

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: *English*

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

Date: 10 April 2025

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

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding
Judge Gocha Lordkipanidze
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

**Addendum to “Registrar’s observations on the criteria set out in rule 223 (a) to (c)
of the Rules of Procedure and Evidence”, 3 April 2025, ICC-01/12-01/18-2702**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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☒ **Counsel for the Defence**

D28 Al Hassan Defence Team

☒ **Legal Representatives of the Victims**

V43 Victim Team

☐ **Legal Representatives of the**

Applicants

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants**

(Participation/Reparation)

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

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REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☒ **Detention Section**

☒ **Victims Participation and
Reparations Section**

☒ **Other**

The Presidency

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I. Introduction

1. In its “Order setting the timetable regarding the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”¹ (“Order” and “Mr Al Hassan”, respectively) the three judges of the Appeals Chamber (“Appeals Chamber”) appointed for the review concerning the reduction of the sentence of Mr Al Hassan requested the Registrar to file written observations on the criteria set out in rule 223(a) to (e) of the Rules of Procedure and Evidence (“Rules”) by 3 April 2025 and to consult as necessary with any states considered to have potentially relevant information in relation to these criteria.²
2. Accordingly, on 3 April 2025, the Registry submitted to the Appeals Chamber the “Registrar’s observations on the criteria set out in rule 223 (a) to (c) of the Rules of Procedure and Evidence” (“Registrar’s Observations”).³
3. Following a consultation between the Registry and the Defence for Mr Al Hassan on 8 April 2025, at the request of the latter, the Registry hereby submits an addendum to the Registrar’s Observations to provide further clarification regarding rule 223 of the Rules.⁴

II. Applicable Law

4. The following provisions are of particular relevance to the present observations: article 110 of the Rome Statute, and rules 223 and 224 of the Rules.

¹ Three Judges of the Appeals Chamber appointed for the review concerning reduction of sentence, “Order setting the timetable regarding the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 20 March 2025, ICC-01/12-01/18-2698.

² *Ibid.*, para.1.

³ Registry, “Registrar’s observations on the criteria set out in rule 223 (a) to (c) of the Rules of Procedure and Evidence”, 3 April 2025, ICC-01/12-01/18-2702 (“Registrar’s Observations”).

⁴ Registry Observations, para.20.

III. Submissions

5. In its submissions, the Registry observed that, “Mr Al Hassan has been generally cooperative with staff throughout his time in the ICC Detention Centre. Nevertheless, it regularly occurred that his comments and behavior caused friction between groups of detained persons or between detained persons and staff”.⁵
6. In order to assist the Chamber with further information, the Chief Custody Officer (acting) (“ACCO”) provides the following additional context.
7. The ACCO confirms that Mr Al Hassan does not have any disciplinary incidents on his record. In order to clarify, not all behavioral interactions in a detention environment rise to the level of leading to disciplinary matters, which are governed by section 4 of the RoR. However, in a custodial setting, some friction and tension are a normal part of life.
8. Mr Al Hassan has been in custody for 7 years at the ICC-DC, and it is customary in a detention environment for management and staff to make behavioral observations during the time of detention. It was in this context that the ACCO observations were made and are not to be construed as Mr Al Hassan having disregard for authority. In this regard, it can be said that Mr Al Hassan respects the authority of custodial staff and has had good relations with them over the years. This was reflected in the Registrar’s Observations stating that his interaction ‘with other detained persons, staff, and custody officers in detention does not suggest any impediments to his resocialization’.⁶
9. In addition, these types of behavioral and conduct observations would not be contained in Mr Al Hassan’s detention record, which is governed by regulation

⁵ *Id.*

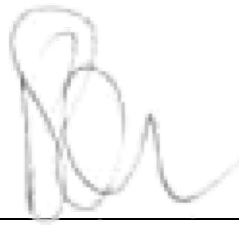
⁶ Registry Observations, para. 11.

189 of the Regulations of the Registry, and includes information such as, *inter alia*, identifying information, arrest warrant, restrictions on contact, telephone and visit records. Rather, behavioral and conduct observations are only that, one-sided observations, not subject to formal procedures, made over time, based on experience of detention staff and management.

10. The Registry further confirms that Mr Al Hassan maintained good contact with his family throughout his detention and it was evident that these relationships were very important to him.

11. Finally, according to the information available to the Registry, Mr Al Hassan was born on 19 September 1977, making him 47 years old. The Registry also observes that, should the Chamber require information as to Mr Al Hassan's health status, the Registry would recommend that a medical report be requested, with the consent of Mr Al Hassan, following the procedures established in the RoR.

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Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 10 April 2025

At The Hague, The Netherlands