



Original: English

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

Date: 26 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 “Joint Defence and OTP Request for Limited Extension of the
Deadline for the Notices of Appeal”**

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 “Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal” of 25 July 2024 (ICC-01/12-01/18-2623),

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 18 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 On 28 June 2024, the Trial Chamber issued a decision on the sentencing procedure pursuant to article 76 of the Statute.²
2. On 12 July 2024, following requests from the Defence and the Prosecutor,³ the Appeals Chamber granted an extension of time to 4 September 2024 for the filing of the Defence’s notice of appeal against the Conviction Decision as well as for the Prosecution’s notice of appeal against the Conviction Decision, should he wish to file it (hereinafter: “Decision of 12 July 2024”).⁴
3. On 23 July 2024, the Trial Chamber issued the “Third decision on the sentencing calendar” (hereinafter: “Third Decision on Sentencing Calendar”).⁵

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; [Prosecution response to the Defence Request for Extension of Time to File the Notice of Appeal](#), 5 July 2024, ICC-01/12-01/18-2598.

⁴ [Decision of 12 July 2024](#), paras 14-15.

⁵ [ICC-01/12-01/18-2618](#).

4. On 25 July 2024, the Defence filed a joint request for a further limited extension of the deadline for the notices of appeal (hereinafter: “Joint Request”).⁶

5. On 25 July 2024, the Prosecutor filed a notice confirming that it joins and supports the Joint Request (hereinafter: “Prosecutor’s Notice”).⁷

II. MERITS

A. Summary of the submissions

6. The Defence filed the Joint Request seeking a 14-day extension of the time limit for filing the notice and grounds of appeal against the Conviction Decision, thereby extending the deadline from 4 September 2024 to 18 September 2024.⁸

7. The Joint Request is made pursuant to rule 150(2) of the Rules of Procedure and Evidence (hereinafter: “Rules”) and regulation 35(2) of the Regulations of the Court (hereinafter: “Regulations”). The parties assert that “good cause” exists for this extension due the convergence of deadlines arising from the Third Decision on Sentencing Calendar, decided by the Trial Chamber on 23 July 2024.⁹ Accordingly, a series of critical deadlines are falling in the next six (6) weeks:

This includes deadlines on 6, 8, 20, and 26 August 2024 for various legal submissions and sentencing observations as well as a hearing on 4 September 2024 during which the parties will be expected to address the written submissions.¹⁰

8. The parties submit that these deadlines fall during, and immediately after, the judicial recess which affects the resources available to meet them and to review the Conviction Decision.¹¹ They submit that these deadlines pose various logistical difficulties, including the need to prepare oral submissions for the sentencing hearing, scheduled to take place on 4 September 2024, while also developing additional oral responses, as well as the concurrent need to prepare draft translations.¹²

⁶ Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal, 25 July 2024, ICC-01/12-01/18-2623.

⁷ [Prosecution notice concerning “Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal”](#), ICC-01/12-01/18-2625.

⁸ Joint Request, para. 1.

⁹ Joint Request, paras 3-4, referring to [Third Decision on Sentencing Calendar](#).

¹⁰ Joint Request, para. 3.

¹¹ Joint Request, para. 3.

¹² Joint Request, para. 3.

9. The Prosecutor confirms that he joins and supports the request for a limited extension of the deadline for any notices of appeal to be filed in this case, as set out in the Joint Request.¹³

B. Determination by the Appeals Chamber

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

11. In the present case, the Appeals Chamber has already granted a 35-day extension of time for the filing of any notice of appeal, following requests by the parties.¹⁴ In the Decision of 12 July 2024, the Appeals Chamber found that “good cause” for an extension of time was shown, given the need to prepare Arabic translations pursuant to article 67(1)(b) and (f) of the Statute and rule 144(2)(b) of the Rules, as well as the need to satisfy the requirements in regulation 57 of the Regulations considering the factual and legal complexity and length of the Conviction Decision.¹⁵ Accordingly, it extended the deadline until 4 September 2024.¹⁶

12. Subsequently, on 23 July 2024, the Trial Chamber issued the Third Decision on Sentencing Calendar, scheduling a sentencing hearing for 4 September 2024.¹⁷ Significant workload arises for the parties in the lead-up to the 4 September 2024 sentencing hearing.¹⁸ This includes multiple deadlines for the preparation of various written submissions as well as oral submissions and responses, which, as argued, impact the parties’ ability to review the Conviction Decision and finalise any notice of appeal.¹⁹

13. The Appeals Chamber further considers the requirements set out in regulation 57 of the Regulations that a notice of appeal should specify the alleged errors and how they affect the appealed decision. As noted by the Appeals Chamber, this involves a thorough analysis of the Conviction Decision.²⁰ In this regard, the Appeals Chamber notes the arguments raised by the parties relating to the converging deadlines and the fact that they fall during, and immediately

¹³ [Prosecutor’s Notice](#), para. 1.

¹⁴ [12 July 2024 Decision](#), paras 14-15.

¹⁵ [12 July 2024 Decision](#), paras 10-12.

¹⁶ [12 July 2024 Decision](#), paras 14-15.

¹⁷ [Third Decision on Sentencing Calendar](#), para. 20.

¹⁸ Joint Request, para. 4.

¹⁹ Joint Request, para. 4.

²⁰ 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.

after, the judicial recess putting additional pressure on the resources available to review the Conviction Decision.²¹

14. Taking into account the aforementioned considerations and that the parties submitted a joint request, the Appeals Chamber finds that they demonstrate “good cause” within the meaning of rule 150(2) of the Rules and regulation 35(2) of the Regulations. The Appeals Chamber further determines, with respect to the length of extension sought, that the requested extension to 18 September 2024 is reasonable.

15. Accordingly, the Appeals Chamber finds it appropriate to grant the Joint Request. Therefore, the deadline for the filing of any notices of appeal against the Conviction Decision is extended to 18 September 2024.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 26th day of July 2024

At The Hague, The Netherlands

²¹ Joint Request, para. 3.