

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/12-01/18

Date: 9 July 2024

TRIAL CHAMBER X

Before: Judge Kimberly Prost, Single Judge

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD***

Public

Second decision on the sentencing procedure

To be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor Karim A. A. Khan Nazhat Shameem Khan Mame Mandiaye Niang	Counsel for the Defence Melinda Taylor
Legal Representatives of Victims Seydou Doumbia Mayombo Kassongo Fidel Luvengika Nsita	Legal Representatives of Applicants
Unrepresented Victims	Unrepresented Applicants for Participation/Reparations
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives	<i>Amicus Curiae</i>

REGISTRY	
Registrar Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

SINGLE JUDGE OF TRIAL CHAMBER X (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, having regard to Articles 64, 67, 76-78 of the Rome Statute (the ‘Statute’), Rules 143-145 of the Rules of Procedure and Evidence, and Regulation 35 of the Regulations of the Court, issues the following ‘Second decision on the sentencing procedure’.

1. On 28 June 2024, the Chamber, in its prior composition, filed a Decision on the sentencing procedure (the ‘First decision on the sentencing procedure’), setting a calendar for relevant requests, submissions, and hearings related to the rendering of the Chamber’s decision pursuant to Article 76 of the Statute.¹
2. On the same day, following the notification of the First decision on the sentencing procedure, the Presidency re-composed the Chamber by replacing Judge Tomoko Akane with Judge Joanna Korner, and Judge Antoine Kesia-Mbe Mindua with Judge Keebong Paek.²
3. On 1 July 2024, the Prosecution requested an extension of time limits set in the First decision on the sentencing procedure (the ‘Request’),³ in particular asking to postpone the 17 July 2024 deadline for the filing of written submissions to September 2024.
4. On 1 and 2 July 2024 respectively, the LRVs⁴ and the Defence⁵ submitted their responses to the Request.⁶

¹ ICC-01/12-01/18-2595.

² Decision Replacing Judges in Trial Chamber X, ICC-01/12-01/18-2596, and its annexes (ICC-01/12-01/18-2596-Anx1 and ICC-01/12-01/18-2596-Anx2).

³ Email from the Prosecution to the Chamber, 1 July 2024, at 15:54.

⁴ Email from the LRVs to the Chamber, 1 July 2024, at 18:01.

⁵ Email from the Defence to the Chamber, 2 July 2024, at 14:04.

⁶ See also Email from the Single Judge, 1 July 2024, at 17:57, in which the Single Judge set 2 July 2024 as the deadline for any response to this request.

5. On 3 July 2024, the Single Judge issued an email decision suspending the 8 July 2024 deadline with respect to requests to submit non-oral evidence and deferring the Chamber's determination on the remainder of the Request.⁷
6. On 5 July 2024, the Defence filed a 'Request for Clarification Following Re-composition of Trial Chamber X', mainly seeking guidance as to whether the Chamber would invite submissions on the legal and procedural implications of the re-composition and if it would, within what time frame.⁸
7. On 8 July 2024, the Single Judge rendered an email decision inviting the parties and participants to make any submissions they wish to present on the issue of the re-composition of the Chamber by 15 July 2024.⁹
8. The Single Judge notes the Defence's request that the 28 August 2024 date for the delivery of the sentencing decision remain unchanged.¹⁰ At the same time, the Single Judge observes that the Chamber, in its previous composition, set the original calendar for the sentencing procedure, bearing in mind the delays in the delivery of the trial judgment and in the understanding that the Trial Chamber, as composed, would deliver the Article 76 judgment. However, as a result of the re-composition decided by the Presidency, the Chamber is forced to reconsider and amend the calendar set in the First decision on the sentencing procedure. Before doing so, the Chamber wishes to hear the parties submissions on the issue of the re-composition of Trial Chamber X scheduled to be filed on Monday 15 July 2024.
9. In the interim, given the proximity of some of the deadlines, the Single Judge considers it necessary to suspend all remaining deadlines set in the First decision on the sentencing procedure for the moment, including the 17 July 2024 deadline for the filing of written submission, and to vacate the hearings scheduled for 24-26 July and 28 August 2024.

⁷ Email from the Single Judge, 3 July 2024, at 11:46.

⁸ ICC-01/12-01/18-2599.

⁹ Email from the Single Judge, 8 July 2024, at 11:23.

¹⁰ Email from the Defence, 2 July 2024, at 14:44.

FOR THE ABOVE REASONS, THE SINGLE JUDGE HEREBY

PARTIALLY GRANTS the Request;

SUSPENDS the remaining deadlines set in the First decision on the sentencing procedure;

VACATES the hearings scheduled on 24-26 July and 28 August 2024; and

FURTHER DEFERS the Chamber's ultimate determination on the Request.

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



Judge Kimberly Prost
Single Judge

Dated this Tuesday, 9 July 2024

At The Hague, The Netherlands