

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/12-01/18**

Date: **11 March 2025**

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

Decision on the requests for leave to submit *amicus curiae* observations

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

Al Hassan Defence

☒ **Legal Representatives of the Victims**

Al Hassan Victims

☐ **Legal Representatives of the Applicants**

☒ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☒ **The Office of Public Counsel for
Victims**

☐ **The Office of Public Counsel for the
Defence**

☒ **States' Representatives**
Republic of Mali

☒ **Trust Fund for Victims**

☒ **Amicus Curiae**

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations
Section**

Other

Public Information and Outreach Section

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 75 and 76 of the Rome Statute (the ‘Statute’) and rules 103 and 143 of the Rules of Procedure and Evidence (the ‘Rules’), issues the following ‘Decision on the requests for leave to submit *amicus curiae* observations’.

1. On 13 December 2024, the Chamber issued its ‘Order for submissions on Reparations’ (the ‘Order’),¹ in which it, *inter alia*, invited any persons or organisations, particularly those with local expertise, interested in making observations related to the issues identified by the Chamber in the Order,² to request for leave to file submission pursuant to article 75(3) of the Statute and rule 103 of the Rules.³
2. On 14 February 2025, the Registry transmitted requests for leave submitted by: (i) the Queen’s University Belfast, Human Rights Centre (the ‘HRC’);⁴ (ii) Dr Jean-Benoît Falisse and Dr Simeon Koroma, from the Centre of African Studies (the ‘CAS’) at the University of Edinburgh;⁵ and (iii) Mama Koité Doumbia, Association des Femmes pour les Initiatives de Paix (the ‘AFIP’), Groupe de Recherche, d’Etude, de Formation Femme-Action (the ‘GREFFA’), Women’s Initiatives for Gender Justice (the ‘WIGJ’), the International Federation of Human Rights (the ‘FIDH’), Lawyers Without Borders Canada (the ‘LWB Canada’), REDRESS, Akila Radhakrishnan, Alexandra Lily Kather, and Sareta Ashraph (collectively ‘Mama Koité Doumbia *et al.*’).⁶

¹ Order for submissions on reparations, [ICC-01/12-01/18-2666](#).

² The specific issues identified by the Chamber were: 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. See Order for submissions on reparations, [ICC-01/12-01/18-2666](#), para. 6.

³ Order for submissions on reparations, [ICC-01/12-01/18-2666](#), para. 10.

⁴ Registry transmission of ‘Request for leave to file submission on reparations issues pursuant to Article 75 of the Statute’, [ICC-01/12-01/18-2681](#), with Annex [ICC-01/12-01/18-2681-Anx](#) (the ‘Queen’s University Belfast HRC application’).

⁵ Registry Transmission of ‘Application by Dr Jean-Benoît Falisse and Dr Simeon Koroma for leave to submit observations pursuant to Article 75(3) of the Statute and Rule 103 of the Rules’, [ICC-01/12-01/18-2682](#), with Annex [ICC-01/12-01/18-2682-Anx](#) (the ‘University of Edinburgh CAS application’).

⁶ Registry Transmission of ‘Request for Leave to File Amici Curiae Observations pursuant to Article 75 of the Statute and Rule 103 of the Rules of Procedure and Evidence’, [ICC-01/12-01/18-2683](#), with Annex [ICC-01/12-01/18-2683-Anx](#) (the ‘Mama Koité Doumbia *et al.* application’).

3. The Chamber notes that, according to rule 103(1) of the Rules, the Chamber may grant leave to an organisation or person to submit observations on any issue that the Chamber considers appropriate. In line with the Court's jurisprudence, the Chamber shall evaluate any request to make such observations by assessing whether the observations proposed are desirable for the proper determination of the case.⁷ The Chamber further notes that neither the Legal Representatives of Victims nor the Defence have opposed the requests for leave submitted by the applicants.
4. The HRC states that it intends to submit observations on all of the relevant issues identified by the Chamber in its Order.⁸ Dr Falisse and Dr Koroma intend to submit observations on the types and modalities of reparations and on victims' prioritisation.⁹ Lastly, Mama Koité Doumbia *et al.* wish to submit observations on four issues: (i) types and extent of the harm suffered by the victims; (ii) types and modalities of reparation; (iii) legal and factual issues relevant to the identification of eligible victims; and (iv) the prioritization of victims.¹⁰ Additionally, Mama Koité Doumbia *et al.* state that they intend to provide focused observations on the extent of the gendered and intersectional harms suffered by the victims.¹¹ The Chamber notes that Mama Koité Doumbia *et al.* submit that their intent is not to revisit the acquittal on charges of sexual and gender based crimes, but to provide legal and evidentiary insights into how the convicted crimes were gender-based in their execution and impact, and how this should be reflected in the Reparations Order.¹²
5. The Chamber notes that, in line with paragraph 10 of its Order, the applicants have international and local expertise in reparations processes¹³ as well as work experience in conflict affected communities,¹⁴ supporting victims' rights to truth, justice and

⁷ Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Decision on request for leave to submit Amicus Curiae observations, 7 January 2020, [ICC-01/04-02/06-2460](#), para. 5; Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on "Motion for Leave to File Proposed Amicus Curiae Submission of the International Criminal Bar Pursuant to Rule 103 of the Rules of Procedure and Evidence", 22 April 2008, [ICC-01/04-01/06-1289](#), para. 8; Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Decision on the requests for leave to submit amicus curiae observations, 17 June 2021 [ICC-02/04-01/15-1860](#), para. 8.

⁸ Queen's University Belfast HRC application, [ICC-01/12-01/18-2681-Anx](#), para. 2.

⁹ University of Edinburgh CAS application, [ICC-01/12-01/18-2682-Anx](#), para. 8.

¹⁰ Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), para. 16.

¹¹ Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), paras 17-19.

¹² Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), para. 20.

¹³ University of Edinburgh CAS application, [ICC-01/12-01/18-2682-Anx](#), para. 5; Queen's University Belfast HRC application, [ICC-01/12-01/18-2681-Anx](#), para. 3; Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), paras 6-15.

¹⁴ University of Edinburgh CAS application, [ICC-01/12-01/18-2682-Anx](#), para. 4; Queen's University Belfast HRC application, [ICC-01/12-01/18-2681-Anx](#), para. 3; Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), paras 7, 11-12, 14-15.

reparations,¹⁵ gender equality and peacebuilding,¹⁶ and the implementation of reparations programmes.¹⁷

6. In addition, the majority of the applicants have prior experience engaging with the Court on matters relevant to reparations, including: submitting observations on issues related to reparations in previous cases;¹⁸ advocating for the meaningful participation of victims before the ICC;¹⁹ or evaluating the outcomes and consequences of a previous reparations programmes.²⁰
7. Consequently, the Chamber considers that the applicants are in a position to assist the Chamber in its determinations on the issues outlined in the Order as relevant to the reparations proceedings in the *Al Hassan* case.
8. Considering the foregoing, the Chamber grants the applicants leave to submit observations on the issues identified in paragraph 6(i) of the Order. The applicants' submission shall not exceed 10 pages and must be filed by 16 June 2025.²¹
9. Finally, the Chamber informs the parties, participants and *amicus curiae* that, in line with article 76 of the Statute and rule 143 of the Rules, it intends to hold a reparations hearing, which will provide an opportunity for additional submissions. The details of the hearing will be provided in due course.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS leave to submit observations of up to 10 pages, on the issues identified in paragraph 6(i) of the Order, by 16 June 2025 to: (i) the HRC; (ii) Dr Jean-Benoît Falisse and Dr Simeon Koroma; and (iii) Mama Koité Doumbia, AFIP, GREFFA, WIGJ, FIDH, REDRESS, LWB Canada, Akila Radhakrishnan, Alexandra Lily Kather, and Sareta Ashraph; and

¹⁵ Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), paras 10, 12.

¹⁶ Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), paras 8-9, 13-15.

¹⁷ University of Edinburgh CAS application, [ICC-01/12-01/18-2682-Anx](#), para. 5; Queen's University Belfast HRC application, [ICC-01/12-01/18-2681-Anx](#), para. 3; Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), paras 6-7, 10-11.

¹⁸ Queen's University Belfast HRC application, [ICC-01/12-01/18-2681-Anx](#), para. 3; Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), paras 9, 10-11, 13.

¹⁹ Mama Koité Doumbia *et al.* application, [ICC-01/12-01/18-2683-Anx](#), para. 10.

²⁰ University of Edinburgh CAS application, [ICC-01/12-01/18-2682-Anx](#), para. 5.

²¹ Order for submissions on reparations, [ICC-01/12-01/18-2666](#), paras 6, 10.

NOTIFIES the parties, participants and *amicus curiae* of its intention to hold a reparations hearing.

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 11 March 2025
At The Hague, The Netherlands