

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 July 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

Urgent Defence request for suspension of deadline

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

1. The Defence for Mr Al Hassan respectfully requests the Panel of Judges appointed for the purpose of Article 110 ('the Panel') to suspend the deadline for an application for leave to appeal (and responses) of the Decision on Early Release ('the Decision').¹
2. ICC precedent recognizes that while Regulation 35 of the Regulation of the Court does not apply to deadlines established under the Rules of Procedure and Evidence, Chambers possess the inherent power to suspend the effective date of notification of decisions, thus suspending in turn, the subsequent deadline for filing applications or responses.²
3. There is good cause to suspend the effective date of notification and thus the Rule 155 deadline for an Article 82(1)(d) application and responses, until after the conclusion of the judicial recess.
4. The Decision was issued on 23 July 2025 and received at 6.25pm, two days before the start of the judicial recess. The Defence accepts that deadlines are not automatically suspended during the recess and that it is obliged to organize itself accordingly. Nonetheless, given that the Decision raises complex issues of law and fact and additionally, it is the first time that an Article 82(1)(d) application is introduced for an Article 110 decision, it would be in the interests of justice to afford all parties and participants sufficient time to respond as concerns the admissibility of such an application and the issues in question. There is also substantial precedent recognizing that there is good cause to suspend critical deadlines that fall during the judicial recess, taking into account the fact that parties use this time to schedule annual leave and are thus

¹ ICC-01/12-01/18-2743-Red.

² ICC-01/04-01/06-2834, paras. 6 and 23; ICC-01/04-01/06-2834, para. 24, citing ICC-01/05-01/08-424, p.185, and ICC-01/05-01/08-424, p. 185; ICC-01/04-01/06-T-203-Red2-ENG, p. 64; ICC-01/05-01/08-T-43-Red-ENG, p. 31, lns. 21-24; ICC-01/04- 01/07-T-173-Red-ENG, p. 77, lns. 9-13; ICC-01/05-01/08-2919 paras. 1-2; ICC-02/05-02/09-243-Red; p. 98.

less equipped to present full adversarial argument.³ Finally, it is also pertinent that the Decision was issued in English, which triggers additional delay as concerns the need to convey core findings to Mr Al Hassan in a language he fully understands.

5. Noting that the Panel ordered the Registry to liaise with an information provider to seek permission to reclassify or redact information that was submitted on an *ex parte* basis, the requested delay will also facilitate the ability of Mr Al Hassan to reach an informed decision as to whether to seek leave to appeal, based on all elements that could be relevant to such an assessment.
6. The Defence has sought the views of the Legal Representatives for Victims and Prosecution as concerns the current request. While the Prosecution has not responded, the Legal Representatives for Victims have expressed their agreement with this request and for the Defence to mention such.



Melinda Taylor
Lead Counsel for Mr Al Hassan

Dated this 25th day of July 2025
At The Hague, The Netherlands

³ See for example, ICC-01/05-01/08-3249-Red, paras 23-24; ICC-01/04-01/07 (OA2), para. 5. See also ICC-01/04-01/07 (OA); ICC-02/05-03/09-624 (OA 5), para 6.