

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

**Original: English**

**No. ICC-01/21 OA  
Date: 17 February 2023**

**THE APPEALS CHAMBER**

**Before:** Judge Marc Perrin de Brichambaut, Presiding  
Judge Piotr Hofmański  
Judge Luz del Carmen Ibáñez Carranza  
Judge Solomy Balungi Bossa  
Judge Gocha Lordkipanidze

**SITUATION IN THE REPUBLIC OF THE PHILIPPINES**

**Public document**

**Decision on the Republic of the Philippines' application for extension of time  
to file the appeal brief**

**Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:**

**The Office of the Prosecutor**

Mr Karim A. A. Khan, Prosecutor  
Ms Helen Brady

**State Representatives**

The Republic of the Philippines

**REGISTRY**

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**Registrar**

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of the Republic of the Philippines against Pre-Trial Chamber I's "Authorisation pursuant to article 18(2) of the Statute to resume the investigation" of 26 January 2023 (ICC-01/21-56),

Having before it the "Philippine Government's Application for Extension of Time to File the Appeal Brief" of 15 February 2023 (ICC-01/21-59),

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

## DECISION

The time limit for the filing of the appeal brief by the Republic of the Philippines is extended to 16h00 on Monday, 13 March 2023.

## REASONS

### I. PROCEDURAL HISTORY

1. On 26 January 2023, Pre-Trial Chamber I rendered its decision authorising the Prosecutor to resume the investigation into the situation in the Republic of the Philippines, pursuant to article 18(2) of the Statute (hereinafter: "Article 18(2) Decision").<sup>1</sup>
2. On 27 January 2023, the Article 18(2) Decision was notified to the Republic of the Philippines.
3. On 3 February 2023, the Republic of the Philippines filed its notice of appeal against the Article 18(2) Decision.<sup>2</sup>
4. On 15 February 2023, the Republic of the Philippines filed an application for an extension of time to file its appeal brief (hereinafter: "Application").<sup>3</sup>

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<sup>1</sup> Authorisation pursuant to article 18(2) of the Statute to resume the investigation, ICC-01/21-56-Conf.

<sup>2</sup> Philippine Government's Notice of Appeal against the Pre-Trial Chamber I's "Authorisation pursuant to article 18(2) of the Statute to resume the investigation" (ICC-01/21-56) with Application for Suspensive Effect, ICC-01/21-57.

<sup>3</sup> Philippine Government's Application for Extension of Time to File the Appeal Brief, ICC-01/21-59, with 6 confidential annexes.

## II. MERITS

5. Regulation 35(2) of the Regulations of the Court provides that a chamber may extend a prescribed time limit on the application of a party or participant if “good cause is shown”.

6. In the Application, the Republic of the Philippines requests the Appeals Chamber to extend the time limit and grant an additional period of at least twenty days from 19 February 2023, or until 13 March 2023, for the filing of its appeal brief.<sup>4</sup> In support, it argues that the following circumstances establish good cause to grant the requested extension: (i) “the Office of the Solicitor General awaits reply from other relevant government agencies on its request to submit [a] status update on the pending investigations”, and it “needs additional time to assess the relevance of [the responses and] documents [that it has received]”; (ii) “[c]oncomitant to the election of a new President”, “heads of government agencies” are also “newly appointed”, and “[t]he new administration is [...] facing challenges in gathering comprehensive data and relevant records due to logistical and administrative constraints”; and (iii) “the process of complying with internal requirements for engaging the services of an external counsel or consultant to assist the [Republic of the Philippines] in this appeal” “will take some time beyond the 21-day period to file an appeal brief”.<sup>5</sup>

7. The Appeals Chamber considers that the Republic of the Philippines has provided valid reasons in support of its Application. In particular, it notes the new administration’s logistical and administrative constraints.

8. In light of the foregoing, the Appeals Chamber considers that good cause has been shown warranting a time extension for the filing of the appeal brief. Accordingly, the Appeals Chamber determines that the time limit for the filing of the appeal brief by the Republic of the Philippines is extended to 16h00 on Monday, 13 March 2023.

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

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<sup>4</sup> Application, para. 7.

<sup>5</sup> Application, para. 8.



**Judge Marc Perrin de Brichambaut**

**Presiding**

Dated this 17th day of February 2023

At The Hague, The Netherlands