

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/11-01/25

Date: 22 July 2026

APPEALS CHAMBER

Before: Judge Gocha Lordkipanidze, Presiding
Judge Tomoko Akane
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Erdenebalsuren Damdin

SITUATION IN LIBYA

IN THE CASE OF THE PROSECUTOR v. KHALED MOHAMED ALI EL HISHRI

PUBLIC

Defence request for suspension of regulation 64(2) time limit

Source: Defence for Mr Khaled Mohamed Ali El Hishri

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

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Mr Osvaldo Zavala Giler

☒ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

I. INTRODUCTION

1. Pursuant to Regulation 35 of the Regulations of the Court (“RoC”), the Defence for Mr Khaled Mohamed Ali El Hishri (“Defence”) files this request for variation of the time limit for its Appeal Brief in its appeal against the “Decision on the Defence’s challenge to the jurisdiction of the Court pursuant to article 19 of the Statute”, in light of the upcoming judicial recess. A grant of the requested extension would result in the Appeal Brief being due on 28 August 2026. Both the Prosecution and the Office of Public Counsel for Victims have indicated that they do not object to this request.

II. PROCEDURAL HISTORY

2. On 30 April 2026, the Defence filed its challenge to the jurisdiction of the International Criminal Court (“Challenge”).¹

3. On 15 July 2026, Pre-Trial Chamber I issued its decision on the Challenge, by which it rejected the Challenge on all grounds (“Impugned Decision”).²

4. On 17 July 2026, the Defence filed its Notice of Appeal against the Impugned Decision..³

III. SUBMISSIONS

5. The Defence notes at the outset that, in accordance with Regulation 64(2) of the RoC, the current deadline for the submission of its Appeal Brief is 5 August 2026, that is, 21 days after the notification of the Impugned Decision on 15 July 2026. The summer 2026 judicial recess is scheduled to take place from 24 July 2026 (at 17:30) until 17 August 2026 (at 9:00). Therefore, the deadline for the Appeal Brief and a significant portion of the time available for the Appeal Brief’s preparation take place during the judicial recess.

6. In accordance with the customary practice of the Court and the intended purpose of judicial recesses, the Defence submits that the upcoming recess constitutes good cause under Regulation 35(2) of the RoC to vary the time limit for the Appeal Brief by suspending the deadline during

¹ Defence Challenge to Jurisdiction of the International Criminal Court Pursuant to Article 19 of the Rome Statute, [ICC-01/11-01/25-108-Conf-Corr](#) (corrected and public redacted versions filed on 6 May 2026).

² Decision on the Defence’s challenge to the jurisdiction of the Court pursuant to article 19 of the Statute, [ICC-01/11-01/25-142](#).

³ Notice of Appeal Against “Decision on the Defence’s challenge to the jurisdiction of the Court pursuant to article 19 of the Statute”, [ICC-01/11-01/25-145](#).

the judicial recess. Chambers of this Court have consistently found that judicial recess constitutes good cause for such a variation of time limits.⁴ As Trial Chamber III observed in the *Bemba* case, judicial “recess is not only to allow Judges and Chamber staff a break, but also for counsel.”⁵

7. In reliance on this intended purpose, many members of the Defence team, all of whom are non-Dutch nationals with family members located outside of the country, have scheduled travel and leave to coincide with the recess. The summer judicial recess is a particularly important time for the whole Defence team, and indeed Court staff, to be able to take leave and travel, not least to accommodate children’s school schedules.

IV. RELIEF SOUGHT

8. For the foregoing reasons, the Defence respectfully requests that the Appeals Chamber suspend the deadline for the submission of the Appeal Brief during the summer recess, and vary the deadline to 28 August 2026.

Respectfully submitted,



Yasser Hassan
Counsel for Mr Khaled Mohamed Ali El Hishri

Dated this 22 July 2026
at The Hague, The Netherlands

⁴ *Bemba*, Transcript, [ICC-01/05-01/08-T-43-Red2-ENG WT](#), 3 December 2010, p. 31, lines 13-24; *Yekatom and Ngaissona*, Suspension of deadlines during the recess [email order], [ICC-01/14-01/18-1167-Anx20-Red](#), 23 July 2021; *Yekatom and Ngaissona*, Suspension of deadlines during the recess [email order], [ICC-01/14-01/18-1557-Anx52-Red](#), 19 July 2022; *Yekatom and Ngaissona*, Suspension of deadlines during the recess [email order], [ICC-01/14-01/18-1770-Anx37-Red](#), 13 December 2022; *Yekatom and Ngaissona*, Order on Suspension of Deadlines during Recess [email order], [ICC-01/14-01/18-2056-Anx35-Red](#), 18 July 2023; *Said*, Moratorium on non-urgent filings during winter recess [email order], [ICC-01/14-01/21-910-Anx26-Red26](#), 13 December 2024; *Katanga and Chui*, Transcript, [ICC-01/04-01/07-T-173-Red-ENG WT](#), 15 July 2010 p. 77, lines 11 – 13; *Lubanga*, Transcript, [ICC-01/04-01/06-T-203-Red2-ENG WT](#), 3 July 2009, p. 65 lines 1 – 4; *Said*, Suspension of Time Limits during the Winter Recess & Extension of Time Limit for responses to Filings 574 and 577 [email order], [ICC-01/14-01/21-652-Anx41-Red](#), 16 December 2022; *Said*, Moratorium on non-urgent filings during summer recess [email order], [ICC-01/14-01/21-736-Anx5-Red](#), 20 July 2023; *Said*, Moratorium on non-urgent filings during winter recess [email order], [ICC-01/14-01/21-737-Anx11-Red](#), 18 December 2023; *Said*, Moratorium on non-urgent filings during winter recess [email order], [ICC-01/14-01/21-910-Anx26-Red](#), 13 December 2024.

⁵ *Bemba*, Transcript, [ICC-01/05-01/08-T-43-Red2-ENG WT](#), 3 December 2010, p. 31, lines 14-15.