



Original: **French**

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

Date: **19 March 2025**

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

Before: Judge Luz del Carmen Ibáñez Carranza
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 Document

**Response of the Legal Representatives of Victims to the “Request for an expedited
and staggered briefing schedule for the Article 110 sentence review” (ICC-01/12-
01/18-2690)**

Source: [Legal Representatives of Victims]

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☐ Unrepresented Applicants for
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☐ Office of Public Counsel for Victims

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Reparations Section

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I. INTRODUCTION

1. The Legal Representatives of Victims (“LRVs”) hereby respond to the Defence’s “Request for an expedited and staggered briefing schedule for the Article 110 sentence review”.¹

II. PROCEDURAL HISTORY

2. On 20 November 2024, Trial Chamber X sentenced Mr Al Hassan to 10 years’ imprisonment and specified that the time spent in detention from 28 March 2018 to 20 November 2024 was to be deducted from his sentence.² On 18 December 2024, the Office of the Prosecutor and the Defence both confirmed that they did not intend to appeal the sentence. Both parties also filed their notices of discontinuance of appeal against the Trial Judgment.
3. As of 28 November 2024, Mr Al Hassan has served two thirds of his sentence.³
4. On 4 February 2025, the Appeals Chamber, including Judge Akane, constituted a panel of three judges for the proceedings under article 110 of the Rome Statute.⁴ Judges Ibáñez Carranza and Bossa dissented, arguing that the composition decision was illegal because of the participation of Judge Akane, who had also sat as a member of Trial Chamber X during Mr Al Hassan’s trial and sentencing.⁵ Judges Ibáñez Carranza and Bossa further considered that the panel ought not to have been constituted until after the conclusion of the appeal proceedings.⁶

¹ Defence, “Request for an expedited and staggered briefing schedule for the Articles 110 sentence review”, 12 March 2025, ICC-01/12-01/18-2690.

² Trial Chamber X, “Sentencing Judgement”, 20 November 2024, ICC-01/12-01/18-2662.

³ Appeals Chamber, “Decisions appointing three judges of the Appeals Chamber for the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 4 February 2025, ICC-01/12-01/18-2678.

⁴ *Ibid.*

⁵ Trial Chamber X, “Sentencing Judgement”, 20 November 2024, ICC-01/12-01/18-2662.

⁶ “Joint dissenting opinion of Judge Luz del Carmen Ibáñez Carranza and Judge Solomy Balungi Bossa”, 4 February 2025, ICC-01/12-01/18-2678-OPI.

5. On 12 March 2025, the Defence filed a “Request for an expedited and staggered briefing schedule for the Article 110 sentence review”, requesting that the panel of judges appointed for the review concerning reduction of sentence of Mr Al Hassan issue an expedited schedule for the article 110 sentence review; order the Registry, the Prosecution and the LRVs to file their written submissions in advance of the Defence; and order that the oral hearing take place as soon as practicable and in any event before the commencement of the spring judicial recess.⁷
6. On 14 March 2025, the Office of the Prosecutor deferred to the discretion of the Panel of the Appeals Chamber.⁸
7. On 17 March 2025, the Appeals Chamber appointed Judge Luz del Carmen Ibáñez Carranza, Judge Gocha Lordkipanidze and Judge Erdenebalsuren Damdin to the panel tasked with the review concerning reduction of Mr Al Hassan’s sentence.⁹
8. The LRVs hereby present their observations on the Defence’s request.

III. SUBMISSIONS

9. The LRVs recognize the automatic entitlement to a review concerning reduction of sentence once a sentenced person has served two thirds of his or her sentence, pursuant to article 110(3) of the Rome Statute.
10. They also recognize the importance of having such a review within a reasonable time – all the more so as Mr Al Hassan has served two thirds of his sentence as of

⁷ Defence, “Request for an expedited and staggered briefing schedule for the Articles 110 sentence review”, 12 March 2025, ICC-01/12-01/18-2690.

⁸ OTP, “Prosecution response to Defence ‘Request for an expedited and staggered briefing schedule for the Article 110 sentence review’”, 14 March 2025, ICC-01/12-01/18-2693.

⁹ Appeals Chamber, “Second decision appointing three judges of the Appeals Chamber for the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 17 March 2025, ICC-01/12-01/18-2695.

28 November 2024 – in accordance with internationally recognized human rights and article 21(3) of the Rome Statute.

11. The LRVs are, however, of the view that the Defence's stated aim of expeditiousness and equality of arms must not interfere with the rights of the victims to make observations during the review concerning reduction of sentence, as provided by rule 224(1) of the Rules of Procedure and Evidence.
12. Pursuant to the above rule and as part of the review concerning reduction of sentence of Mr Al Hassan, the LRVs will make written observations on the criteria under article 110 of the Rome Statute and rule 223 of the Rules of Procedure and Evidence, in particular subparagraph (d) thereof, which pertains directly to the interests of the victims.
13. They therefore wish to be afforded reasonable time to make their observations after having had the opportunity to consult with the victims. Such a process is fundamental to assessing the impact of Mr Al Hassan's early release on the victims and their families, minimizing frustration for the victims and paving the way for reconciliation efforts.
14. Accordingly, in their opinion, it may be premature and contrary to the interests of the victims to schedule the hearing before the spring recess.
15. The LRVs respectfully request that, when considering the schedule for submissions, the Chamber take into account the number of participating victims, the facts on the ground and the difficulties involved in gaining access to the victims. They also wish to highlight the impact which the discontinuance of the appeals has had on the victims' trust in the ongoing judicial processes and the need for the LRVs to approach the matter with due tact, something which cannot be done in a compressed time frame.

16. Lastly, the LRVs do not object to the Defence's having the last word.

17. In all other respects, the LRVs defer to the discretion of the Chamber.

For these reasons,

May it please the Appeals Chamber to entertain this response.

[signed]

Mr Seydou Doumbia

[signed]

Mr Fidel Nsita Luvengika

[signed]

Mr Mayombo Kassongo

Legal Representatives of Victims

Dated this 19 March 2025

At Bamako, Charleroi and Kinshasa