

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **26 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

Decision on the Second Joint Report

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**

☒ **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’), issues the following ‘Decision on the Second 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 Representatives 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)⁴ and request for extension of time’ (the ‘Joint Report’), in which they, *inter alia*, provided preliminary information on the state of the identification process⁵ and requested an extension of time to submit a final version of the report.⁶
3. On 8 April 2025, the Chamber issued its ‘Decision on procedural matters related to the joint report’,⁷ in which it, *inter alia*, granted the extension of time to file the final Joint Report.⁸
4. On 16 May 2025, the LRV, the Prosecution and the Registry submitted their ‘Second Joint Report pursuant to the Chamber’s “Order for Submissions on Reparations” (ICC-01/12-

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, ICC-01/12-01/18-2692-Conf-Exp (public redacted version filed on 19 March 2025, [ICC-01/12-01/18-2692-Red](#)).

⁵ Joint Report, [ICC-01/12-01/18-2692-Red](#), paras 9-14.

⁶ Joint Report [ICC-01/12-01/18-2692-Red](#), paras 22-30.

⁷ Decision on procedural matters related to the joint report with public redacted Annex I, ICC-01/12-01/18-2703-Conf-Exp (a public redacted version of the decision was filed on the same date, [ICC-01/12-01/18-2703-Red](#)) (hereafter: ‘Decision on procedural matters’).

⁸ Decision on procedural matters, [ICC-01/12-01/18-2703-Red](#), paras 8, 10.

01/18-2666)' (the 'Second Joint Report').⁹ The Second Joint Report outlines that out of the 49 victims: (i) 27 victims have been identified and consulted both on their legal representation and on reparations; (ii) 10 victims have been pre-identified and are under further verification; (iii) 12 victims have not yet been identified.¹⁰ The Second Joint Report states that the LRV, the Prosecution and the Registry have done their utmost to finalise the identification process within the extended deadline granted by the Chamber,¹¹ but have yet to complete this process.¹² For that reason, the LRV, the Prosecution, and the Registry propose to continue with attempts to identify the remaining persons in the upcoming months and to report any updates to the Chamber in another six months, or when the identification of all the 49 victims is completed, whichever event occurs first.¹³

5. The Chamber commends the LRV, the Prosecution and the Registry for their joint effort in the identification process of these 49 victims, for the effective identification of 27 of the victims and the pre-identification of ten other victims whose identities and narratives are still under verification.¹⁴
6. The Chamber notes the proposal of the LRV, the Prosecution and the Registry to continue with the identification process with the intention to identify all of the 49 victims or the majority of them possible, and acknowledges the sincere interest of the parties and participants to complete the identification process as the Chamber instructed.¹⁵ However, the Chamber recalls that the instruction given to the LRV, the Prosecution and the Registry to identify the 49 victims was aimed at ensuring that the victims' views were duly considered during the reparations proceedings.¹⁶ Thus, considering that the parties and participants have submitted their main observations on reparations on 16 June 2025, the Chamber considers that the submission of an additional joint report on victims' identification is no longer

⁹ Second Joint Report, ICC-01/12-01/18-2725-Conf-Exp (a public redacted version of the decision was filed on the same date, [ICC-01/12-01/18-2725-Red](#)).

¹⁰ Second Joint Report, [ICC-01/12-01/18-2725-Red](#), para. 15.

¹¹ Second Joint Report, [ICC-01/12-01/18-2725-Red](#), para. 20.

¹² Second Joint Report, [ICC-01/12-01/18-2725-Red](#), para. 20.

¹³ Second Joint Report, [ICC-01/12-01/18-2725-Red](#), para. 21.

¹⁴ Second Joint Report, [ICC-01/12-01/18-2725-Red](#), para. 15.

¹⁵ Second Joint Report, [ICC-01/12-01/18-2725-Red](#), para. 21.

¹⁶ See, Order, [ICC-01/12-01/18-2666](#), para. 4. See also, on the Principle on Reparations of a 'victim-centred' approach to reparations, The Appeals Chamber, *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; Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), paras 45-49; Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Reparations Order, 28 February 2024, [ICC-02/04-01/15-2074](#), paras 57, 71(iv).

necessary at this stage of proceedings and, therefore, rejects the LRV, the Prosecution and the Registry request. Nonetheless, the Chamber notes that the Registry may continue with the identification process as an advance step to any administrative eligibility process for the purposes of the implementation of the eventual reparations order and encourages the LRV and the Prosecution to continue to collaborate with the Registry, and to share with it any relevant information about the unidentified victims they may have and that could be helpful for the Registry's identification process.

7. Finally, the Chamber recalls that, at this stage of the proceedings, any of the 49 victims newly identified by the Registry should be informed of their right to be represented by the LRV, or by the Office of Public Counsel of Victims.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

REJECTS the Prosecution, the Legal Representatives of Victims and the Registry request to continue their attempts to identify the remaining victims for the purpose to fulfil the task instructed to them in the Order; and

INSTRUCTS the Registry that it may continue with the identification process.

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 26 June 2025

At The Hague, The Netherlands