

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **22 April 2025**

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

**Defence Request for Extension of Page Limit for its Article 110 Observations on
Sentence Review**

Source: 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**

☒ **Counsel for the Defence**

Al Hassan Defence Team

☒ **Legal Representatives of the Victims**
V43

☐ **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**

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☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations Section**

☐ **Other Section**

I. INTRODUCTION

1. The Defence for Mr Al Hassan Ag Abdoul Aziz (“the Defence”) respectfully requests the Review Panel to grant a page limit extension from 15 pages¹ to 20 pages, for its Observations pursuant to Article 110 and Rule 223.
2. The Defence considers that there are exceptional circumstances which warrant the extension of page limit pursuant to Regulation 37(2) of the Regulations of the court, namely to allow the Defence to address in a comprehensive way (i) the Registry’s observations, comprising one main filing, an annex and an addendum,² containing substantial factual details directly impacting on Mr Al Hassan that could not be anticipated earlier or factored in the Defence submissions; (ii) the Observations from the Malian authorities, which also touch directly on Mr Al Hassan’s rights, necessitating a substantive response. These new elements warrant a page extension to enable the Defence to present all relevant arguments to the review of the reduction of Mr Al Hassan’s sentence. Considering that standard submissions are 20 pages,³ a request for an additional 5 pages is reasonable.
3. The Defence has informed the Office of the Prosecution and the Legal Representative of Victims and sought their views on 17 April 2025. Both confirm that they do not oppose the Defence’s request.

II. SUBMISSIONS

4. The Defence received the Registry Report in accordance with Article 110 and Rule 223 on 3 April 2025 (9 pages including cover page),⁴ an addendum on 10 April (5 pages including cover page), and the reclassified *ex parte* Annex on 14 April 2025 (12 pages including cover page).⁵ On 17 April 2025, having been granted an extension of time, Mali filed its observations (3 pages single space equating to 6 pages). Since the views of Mali, which were never expressed previously to the Defence, were only received on 17 April 2025 at 15h 11, the Defence is bringing this application at the earliest point possible.

¹ ICC-01/12-01/18-2698.

² ICC-01/12-01/18-2702.

³ Regulations of the Court, Regulation 37(1).

⁴ ICC-01/12-01/18-2702

⁵ ICC-01/12-01/18-2709-Conf-Exp-Red

5. The observations from the Registry and Mali encompass a range of different factual issues, including the political and security situation in Mali, threats to Mr Al Hassan, domestic sentencing guidelines and precedent, and detention conduct. The Defence took the time to assess the content of those submissions and concluded that, considering the substantial factual details contained in those submissions, the Defence will need to address these elements more in depth.

6. In granting the Defence additional time to file its observations *after* the submission of those of the Mali and the Registry's *ex parte* annex, the Panel first, accepted that the contents of these submissions were relevant to the future Defence observations⁶ and second, that the Defence would need to have a sufficient opportunity to incorporate potential responses into its observations. However, the Defence is not in a position to meaningfully address either the additional elements arising from the Registry report, addendum and annex or the views of Mali within the 15 pages allocated for the Defence's Article 110 Observations, especially regarding the personal circumstances of Mr Al Hassan and the security situation in Mali. These are complex issues that have a direct impact on Mr Al Hassan and which require precise explanations to ensure that the Panel can reach its determination on the basis of all relevant information.

7. The current application is consistent with ICC precedent concerning Article 110 proceedings. For example, Mr Katanga was granted an extension of pages for a total of 20 pages, in addition to a hearing.⁷ Mr Katanga requested additional pages few days after receiving the Registry's observations and argued, notably, that additional pages were necessary to respond to the Registry's Observations.

8. Considering that there might not be a hearing held in the case of Mr Al Hassan, since he has requested his proceedings to be as expedited as possible and does not wish to delay more the issuance of a decision on his request,⁸ the need for sufficient pages to ensure clear and comprehensive argument is of heightened importance.

⁶ See for example, [ICC-01/12-01/18-2706](#), para 9: "the information contained in this annex appears to be relevant to the submissions to be provided by the Defence, the Prosecutor, and the LRVs."

⁷ *Katanga*, ICC-01/04-01/07-3590.

⁸ ICC-01/12-01/18-2690.

9. The legal framework of the Court stipulates that submissions to be filed with the Registry shall not exceed 20 pages, unless otherwise provided. The Defence is of the view that it would therefore not be unreasonable to grant an extension of 5 pages, and it will ensure that the Defence can present all arguments in a complete and considered manner for a proper adjudication by the Review Panel.

III. **RELIEF SOUGHT**

10. For the reasons set out above, the Defence for Mr Al Hassan respectfully requests the Review Panel to:

- **GRANT** a page limit extension from 15 pages to 20 pages for the Defence Observations under Article 110 and Rule 223.



Melinda Taylor
Lead Counsel for Mr Al Hassan

Dated this 22nd day of April 2025
At The Hague, The Netherlands