

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/12-01/18**
Date: **4 November 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 LRVs' request on resumption of action and protective measures

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**

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

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

☒ **Trust Fund for Victims**

☐ **Amicus Curiae**

REGISTRY

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* (the ‘*Al Hassan case*’), having regard to article 68 of the Rome Statute (the ‘Statute’), rules 85(a) and 89 of the Rules of Procedure and Evidence (the ‘Rules’), and regulation 86 of the Regulations of the Court, issues the following ‘Decision on the LRVs’ request on resumption of action and protective measures’.

I. Procedural History

1. On 10 August 2020 and 21 February 2022, the Chamber, in its previous composition, admitted victims a/20134/19 and a/11063/21, respectively, to participate in the *Al Hassan case*.¹
2. On 15 September 2025, the Legal Representatives of Victims (the ‘LRVs’) submitted the ‘Demande de reprise des actions introduites par les victimes a/20134/19 et a/11063/21’ (the ‘Request’),² informing the Chamber of the death of participating victims a/20134/19 and a/11063/21, and requesting that the Chamber (i) authorise that the two persons appointed by the families of these two deceased victims continue their actions before the Court on their behalf; (ii) order protective measures in favour of the new rightsholders and the family members; and (iii) authorise the redactions applied to Annex 2 to the Request.³
3. The Defence did not file a response to the Request.

¹ [Third decision on the admission of victims to participate in trial proceedings](#), ICC-01/12-01/18-992 (with public Annex A and B) (the ‘Third decision on the admission of victims’), para. 12; [Annex A to the Third decision on the admission of victims to participate in trial proceedings](#), ICC-01/12-01/18-992-AnxA, p. 3; [Thirteenth decision on the admission of victims to participate in trial proceedings](#), ICC-01/12-01/18-2123 (the ‘Thirteenth decision on the admissions of victims’), para. 7.

² [Request](#), ICC-01/12-01/18-2748 (with confidential *ex parte* Annex 1, only available to the LRVs and the VPRS, ICC-01/12-01/18-2748-Conf-Exp-Anx; and confidential redacted *ex parte* Annex 2, only available to the LRVs, the Defence and the Prosecution, ICC-01/12-01/18-2748-Conf-Exp-Anx-Red).

³ The Chamber notes that Annex 1 and Annex 2 to the Request contain the same documents. Annex 1 contains the unredacted confidential *ex parte* version of the documents, while Annex 2 is the confidential redacted version of the documents, redacting identifying details of individuals, and was notified to the LRVs, the Defence and the Prosecution. The Chamber also notes that where it refers to information contained in confidential *ex parte* documents, it considers that the information as referenced in this decision does not require confidential classification; [Request](#), ICC-01/12-01/18-2748, paras 28-30.

II. Analysis

A. The LRVs' request on resumption of action for victims a/20134/19 and a/11063/21

4. The Chamber relies on the Court's consistent jurisprudence on the requirements to grant a resumption of action request.⁴ Thus, the Chamber will grant a request for resumption of action if the applicant provides sufficient evidence of: (i) the death of the participating victim; (ii) the kinship between the applicant and the deceased victim; and (iii) the applicant's appointment by family members granting the applicant authority to act on behalf of the deceased victim.
5. The Chamber notes the LRVs' request and supporting documentation contained in Annex 1, in light of the above three requirements of proof.
6. For each of the victims, Annex 1 to the Request contains: (i) identification documents;⁵ (ii) certificates of death;⁶ (iii) documents titled '*proces verbal de conseil de famille*' whereby eight family members of each of the deceased victims appoint a rightsholder to continue the victims' actions before the Court;⁷ (iv) identification documents for the rightsholders;⁸ and (v) certificates of kinship between the deceased victims and the rightsholders.⁹
7. Considering the supporting documentation provided by the LRVs, the Chamber is satisfied that the applicants have provided sufficient evidence to fulfil the requirements of their resumption application, as set out in paragraph 6 above. Accordingly, the

⁴ See, for example, Trial Chamber VI, *The Prosecutor v Bosco Ntaganda*, [Fourth decision on victims' participation in trial proceedings](#), 1 September 2015, ICC-01/04-02/06-805, para. 8; Trial Chamber III, *The Prosecutor v Jean-Pierre Bemba*, [Decision on 'Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées'](#), 26 March 2016, ICC-01/05-01/08-3346, paras 21-23; Trial Chamber I, *The Prosecutor v Laurent Gbagbo and Charles Blé Goudé*, [Decision on the resumption of action applications](#), ICC-02/11-01/15-1052, 11 October 2017, paras 12, 19-24; Trial Chamber II, *The Prosecutor v. Germain Katanga*, [Decision on the Application for Resumption of Action brought by Victim a/25017/16](#), 10 October 2019, ICC-01/04-01/07-3842-Conf-tENG, para. 5; Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, [Decision on the LRV Request for Resumption of Action for Deceased Victim a/20519/19](#), 21 April 2020, ICC-01/12-01/15-357, para. 2; Trial Chamber I, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb'), [Decision on the applications for the resumption of actions by the family members of deceased victims](#), 31 July 2025, ICC-02/05-01/20-1238-Conf, para. 6.

⁵ Annex 1, ICC-01/12-01/18-2748-Conf-Exp-Anx, pp. 3, 8.

⁶ Annex 1, ICC-01/12-01/18-2748-Conf-Exp-Anx, pp. 4, 9-10.

⁷ Annex 1, ICC-01/12-01/18-2748-Conf-Exp-Anx, pp. 5, 11.

⁸ Annex 1, ICC-01/12-01/18-2748-Conf-Exp-Anx, paras 6, 12.

⁹ Annex 1, ICC-01/12-01/18-2748-Conf-Exp-Anx, para. 6, 13.

Chamber authorises the applicants nominated as the rightsholders in the Request, to resume the actions initiated by the two deceased victims.

B. The LRVs' request for protective measures and maintenance of redaction

8. The LRVs request that the Chamber order certain protective measures pursuant to article 68(1) of the Statute and rule 87(3) of the Rules, notably (i) the continued non-disclosure to the public of any identifying information about the deceased victims;¹⁰ (ii) the disclosure to a limited number of members of the Defence and Prosecution team of the identity of the rightsholders, if and when the Chamber authorises the resumption of action request;¹¹ (iii) the non-disclosure of the identity and address (or place of residence) of the family members mentioned in the '*proces verbal de conseil de famille*' to the Prosecutor, the Defence and the public;¹² and (iv) the non-disclosure of the address (or place of residence) of the rightsholders to the Prosecutor, the Defence and the public.¹³ The LRVs also request that the Chamber authorise the redactions applied to Annex 2 with respect to the Defence and the Prosecution.¹⁴
9. The Chamber recalls the Court's legal framework and jurisprudence that extends the possibility to grant protective measures to witnesses, victims, family members of victims or witnesses, and 'persons at risk as a result of the activities of the Court'.¹⁵
10. The Chamber also acknowledges the current security situation in Mali and the serious concerns raised by LRVs as to the rightsholders' safety and that of their relatives, should

¹⁰ [Request](#), ICC-01/12-01/18-2748, para. 29. The Chamber notes that while the LRVs refer to the victim in the singular, it is clear from the Request that the requested protective measures relate to both victims at issue.

¹¹ [Request](#), ICC-01/12-01/18-2748, para. 29. While the LRVs submit that, as a strictly temporary measure, the identity of the rightsholders not be disclosed to the parties until the Chamber decides on the present decision (see [Request](#), ICC-01/12-01/18-2748, para. 24), the Chamber notes that the LRVs do not mention this temporary measure in its list of requests in paragraph 29 of the Request. As such a request is moot upon the issuance of this decision, the Chamber makes no findings in this regard.

¹² [Request](#), ICC-01/12-01/18-2748, para. 29.

¹³ [Request](#), ICC-01/12-01/18-2748, para. 29.

¹⁴ [Request](#), ICC-01/12-01/18-2748, para. 30.

¹⁵ The Appeals Chamber, *The Prosecutor v Germain Katanga*, [Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled "First Decision on the Prosecution Request for Authorisation to Redact Witness Statements"](#), 13 May 2008, ICC-01/04-01/07-475, para 54. See also, Trial Chamber I, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, [Redacted version of the applications for the resumption of action by the family members of deceased victims a/20116/12, 20136/12, a/20147/12, a/20163/12, a/10228/14 and a/10260/14](#), 20 July 2017, ICC-02/11-01/15-994-Red, para. 51; Trial Chamber I, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, [Decision on the applications for the resumption of actions by the family members of deceased victims](#), 31 July 2025, ICC-02/05-01/20-1238-Conf, para. 6.

their identities or the family members named in the ‘*proces verbal de conseil de famille*’, be disclosed to the public.¹⁶

11. Taking the above mentioned elements into consideration, the Chamber grants the protective measures to maintain the anonymity of the deceased victims, and of the rightsholders and members of their families from the public.
12. Regarding the LRVs’ request that the Chamber order protective measures to maintain the anonymity of the deceased victims, and of the rightsholders and members of their families from the Defence and the Prosecution, and to authorise the redactions to Annex 2 to the Request with respect to the Defence and the Prosecution,¹⁷ the Chamber at the outset notes that as the verdict and sentence in the case are final,¹⁸ and the Prosecution is no longer a party to the proceedings, there is no need to disclose the information in question to the Prosecution. Further, in relation to the Defence, it is noted that both deceased victims were admitted to participate in the proceedings in Group A,¹⁹ meaning that their victim applications and supporting materials were transmitted only to the Chamber and not to the parties.²⁰ The Chamber considers that the protective measures granted to the deceased victims should also be granted to the rightsholders.²¹ As such, the Chamber considers that the identity of the rightsholders and the members of their families as well as their addresses or information about their places of residence need not be disclosed to the Defence.²²
13. Finally, as to the LRVs’ request to maintain the redactions applied to Annex 2,²³ and based on the same arguments outlined above, the Chamber grants this request.

¹⁶ [Request](#), ICC-01/12-01/18-2748, paras 25-26.

¹⁷ [Request](#), ICC-01/12-01/18-2748, para. 30.

¹⁸ [Trial Judgment](#), ICC-01/12-01/18-2594-Red; [Sentencing Judgment](#), ICC-01/12-01/18-2662.

¹⁹ [Third decision on the admission of victims](#), ICC-01/12-01/18-992, para. 12; [Thirteenth decision on the admission of victims to participate in trial proceedings](#), ICC-01/12-01/18-2123, para. 7.

²⁰ See [Decision on the procedure for the admission of victims to participate in proceedings for the purposes of trial](#), 12 March 2020, ICC-01/12-01/18-661, paras 1, 31-33.

²¹ See Trial Chamber II, *The Prosecutor v. Germain Katanga*, [Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0273/09](#), 8 February 2022, ICC-01/04-01/07-3896, para. 10.

²² The Chamber notes that the LRVs suggest that the identity of the rightsholders can be disclosed to a limited number of the Defence and the Prosecution team (see [Request](#), ICC-01/12-01/18-2748, para. 29). The Chamber considers that this limited disclosure is not necessary at this stage of the proceedings.

²³ [Request](#), ICC-01/12-01/18-2748, para. 27.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

AUTHORISES the persons designated by the families of the deceased victims a/20134/19 and a/11063/21 to resume the actions initiated before the Court by the deceased victims;

AUTHORISES the protective measures described in paragraphs 11 and 12 above; and

GRANTS the redactions applied to Annex 2 to the Request.

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 4 November 2025

At The Hague, The Netherlands