



Original: English

No. ICC-01/12-01/18 A

Date: 24 October 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 modalities of victim participation in the appeals

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,

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),

Pursuant to article 68(3) of the Statute and regulation 86(8) of the Regulations of the Court,

Renders, the following

DECISION

1. The victims who participated in the trial proceedings in the case of *The Prosecutor v. Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* may, through their legal representatives, participate for the purpose of presenting their views and concerns in respect of their personal interests in the issues on appeal.
2. The Legal Representatives of Victims may file observations within 30 days of notification of the parties’ respective responses to the appeal briefs. These observations shall not exceed 100 pages to be distributed between the two appeals as the legal representatives see fit.
3. The Defence and the Prosecutor may each file a response within 15 days of notification of the victims’ observations filed in accordance with the preceding paragraph. The parties’ responses to the victims’ observations shall not exceed 30 pages in total.

REASONS

1. The purpose of the present decision is to regulate the participation of victims in the appeals brought by Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (hereinafter:

“Mr Al Hassan”¹ and the Prosecutor² against the decision of Trial Chamber X (hereinafter: “Trial Chamber”), entitled “Trial Judgment” of 26 June 2024 (hereinafter: “Conviction Decision”).³

2. Under article 68(3) of the Statute, “[w]here the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”.

3. The Appeals Chamber notes that the Trial Chamber authorised 2,196 victims to participate in the trial proceedings.⁴ In addition, the Trial Chamber authorised the victims to be represented by a single team of Legal Representatives of Victims (Mr Seydou Doumbia, Mr Mayombo Kassongo and Mr Fidel Luvengika Nsita).⁵ Pursuant to regulation 86(8) of the Regulations of the Court (hereinafter: “Regulations”), “[a] decision taken by a Chamber under rule 89 shall apply throughout the proceedings in the same case, subject to the powers of the relevant Chamber in accordance with rule 91, sub-rule 1”.

4. The Appeals Chamber notes that Mr Al Hassan was convicted on numerous counts of crimes against humanity and war crimes,⁶ and that he is appealing these convictions on the basis of an alleged: unfair trial process; a flawed evidentiary framework; and erroneous factual and legal findings with respect to his individual criminal responsibility and conduct.⁷ On the other hand, the Prosecutor is appealing Mr Al Hassan’s acquittal for certain gender-based crimes, namely, “other inhumane acts in the form of forced marriage and associated acts of sexual slavery (counts 8-10) and rape (counts 11-12)—but also to his acquittal in part for certain others: cruel treatment, other inhumane acts, outrages upon personal dignity, the passing

¹ [Defence Notice of Appeal against the Trial Judgment](#), 18 September 2024, ICC-01/12-01/18-2648 (hereinafter: “Defence’s Notice of Appeal”).

² [Prosecution notice of appeal](#), 18 September 2024, ICC-01/12-01/18-2649 (hereinafter: “Prosecutor’s Notice of Appeal”).

³ [Trial Judgment](#), ICC-01/12-01/18-2594-Red (confidential version filed on the same day, ICC-01/12-01/18-2594-Conf).

⁴ [Thirteenth decision on the admission of victims to participate in trial proceedings](#), 21 February 2022, ICC-01/12-01/18-2123 (hereinafter: “Thirteenth Decision”), para. 8.

⁵ [Decision on the procedure for the admission of victims to participate in proceedings for the purposes of trial](#), 12 March 2020, ICC-01/12-01/18-661, para. 39; [Thirteenth Decision](#), para. 7; [Decision on Principles Applicable to Victims’ Applications for Participation, to Legal Representation of Victims, and to the Manner of Victim Participation in the Proceedings](#), 20 March 2019, ICC-01/12-01/18-289-Red-tENG-Corr, paras 36, 38.

⁶ [Conviction Decision](#), pp. 818-821

⁷ [Defence’s Notice of Appeal](#), para. 2.

of sentences without due process, and persecution on grounds of gender (counts 2, 4-6, 13)”.⁸ Therefore, the Appeals Chamber finds that the victims who participated in the trial proceedings may participate in the appeals against the Conviction Decision, as, in principle, their personal interests are affected by the appeals in the same way as during trial.

5. The Appeals Chamber notes that on 11 September 2024, the parties were granted an extension of time to file their respective appeal briefs on 5 December 2024.⁹ Pursuant to regulation 59 of the Regulations, the parties’ respective responses to the appeal briefs will be due on 4 February 2025 (within 60 days of notification of the appeal briefs). In accordance with rule 91(1), and having regard to rules 91(2), 92(5) and (6) of the Rules of Procedure and Evidence, the Appeals Chamber determines that the victims may participate in the present appeals in the following manner: the Legal Representatives of Victims may file observations presenting the victims’ views and concerns with respect to the issues on appeal insofar as their personal interests are affected within 30 days of notification of the responses to the appeal briefs. Furthermore, these observations shall not exceed 100 pages to be distributed between the two appeals as the legal representatives see fit.

6. The Defence and the Prosecutor may each file responses, not exceeding 30 pages, to the victims’ observations within 15 days of notification thereof. Should the need arise to specify further, the modalities of victims’ participation in the pending appeals, the Appeals Chamber will give supplementary directions, either upon its own motion or upon application by the Legal Representatives of Victims.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 24th day of October 2024

At The Hague, The Netherlands

⁸ [Prosecutor’s Notice of Appeal](#), para. 2.

⁹ [Decision on the requests for an extension of time to file appeal briefs against the decision of Trial Chamber X entitled “Trial Judgment”](#), ICC-01/12-01/18-2648, p. 3, para. 18.