

Pursuant to the Appeals Chamber's Order ICC-01/12-01/18-2670, dated 19 December 2024, this document is reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/12-01/18 A A2
Date: 12 December 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**

**Confidential, *Ex Parte*, available only to the Prosecutor and the Defence
Decision on the "Urgent Further Joint Request for Extension of Time"**

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

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

The Appeals Chamber of the International Criminal Court,

In the appeals of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud and the Prosecutor 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),

Having before it the "Urgent Further Joint Request for Extension of Time" of 10 December 2024 (ICC-01/12-01/18-2664-Conf-Exp),

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

1. The request for a further extension of 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 rejected.
2. The request for an extension of the time limit for the filing of any notices of appeal against the "Sentencing Judgment" of 20 November 2024 (ICC-01/12-01/18-2662) is rejected.
3. The parties are directed to file a confidential or confidential redacted version of filing ICC-01/12-01/18-2664-Conf-Exp by 17 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.¹

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

2. On 12 July 2024, following requests from the Defence and the Prosecutor,² the Appeals Chamber granted an extension of time until 4 September 2024 for the filing of any notices of appeal against the Conviction Decision (hereinafter: "Decision of 12 July 2024").³
3. On 26 July 2024, following joint requests from the Defence and the Prosecutor,⁴ the Appeals Chamber granted a further extension of time until 18 September 2024 for the filing of any notices of appeal against the Conviction Decision (hereinafter: "Decision of 26 July 2024").⁵
4. On 11 September 2024, following a request from the Prosecutor,⁶ the Appeals Chamber extended the time limit until 5 December 2024 for the filing of any appeal brief against the Conviction Decision (hereinafter: "Decision of 11 September 2024").⁷
5. On 18 September 2024, the Defence and the Prosecutor filed their respective notices of appeal against the Conviction Decision.⁸
6. On 17 October 2024, following a request from the Defence,⁹ the Appeals Chamber extended the page limit for the Defence's appeal brief by 80 pages and granted the same page extension for the Prosecutor's response to the Defence's appeal brief.¹⁰
7. On 8 November 2024, following a joint request from the Prosecutor and the Defence,¹¹ the Appeals Chamber extended the time limit for the filing of their respective appeal briefs to

² [Request for Extension of Time to File the Notice of Appeal](#), 4 July 2024, ICC-01/12-01/18-2597; [Prosecution response to Defence Request for Extension of Time to File the Notice of Appeal](#), 5 July 2024, ICC-01/12-01/18-2598.

³ [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"](#), ICC-01/12-01/18-2606, paras 14-15.

⁴ [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.

⁵ [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.

⁶ [Prosecution Request for Extension of Time to File Appeal Brief](#), 2 September 2024, ICC-01/12-01/18-2643. *See also* [Defence Response to "Prosecution Request for Extension of Time to File Appeal Brief, ICC-01/12-01/18-2643"](#), 6 September 2024, ICC-01/12-01/18-2646.

⁷ [Decision on the requests for an extension of time to file appeal briefs against the decision of Trial Chamber X entitled "Trial Judgment"](#), ICC-01/12-01/18-2647, paras 17-18.

⁸ [Defence Notice of Appeal against the Trial Judgment](#), ICC-01/12-01/18-2648; [Prosecution notice of appeal](#), ICC-01/12-01/18-2649.

⁹ [Defence Request for Extension of Page Limit for its Appeal Brief](#), 7 October 2024, ICC-01/12-01/18-2653.

¹⁰ [Decision on the "Defence Request for Extension of Page Limit for its Appeal Brief"](#), ICC-01/12-01/18-2656, paras 14-15. *See also* [Prosecution Response to the Defence Request for Extension of Page Limit for its Appeal Brief](#), 9 October 2024, ICC-01/12-01/18-2655.

¹¹ Urgent Joint Request for Extension of Time, dated 1 November 2024 and registered on 4 November 2024, ICC-01/12-01/18-2660-Conf.

18 December 2024 and responses thereto to 3 March 2025 (hereinafter: "Decision of 8 November 2024").¹²

8. On 20 November 2024, the Trial Chamber rendered its decision entitled "Sentencing Judgment" (hereinafter: "Sentencing Decision"),¹³ in which it sentenced Mr Al Hassan to a total period of imprisonment of 10 years and ordered that the time that he has spent in detention from 28 March 2018 and onwards be deducted from the total period of imprisonment.¹⁴

9. On 10 December 2024, the parties filed an urgent joint request for: (i) a further extension of time for the filing of their respective appeal briefs against the Conviction Decision; and (ii) an extension of time for the filing of any notices of appeal against the Sentencing Decision (hereinafter: "Joint Request").¹⁵

II. MERITS

10. Rule 150(2) of the Rules of Procedure and Evidence (hereinafter: "Rules") and regulation 35(2) of the Regulations of the Court (hereinafter: "Regulations") provide that a chamber may extend a time limit if "good cause" is shown.

11. In the Joint Request, the parties request the Appeals Chamber to extend the deadlines for the filing of the appeal briefs against the Conviction Decision and the filing of any notices of appeal against the Sentencing Decision to 24 January 2025.¹⁶

12. In support thereof, the parties argue that the following circumstances establish "good cause" to grant the requested extension: (i) the parties, in light of the Sentencing Decision, have been in discussions concerning "a potential mutual discontinuance of their respective appeals [against the Conviction Decision] and not to appeal the [Sentencing Decision]";¹⁷ (ii) the processes of their negotiations, which require careful consideration of "relevant interests and impact of such agreement", as well as consultations with Mr Al Hassan and victims, take time;¹⁸ and (iii) given that their discussions are "in the preliminary stages" and being conducted

¹² Second decision on request for extension of time, ICC-01/12-01/18-2661-Conf.

¹³ [Sentencing Judgment](#), ICC-01/12-01/18-2662.

¹⁴ [Sentencing Decision](#), p. 68.

¹⁵ Urgent Further Joint Request for Extension of Time, ICC-01/12-01/18-2664-Conf-Exp.

¹⁶ Joint Request, paras 2, 9, 11.

¹⁷ Joint Request, paras 4-5.

¹⁸ Joint Request, paras 4-5, 7.

confidentially, the filing of appeal briefs before reaching a final agreement would raise the expectations of victims.¹⁹

13. At the outset, the Appeals Chamber recalls that, in the present case, it has granted numerous extensions of time for the filing of the parties' notices of appeal and their appeal briefs against the Conviction Decision.²⁰ While it takes note of the parties' submissions relating to the need for additional time, namely, for their careful assessment of all of the relevant interests, including the views and concerns of victims, the Appeals Chamber does not consider that these reasons constitute "good cause" justifying an extension of time within the meaning of regulation 35(2) of the Regulations. In particular, the Appeals Chamber is not convinced that the parties' "prospect of reaching any agreement would be jeopardised if the appeal timetable continued to run as presently scheduled".²¹ To extend the appeal timetable on the possibility that a notice/s of discontinuance, pursuant to rule 152 of the Rules, may be filed on or before 24 January 2025 would be inappropriate and would at the very least jeopardise judicial economy. Moreover, the Appeals Chamber considers that the appellate proceedings *per se* cannot be constrained by any "confidential discussions" taking place between the parties.²² In any event, the Appeals Chamber notes that discontinuance of an appeal may take place at any time before judgment has been delivered.²³ As such, the right of the parties to discontinue their respective appeals is not affected by their obligation to file their respective submissions in accordance with the determined appeal timetable. Accordingly, the Appeals Chamber rejects the Joint Request.

14. In addition, the Appeals Chamber notes the parties' submission that the confidential *ex parte* classification of the Joint Request is justified by the highly sensitive and confidential nature of the *inter partes* negotiations.²⁴ The Appeals Chamber recalls that it has permitted the victims, through their legal representatives, to participate in the appeals against the Conviction Decision.²⁵ Accordingly, the parties are directed to file a confidential or confidential redacted version of the Joint Request by 17 December 2024.

¹⁹ Joint Request, paras 5, 8.

²⁰ [Decision of 12 July 2024](#), paras 14-15; [Decision of 26 July 2024](#), paras 14-15; [Decision of 11 September 2024](#), para. 18; Decision of 8 November 2024.

²¹ Joint Request, para. 8.

²² Joint Request, para. 5 (emphasis in original omitted).

²³ Rule 152 of the Rules.

²⁴ Joint Request, para. 10.

²⁵ [Decision on the modalities of victim participation in the appeals](#), 24 October 2024, ICC-01/12-01/18-2659, p. 3, para. 4.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 12th day of December 2024

At The Hague, The Netherlands