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International Criminal Court

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No.**: ICC-01/12-01/18**
Date: **12 March 2025**

THREE JUDGES OF THE APPEALS CHAMBER APPOINTED FOR THE REVIEW CONCERNING REDUCTION OF SENTENCE

Before: **Judge Luz del Carmen Ibáñez Carranza**
Judge Solomy Balungi Bossa
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

Request for an expedited and staggered briefing schedule for the Article 110 sentence review

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

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Al Hassan Defence Team

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V43

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I. INTRODUCTION

1. The Defence for Mr Al Hassan respectfully requests the Three Judges of the Appeals Chamber Appointed for the Review Concerning Reduction of Sentence (hereinafter "Review Panel") to issue a scheduling order convening the sentence review hearing under Rule 224(1) as soon as possible, and in any event, prior to the Spring 2025 spring judicial recess,[1] and to establish an expedited briefing schedule requiring any written submissions by the Registry, Legal Representatives of Victims ("LRV"), and Prosecution to be filed prior to those filed by the Defence. The Defence is entitled to file its submissions subsequent to the other parties and participants in respect of its right, afforded through both Statute and practice, to have the last word on issues pertaining to fundamental – in this case, liberty – rights.

2. 104 days have passed since Mr Al Hassan reached the two-thirds threshold of the ten-year sentence issued on 28 November 2024.[2] As a party to any proceedings convened under Article 110, the Defence is empowered to request the Review Panel to exercise those powers conferred onto it through operation of Article 110 and Rules 223-224.[3] This includes the prerogative to request the Review Panel to issue a briefing schedule consistent with both the intent and tenor of Article 110 as well as with Mr Al Hassan's rights to expeditious proceedings and to a timely decision on the necessity and proportionality of serving the remainder of his sentence.

II. PROCEDURAL HISTORY

3. On 20 November 2024, Mr Al Hassan was sentenced to 10 years' imprisonment, minus time served.[4] The Prosecution and the Defence both confirmed on 18 December 2024 that they did not intend to appeal this sentence. Both parties also filed notices of discontinuance in respect of their notices of appeal against the Trial Judgment.

4. As of 28 November 2024, Mr Al Hassan has served two-thirds of his sentence.[5]

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[1] The ICC Spring 2025 judicial recess is scheduled to begin on Thursday, 17 April 2025 at 17:30 and end at 9:00am on Monday, 28 April 2025.
[2] There are 104 days, or almost 3.5 months, between 28 November 2024 and 12 March 2025, the date of this submission.
[3] ICC-01/04-168, para 20 ("[i]t may be regarded as axiomatic that, if any power is conferred upon a court to make an order or issue a decision, the parties have an implicit right to move the Chamber to exercise it"). *See also* ICC-01/04-01/07-476, paras 17-18. ICC Judges are also required to issue discretionary powers in a manner that is consistent with the rights of the defendant: ICC-01/04-169, para. 2.
[4] ICC-01/12-01/18-2662.
[5] ICC-01/12-01/18-2678, p. 3.

5. On 4 February 2025, the Appeals Chamber, including Judge Akane, composed a panel of three judges for the purpose of Article 110 proceedings ("Composition Decision").[6] Judges Ibáñez Carranza and Bossa issued a dissenting opinion arguing that the Composition Decision was illegal given the involvement of Judge Akane, who had also sat as a member of Trial Chamber X in Mr Al Hassan's trial and sentencing proceedings.[7] Judges Ibáñez Carranza and Bossa further opined that the Panel should have been composed only after the appeal proceedings were formally terminated.[8]

6. Since that date, the Panel has not issued any further orders concerning the conduct of Article 110 proceedings.

III. SUBMISSIONS

A. Preliminary Observations on the Legality of the Review Panel

7. The Defence notes with appreciation Judges Ibáñez Carranza and Bossa's opinion on the importance of taking effective steps to preserve the impartiality – and appearance of impartiality – of the proceedings, which is a cornerstone of the right to a fair trial. Their dissenting opinion is predicated on Article 41(2)(a), which regulates judicial impartiality, and Regulation 12 of the Regulations of the Court, which specifies that "[u]nder no circumstances shall a judge who has participated in the pre-trial or trial phase of a case be eligible to sit on the Appeals Chamber hearing that case".

8. ICC precedent, however, appears to distinguish between substantive and administrative acts, differentiating the act of sitting on a case and deciding on the merits of an application from the issuance of administrative decisions such as determining the composition of a Chamber. As set out in the procedural history above, the Presidency has throughout this case issued various decisions on the composition of the Appeals Chamber for the purpose of hearing specific appeals.[9] Both Judge Perrin de Brichambaut and Judge Mindua participated in such decisions,

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[6] ICC-01/12-01/18-2678
[7] ICC-01/12-01/18-2678-OPI, paras 16-20 ("there is an absolute prohibition for a judge who has participated in a prior phase of the case to sit on the Appeals Chamber hearing 'that case' […] we consider that the Majority decision setting up the panel of three judges pursuant to rule 224 of the Rules is illegal").
[8] ICC-01/12-01/18-2678-OPI, para. 45.
[9] On 21 November 2019, the Presidency, composed at that time of Judges Eboe-Osuji, Perrin de Brichambaut, and Fremr, issued an order that Trial Chamber X would be composed of Judges Mindua, Prost, and Akane: ICC-01/12-01/18-1385 (ICC-Pres-01/21). Judge Perrin de Brichambaut was a former member of the Al Hassan Pre-Trial Chamber.

notwithstanding their active and substantive involvement in the pre-trial and trial phases of the present case.

9. The majority of the Appeals Chamber also did not consider there to be any legal impediment as to its ability to compose the Article 110 Review Panel. Nor have any of the parties since sought disqualification or re-composition of the Panel on such basis. Indeed, a judge who is of the opinion that he or she lacks the ability to adjudicate proceedings fairly, impartially, and expeditiously would be obliged to seek recusal *proprio motu*.[10]

10. The Defence thus understands that, notwithstanding Judges Ibáñez Carranza and Bossa's minority opinion as to the legality of its constitution, the Review Panel has been lawfully constituted and there exists no impediment to the expeditious resolution of Mr Al Hassan's application for sentence review under Article 110.

B. The Defence Requests an Expedited Briefing Schedule and Hearing to Preserve Mr Al Hassan's Rights

11. Review of a sentence at the two-thirds mark is mandatory at the ICC.[11] The timing for such assessments is governed by Article 110(3), the plain language of which requires a Review Panel to act as soon as a detained person has served two-third of their sentence. Sentence review hearings at the ICC have until now been ordered *propio motu*[12] in anticipation of the two-thirds eligibility threshold *soon* being met,[13] and have typically been scheduled to take

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On 1 April 2021, the Presidency, including Judge Mindua, who was concurrently sitting on Trial Chamber X, determined the composition of the Appeals Chamber for the purpose of any appeals arising out of the *Al Hassan* case.

[10] ECHR: *Sigríður Elín Sigfúsdóttir v. Iceland*, 41382/17 2020, para. 35

[11] *See* Article 110(3) ("[w]hen the person has served two thirds of the sentence, or 25 years in the case of life imprisonment, the Court **shall** review the sentence to determine whether it should be reduced") (emphasis added). *See also* Rule 224(1) ("[f]or the application of article 110, paragraph 3, three judges of the Appeals Chamber appointed by that Chamber **shall** conduct a hearing") (emphasis added). *See also* ICC-01/04-01/07-3598, with the Prosecution stating that "the review of a sentence at the two-thirds mark is mandatory."

[12] *See Lubanga*, ICC-01/04-01/06-3137; *Katanga*, ICC-01/04-01/07-3572.

[13] ***Katanga****:* On 13 August 2015, the *Katanga* Review Panel proactively scheduled a sentence review hearing on 6 October 2015 in anticipation of Katanga soon reaching the two-third threshold on 18 September 2015. The Panel itself was constituted on 3 August 2015 (46 days *prior* to Mr Katanga reaching the two-thirds mark), with the Scheduling Order issued 10 days later, and the hearing taking place within 18 days of Mr Katanga having satisfied the temporal criteria).
In ***Lubanga***, the two-thirds expired on 16 July 2015, and a sentence reduction hearing was ordered for that same day (before being later postponed until 21 August 2015 due to an urgent Defence application) by a Panel previously composed on 15 June 2015, one month in advance of the 2/3 threshold being met. Parties were ordered to file observations on 10 July 2015 (*see* ICC-01/04-01/06-3137, para. 4), **six days prior** to the expiration of the 2/3 mark.

place within days of its satisfaction.[14] Having met this ceiling almost three-and-a-half months ago, and in the absence of any 'exceptional reasons' within the meaning of Rule 224,[15] any further delay is detrimental to Mr Al Hassan's fundamental rights as enshrined both in the Statute and in human rights law.[16] Indeed, further delay to this mandatory review could risk transmuting the basis of Mr Al Hassan's present detention from lawful to arbitrary.[17]

12. As a guaranteed right under the Rome Statute, a hearing under Article 110 is mandatory.[18] The existence of a review process is neither discretionary nor predicated on the satisfaction of any condition precedent apart from the detained person having met the two-third threshold.[19] Upon satisfaction of this temporal criterion, a sentence review must be held expeditiously with a view to preserving the detained person's right to have the ongoing lawfulness of their sentence

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In ***Al Mahdi***, the two-thirds expired on 18 September 2021. The Panel was composed on 28 June 2021 (ICC-01/12-01/15-388), 82 days prior; observations were sought by 6 September 2021; and the sentence review hearing was ordered on 7 July 2021 for 21 and 22 September 2021, three days subsequent to Al Mahdi having met his 2/3 threshold. *See* ICC-01/12-01/15-392. The sentence review hearing as ultimately held on 12 and 13 October 2021, due to a request by one of the parties. *See* ICC-01/12-01/15- 403.

[14] In *Katanga*, 64 days lapsed between the composition of the Review Panel and the date of the sentence reduction hearing.

[15] Rule 224 RPE reads, in pertinent part: "three judges of the Appeals Chamber appointed by that Chamber shall conduct a hearing, unless they decide otherwise in a particular case, **for exceptional reasons**" (emphasis added). The wording suggests that in such a case, the Panel's decision not to conduct a hearing should be reasoned. *See* Oehmichen, A., "Rule 224(1)".

[16] Rome Statute, Art. 21(3) ("[t]he application and interpretation of law pursuant to this article must be consistent with internationally recognized human rights"). *See* Council of Europe, *Rec(2003)22*, paras 16-17 ("[t]he minimum period that prisoners have to serve to become eligible for conditional release should be fixed in accordance with the law. The relevant authorities should initiate the necessary procedure to enable a decision on conditional release to be taken as soon as the prisoner has served the minimum period."). *See also* ECHR, *Blackstock v United Kingdom*, 59512/00, Complaint B(2) ("[t]he right set out in Article 5 § 4 is a procedural one and it is for the State to ensure that it will be made effective. The State will be responsible if the review proceedings are not decided "speedily"; and, it is likely that if an independent tribunal has recommended a particular timing for the next review of detention which is not followed by the executive, that that will be a matter which the Court will take into account in deciding whether the review was in fact carried out speedily"). *See also R (James) v Secretary of State for Justice*, [2010] 1 AC 553, where the House of Lords held that Article 5(4) of the European Convention, which is concerned with procedure rather than substance, required parole boards to decide speedily whether the applicant prisoner continued to be lawfully detained.

[17] ECHR, *Kafkaris v. Cyprus* (dec on admissibility), 2011, 9644/09 para 58: "in cases where the grounds justifying the person's deprivation of liberty are susceptible to change with the passage of time, the possibility of recourse to a body satisfying the requirements of Article 5 § 4 of the Convention is required." *See also Wynne v. the United Kingdom (no. 2)*, no. 67385/01, paras 24-27; *Blackstock v United Kingdom*, 59512/00 ("[t]he right set out in Article 5 § 4 is a procedural one and it is for the State to ensure that it will be made effective. The State will be responsible if the review proceedings are not decided "speedily"; and, it is likely that if an independent tribunal has recommended a particular timing for the next review of detention which is not followed by the executive, that that will be a matter which the Court will take into account in deciding whether the review was in fact carried out speedily.")

[18] *See* Article 110(3) ("[w]hen the person has served two thirds of the sentence, or 25 years in the case of life imprisonment, the Court **shall** review the sentence to determine whether it should be reduced") (emphasis added). *See also* Rule 224(1) ("[f]or the application of article 110, paragraph 3, three judges of the Appeals Chamber appointed by that Chamber **shall** conduct a hearing") (emphasis added). *See also* ICC-01/04-01/07-3598, with the Prosecution stating that "the review of a sentence at the two-thirds mark is mandatory."

[19] Article 110(3) reads in pertinent part that the Panel must review the sentence "[w]hen the person has served two-thirds of the sentence".

judicially reviewed and avoiding any appearance of predetermination as concerns the outcome of such a review.[20] The right to an expeditious review process further arises from Article 67(1) of the Statute and the overarching Statutory emphasis on the importance of ensuring the expeditious conduct of judicial proceedings.[21]

13. Mr Al Hassan has also not waived his right to a timely Article 110 review. On the contrary, in his 16 January 2025 filing, Mr Al Hassan requested that the Appeals Chamber "take the necessary steps to compose a panel of three judges to review Mr Al Hassan's sentence",[22] arguing that there existed "no procedural impediment as concerns the commencement of the review process" and that "the existence of a pending appeal […] does not preclude the initiation of the review process and potential release."[23]

14. As of today, Mr Al Hassan has served an additional 104 days since reaching the two-thirds mark. 104 days represents almost 3% of his full ten-year sentence[24] or 4.2% of two-thirds of his sentence. Either way, this is a significant amount, especially in the absence of any legal justification for his continued detention without the mandatory review. While ongoing appellate proceedings does not stay a sentence review under the ICC statutory framework,[25] the Appeals Chamber has, in any event, officially terminated the appellate proceedings in this case.[26] In line with the importance of procedural certainty,[27] Mr Al Hassan has a legitimate expectation that the Panel will take steps to give full effect to the temporal requirements of Article 110.

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[20] *See* Separate Opinion of Judges Morrison and Van den Wyngaert concerning the correlation between lengthy detention and judicial incentive to retrospectively justify the legality of such detention: ICC-01/05-01/08-3636-Anx2, para. 73.
[21] ICC-01/04-01/07-2259, para. 54; ICC-02/04-01/15-1562, para. 2.
[22] ICC-01/12-01/18-2675, para. 1.
[23] ICC-01/12-01/18-2675, para. 5.
[24] The exact percentage is 2.84%.
[25] A Oehmichen, Commentary to Article 110(3) ("[i]n view of the length of proceedings at the international tribunals, especially the ICC, the mandatory review should take place independent of potential appeals. Article 81(3)(a) clarifies that a convicted person shall remain in custody pending appeal unless the time in custody exceeds the sentence of imprisonment imposed. In the latter case, the person shall be released (Article 81(3)(b)). If only the convicted person appeals, and if the review leads to a sentence reduction so that the time in prison exceeds the (reduced) sentence, the prisoner will be released and has the choice whether to wait for the appeals decision which can, in any event, not amend the sentence to his or her detriment […] if the appeal was lodged exclusively or additionally from the side of the OTP, the release may be subject to the conditions set out in Article 81(3)(c))".
[26] ICC-01/12-01/18-2688.
[27] ICC-01/04-02/06-2908-OPI, para. 4.

15. An expedited briefing schedule is now required to alleviate the effects of the delay and to protect the process against any future delays arising from the imminent ICC spring judicial recess, which is set to begin at 17:00 on 17 April 2025 and will not end until 9:00 on 28 April 2025. Judicial activity is suspended, or substantially reduced, during judicial recess; while filings can be received during this period, there is a presumption against hearings.[28] This means that, if a hearing is not scheduled prior to 17 April, it cannot be scheduled, at the very earliest, until the end of April 2025. Given that a sentence review decision is typically issued no less than one month, and up to two months after, the sentence review hearing,[29] a hearing scheduled for the first week of May 2025 would likely engender a decision somewhere between June or July 2025. That would represent a delay of at least seven months, if not more, since Mr Al Hassan reached the two-thirds mark. Assuming that he is found to have satisfied the relevant conditions of Article 110(4) and Rule 223, and was eligible to have been released as of 28 November 2024, this would mean that his detention in the months preceding the Review Panel's decision was devoid a legal basis and was, in practical effect, arbitrary. This delay would also effectively amount to a constructive denial of release on or around the two-thirds release,[30] albeit one that has taken place without first hearing from the convicted person or his Defence. Put simply, further delays cannot be reconciled with the interpretation of the Statute through the lens of human rights law.

16. The aforementioned goal of expedition could be achieved by either restricting submissions to oral arguments to be raised at the Rule 224(1) hearing or by issuing an expedited briefing schedule for written submissions, with the hearing convened shortly thereafter. The Defence observes that in the context of final arguments or sentencing submissions, Chambers have typically scheduled the hearings in very close succession to the submission of briefs, with replies being raised orally at the hearing itself. The parties have been on notice of the need to prepare Article 110 submissions for a considerable period of time and have a professional duty

[28] Reg. 19bis(2), Regulations of the Court ("[u]nless otherwise determined by a Chamber, during the judicial recess hearings shall be limited to urgent issues and time limits shall not be suspended.")
[29] The sentence review hearing in *Katanga* was held on 6 October 2015, and the decision on sentence review was issued on 13 November 2015. In *Lubanga*, the sentence review hearing was held on 21 August 2015, with the decision on sentence review being issued on 22 September 2015. In Al Mahdi, the sentence review hearing was held on 12 October 2021, and the corresponding decision was issued on 25 November 2021.
[30] For delays in adjudicating a matter where the passage of time impacts the defendant's ability to obtain the relief sought, see: ECCC, Case 002, PTC, Decision on Ieng Sary's Appeal regarding the Appointment of a Psychiatric Expert, 21 October 2008. 002/19-09-2007-ECCC/OCIJ (PTC10), paras 22-24.

to prepare their submissions in anticipation of the issuance of the scheduling order and prospective deadlines.

17. An expedited briefing schedule will also ensure that the hearing is conducted in a manner that respects equality of arms and Mr Al Hassan's right to adequate resources to prepare. Following the closure of appellate proceedings, the Defence anticipates that it will shortly proceed to the reparations legal aid allotment, which is comprised of only one 50% Counsel, one Legal Assistant, and one 50% case manager.[31] If the Defence is restricted to this allotment, it will lose the expertise of various team members, which will in turn, impede its ability to respond to specific factual or evidential issues that may be raised by the other parties in written submissions or during the hearing itself. Conversely, neither the Prosecution nor the LRV are impacted or prejudiced by the change in phase. Under the legal aid policy, the LRV are entitled to more resources under the reparations phase.[32] Even if the *Al Hassan* Prosecution team is itself reduced, the Prosecution still retains the ability to call on the factual expertise of team members who may have been assigned to other cases. Since the Defence resource reduction is likely to come into effect in mid-April (assuming a thirty-day notice period), an expedited schedule will ensure that Mr Al Hassan is not disadvantaged procedurally in terms of his ability to present arguments and to be heard in accordance with the same conditions that apply to other parties in this process.

C. The Defence Requests a Staggered Briefing Schedule Consistent with its Right to Have the Last Word

18. While noting that the burden of demonstrating a change in circumstances under Article 110 does not fall on the Defence,[33] the Defence further seeks a staggered briefing schedule, such that its written and/or oral submissions fall due after those of the Registry, LRV and Prosecution, in order to allow the Defence to have the last word on matters concerning Mr Al Hassan's fundamental liberty rights.

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[31] *See* Legal Aid Policy, ICC-ASP/22/9, p. 12.
[32] *See* Legal Aid Policy, ICC-ASP/22/9.
[33] ICC-01/04-01/07-3615, para. 21 ("[w]hile a sentenced person clearly has a strong interest in presenting information sufficient to establish the presence of factors justifying a reduction of his or her sentence, this does not equate to a burden of proof as such"). *See also* ICC-01/04-01/06-3173, para. 32 and fn. 46, noting "that some national jurisdictions similarly do not place a burden of proof upon sentenced persons in their respective early release proceedings."

19. The Court's regulatory framework establishes a general presumption and endorses the principle, in conformity with human rights jurisprudence, that the defence should have the 'last word'[34] where fundamental rights are at stake. Rule 140(2)(d) for example expressly provides that the defence shall have the right to last to examine a witness. Rule 141(2) makes clear that, in the context of closing statements, the defence must always be afforded the opportunity to speak last. In *Said*, Pre-Trial Chamber II referred to Rule 122(b) of the Rules, which requires that an accused be permitted to make observations subsequent to those made by the Prosecution, while the *Lubanga* Chamber naturally extended to written submissions the rule providing that the defence shall be the last to examine a witness, thereby issuing a timetable permitting the defence to file its closing submissions subsequent to those of the Prosecution and Legal Representative for Victims.[35]

20. The ICC Appeals Chamber has specifically recognised the right of an accused to have the last word in interim release applications where liberty rights are specifically at issue. In the context of such an application in *Gbagbo*, the Appeals Chamber noted that the Trial Chamber had properly allowed Mr Gbagbo "to have the last word by availing him of the opportunity to respond to the submissions of the Prosecutor and the victims".[36] In the oral hearing on Ntaganda's fourth review on pre-trial detention, Trial Chamber VI explicitly recognised the Defence's right to the last word.[37] Similarly, in an oral hearing on Bemba's pre-trial detention, Judge Trendafilova repeatedly reiterated the Defence's right to have the first **and** the last word: "[t]he Defence, of course, will always have the last word";[38] "it's quite normal and logical that Mr. Bemba, who is in detention, has first to address the Judge […] [a]nd of course then the floor will be given to the Prosecutor and then [the Defence] will have the last word";[39]and "[t]he Defence team has the last word on any issue that was raised by the Prosecutor during [its] observations."[40]

21. In *Mbarushimana*, Pre-Trial Chamber I explicitly recognised the right of the Defence to reply to "new developments and evidence" referenced by the Prosecution in its response to the

[34] *See* Rule 140(2)(d) and Rule 141(2). *See also* ICC-01/04-01/06-2722, para. 2; ICC-01/04-01/06-T-29- EN, p. 27, lines 16-17; ICC-01/05-01/08-T-13-Red-ENG, pp. 7-8.
[35] ICC-01/04-01/06-2722, para. 2.
[36] ICC-02/11-01/15-208, para. 37.
[37] ICC-01/04-02/06-T-16-ENG, p. 15, line 13 – p. 17, line 5.
[38] ICC-01/05-01/08-T-13-Red-ENG, p. 7, lines 24-25.
[39] ICC-01/05-01/08-T-13-Red-ENG, p. 8, line 24- p. 9, line 4.
[40] ICC-01/05-01/08-T-13-Red-ENG, p. 39, lines 19-20.

Defence's application for interim release.[41] The Prosecution made mention in its responsive submissions of new information not previously included in its arrest warrant, and to which the Defence had not been afforded an opportunity to respond.[42] Indicating that the Defence should be given the opportunity to address these statements before the Chamber made its decision on Mbarushimana's liberty rights, the Chamber endorsed the Defence's argument that "a basic principle of justice [requires] that no person should be judged without being given the opportunity to respond to the evidence against him: '*audi alteram partem'* […] and [that the] Defence [must] be the last party to comment on items of evidence – especially new material which, allegedly, further substantiates a demand for detention."[43]

22. Mr Al Hassan's right to have the last word is further buttressed by the defendant's right to receive, in advance, any evidence or documents, in the possession of the parties and participants, that are related to Defence submissions on release. As underlined by the Appeals Chamber in *Bemba*, pursuant to the application of human rights law, the defendant is entitled to promptly access any information or evidence that may relate to the factual basis for his ongoing detention.[44] It follows that if the Registry, Prosecution or LRV intend to present evidence or factual information related to the Article 110 and Rule 223 criteria, Mr Al Hassan is in turn, entitled to prior notice of such evidence or factual information. A staggered schedule would thus allow Mr Al Hassan to receive the other parties' submissions prior to filing his own, and would allow him to address, prior to the oral hearing, any issues or concerns advanced in those briefs. In doing so, Mr Al Hassan would put the other parties on notice of his positions on their arguments, thereby allowing them to prepare their own replies, if any, prior to the oral hearing.

23. Respecting the Defence's right to have the last word benefits all parties and participants in that it permits the Defence to make meaningful submissions that address the views and positions of the other parties; it allows the parties and participants to be on notice of the complete submissions of the Defence prior to the oral hearing and to prepare accordingly; it ensures all parties and participants are able to formulate the necessary replies to facilitate the Panel's understanding; and it affords the Review Panel the full spectrum of all arguments, responses,

[41] ICC-01/04-01/10-111, pp. 3-4.
[42] ICC-01/04-01/10-101, para. 30.
[43] ICC-01/04-01/10-107, paras 1, 2 (original emphasis omitted).
[44] ICC-01/05-01/08-323 paras 29-33.

and replies prior to, and then *during*, the hearing. In short, this would greatly assist the efficient and expeditious conduct of the proceedings.

IV. RELIEF SOUGHT

24. The Defence hereby respectfully requests that the three judges of the Appeals Chamber appointed for the review concerning reduction of sentence:
    - **ISSUE** an expedited briefing schedule for Mr Al Hassan's Article 110 sentence review;
    - **ORDER** that the Registry, Prosecution, and Legal Representatives file any written submissions in advance of the Defence; and
    - **ORDER** that the oral hearing take place as soon as practicable, but in any event, no later than the commencement of the spring judicial recess.

Melinda Taylor
Lead Counsel for Mr Al Hassan

Dated this 12th day of March 2025
At The Hague, The Netherlands