



Original: English

No. ICC-01/12-01/18 A

Date: 12 July 2024

THE APPEALS CHAMBER

Before:

Judge Luz del Carmen Ibáñez Carranza

Judge Solomy Balungi Bossa

Judge Gocha Lordkipanidze

Judge Miatta Maria Samba

Judge Erdenebalsuren Damdin

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF

THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG

MAHMOUD

Public document

Decision on the Defence's "Request for Extension of Time to File the Notice of Appeal" against the decision of Trial Chamber X entitled "Trial Judgment"

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

Counsel for the Defence

Ms Melinda Taylor
Ms Felicity Gerry

Legal Representatives of Victims

Mr Seydou Doumbia
Mr Mayombo Kassongo
Mr Fidel Nsita Luvengika

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

The Appeals Chamber of the International Criminal Court,

Having before it the Defence's "Request for Extension of Time to File the Notice of Appeal" of 4 July 2024 (ICC-01/12-01/18-2597) against the decision of Trial Chamber X entitled "Trial Judgment" of 26 June 2024 (ICC-01/12-01/18-2594-Conf; public redacted version: ICC-01/12-01/18-2594-Red),

Renders, pursuant to rule 150(2) of the Rule of Procedure and Evidence and regulation 35(2) of the Regulations of the Court, the following

DECISION

The time limit for the filing of a notice of appeal against the "Trial Judgment" of 26 June 2024 (ICC-01/12-01/18-2594-Red) by the Defence or the Prosecutor is extended to 4 September 2024.

REASONS

I. PROCEDURAL HISTORY

1. On 26 June 2024, Trial Chamber X (hereinafter: "Trial Chamber") rendered its decision entitled "Trial Judgment" (hereinafter: "Conviction Decision"), in compliance with article 74 of the Statute.¹
2. On 28 June 2024, the Trial Chamber issued a decision on the sentencing procedure pursuant to article 76 of the Statute.²
3. On 4 July 2024, the Defence submitted a request for extension of time to file its notice of appeal against the Conviction Decision (hereinafter: "Request").³

¹ [ICC-01/12-01/18-2594-Red](#) (confidential version filed on the same day, ICC-01/12-01/18-2594-Conf).

² [Decision on the Sentencing Procedure](#), 28 June 2024, ICC-01/12-01/18-2595.

³ [Defence Request for Extension of Time to File the Notice of Appeal](#), 4 July 2024, ICC-01/12-01/18-2597, para. 8.

4. On 5 July 2024, the Prosecutor filed his response to the Request (hereinafter: “Prosecutor’s Response”), supporting the Request and requesting to be granted the same extension.⁴ The legal representative of the victims did not respond to the Request.

5. On 10 July 2024, the Presidency issued a decision reconstituting the Trial Chamber, by replacing Judge Joanna Korner with Judge Tomoko Akane.⁵

6. On 11 July 2024, following a request for excusal filed by Judge Tomoko Akane, the Presidency issued a decision replacing a judge in the Appeals Chamber, by temporarily attaching Judge Miatta Maria Samba in the Appeals Chamber in relation to any appeals arising in the *Al Hassan* case.⁶

II. MERITS

A. Summary of the submissions

7. The Defence requests that the time limit for the filing of a notice of appeal against the Conviction Decision by any party seeking to file an appeal be extended by thirty-five days to 4 September 2024.⁷ In its view, the Request meets the criterion of “good cause” in terms of rule 150(2) of the Rule of Procedure and Evidence (hereinafter: “Rules”) and regulation 35(2) of the Regulations of the Court (hereinafter: “Regulations”) for an extension of the time limit,⁸ due to: (i) the need to translate into Arabic the critical parts of the Conviction Decision in accordance with Mr Al Hassan’s fair trial rights and rule 144 of the Rules;⁹ (ii) the complexity and the length of the Conviction Decision;¹⁰ (iii) a “significant burden” on the Defence team’s limited resources and labour due to the sentencing proceedings which will run parallel to the appeal phase;¹¹ and (iv) the change of the delivery date of the Conviction Decision which has affected the sentencing and appellate timelines, with the present appellate deadlines falling during the summer judicial recess.¹²

⁴ [Prosecution response to the Defence Request for Extension of Time to File the Notice of Appeal](#), ICC-01/12-01/18-2598.

⁵ [Decision Concerning the Composition of Trial Chamber X](#), ICC-01/12-01/18-2601. *See also* [Decision Replacing Judges in Trial Chamber X](#), 28 June 2024, ICC-01/12-01/18-2596.

⁶ Decision replacing a judge in the Appeals Chamber, ICC-01/12-01/18-2604.

⁷ [Request](#), paras 1, 37.

⁸ [Request](#), para. 2.

⁹ [Request](#), paras 2, 19-22.

¹⁰ [Request](#), paras 2, 23-27.

¹¹ [Request](#), paras 2, 29-32.

¹² [Request](#), paras 2, 34.

8. The Prosecutor submits that he supports the Request as, in his view, the Defence has demonstrated “good cause” for granting a limited extension of thirty-five days to file its notice of appeal.¹³ In addition, the Prosecutor requests, “[f]or many of the reasons put forward by the Defence [...] and in the interest of ensuring a streamlined and synchronised appellate briefing schedule” to be granted the same extension of the deadline to file a notice of appeal.¹⁴

B. Determination by the Appeals Chamber

9. Pursuant to rule 150(2) of the Rules and regulation 35(2) of the Regulations respectively, the Appeals Chamber may extend a time limit for the filing of a notice of appeal for “good cause”, upon a request from the party seeking to file the appeal.

10. In the present case, the Appeals Chamber notes that the Conviction Decision, with the exception of Judge Antoine Kesia Mbe-Mindua’s dissenting opinion, is currently available in English. In this regard, the Appeals Chamber recalls that pursuant to article 67(1)(b) and (f) of the Statute, “the accused shall be entitled to” “have adequate time and facilities for the preparation of the defence” and “[t]o have [...] such translations as are necessary to meet the requirements of fairness, if any of the proceedings or documents presented to the Court are not in a language which the accused fully understands and speaks”. Rule 144(2)(b) of the Rules further provides that a copy of a trial chamber’s decision concerning criminal responsibility of the accused shall be provided as soon as possible to “[t]he accused, in a language he or she fully understands or speaks, if necessary to meet the requirements of fairness under article 67, paragraph 1 (f)”.

11. In this context, the Appeals Chamber takes note of the Defence’s arguments that “English [...] is a language Mr Al Hassan can neither speak or understand”,¹⁵ and that while the Defence is already in communication with the Language Services Section of the Court, the process of obtaining translations in Arabic would “require[] time beyond the thirty days envisaged in [r]ule 150(1)”.¹⁶

12. The Appeals Chamber further notes that the requirements set out in regulation 57 of the Regulations requires that a notice of appeal when filed should specify in what context it is being filed, specifying the alleged errors and how it affects the appealed decision along with a

¹³ [Prosecutor’s Response](#), paras 1, 2, 5.

¹⁴ [Prosecutor’s Response](#), paras 3, 5.

¹⁵ [Request](#), para. 19.

¹⁶ [Request](#), para. 21.

thorough analysis.¹⁷ In this regard, the Appeals Chamber notes the Defence's arguments relating to the factual and legal complexity and the length of the Conviction Decision.¹⁸

13. Taking into account the aforementioned considerations and the Prosecutor's support of the Request, the Appeals Chamber considers that the reasons put forward by the Defence demonstrate "good cause" within the meaning of rule 150(2) of the Rules and regulation 35(2) of the Regulations. With respect to the length of extension sought, the Appeals Chamber finds that, regardless of the accuracy of the Defence's interpretation concerning the calculation of the commencement date from which the present time limit runs for the filing of a notice of appeal against the Conviction Decision, the requested extension of 35 days is reasonable.¹⁹

14. Accordingly, the Appeals Chamber finds it appropriate in the circumstances of this case to grant the Request for an extension of time for the filing of the Defence's notice of appeal against the Conviction Decision to 4 September 2024.

15. Lastly, the Appeals Chamber finds it appropriate to grant an equal extension of time to the Prosecutor, should he wish to file a notice of appeal. Accordingly, the time limit for the Prosecutor's notice of appeal is extended to 4 September 2024.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 12th day of July 2024

At The Hague, The Netherlands

¹⁷ Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Decision on Mr Bosco Ntaganda's and the Prosecutor's requests for time extension for the notice of appeal and the appeal brief](#), 19 July 2019, ICC-01/04-02/06-2364, para. 5.

¹⁸ [Request](#), para. 2; *see also* para. 25.

¹⁹ [Request](#), para. 31.