

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**
Date: **10 December 2024**

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
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 Prosecution and Defence

Urgent Further Joint Request for Extension of Time

Source: Office of the Prosecutor
Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

Document 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 KC Mr Mame Mandiaye Niang Ms Helen Brady	Counsel for the Defence Ms Melinda Taylor Ms Felicity Gerry KC
Legal Representatives of Victims	Legal Representatives of Applicants
Unrepresented Victims	Unrepresented Applicants for Participation/Reparation
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives	Amicus Curiae

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

Submissions

1. Pursuant to Regulation 35(2) of the Regulations of the Court ("RoC") the Prosecution and the Defence for Mr Al Hassan jointly request the Appeals Chamber to extend the deadlines for the Prosecution and Defence to file their appeal briefs concerning the Trial Chamber's article 74 conviction decision,¹ and any notices of appeal against the Chamber's article 76 sentencing decision.²
2. Specifically, the Parties request the Appeals Chamber to:
 - a) extend the deadline for the filing of the appeal briefs concerning the Trial Judgment from 18 December 2024 to 24 January 2025;
 - b) extend the deadline for the filing of any notice of appeal against the Sentencing Judgment from 23 December 2024 to 24 January 2025.
3. The Parties submit that good cause is shown for the requested extension.
4. Following the issuance of the Sentencing Judgment on 20 November 2024, the Parties have been in discussions regarding a potential mutual discontinuance of their respective appeals pursuant to rule 152(1) of the Rules of Procedure and Evidence ("Rules") and not to appeal the Sentencing Judgment, which would result in the finality of the Trial and Sentencing Judgments. This opportunity has only arisen in the recent weeks after the issuance of the Sentencing Judgment, in which the Trial Chamber sentenced Mr Al Hassan to a 10-year imprisonment term, deducting the time spent in detention.³
5. The Parties are in the preliminary stages of conducting *confidential* discussions on a 'without prejudice' basis to determine whether a mutually acceptable agreement can be reached as soon as possible. The discussions on the terms of a potential agreement require careful consideration of the respective interests of the Parties and the overall interests of justice. If the Parties were indeed to reach an agreement, this would ensure the finality of the Trial Judgment and the Sentencing Judgment, and contribute to the efficient administration of justice at the Court.

¹ ICC-01/12-01/18-2594-Conf ("Trial Judgment").

² ICC-01/12-01/18-2662 ("[Sentencing Judgment](#)").

³ [Sentencing Judgment](#), paras. 134, 138, p. 68 (Disposition).

6. The Parties are keenly aware that time is of the essence in these discussions, and of the need to finalise the terms of any agreement as soon as possible so as to not unduly delay the appeals schedule in the event that an agreement is not ultimately reached.

7. However, to see whether it is possible to reach a mutually acceptable final agreement, the Parties must conduct further discussions. For the Defence, this includes advising and receiving instructions from Mr Al Hassan. For the Prosecution, this requires properly considering all the relevant interests and impact of such agreement. In addition, the Parties will also seek the views and concerns of the victims through their Legal Representatives. These processes takes time, and must be done carefully given the nature of the outcomes at stake.

8. The Parties submit that the prospect of reaching any agreement would be jeopardised if the appeal timetable continued to run as presently scheduled, such that they are required to file their appeal briefs by 18 December 2024 and any notices of appeal against the Sentencing Judgment by 23 December 2024. These filings would make the inter partes discussions more complex. Specifically, if the appeal proceedings continue and the appeal briefs are filed while the discussions occur, this may raise the expectations of some victims and other stakeholders, who may not be privy to the confidential discussions between the Parties, and to whom it will become more difficult to explain an agreement, if reached.

9. In the circumstances, the Parties respectfully request the Appeals Chamber to extend the timetable for the filing of the appeal briefs against the Trial Judgment and the filing of any notices of appeal against the Sentencing Judgment to 24 January 2025.

Classification

10. This request is filed on a confidential *ex parte* basis, available to the Prosecution and Defence only, since it refers to highly sensitive and confidential negotiations taking place between the Parties on a without prejudice basis. The fact of any discussions taking place should not be made further disseminated at this point, since it may jeopardise the Parties' ability to reach a mutually acceptable agreement. If the Appeals Chamber grants this request, the Parties will file a confidential redacted version of it as soon as possible to inform the victims of this request.

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Conclusion and Relief Sought

11. For the reasons outlined above, the Parties respectfully request the Appeals Chamber to extend the timetable for the filing of the appeal briefs against the Trial Judgment and the filing of any notices of appeal against the Sentencing Judgment to 24 January 2025.



Karim A.A. Khan KC, Prosecutor



Melinda Taylor
Lead Counsel for Mr Al Hassan

Dated this 10th day of December 2024

At The Hague, the Netherlands