



Original: English

No. ICC-01/11-01/25 OA2

Date: 24 July 2026

THE 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 document

**Decision on “Defence request for suspension of regulation 64(2) time limit”
(ICC-01/11-01/25-151)**

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**
The State of Libya

☐ **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 Khaled Mohamed Ali El Hishri against Pre-Trial Chamber I's "Decision on the Defence's challenge to the jurisdiction of the Court pursuant to article 19 of the Statute" of 15 July 2026 (ICC-01/11-01/25-142),

Having before it the "Defence request for suspension of regulation 64(2) time limit" of 22 July 2026 (ICC-01/11-01/25-151),

Renders, pursuant to regulation 35(2) of the Regulations of the Court, the following

DECISION

The time limit for filing the appeal brief against the aforementioned decision of 15 July 2026 (ICC-01/11-01/25-142) is extended to 16h00 on Friday, 28 August 2026.

REASONS

I. PROCEDURAL HISTORY

1. On 15 July 2026, Pre-Trial Chamber I issued the "Decision on the Defence's challenge to the jurisdiction of the Court pursuant to article 19 of the Statute" (hereinafter: "Impugned Decision").¹
2. On 17 July 2026, the Defence for Mr Khaled Mohamed Ali El Hishri (hereinafter: "Defence") filed a notice of appeal against the Impugned Decision.²
3. On 22 July 2026, the Defence filed a request for an extension of time to file the appeal brief against the Decision (hereinafter: "Request").³

¹ Pre-Trial Chamber I, [Decision on the Defence's challenge to the jurisdiction of the Court pursuant to article 19 of the Statute](#), 15 July 2026, ICC-01/11-01/25-142.

² [Notice of Appeal Against "Decision on the Defence's challenge to the jurisdiction of the Court pursuant to article 19 of the Statute" \(ICC-01/11-01/25-142\)](#), ICC-01/11-01/25-145.

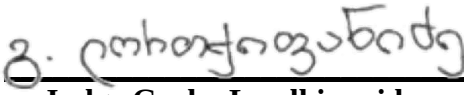
³ [Defence request for suspension of regulation 64\(2\) time limit](#), ICC-01/11-01/25-151.

II. MERITS

4. The Defence requests that, pursuant to regulation 35(2) of the Regulations of the Court (hereinafter: “Regulations”), the time limit for the filing of its appeal brief against the Impugned Decision be extended to 28 August 2026 in view of the judicial recess.⁴ The Request is made on the ground that a significant portion of the time to prepare the appeal brief will otherwise take place during the judicial recess.⁵ The Defence submits that the recess constitutes good cause under regulation 35(2) of the Regulations to vary the time limit and suspend the deadline for the appeal brief, citing past Court practice.⁶ The Defence states that neither the Prosecutor nor the Office of Public Counsel for Victims object to the Request.⁷

5. Pursuant to regulation 35(2) of the Regulations, a chamber may extend or reduce a time limit if good cause is shown. Noting the report of no objections thereto, the Appeals Chamber considers that good cause has been shown warranting an extension of the time limit for the filing of the appeal brief and extends the time limit therefor from 6 August 2026 to 16h00 on Friday, 28 August 2026.

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


Judge Gocha Lordkipanidze
Presiding

Dated this 24th day of July 2026

At The Hague, The Netherlands

⁴ [Request](#), paras 1, 6.

⁵ [Request](#), para. 5.

⁶ [Request](#), para. 6.

⁷ [Request](#), para. 1.