

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 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

Public Redacted Version of ‘Defence response to the LRV second observations on the exercise of their mandate and request of extension of pages (ICC-01/12-01/18-2724-Conf)’, 23 May 2025, ICC-01/12-01/18-2727-Conf

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

☐ Amicus Curiae

REGISTRY

Registrar

Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Procedural history

1. On 2 May 2025, the Legal Representative of Victims (the “LRV”) submitted a filing to Trial Chamber X (the “Chamber”) concerning a potential conflict of interest.¹
2. Subsequently, on 13 May 2025, the Chamber issued a decision requesting the LRV to clarify the nature of the alleged conflict.² In response, the LRV submitted the requested clarification on 16 May 2025.
3. On 20 May 2025, the Chamber directed both the Defence and the Prosecution (“the OTP”) to provide their responses to the LRV submissions by 23 May 2025. Additionally, the Chamber invited the Office of Public Counsel for Victims (the “OPCV”) to submit its observations by the same deadline.³
4. The Defence for Mr Al Hassan (the “Defence”) hereby submits its response in accordance with the Chamber’s instructions.

II. Classification

5. The Defence has filed its response as confidential, consistent with the classification level designated by the Legal Representatives and due to the inclusion of operational and security-related information. Nonetheless, the Defence will prepare and submit a public redacted version at the earliest opportunity.

III. Submissions

6. The Defence submits that there is no rule prohibiting an individual from participating both as a witness and as a victim. While dual status typically applies to individuals testifying as

¹ See the “*Observations des Représentants légaux des victimes relatives à l’exercice de son mandat et demande d’extension de pages*”, No. ICC-01/12-01/18-2721-Conf and No. ICC-01/12-01/18-2721-Red, 2 May 2025, paras. 18-21.

² See the “*Observations déposées en exécution de la Décision intitulée ‘Decision on the ‘LRV’s Observations on the exercise (sic) of their mandate and request of extension of pages’ (ICC-01/12-01/18-2723)’*”, No. ICC-01/12-01/18-2724-Conf and No. ICC-01/12-01/18-2724-Red, 16 May 2025.

³ See Trial Chamber X’s email dated 19 May 2025 at 16:30 entitled “Decision shortening the response deadline for the LRV’s filing (ICC-01/12-01/18-2724-Conf)” addressed to the parties and participants and Counsel of the OPCV.

Prosecution witnesses, the principle that dual status is permissible applies equally to individuals appearing as witnesses for the Defence.

7. In *Katanga*, the Trial Chamber found that grounds to terminate a representation agreement existed where Counsel did not possess the means to contact the individual, through intermediaries used by Counsel.⁴ Further, the existence of contrary interests between victims could also give rise to a conflict.⁵
8. As concerns issues of contact, the individuals may have a different protection profile and language requirements than other victims. Two of the individuals have expressed specific security concerns [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
9. The existence of a conflict due to the adoption of a specific position may depend on the question as to whether the role of the LRV in this specific process is to represent a specific position (shared by their clients) or to represent the views and concerns of their client, which may or may not be shared. Since this question concerns the mandate of the LRV, the Defence takes no position on this broader question.
10. The individuals in question have expressed a wish for legal representation and further expressed their support for the reparations process, which Mr Al Hassan also supports. Their position as concerns the reparations process thus appears consistent with the position adopted by the LRV thus far.
11. As concerns the question as to Mr Al Hassan's apology and pending proceedings concerning early release, at this point, it is not certain as to whether a hearing will be organised and whether it will have evidential components. The Defence cannot rule out the possibility that it may need to contact these individuals in relation to such.
12. Following discussions with the LRV, the Defence waited to receive the joint VPRS-OTP-LRV report before taking any steps to assist VPRS to identify listed victims. Having received the report, the Defence believes that there may be other unidentified individuals

⁴ ICC-01/04-01/07-1554-tENG, para. 10.

⁵ ICC-01/04-01/07-1554-tENG, para. 8.

that it can help VPRS locate. [REDACTED] who share a similar profile to the others identified by the Defence.

13. The Defence otherwise defers to the Trial Chamber as concerns the timing and modalities of legal representation for such individuals.



Melinda Taylor
Lead Counsel for Mr Al Hassan

Dated this 13 day of June 2025

At The Hague, The Netherlands