

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/12-01/18**
Date: **13 December 2024**

TRIAL CHAMBER X

Before: Judge Kimberly Prost, Presiding Judge
Judge María del Socorro Flores Liera
Judge Keebong Paek

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF

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

Public

Order for Submissions on Reparations

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

Unrepresented Victims

Unrepresented Applicants for Reparations

The Office of Public Counsel for Victims

Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Republic of Mali

Trust Fund for Victims

Deborah Ruiz Verduzco

REGISTRY

Registrar

Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Philipp Ambach

Public Information and Outreach Section

Fadi El Abdallah

Others

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 and 75 of the Rome Statute (the ‘Statute’), rule 103 of the Rules of Procedure and Evidence (the ‘Rules’), and regulations 24*bis*, 34 and 38(2) of the Regulations of the Court, issues the following Order for Submissions on Reparations.

1. On 26 June 2024, the Chamber, by majority, convicted Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (hereinafter: ‘Mr Al Hassan’) for the commission of three counts of crimes against humanity and five counts of war crimes.¹
2. On 20 November 2024, the Chamber sentenced Mr Al Hassan to a joint sentence of 10 years of imprisonment.²
3. The Chamber notes that significant information relevant to the five elements of the reparations order is already available in the case record. Having considered the interests of the victims and the convicted person and noting that the crimes for which Mr Al Hassan was convicted took place more than ten years ago, the Chamber considers that the reparations phase of the proceedings should advance as efficiently and expeditiously as possible, avoiding unnecessary delays.
4. The Chamber further notes that outside of the crime of persecution, there are 49 direct victims in this case.³ The Chamber considers that since these victims represent the direct victims of all but one of the crimes for which Mr Al Hassan was convicted, every effort should be made to ensure their views are duly considered during the reparations proceedings. The Chamber therefore instructs the Legal Representative of Victims (the ‘LRV’), the Office of the Prosecutor (the ‘Prosecution’), and the Registry to provide a joint report to the Chamber advising: (i) whether these victims, or in the case of victims who may be deceased, their families, are identifiable and can be contacted; (ii) whether any of these victims are currently represented by the LRV; and, (iii) if the victims are not represented by the LRV, whether they have now chosen to be. The joint report shall be delivered to the Chamber by 14 March 2025. The Defence may respond to this joint report by 14 April 2025.

¹ Trial Judgment, [ICC-01/12-01/18-2594-Red](#), pp 818-821.

² Sentencing Decision, [ICC-01/12-01/18-2662](#), para. 134.

³ Sentencing Decision, [ICC-01/12-01/18-2662](#), paras 42, 59.

5. The Prosecution is instructed to work in cooperation with the Registry and transmit any information relevant to Mr Al Hassan's financial situation to the Registry, as soon as practicable. The Registry is requested to review Mr Al Hassan's financial situation and submit a report by 14 March 2025.
6. With respect to the submissions on reparations, the Chamber issues the following directions:
 - (i) The LRV, the Defence, and the Trust Fund Victims (the 'TFV') are instructed to make submissions, of up to 40 pages,⁴ by 16 June 2025, at the latest, on any or all of the following issues:
 - a. estimated total number of direct victims of the crime of persecution and the indirect victims of all crimes for which Mr Al Hassan was convicted;
 - b. specification of the types and extent of the harm suffered by the victims of the crimes for which Mr Al Hassan was convicted, citing to specific evidence;
 - c. whether recourse to factual presumptions should be considered;
 - d. types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Al Hassan was convicted;
 - e. concrete estimates as to the costs to repair the harms suffered by the victims in light of the proposed modalities for repairing them. The TFV should clearly indicate in its submission the total amount within its cost estimate that would be dedicated to administrative costs;
 - f. any legal and factual issues relevant to the identification of eligible victims;
 - g. any victims or groups of victims who may require prioritisation in the reparations process; and
 - h. information as to whether the victims of the crimes for which Mr Al Hassan was convicted have received any form of compensation or reparations for the harm suffered as a result of these crimes.

⁴ The Chamber has limited the number of pages in this case to 40 pages given the specific context of this case.

7. The Prosecution is instructed to make submissions not exceeding 40 pages on paragraph 6(i)(a) above, and on any or all other issues referred to in paragraph 6(i) by 16 June 2025. The Chamber notes that, while the Prosecution is not a party to the reparations proceedings, it has a clear understanding of the parameters of the crimes for which Mr Al Hassan was convicted.⁵ As such, the Chamber expects the Prosecution to provide it with an estimated total number of direct victims of the crime of persecution and the indirect victims of all crimes for which Mr Al Hassan was convicted.⁶
8. The Registry is invited to make submissions on issues (a) and (f) listed in paragraph 6(i) of not more than 10 pages by 16 June 2025.
9. The Republic of Mali is invited to make submissions of up to 20 pages on any of the issues listed in paragraph 6(i) by 16 June 2025.
10. Any persons or organizations, particularly with local expertise, interested in making submissions on the specific issues mentioned above, are invited to request leave from the Chamber, pursuant to article 75 of the Statute and rule 103 of the Rules, by 14 February 2025. If the Chamber decides to grant any of these applications, these submissions should not exceed 10 pages and will equally have to be filed by 16 June 2025.
11. The LRV and the Defence can respond to any submissions on the specific points referred to in paragraph 6(i) by 16 July 2025 in a submission of not more than 20 pages.
12. The Chamber stresses its expectation that all submissions are clear, concise, and focused on the issues the Chamber has requested that the parties and participants address. This will help to ensure that reparations are delivered to victims in a timely manner.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

INSTRUCTS the LRV, the Prosecution and the Registry to submit a joint report to the Chamber containing the details described in paragraph 4 by 14 March 2025;

⁵ Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, Addendum to the Reparations Order of 8 March 2021, 14 July 2023, ICC-01/04-02/06-2659, [ICC-01/04-02/06-2858-Red](#), para. 287 ('Addendum').

⁶ Addendum, [ICC-01/04-02/06-2858-Red](#), para. 287.

INSTRUCTS the Defence to provide its response, if any, to the joint report by 14 April 2025;

INSTRUCTS the Prosecution to work in cooperation with the Registry and transmit to the Registry any information relevant to Mr Al Hassan's financial situation, as soon as practicable;

INSTRUCTS the Registrar to submit a report regarding Mr Al Hassan's financial situation to the Chamber by 14 March 2025;

INSTRUCTS the LRV, the Defence and the TFV to make submissions not exceeding 40 pages on any or all of the issues referred to in paragraph 6(i) by 16 June 2025;

INSTRUCTS the Prosecution to make submissions not exceeding 40 pages on paragraph 6(i)(a) above, and on any or all of the other issues referred to in paragraph 6(i) by 16 June 2025;

INVITES the Registry to make submissions not exceeding 10 pages on issues (a) and (f) referred to in paragraph 6(i) by 16 June 2025;

INVITES the Republic of Mali to make submissions of up to 20 pages on any of the issues referred to in paragraph 6(i) by 16 June 2025;

INVITES interested persons or organisations, particularly with local expertise, to request leave to make submissions, in accordance with paragraph 6(i) above, by 14 February 2025. If the Chamber decides to grant any of these applications, the submissions shall be filed by 16 June 2025 and shall not exceed 10 pages;

INSTRUCTS The LRV and the Defence to provide responses, if any, to the submissions of the parties and participants on the specific points referred to in paragraph 6(i) by 16 July 2025 in a submission of not more than 20 pages; and

ENCOURAGES the parties and participants to work in full collaboration and cooperation with each other, combining the limited resources available in order to facilitate the efficient and effective conduct of the reparation proceedings.

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



Judge Kimberly Prost
Presiding Judge



Judge María del Socorro Flores Liera



Judge Keebong Paek

Dated this 13 December 2024
At The Hague, The Netherlands