

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: **17 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

Joint request for reclassification of filing ICC-01/12-01/18-2664-Conf-Exp

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 Other Section	

Submissions

1. The Prosecution and Defence respectfully request the Appeals Chamber to reclassify to public the Parties' urgent further joint request for an extension of time to file their appeal briefs against the Trial Judgment ("Joint Request").¹ There is no longer a basis for maintaining the confidential, *ex parte* classification of the Joint Request, for the following reasons.
2. The Parties had filed the Joint Request as confidential *ex parte*, available to the Prosecution and Defence only, since it referred to highly sensitive and confidential negotiations that the Parties were conducting at the time on a without prejudice basis regarding a potential mutual discontinuance of their respective appeals.² The Parties submitted that if the fact of any such discussions was further disseminated, it may jeopardise their ability to reach a mutually acceptable agreement.³
3. Subsequently, however, the Parties reached an agreement and on 17 December 2024, filed Notices of Discontinuance regarding their respective appeals.⁴ There is accordingly no longer a basis for maintaining the confidential, *ex parte* classification of the Joint Request *vis-à-vis* the victims and the public.
4. Accordingly, and further to the Chamber's order of 12 December 2024,⁵ the Parties request the Chamber to reclassify the Joint Request to public.

Classification

5. This request for reclassification is filed on a confidential *ex parte* basis pursuant to regulation 23 *bis* of the Regulations of the Court since it refers to the Joint Request and the Decision that are marked with the same classification. Once the Joint Request is reclassified, this request may also be reclassified to public.

¹ ICC-01/12-01/18-2664-Conf-Exp ("Joint Request").

² Joint Request, para. 10.

³ Joint Request, para. 10.

⁴ ICC-01/12-01/18-2667 ("Defence Notice of Discontinuance"); ICC-01/12-01/18-2668 ("Prosecution Notice of Discontinuance").

⁵ ICC-01/12-01/18-2665-Conf-Exp ("Decision"), para. 14.

Conclusion and Relief Sought

6. The Parties respectfully request the Appeals Chamber to reclassify the Joint Request to public. Once the Joint Request is reclassified, this request may also be reclassified to public.



Karim A.A. Khan KC, Prosecutor



Melinda Taylor
Lead Counsel for Mr Al Hassan

Dated this 17th day of December 2024

At The Hague, the Netherlands