



Original: English

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

Date: 24 August 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

**Decision on the “Defence request for an extension of the page limit for
the appeal brief”**

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 an extension of the page limit for the appeal brief" of 20 August 2026 (ICC-01/11-01/25-163),

Renders pursuant to regulation 37(2) of the Regulations of the Court the following

DECISION

1. The page limit for the appeal brief of the Defence for Mr Khaled Mohamed Ali El Hishri is extended by 15 pages.
2. The page limit for the Deputy Prosecutor's response and the Office of Public Counsel for Victims' observations, if any, is also extended by 15 pages such that each document shall not exceed 35 pages in total.

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 24 July 2026, following a request by the Defence,³ the Appeals Chamber extended the time limit for the filing of an appeal brief until 28 August 2026.⁴

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](#), 22 July 2026, ICC-01/11-01/25-151.

⁴ [Decision on "Defence request for suspension of regulation 64\(2\) time limit" \(ICC-01/11-01/25-151\)](#), ICC-01/11-01/25-155 (OA2).

4. On 20 August 2026, the Defence filed a request seeking an extension of the page limit to 35 pages for its appeal brief (hereinafter: “Request”).⁵

5. On 21 August 2026, the Office of Public Counsel for Victims filed a response to the Request, stating that it does not oppose the Request, “provided that [it is] granted a commensurate extension of the applicable page limit”.⁶

6. On the same day, the Deputy Prosecutor filed her response to the Request, stating that she “does not oppose the [...] Request” and requesting to “be afforded the same page extension” for her response to the appeal brief.⁷

II. MERITS

7. Pursuant to regulation 37(2) of the Regulations of the Court, a chamber may grant an extension of the page limit “in exceptional circumstances”. The Appeals Chamber recalls that its determination under this provision is made on a case-by-case basis, depending on its assessment of the specific circumstances of each case.⁸ The presence of complex and novel issues raised on appeal has previously been found to be relevant to determining the existence of “exceptional circumstances”.⁹

8. The Appeals Chamber considers that in the specific circumstances of the case there are “exceptional circumstances” within the meaning of regulation 37(2) of the Regulations of the Court, which justify the extension of the page limit as requested. The Appeals Chamber therefore grants the Request.

⁵ [Defence request for an extension of the page limit for the appeal brief](#), ICC-01/11-01/25-163, paras 5, 15.

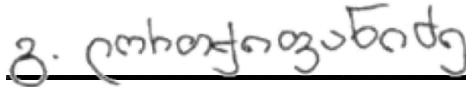
⁶ [Victims’ response to the “Defence request for an extension of the page limit for the appeal brief” \(No. ICC-01/11-01/25-163\)](#), ICC-01/11-01/25-165, para. 7.

⁷ [Prosecution response to the Defence request for an extension of the page limit for the appeal brief \(ICC-01/11-01/25-163\)](#), ICC-01/11-01/25-166, para. 2.

⁸ *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision on the “Defence Request for Extension of Page Limit for its Appeal Brief”](#), 17 October 2024, ICC-01/12-01/18-2656 (A), para. 11.

⁹ *The Prosecutor v. Dominic Ongwen*, [Decision on Defence request for a page limit extension for its appeal brief and order setting time limit for responses to the Prosecutor request for extension of time to file her response to the appeal brief](#), 8 June 2021, ICC-02/04-01/15-1850 (A), para. 14 and references therein. See also *Situation in the Islamic Republic of Afghanistan*, [Decision on the Prosecutor’s request for an extension of page limit](#), 20 September 2019, ICC-02/17-68, para. 10; *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, [Decision on requests of Mr William Samoei Ruto and Mr Joshua Arap Sang for extension of page limit for their documents in support of the appeal](#), 3 June 2014, ICC-01/09-01/11-1335 (OA7 OA8), para. 5.

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


Judge Gocha Lordkipanidze
Presiding

Dated this 24th day of August 2026

At The Hague, The Netherlands