

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/12-01/18
Date: 11 February 2026

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

**Before: Judge Luz del Carmen Ibáñez Carraza, Presiding Judge
Judge Gocha Lordkipanidze
Juge Erdenebalusren Damdin**

SITUATION IN THE REPUBLIC OF MALI

***IN THE CASE OF THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG
MOHAMED AG MAHMOUD***

Confidential

**Second Request for access to documents related to the "Defence Application for
Full Commutation and Release, pursuant to Rule 224 (3) of the Rules of the
Procedure and Evidence"**

Source: Office of Public Counsel for Victims

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
D28 |
| ☒ 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
Mr Zavala Giler, Osvaldo | ☐ Counsel Support Section |
| ☐ Victims and Witnesses Unit | ☐ Detention Section |
| ☐ Victims Participation and Reparations Section | ☐ Other |

I. PROCEDURAL BACKGROUND

1. On 5 June 2025, Trial Chamber X appointed the Office of Public Counsel for Victims (the "OPCV" or the "Office") to represent four participating victims (the "Appointment Decision").¹
2. On 23 July 2025, following a four-month procedure, Mr Al Hassan's sentence was reduced by 12 months (the "Review Decision") by the three judges of the Appeals Chamber appointed for the review concerning reduction of sentence (the "Panel of Judges").²
3. On 27 January 2026, the Defence for Mr Al Hassan submitted the "Defence Application for Full Commutation and Release, pursuant to Rule 224 (3) of the Rules of the Procedure and Evidence" (the "Defence Application").³
4. On 5 February 2026, the OPCV requested access to the Defence Application,⁴ which was granted by the Panel of Judges on 6 February 2026.⁵
5. On 9 February 2026, the Prosecution and the Legal Representatives filed their respective responses to the Defence Application. Both responses were not notified to the OPCV.

¹ See the "Decision on the LRV's submission on a potential conflict of interest" (Trial Chamber X), [No. ICC-01/12-01/18-2728-Conf](#) and [No. ICC-01/12-01/18-2728-Red](#), disposition, 5 June 2025 (the "Appointment Decision").

² See the "Decision on the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud" (Panel of Judges), [No. ICC-01/12-01/18-2743-Red](#), 23 July 2025 (the "Review Decision").

³ See the "Defence Application for Full Commutation and Release, pursuant to Rule 224 (3) of the Rules of the Procedure and Evidence", No. ICC-01/12-01/18-2758-Conf with confidential annexes and one public annex (ICC-01/12-01/18-2758-AnxC), 27 January 2026 (the "Defence Application").

⁴ See the "Request for access to the 'Defence Application for Full Commutation and Release, pursuant to Rule 224 (3) of the Rules of the Procedure and Evidence'", No. ICC-01/12-01/18-2759-Conf, 5 February 2026.

⁵ See the "Order concerning access to a confidential document" (Panel of Judges), [No. ICC-01/12-01/18-2761-Conf](#), 6 February 2026.

II. CONFIDENTIALITY

6. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, this document is filed as confidential following the level of classification chosen by the Defence. However, it can be reclassified public as it does not contain any confidential information.

III. SUBMISSION

5. The Office has currently no access to the responses to the Defence Application filed by the Prosecution and the Legal Representatives.

7. The Principal Counsel recalls that the Panel of Judges granted her previous request to access the confidential version of the Defence Application and authorised the Office to file observations on the matter by 13 February 2026, thereby recognising the right of the four participating victims represented by the OPCV to be heard.

8. The Principal Counsel respectfully submits that, having been granted access to the Defence Application, and authorised to file observations in the matter, the Office is part to the proceedings activated by the Defence and should be notified of all documents filed by the other parties and participants in said proceedings.

9. In this regard, the Principal Counsel, having consulted with the Prosecution, informs the Panel of Judges that the latter does not oppose the present request.

10. Finally, the Principal Counsel posits that she should also be given access to the confidential version of the Decision of the Panel of Judges (ICC-01/12-01/18-2743-Conf), which contains relevant information for the filing of the observations on behalf of the victims.

11. Therefore, she requests access to the relevant documents in order to be able to fully and meaningfully represent the interests of her clients.

IV. CONCLUSION

8. For the foregoing reasons, the Principal Counsel respectfully requests the Panel of Judges to grant the OPCV access to document ICC-01/12-01/18-2743-Conf, as well as to the Prosecution and the Legal Representatives responses to the Defence Application, and to any other documents the Panel of Judges will eventually consider material for the Office to fulfil its representation mandate.



Paolina Massidda
Principal Counsel

Dated this 11th day of February 2026

At The Hague, The Netherlands