

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/12-01/18**
Date: **5 February 2026**

**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**

Confidential Defence Response to OPCV Application for Access

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:

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|---|---|
| ☒ The Office of the Prosecutor | ☒ Counsel for the Defence
Al Hassan Defence Team |
| ☒ Legal Representatives of the Victims
V43
OPCV | ☐ 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

- | | |
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| ☒ Registrar
Osvaldo Zavala Giler | ☐ Counsel Support Section |
| ☐ Victims and Witnesses Unit | ☐ Detention Section |
| ☐ Victims Participation and Reparations Section | ☐ Other |

I. INTRODUCTION

1. On 27 January 2026, the Defence for Mr Al Hassan filed an application for full commutation of sentence and release, pursuant to Rule 224(3) of the Rules of Procedure and Evidence. The filing was notified to the original participants in the Article 110 proceedings.
2. On 29 January 2026, Counsel from OPCV, who were appointed by Trial Chamber X to represent four victims in the context of reparations proceedings ('Appointed Counsel from OPCV'), contacted the Defence to inquire as to the reasons why they were not notified of the confidential filing.
3. On 29 January 2026, the Defence communicated the following to Appointed Counsel from OPCV:

On 24 October 2024, the Appeals Chamber clarified that victims that that participated in the trial proceedings were also entitled to participate in the appeal (see ICC-01/12-01/18-2659). On 5 June 2024, the Trial Chamber appointed the OPCV to represent individuals in connection with the reparations phase (ICC-01/12-01/18-2728-Conf). In the same decision, the Trial Chamber underscored that reparations proceedings are distinct from Article 110 proceedings (para. 17). The OPCV did not subsequently participate/apply to participate in the Article 110 proceedings that were pending at that time. Given this background, it does not appear to be within the remit of the Defence to determine unilaterally whether the OPCV's standing extends to participating in proceedings before the Panel of Judges appointed by the Appeals Chamber. We would, however, be happy to grant access if that is the case.

4. The Defence defers to the Panel as concerns the scope of the mandate of Appointed Counsel from OPCV and has no objection to access being granted to Appointed Counsel.
5. The Defence intends to file a public redacted version of its application tomorrow, following consultation with Mr Al Hassan, which will take place today.
6. In the event that the Panel intends to request the Registry to convey the contents of the confidential filing to any external entities, the Defence respectfully requests that it be granted the opportunity to liaise with the Registry in advance in order to propose redactions.



Melinda Taylor
Lead Counsel for Mr Al Hassan

Dated this 5th February 2026
At The Hague, The Netherlands