

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **8 April 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 redacted version of

Decision on procedural matters related to the joint report

with public redacted Annex I

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**

☒ **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 article 75 of the Rome Statute (the ‘Statute’) and regulation 35(2) of the Regulations of the Court (the ‘Regulations’), issues the following ‘Decision on procedural matters related to the joint report’.

I. PROCEDURAL HISTORY

1. On 13 December 2024, the Chamber issued its ‘Order for Submissions on Reparations’¹ (the ‘Order’) in which it noted that ‘outside of the crime of persecution, there are 49 direct victims in this case’.² The Chamber therefore instructed the Legal Representative of Victims (the ‘LRV’), the Office of the Prosecutor (the ‘Prosecution’) and the Registry to provide a joint report, by 14 March 2025, advising on: ‘(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’.³
2. On 13 March 2025, the LRV, the Prosecution and the Registry submitted their ‘Joint Report pursuant to Trial Chamber X’s “Order for Submissions on Reparations” (ICC-01/12-01/18-2666) and request for extension of time’ (the ‘Joint Report’), in which they requested an extension of time to submit a final version of the report.⁴
3. On 14 March 2025, the Registry, through the Victims Participation and Reparations Section (the ‘VPRS’), requested authorisation to provide the Trust Fund for Victims (the ‘TFV’) with access to the confidential redacted version of the Joint Report.⁵
4. On 26 March 2025, the Defence submitted its response to the Joint Report (the ‘Defence Response’).⁶

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

² Order, [ICC-01/12-01/18-2666](#), para. 4.

³ Order, [ICC-01/12-01/18-2666](#), para. 4.

⁴ Joint Report pursuant to Trial Chamber X’s “Order for Submissions on Reparations” (ICC-01/12-01/18-2666) and request for extension of time, ICC-01/12-01/18-2692-Exp (public redacted version filed on 19 March 2025, [ICC-01/12-01/18-2692-Red](#)), para. 22.

⁵ Annex I, email to Trial Chamber X, dated 14 March 2025 (hereinafter: ‘Annex I’).

⁶ Defence response to the Joint Report of the Registry, Prosecution and Legal Representatives of Victims, confidential *ex parte* available to the Defence and VPRS only, ICC-01/12-01/18-2700-Conf-Exp (public redacted version filed the same day, [ICC-01/12-01/18-2700-Red](#)).

II. ANALYSIS

A. The request for an extension of time

5. In the Joint Report, the LRV, the Prosecution and the Registry explain the status of their efforts regarding the identification of the 49 direct victims outside of the crime of persecution, noting that they have identified four victims⁷ and pre-identified 24 others.⁸ The Joint Report further states that there are 21 victims who remain unidentified.⁹ The LRV, the Prosecution and the Registry therefore request an extension of time until 16 May 2025, to confirm the identities of the victims who have been pre-identified and continue their search for the remaining 21 victims.¹⁰
6. In support of their request for an extension, the LRV, the Prosecution and the Registry explain the steps currently being taken to identify the victims and describe the challenges they have faced in doing so.¹¹ In particular, they explain the difficulties associated with verifying the victims' identities;¹² the challenges posed as a result of victims' potential change of residency or contact details considering the time that has elapsed since the crimes took place;¹³ and the tense security situation in the field.¹⁴
7. In the Defence Response, the Defence acknowledges the difficulties associated with identifying the 49 direct victims of the case and submits that the Defence 'remains available to discuss prospective collaborations and agreements that may help reduce the time required to complete the identification process or otherwise alleviate the impact of discrete delays on the overall time table for reparation'.¹⁵
8. Considering the challenges, and the ongoing verification of the 24 pre-identified victims, the Chambers finds that, pursuant to regulation 35(2) of the Regulations, there is a good cause to grant the request of the LRV, the Prosecution and the Registry for an extension of time to file their final Joint Report. The Chamber therefore grants the request for an

⁷ Joint Report, [ICC-01/12-01/18-2692-Red](#), para. 9.

⁸ Joint Report, [ICC-01/12-01/18-2692-Red](#), paras 11-13. The Chamber understands the concept of 'pre-identify' to mean persons who have been identified as potential matches with one of the 49 victims, but whose identities are in the process of being confirmed by the VPRS.

⁹ Joint Report, [ICC-01/12-01/18-2692-Red](#), paras 14-21.

¹⁰ Joint Report, [ICC-01/12-01/18-2692-Red](#), paras 22, 28.

¹¹ Joint Report, [ICC-01/12-01/18-2692-Red](#), paras 15-27.

¹² Joint Report, [ICC-01/12-01/18-2692-Red](#), para. 24.

¹³ Joint Report, [ICC-01/12-01/18-2692-Red](#), para. 25.

¹⁴ Joint Report, [ICC-01/12-01/18-2692-Red](#), para. 26.

¹⁵ Defence Response, [ICC-01/12-01/18-2700-Red](#), paras 9-10.

extension of time until 16 May 2025 to file the final joint report. Consequently, the Defence may provide its response, if any, to the joint report by 16 June 2025.¹⁶ The Chamber notes that the extension of time granted does not affect the other deadlines set out in the Order.¹⁷

B. Request to provide the Trust Fund for Victims with access to the confidential redacted version of the joint report

9. The Registry, through the VPRS, has also requested that the Chamber grant the TFV access to the confidential redacted version of the Joint Report.¹⁸ The Registry submits that the TFV may ‘be able to assist with potential leads’ with respect to identifying the victims.¹⁹
10. Noting the Registry’s submission that providing the TFV with access to the confidential redacted version of the Joint Report may be of assistance in identifying the remaining victims, the Chamber hereby grants the request.

C. Defence request for contact and representation protocol with VPRS

11. In the Defence Response, the Defence submits that [REDACTED]
[REDACTED]
[REDACTED].²⁰ The Defence raises the concern that ‘if initial contacts are conducted by local VPRS intermediaries, [REDACTED]
[REDACTED].’²¹
12. In order to avoid potential conflicts of interest or violations of the contact protocol [REDACTED]
[REDACTED], the Defence ‘seeks the authorisation of the Trial Chamber to devise an agreed contact and representation protocol with the VPRS, which fulfils the dual objectives of facilitating the individuals’ right to participate in the reparations process, while protecting the integrity and confidentiality of Defence investigations and future filings’.²²

¹⁶ This amends the instruction in the Order that the Defence submits its response to the joint report, if any, by 14 April 2025. See Order, [ICC-01/12-01/18-2666](#), p. 6.

¹⁷ Order, [ICC-01/12-01/18-2666](#).

¹⁸ Annex I.

¹⁹ Annex I.

²⁰ Defence Response, ICC-01/12-01/18-2700-Conf-Exp, para. 5.

²¹ Defence Response, ICC-01/12-01/18-2700-Conf-Exp, para. 6.

²² Defence Response, ICC-01/12-01/18-2700-Conf-Exp, para. 7.

13. Having considered the Defence's proposal to establish a contact and representation protocol with the VPRS, the Chamber does not consider such a protocol to be necessary in these circumstances. The Chamber notes that the purpose of a contact protocol is to 'protect the safety of witnesses, victims and other individuals at risk, as well as the integrity of investigations, in a manner consistent with the rights of suspects and accused'.²³ In this instance, the VPRS' contact with victims is limited to confirming their identification and facilitating their participation in the reparations proceedings.²⁴ The Chamber does not consider the process of identification of victims to be an adversarial process, in contrast to proceedings under article 74 of the Statute, which requires a contact protocol. The Chamber further notes that the VPRS is a neutral organ of the Court and a neutral participant in these proceedings. Further, the Chamber notes that [REDACTED] [REDACTED] the process of identification being carried out by the VPRS. As such, the Chamber does not consider it necessary to regulate the [REDACTED] [REDACTED].

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the request for extension of time until 16 May 2025 to file the final version of the Joint Report;

INSTRCTS the Defence to provide its response to the joint report, if any, by 16 June 2025;

GRANTS the request to provide the TFV with access to the confidential redacted version of the Joint Report; and

REJECTS the Defence's request for a contact and representation protocol with the VPRS.

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

²³ Annex 2 - Protocol on the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant, 19 March 2020, [ICC-01/12-01/18-674-Anx2](#).

²⁴ Order, [ICC-01/12-01/18-2666](#), para. 4.



Judge Kimberly Prost
Presiding Judge



Judge María del Socorro Flores Liera



Judge Keebong Paek

Dated this 8 April 2025

At The Hague, The Netherlands