

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/18 OA, OA2

Date: 18 December 2024

THE APPEALS CHAMBER

Before:

**Judge Tomoko Akane, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin**

SITUATION IN THE STATE OF PALESTINE

Public

**Decision on the “Prosecution’s Urgent Request for an extension of time to
respond to Israel’s Appeal Briefs OA, OA2”**

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

Mr Andrew Cayley

States Representatives

Office of the Attorney General of Israel

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

The Appeals Chamber of the International Criminal Court,

In the appeals of the State of Israel against the decisions of Pre-Trial Chamber I entitled “Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute” of 21 November 2024 (ICC-01/18-374) and “Decision on Israel’s request for an order to the Prosecution to give an Article 18(1) notice” of 21 November 2024 (ICC-01/18-375),

Having before it the “Prosecution’s Urgent Request for an extension of time to respond to Israel’s Appeal Briefs OA, OA2” of 13 December 2024 (ICC-01/18-400),

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

DECISION

1. The “Prosecution’s Urgent Request for an extension of time to respond to Israel’s Appeal Briefs OA, OA2” is granted, in part.
2. The Prosecutor shall file his responses to Israel’s appeal briefs by 13 January 2025.

REASONS

I. PROCEDURAL HISTORY

1. On 21 November 2024, Pre-Trial Chamber I (hereinafter: “Pre-Trial Chamber”) issued its decisions entitled “Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute”,¹ and “Decision on Israel’s request for an order to the Prosecution to give an Article 18(1) notice”.²

¹ [Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19\(2\) of the Rome Statute](#), ICC-01/18-374.

² [Decision on Israel’s request for an order to the Prosecution to give an Article 18\(1\) notice](#), ICC-01/18-375.

2. On 27 November 2024, the State of Israel (hereinafter: “Israel”) submitted notices of appeal against the two abovementioned decisions.³
3. On 13 December 2024, the Prosecutor submitted a request for extension of time for the filing of his responses to the appeal briefs (hereinafter: “Request”).⁴
4. On 13 December 2024, Israel filed its appeal briefs.⁵

II. MERITS

5. Regulation 35(2) of the Regulations of the Court provide that a chamber may extend a time limit if “good cause” is shown and “where appropriate, after having given the participants an opportunity to be heard”.
6. The Prosecutor seeks an extension of the time limit of two weeks, until 20 January 2025, to file his responses to Israel’s appeal briefs.⁶ The Prosecutor submits that the following factors constitute “good cause” justifying the requested extension: (i) the length (expected 60 pages each brief) and simultaneous nature of Israel’s appeal briefs as well as the diversity and complexity of the issues to be raised;⁷ and (ii) the high workload of the Office of the Prosecutor’s appeals section as well as the Court recess and holiday period.⁸
7. The Appeals Chamber notes that it has previously found that “complex issues on appeal”⁹ and “judicial recess”¹⁰ may constitute “good cause” justifying extensions of a time limit. Having considered the Prosecutor’s arguments, the Appeals Chamber is of

³ [Notice of Appeal of “Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19\(2\) of the Rome Statute” \(ICC-01/18-374\)](#), ICC-01/18-386.

⁴ [Prosecution’s Urgent Request for an extension of time to respond to Israel’s Appeal Briefs OA, OA2](#), ICC-01/18-400.

⁵ [Appeal of “Decision on Israel’s request for an order to the Prosecution to give an Article 18\(1\) notice” \(ICC-01/18-375\)](#), ICC-01/18-401, with [Annex A](#), ICC-01/18-401-AnxA; [Appeal of “Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19\(2\) of the Rome Statute” \(ICC-01/18-374\)](#), ICC-01/18-402.

⁶ [Request](#), paras 8, 11-12.

⁷ [Request](#), para. 9.

⁸ [Request](#), para. 10.


⁹ *See, inter alia*, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, [Decision on the request of the Prosecutor for an extension of the time limit for her consolidated response to the documents in support of the appeals](#), 05 June 2014, ICC-01/09-01/11-1346, para. 9.

¹⁰ *See, inter alia*, *Situation in the Bolivarian Republic of Venezuela*, [Decision on the Bolivarian Republic of Venezuela’s application for extension of time to file the appeal brief](#), 12 July 2023, ICC-02/18-52, para. 8.

the view that “good cause” has been shown warranting an extension of time for the filing of the Prosecutor’s responses to the appeal briefs. As to the length of the extension, the Appeals Chamber notes that the appeal briefs are 22 and 28 pages long, respectively, and not 60 pages each as anticipated by the Prosecutor. In light of the above, and recalling its duty to ensure that the proceedings are conducted expeditiously in accordance with article 64(2) of the Statute, the Appeals Chamber finds it appropriate to extend the time limit for the filing of the Prosecutor’s responses to Israel’s appeal briefs to 13 January 2025.

8. Considering the urgency of the Request,¹¹ and taking into account that it has before it all elements required to rule upon it, the Appeals Chamber does not consider necessary or appropriate to hear the views of Israel on this matter.

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



Judge Tomoko Akane, Presiding

Dated this 18th day of December 2024

At The Hague, The Netherlands

¹¹ [Request](#), para. 12.