

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **5 June 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 the LRV's submissions on a potential conflict of interest

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 Case

☐ **Legal Representatives of the Applicants**

☒ **Unrepresented victims**

☐ **Unrepresented Applicants**

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

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

☐ **Trust Fund for Victims**

☐ **Amicus Curiae**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and
Reparations Section**

☐ **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* (the ‘Al Hassan case’), having regard to articles 68 and 75 of the Rome Statute; rule 90 of the Rule of Procedure and Evidence (the ‘Rules’); regulations 80 and 81 of the Regulations of the Court (the ‘Regulations’); regulation 112 of the Regulations of the Registry; and article 16 of the Code of Professional Conduct for counsel (the ‘Code’), issues the following ‘Decision on the LRV’s submissions on a potential conflict of interest’.

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 2 May 2025, the LRV submitted its ‘Observations des Représentants légaux des victimes relatives à l’exercice de son mandat et demande d’extension de pages’ (the ‘LRV’s First Submissions’),⁴ in which it, *inter alia*, alleged that there was a conflict of interest in the LRV representing victims who had agreed to be witnesses for the Defence in the ongoing early release proceedings pursuant to article 110 of the Rome Statute (the ‘article 110 proceeding’).⁵
3. On 13 May 2025, the Chamber issued its ‘Decision on the ‘LRV’s Observations on the exercise of their mandate and request of extension of pages’, in which it, *inter alia*,

¹ Order, [ICC-01/12-01/18-2666](#), para. 4.

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

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

⁴ LRV’s First Submissions, ICC-01/12-01/18-2721-Conf, (public redacted version filed on 2 May 2025, [ICC-01/12-01/18-2721-Red](#)).

⁵ LRV’s First Submissions, [ICC-01/12-01/18-2721-Red](#), para. 21.

instructed the LRV ‘to provide further details as to the nature of the alleged conflict of interest’ perceived by the LRV.⁶

4. On 16 May 2025, the LRV submitted its ‘Observations déposées en exécution de la Décision intitulée “Decision on the ‘LRV’s Observations on the exercice of their mandate and request of extension of pages”(ICC-01/12-01/18-2723)’ (the ‘LRV’s Second Submissions’).⁷
5. On 19 May 2025, the Chamber issued a decision shortening the deadline to file responses to the LRV’s filing and inviting the Office of Public Counsel for Victims (the ‘OPCV’) to file observations to the LRV’s submissions.⁸
6. On 23 May 2025, the Defence submitted its ‘Defence response to the LRV Second Submissions on the exercice of their mandate and request of extension of pages (ICC-01/12-01/18-2724-Conf)’ (the ‘Defence’s Response’), in response to the LRV’s submissions.⁹
7. On 23 May 2025, the OPCV filed its ‘OPCV Submissions on the “Observations déposées en exécution de la Décision intitulée Decision on the LRV’s Observations on the exercice (sic) of their mandate and request of extension of pages (ICC-01/12-01/18-2723) (No. ICC-01/12-01/18-2724-Red)”’ (the ‘OPCV’s Response’), in response to the LRV’s submissions.¹⁰

II. The LRV’s observations on the potential conflict of interest

8. In its First Submissions, the LRV alerted the Chamber to a potential conflict of interest were the LRV to represent victims who are witnesses for the Defence in the ongoing article 110 proceeding in addition with the other victims of Mr Al Hassan.¹¹ In that context, [REDACTED]

⁶ Decision on the ‘LRV’s Observations on the exercice of their mandate and request of extension of pages, 13 May 2025, ICC-01/12-01/18-2723-Conf (public redacted version filed on the same date, [ICC-01/12-01/18-2723-Red](#)), para. 12.

⁷ LRV’s Second Submissions, ICC-01/12-01/18-2724-Conf, (public redacted version filed on the same date [ICC-01/12-01/18-2724-Red](#)).

⁸ Email from the Chamber, 19 May 2025, at 16:30 titled ‘Decision shortening the response deadline for the LRV’s filing (ICC-01/12-01/18-2724-Conf),’ sent to the parties and participants and the Principal Counsel of the OPCV.

⁹ Defence Response, ICC-01/12-01/18-2727-Conf.

¹⁰ OPCV Response, ICC-01/12-01/18-2726-Conf.

¹¹ LRV’s First Submissions, [ICC-01/12-01/18-2721-Red](#), para. 18.

[REDACTED]
[REDACTED]¹²

9. In its Second Submissions, the LRV provides further information as to the alleged conflict of interest.¹³ The LRV states that he would not be in a position to represent any victims acting as Defence witnesses in the article 110 proceedings for the following reasons: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]¹⁷

10. Further, the LRV requests that the Chamber mandate that during the process of identifying the 49 victims, the VPRS, or the LRV, should inform the victims that have agreed to be witnesses for the Defence in the article 110 proceedings (hereinafter ‘the relevant victims’), [REDACTED]

[REDACTED]¹⁸

11. Finally, the LRV requests that the Chamber [REDACTED]

[REDACTED]
[REDACTED]²⁰

¹² LRV’s First Submissions, [ICC-01/12-01/18-2721-Red](#), para. 21.

¹³ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#).

¹⁴ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 22 [underline added in the original] [non-official translation].

¹⁵ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 22 [non-official translation].

¹⁶ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 22 [non-official translation].

¹⁷ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 24.

¹⁸ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 24.

¹⁹ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 24.

²⁰ LRV’s Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 24.

III. Defence response and OPCV submissions

12. In its response to the LRV's submissions, the Defence states that the question of the potential conflict of interest is an issue that refers to the mandate of the LRV, therefore, the Defence takes no position on this matter.²¹

13. The Defence further [REDACTED]
[REDACTED]²²

14. The OPCV states in its observations that it does not take any position regarding the potential conflict of interest alleged by the LRV.²³ The OPCV further observes that [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]²⁵

15. Nonetheless, the OPCV alerts the Chamber that, [REDACTED]
[REDACTED]
[REDACTED]²⁶

IV. Analysis

A. The existence of a potential conflict of interest

16. At the outset, the Chamber notes that the LRV does not currently represent the relevant victims. There is no assertion by the LRV that the alleged conflict of interest is demonstrated by differing opinions or positions expressed by two groups of victims,²⁷ rather, the LRV argues that there is a conflict inherent in the LRV's potential

²¹ Defence Response, ICC-01/12-01/18-2727-Conf, para. 9.

²² Defence Response, ICC-01/12-01/18-2727-Conf, para. 13.

²³ OPCV Response, ICC-01/12-01/18-2726-Conf, para. 5.

²⁴ OPCV Response, ICC-01/12-01/18-2726-Conf, para. 7.

²⁵ OPCV Response, ICC-01/12-01/18-2726-Conf, para. 8.

²⁶ OPCV Response, ICC-01/12-01/18-2726-Conf, para 9.

²⁷ Such a conflict is contemplated by article 16(2) of the Code, which entrust to the counsel the duty to 'ensure a fair representation of the different yet consistent positions of his or her clients'.

representation of a group of unrepresented victims who have agreed to testify for the Defence in a parallel proceeding in the *Al Hassan* case.

17. The Chamber has previously noted that the reparations proceedings and the article 110 proceedings are different proceedings which are not necessarily incompatible in nature.²⁸ The Chamber sees no inherent irreconcilable interests between the relevant victims and the other victims for reparations purposes.
18. The Chamber further notes that the LRV's allegation as to a [REDACTED] between the victims, is not sustained by any concrete disparity in the victims' positions in the reparations proceedings, but rather by the LRV's conjecture as to the possible perception of the majority of victims, if the LRV was to also represent other victims that will testify for the Defence.²⁹
19. As a consequence, the Chamber is not convinced that the simple fact that some victims may act as witnesses for the Defence in the article 110 proceedings renders the interests of these victims incompatible or irreconcilable with the other victims of Mr Al Hassan or poses a 'significant risk of future conflict' in the reparations proceedings.³⁰ The Chamber, therefore, rejects the LRV's request to recognise the existence of a conflict of interest in the present situation.

B. The appointment [REDACTED]

20. The Chamber notes that the LRV [REDACTED]
[REDACTED]³¹
21. The Chamber further notes that, despite the Chamber's view that there is no inherent conflict of interest, [REDACTED].
22. Further, the Chamber recalls that, in line with articles 68 and 75(3) of the Statute and rule 86 of the Rules, the Order stated that 'every effort should be made to ensure [that the] views [of the victims] are duly considered during the reparations proceedings'.³² The

²⁸ Decision on procedural matters related to the joint report, [ICC-01/12-01/18-2703-Red](#), para. 13.

²⁹ LRV's Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 22 [non-official translation].

³⁰ LRV's Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 19.

³¹ LRV's First Submissions, [ICC-01/12-01/18-2721-Red](#), para. 21; LRV's Second Submissions, [ICC-01/12-01/18-2724-Red](#), para. 22.

³² Order, [ICC-01/12-01/18-2666](#), para. 4.

Chamber further recalls the established Principle on Reparations to apply a ‘victim-centred’ approach to reparations,³³ which requires ‘full and meaningful consultation and engagement with victims’³⁴ and the ability for victims to ‘participate throughout the reparations process, and receive adequate support in order to make their participation substantive and effective’.³⁵

23. Considering the above, and [REDACTED]

[REDACTED]

24. The Chamber notes the OPCV’s submissions [REDACTED]

[REDACTED]

25. [REDACTED]

[REDACTED]

³³ *Prosecutor v. Thomas Lubanga Dyilo*, Annex A to the ‘Judgment on the appeals against the ‘Decision establishing the principles and procedures to be applied to reparations’ of 7 August 2012, ICC-01/04-01/06-3129’, 3 March 2025, [ICC-01/04-01/06-3129-AnxA](#), para. 29; *The Prosecutor v. Bosco Ntaganda*, Reparations Order (‘Ntaganda Reparations Order’), 8 March 2021, [ICC-01/04-02/06-2659](#), paras 45-49; *The Prosecutor v. Dominic Ongwen*, Reparations Order (‘Ongwen Reparations Order’), 28 February 2024, [ICC-02/04-01/15-2074](#), paras 57, 71(iv).

³⁴ Ntaganda Reparations Order, [ICC-01/04-02/06-2659](#), para 45.

³⁵ Ntaganda Reparations Order, [ICC-01/04-02/06-2659](#), para 46.

³⁶ OPCV Response, ICC-01/12-01/18-2726-Conf, para 9.

26. The Chamber instructs the VPRS, or the LRV, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED].

27. The Chamber recalls that submissions on reparations are to be filed on 16 June 2025.³⁷ [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

REJECTS the LRV's request for the recognition of a conflict of interest;

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

DIRECTS the Defence and the OPCV to either file a public redacted version of their underlying submissions or to request its reclassification as public.

³⁷ Order, [ICC-01/12-01/18-2666](#), p. 6.

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 5 June 2025

At The Hague, The Netherlands