to revisit the issue of the hearing at this point.

36. Finally, the Appeals Chamber notes the Prosecutor’s intention to file public redacted versions of the Prosecutor’s Appeal Brief Response and the Prosecutor’s Response.⁵³ The Appeals Chamber also notes that the Victims’ Observations are currently classified as “confidential”. The Appeals Chamber directs the Prosecutor and the Victims to submit public redacted versions, or request the reclassification as “public”, of their respective filings, including any annex, by Tuesday, 30 June 2026.

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



Judge Erdenebalsuren Damdin
Presiding

Dated this 16th day of June 2026

At The Hague, The Netherlands

⁵² [Decision of 15 May 2026](#), para. 12.

⁵³ Prosecutor’s Response, para. 2.