

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/12-01/18

Date: 1 August 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 document

Decision on the “Defence request for leave to appeal”

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
(Participation/Reparation)**

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

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

☐ **States' Representatives**

☐ **Amicus Curiae**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and
Reparations Section**

☐ **Other**

The three judges of the Appeals Chamber of the International Criminal Court,

Having before them the “Defence request for leave to appeal” of 29 July 2025 (ICC-01/12-01/18-2745-Conf-Exp),

Render the following

DECISION

The “Defence request for leave to appeal” is dismissed *in limine*.

REASONS

1. On 20 November 2024, Trial Chamber X sentenced Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud” (hereinafter: “Mr Al Hassan”) to a period of 10 years of imprisonment.¹ Mr Al Hassan subsequently indicated that he would not appeal the sentence imposed on him,² thus rendering his sentence final.
2. On 23 July 2025, the three Judges of the Appeals Chamber (hereinafter: “Panel”) issued the “Decision on the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud” (hereinafter: “Sentence Review Decision”), thereby reducing Mr Al Hassan’s sentence by 12 months.³
3. On 25 July 2025, the Defence for Mr Al Hassan (hereinafter: “Defence”) filed an urgent request for the suspension of the time limit to request leave to appeal the Sentence Review Decision (hereinafter: “Suspension Request”).⁴
4. On 29 July 2025, the Defence requested leave to appeal the Sentence Review Decision (hereinafter: “Leave to Appeal Request”).⁵

¹ [Sentencing Judgment](#), ICC-01/12-01/18-2662, para. 134.

² [Annex A to Defence Notice of Discontinuance of Appeal against Trial Judgment rendered by Trial Chamber X on 26 June 2024](#), 17 December 2024, ICC-01/12-01/18-2667-AnxA, para. 2.

³ ICC-01/12-01/18-2743-Conf, para. 113 (a public redacted version was issued on the same day, [ICC-01/12-01/18-2743-Red](#)).

⁴ Urgent Defence request for suspension of deadline, ICC-01/12-01/18-2744.

⁵ Defence request for leave to appeal, ICC-01/12-01/18-2745-Conf-Exp (a confidential redacted version was issued on the same day, ICC-01/12-01/18-2745-Conf-Red, and a public redacted version was issued on 30 July 2025, [ICC-01/12-01/18-2745-Red](#)).

5. The Defence submits that the Sentence Review Decision triggers the potential application of article 82(1)(d) of the Statute because of its interlocutory nature as reflected by the requirements that the Panel must first evaluate the presence of factors under article 110 of the Statute or rule 223 of the Rules of Procedure and Evidence, and second, determine how the presence of these factors impacts the length of sentence.⁶ It argues that, in the absence of a specific provision concerning a right to appeal decisions adopted under article 110 of the Statute, article 82(1)(d) of the Statute can be invoked in relation to issues of an interlocutory nature.⁷ The Defence adds that the category of decisions that fall within this framework has been interpreted broadly.⁸ It further contends that this broad approach is consistent with article 21(3) of the Statute, which requires article 82(1)(d) of the Statute to be interpreted consistently with the internationally recognised right to an effective remedy.⁹ On this basis, the Defence avers that it has identified three issues arising from the Sentence Review Decision that meet the criteria for leave to appeal to be granted under article 82(1)(d) of the Statute.¹⁰

6. The Panel observes, as a preliminary matter, that the Suspension Request has become moot as a result of the submission of the Leave to Appeal Request.

7. As to the Leave to Appeal Request, the Panel notes that this is the first time that leave to appeal a decision delivered pursuant to article 110 of the Statute has been requested. First, the Panel considers that article 110 of the Statute is located in part 10, relating to enforcement. As a decision under article 110 of the Statute does not form part of the investigation, the trial or sentencing, it falls outside the scope of the Court's core criminal proceedings. It rather constitutes a final decision, issued following a single-level process by a Panel of three Judges of the Appeals Chamber, which is the highest judicial instance within the legal framework of the Court. Second, an article 110 decision is, by design, final, and also inherently discretionary in nature under the Court's legal framework, as consistently emphasised in the Court's jurisprudence.¹¹ It

⁶ [Leave to Appeal Request](#), para. 6.

⁷ [Leave to Appeal Request](#), para. 7.

⁸ [Leave to Appeal Request](#), para. 7.

⁹ [Leave to Appeal Request](#), para. 10.

¹⁰ [Leave to Appeal Request](#), paras 5, 12-45.

¹¹ [Sentence Review Decision](#), paras 23, 25; *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, [Decision on the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi](#), 25 November 2021, ICC-01/12-01/15-434-Red3, para. 15; *The Prosecutor v. Germain Katanga*, [Decision on the review concerning reduction of sentence of Mr Germain Katanga](#), 13 November 2015, ICC-01/04-01/07-3615, para. 20.

is issued in conformity with the terms of article 110(2) of the Statute, which provides that “[t]he Court alone shall have the right to decide any reduction of sentence”. It follows that article 82(1)(d) of the Statute does not extend to decisions rendered pursuant to article 110 of the Statute. Therefore, the Panel is of the view that the Leave to Appeal Request is devoid of any procedural and legal basis.

8. For these reasons, the Panel finds that, if it were to entertain such a request, the Panel would be acting *ultra vires* – beyond the powers conferred upon it by the Court’s legal framework. Accordingly, the Panel dismisses the Leave to Appeal Request *in limine*.

9. The Panel further reminds the Defence that its professional obligations must be discharged in accordance with the Court’s legal framework and that procedural integrity must be upheld at all times.

Done in both English and French, the English version being authoritative.



Judge Luz del Carmen Ibáñez Carranza
Presiding Judge

Dated this 1st day of August 2025

At The Hague, The Netherlands