



**Original: English**

**No. ICC-01/12-01/18 A  
Date: 11 September 2024**

**THE APPEALS CHAMBER**

**Before:** Judge Luz del Carmen Ibáñez Carranza, Presiding  
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 requests for an extension of time to file appeal briefs 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 “Prosecution Request for Extension of Time to File Appeal Brief” of 2 September 2024 (ICC-01/12-01/18-2643) 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 Rules of Procedure and Evidence and regulation 35(2) of the Regulations of the Court, the following

## DECISION

The time limit for the filing of any appeal brief against the “Trial Judgment” of 26 June 2024 (ICC-01/12-01/18-2594-Red) by the Prosecutor or the Defence is extended to 5 December 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 which Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (hereinafter: “Mr Al Hassan”) was convicted on numerous counts of crimes against humanity and war crimes.<sup>1</sup>
2. On 28 June 2024, the Trial Chamber issued a decision on the sentencing procedure pursuant to article 76 of the Statute.<sup>2</sup>
3. On 12 July 2024, following requests from the Defence and the Prosecutor,<sup>3</sup> the Appeals Chamber granted an extension of time until 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

---

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

<sup>2</sup> [Decision on the sentencing procedure](#), 28 June 2024, ICC-01/12-01/18-2595.

<sup>3</sup> [Request for Extension of Time to File the Notice of Appeal](#), 4 July 2024, ICC-01/12-01/18-2597 (hereinafter: “Defence’s Request of 4 July 2024”); [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.

appeal against the Conviction Decision, should he wish to file it (hereinafter: “Decision of 12 July 2024”).<sup>4</sup>

4. On 26 July 2024, following joint requests from the Defence and the Prosecutor,<sup>5</sup> the Appeals Chamber granted a further extension of time to 18 September 2024 for the filing of a notice of appeal against the Conviction Decision by the Defence and the Prosecutor (hereinafter: “Decision of 26 July 2024”).<sup>6</sup>

5. On 2 September 2024, the Prosecutor filed a request for an extension of time to file an appeal brief against the Conviction Decision (hereinafter: “Prosecutor’s Request”).<sup>7</sup>

6. On 4 September 2024, the Appeals Chamber ordered the Defence to respond to the Prosecutor’s Request.<sup>8</sup>

7. On 6 September 2024, the Defence submitted its response to the Prosecutor’s Request, indicating that it does not oppose it. At the same time, the Defence requested an extension of time to file its appeal brief against the Conviction Decision (hereinafter: “Defence’s Request”).<sup>9</sup>

## II. MERITS

### A. Summary of the submissions

#### 1. *The Prosecutor’s Request*

8. The Prosecutor requests that the time limit for the filing of his appeal brief against the Conviction Decision be extended to 18 November 2024 in view of his intention to file a notice of appeal.<sup>10</sup>

---

<sup>4</sup> [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”](#), 12 July 2024, ICC-01/12-01/18-2606, paras 14-15.

<sup>5</sup> [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; [Prosecution notice concerning “Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal”](#), 25 July 2024, ICC-01/12-01/18-2625.

<sup>6</sup> [Decision on the “Joint Defence and OTP Request for Limited Extension of the Deadline for the Notices of Appeal”](#), ICC-01/12-01/18-2628, p. 3, paras 14-15.

<sup>7</sup> [Prosecution Request for Extension of Time to File Appeal Brief](#), ICC-01/12-01/18-2643.

<sup>8</sup> [Order for response to the “Prosecution Request for Extension of Time to File Appeal Brief” against the decision of Trial Chamber X entitled “Trial Judgment”](#), ICC-01/12-01/18-2644.

<sup>9</sup> [Defence Response to “Prosecution Request for Extension of Time to File Appeal Brief, ICC-01/12-01/18-2643”](#), ICC-01/12-01/18-2646.

<sup>10</sup> [Prosecutor’s Request](#), paras 1, 10.

9. The Prosecutor’s Request is made pursuant to rule 150 of the Rules of Procedure and Evidence (hereinafter: “Rules”) read with regulation 58(1) and regulation 35(2) of the Regulations of the Court (hereinafter: “Regulations”).<sup>11</sup> The Prosecutor asserts that “[t]he factors considered by the Appeals Chamber for extending the time limit for filing any notice of appeal also apply, *mutatis mutandis*, to any extension of time for filing any appeal brief”.<sup>12</sup> In particular, the Prosecutor submits that “good cause” for an extension of the time limit is established due to:

(i) the length of the Conviction Decision, which, including annexes and the three separate and dissenting opinions issued by each Judge of the Trial Chamber, totals more than a 1,000 pages; (ii) the split Judgment prompting separate and dissenting opinions on a number of issues gives rise to a factually and legally complex appeal; and (iii) the issues to be analysed and addressed are novel, including issues related to charges litigated for the first time at the [Court].<sup>13</sup>

10. Furthermore, the Prosecutor submits that he does not object to the Defence being granted an “equivalent” extension of time to file any document in support of its own appeal.<sup>14</sup> In his view, “[a]n equivalent extension of time for both parties and a synchronised briefing schedule in this appeal would also be in the interests of justice, ensuring fair and efficient appellate proceedings”.<sup>15</sup>

## 2. *The Defence’s Request*

11. While the Defence does not oppose the Prosecutor’s Request, it nevertheless, requests a “discrete[] extension of time to file any [a]ppel brief by 5 December 2024”.<sup>16</sup> In support of its request the Defence submits that “good cause” is established given: (i) the time needed for Mr Al Hassan to receive full Arabic translations of the Conviction Decision to enable him to meaningfully participate in any appellate proceeding;<sup>17</sup> (ii) the need to offset “any prejudice caused to the Defence due to its involvement in concurrent sentencing proceedings”;<sup>18</sup> (iii) the need to “accommodate the complexity and legal novelty of any [a]ppel brief, due to the issues raised in the [Conviction Decision]”;<sup>19</sup> and (iv) the need to reduce the impact of the judicial recess, on the timelines within which the parties would be required to file their respective

<sup>11</sup> [Prosecutor’s Request](#), paras 2-3.

<sup>12</sup> [Prosecutor’s Request](#), para. 5.

<sup>13</sup> [Prosecutor’s Request](#), para. 5.

<sup>14</sup> [Prosecutor’s Request](#), para. 8.

<sup>15</sup> [Prosecutor’s Request](#), para. 8, referring to [Defence’s Request of 4 July 2024](#).

<sup>16</sup> [Defence’s Request](#), paras 1, 4, 12, 24.

<sup>17</sup> [Defence’s Request](#), paras 7-13.

<sup>18</sup> [Defence’s Request](#), paras 14-18.

<sup>19</sup> [Defence’s Request](#), paras 19-21.

responses to the appeal briefs.<sup>20</sup> In the Defence’s view, these issues “are compounding and overlapping” and consequently impact the Defence’s capacity to “conform to the current proposed appellate deadlines”.<sup>21</sup> Furthermore, the Defence does not oppose the same extension being granted to the Prosecutor.<sup>22</sup>

## **B. Determination by the Appeals Chamber**

12. The Appeals Chamber will address the Prosecutor’s Request and the Defence’s Request jointly below.

13. At the outset, the Appeals Chamber notes that following its Decision of 26 July 2024, any notices of appeal against the Conviction Decision are currently due to be filed on 18 September 2024.<sup>23</sup> In accordance with regulation 58(1) of the Regulations, “the appellant shall file an appeal brief within 90 days of notification of the relevant decision”. In this regard, regulation 58(1) of the Regulations read with rule 150(1) of the Rules envisages that a party has 60 days after filing any notice of appeal to file its appeal brief. In the present case, and as correctly pointed out by the parties,<sup>24</sup> their respective appeal briefs are due on 25 September 2024, just one week after the filing of the notices of appeal.

14. With respect to whether there is “good cause” to justify an extension of time, the Prosecutor submits, with reference to regulation 58(2) of the Regulations, that more time is required “to articulate the legal and/or factual reasons in support of each ground of appeal, to refer to the relevant parts of the record [...], and to explain in sufficient detail how the errors affect the appealed decision”.<sup>25</sup> In this regard, the Prosecutor submits that the Appeals Chamber has previously considered the factual and legal complexity of an appeal to constitute “good cause”.<sup>26</sup>

15. Likewise, the Defence submits that “good cause” is established on the basis, *inter alia*, that: (i) to date, approximately 42% of the Conviction Decision has been translated into Arabic in draft form, which impacts Mr Al Hassan’s ability to meaningfully participate in the appellate proceedings and the Defence’s ability to prepare “a considered [a]ppel brief”,<sup>27</sup> (ii) with the

---

<sup>20</sup> [Defence’s Request](#), paras 22-23.

<sup>21</sup> [Defence’s Request](#), para. 3.

<sup>22</sup> [Defence’s Request](#), para. 4.

<sup>23</sup> [Decision of 26 July 2024](#), p. 3, paras 14-15.

<sup>24</sup> [Prosecutor’s Request](#), para. 2; [Defence’s Request](#), para. 2.

<sup>25</sup> [Prosecutor’s Request](#), para. 6.

<sup>26</sup> [Prosecutor’s Request](#), para. 5.

<sup>27</sup> [Defence’s Request](#), paras 9-12.

delivery of the sentencing decision by the Trial Chamber (expected end of October), the Defence would be required to analyse the same with a view to determining whether it intends to appeal, which it contends will invariably impact the preparation of its appeal brief;<sup>28</sup> (iii) due to the novelty, length and complexity of the issues arising from the Conviction Decision, the scope of its arguments on the appeal will be “wide-ranging and expansive”;<sup>29</sup> and (iv) an extension of time until 5 December 2024 will allow for additional time to finalise responses to the respective appeal briefs after the conclusion of the judicial recess (Christmas and New Year period) when “many will be travelling to be reunited with extended family”.<sup>30</sup>

16. The Appeals Chamber recalls that, in extending the time limit for the filing of the notices of appeal, it considered “good cause” to have been shown given (i) 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 in light of the factual and legal complexity and length of the Conviction Decision;<sup>31</sup> (ii) the workload of the parties in the lead-up to the 4 September 2024 sentencing hearing;<sup>32</sup> and (iii) the converging deadlines between the sentencing proceedings before the Trial Chamber and the proceedings before the Appeals Chamber which was due during and immediately after the judicial recess.<sup>33</sup> As asserted by the Prosecutor,<sup>34</sup> the Appeals Chamber concurs that these factors apply *mutatis mutandis*, to its consideration of the requests before it.

17. Taking into account the aforementioned considerations, the parties’ submissions in support of their respective requests and the fact that the current deadline for the appeal briefs falls just a week after the notices of appeals are due, the Appeals Chamber considers that “good cause” is established within the meaning of regulation 35(2) of the Regulations justifying an extension of time for the filing of the appeal briefs in these proceedings.

18. As to the length of the extension sought, the Appeals Chamber notes that the Prosecutor seeks an extension until 18 November 2024,<sup>35</sup> while the Defence requests an extension until 5 December 2024.<sup>36</sup> Having carefully considered the submissions in this regard, in particular,

---

<sup>28</sup> [Defence’s Request](#), para. 15.

<sup>29</sup> [Defence’s Request](#), para. 19.

<sup>30</sup> [Defence’s Request](#), para. 22.

<sup>31</sup> [Decision of 12 July 2024](#), paras 12-13.

<sup>32</sup> [Decision of 26 July 2024](#), para. 12.

<sup>33</sup> [Decision of 26 July 2024](#), para. 13.

<sup>34</sup> [Prosecutor’s Request](#), para. 5.

<sup>35</sup> [Prosecutor’s Request](#), paras 1, 10.

<sup>36</sup> [Defence’s Request](#), paras 1, 4, 12-13, 23-24.

that neither party is opposed to an equivalent extension of time being granted,<sup>37</sup> the Appeals Chamber finds it appropriate to extend the time limit until 5 December 2024 for both parties. Accordingly, the time limit for the filing of any appeal brief is extended until 5 December 2024.

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



---

**Judge Luz del Carmen Ibáñez Carranza**  
**Presiding**

Dated this 11<sup>th</sup> day of September 2024

At The Hague, The Netherlands

---

<sup>37</sup> [Prosecutor's Request](#), para. 8; [Defence's Request](#), para. 4.