

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **French**

No.: **ICC-02/05-01/20**

Date: **22 May 2021**

**THE APPEALS CHAMBER**

**Before:**

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

**SITUATION IN DARFUR, SUDAN  
IN THE CASE OF  
*THE PROSECUTOR v. MR ALI MUHAMMAD ALI ABD-AL-RAHMAN*  
(“*ALI KUSHAYB*”)**

**Public Document**

**Notice of Appeal against Decision ICC-02/05-01/20-391**

**Source: Mr Cyril Laucci, Lead Counsel**

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

**Office of the Prosecutor**

Ms Fatou Bensouda

Mr Julian Nicholls, Senior Trial Lawyer

**Counsel for the Defence**

Mr Cyril Laucci, Lead Counsel

**Legal Representatives of Victims**

Ms Amal Clooney

Mr Nasser Mohamed Amin Abdalla

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**Office of Public Counsel for Victims**

Ms Paolina Massidda, Principal Counsel

Ms Sarah Pellet, Counsel

**Office of Public Counsel for the  
Defence**

Mr Xavier Jean Keïta, Principal Counsel

Ms Marie O'Leary

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Section**

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
Section**

**Other**

Mr Marc Dubuisson, Director of Division  
of Judicial Services

1. On 15 March 2021, the Defence registered its “*Exception d’Incompétence*” (“Jurisdictional Challenge”)<sup>1</sup> in the case, pursuant to article 19(2)(a) of the Statute.

2. By decision of 17 May 2021, the Honourable Pre-Trial Chamber II rejected the Jurisdictional Challenge on every ground (“Decision under Appeal”).<sup>2</sup>

3. By this Notice of Appeal, the Defence appeals, pursuant to article 82(1)(a) of the Statute, rule 154(1) of the RPE and regulation 64(1) of the Regulations of the Court (“RoC”), the Decision under Appeal.

4. Pursuant to regulation 64(1) of the RoC, the Defence states the particulars of the appeal proceedings instituted by this Notice of Appeal:

**(a) Name and number of the case:** ICC-02/05-01/20, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (“*Ali Kushayb*”);

**(b) Title and date of the decision under appeal:** ICC-02/05-01/20-391: “Decision on the Defence ‘*Exception d’incompétence*’ (ICC-02/05-01/20-302)” (French version not available), 17 May 2021;

**(c)** The appeal is directed against **the whole decision under appeal**;

**(d) Provision of the Statute pursuant to which the appeal is filed:** article 82(1)(a) of the Statute;

**(e) Relief sought:** The Defence prays the Honourable Appeals Chamber (i) to reverse the Decision under Appeal and (ii) grant it all the relief sought on page 57 of the Jurisdictional Challenge for the reasons set out therein.

[signed]

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Mr Cyril Laucci,  
Lead Counsel for Ali Muhammad Ali Abd-Al-Rahman

Dated this 22 May 2021

At the Hague, Netherlands

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<sup>1</sup> [ICC-02/05-01/20-302](#).

<sup>2</sup> [ICC-02/05-01/20-391](#).