



**Original: English**

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

**Date: 6 May 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**

**Public document**

**Decision on “Defence Application for Full Commutation and Release, pursuant  
to Rule 224(3) of the Rules of the Procedure and Evidence”**

**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**

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**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 it the “Defence Application for Full Commutation and Release, pursuant to Rule 224(3) of the Rules of the Procedure and Evidence” of 27 January 2026 (ICC-01/12-01/18-2758-Red),

Having before it the “Prosecution’s response to ‘Defence Application for Full Commutation and Release, pursuant to Rule 224(3) of the Rules of Procedure and Evidence’” of 9 February 2026 (ICC-01/12-01/18-2763-Conf),

Having before it the “Réponse des Représentants légaux des victimes à la ‘Defence Application for Full Commutation and Release, pursuant to Rule 224(3) of the Rules of the Procedure and Evidence’ (ICC-01/12-01/18-2758-Conf), 27 janvier 2026” of 9 February 2026 (ICC-01/12-01/18-2762-Corr-Red),

Having before it the “Defence’s Request for Leave to Reply” of 12 February 2026 (ICC-01/12-01/18-2766-Conf-Red),

Having before it the “Submissions on the ‘Defence Application for Full Commutation and Release, pursuant to Rule 224 (3) of the Rules of the Procedure and Evidence’” of 13 February 2026 (ICC-01/12-01/18-2767-Conf),

Having before it the “Defense’s Request for Reclassification of Filing ICC-01/12-01/18-2760-Conf” of 16 February 2026 (ICC-01/12-01/18-2768-Conf),

Having before it the “Defence Request for Leave to Reply to OPCV” of 18 February 2026, (ICC-01/12-01/18-2772-Conf),

*Render, unanimously, the following*

## DECISION

1. The “Defence Application for Full Commutation and Release, pursuant to Rule 224(3) of the Rules of the Procedure and Evidence” is dismissed.
2. The “Defence’s Request for Leave to Reply” (ICC-01/12-01/18-2766-Conf-Red), the “Defence Request for Leave to Reply to OPCV” (ICC-01/12-01/18-2772-Conf), and ICC-01/12-01/18-2781-Conf-Exp are dismissed as moot.

3. The Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, the Deputy Prosecutor and the Office of Public Counsel for Victims are directed to file public redacted versions of documents ICC-01/12-01/18-2766-Conf-Red, ICC-01/12-01/18-2769-Conf and ICC-01/12-01/18-2772-Conf, by 12 May 2026.
4. The Registrar is directed to reclassify documents ICC-01/12-01/18-2760-Conf, ICC-01/12-01/18-2768-Conf and ICC-01/12-01/18-2773-Conf as public.

## REASONS

### I. PROCEDURAL HISTORY

1. On 26 June 2024, Trial Chamber X (hereinafter: “Trial Chamber”) rendered its decision entitled “Trial Judgment” in which Mr Al Hassan was convicted on eight counts of crimes against humanity (torture; other inhumane acts; and persecution on religious grounds) and war crimes (torture; cruel treatment; outrages upon personal dignity; passing of sentences without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable; and mutilation).<sup>1</sup>
2. On 20 November 2024, the Trial Chamber (in a different composition) sentenced Mr Al Hassan to a period of 10 years of imprisonment.<sup>2</sup>
3. On 29 April 2025, the Defence filed its submissions on Mr Al Hassan’s sentence review.<sup>3</sup>
4. On 23 July 2025, the Panel of the Appeals Chamber issued the Decision on the review concerning reduction of sentence of Mr Al Hassan, thereby reducing his

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<sup>1</sup> [Trial Judgment](#), ICC-01/12-01/18-2594-Conf (public redacted version filed on the same day, ICC-01/12-01/18-2594-Red), with three public annexes, para. 1785.

<sup>2</sup> [Sentencing Judgment](#), ICC-01/12-01/18-2662, with public annex A, para. 134.

<sup>3</sup> [Defence Observations on Article 110 and Rule 223](#), ICC-01/12-01/18-2720-Conf (public redacted version filed on 8 May 2025, ICC-01/12-01/18-2720-Red), with confidential annexes A, B, and C.4-C8 to W and public annexes C.1-C.3.

sentence by 12 months and setting the completion date on 28 March 2027 (hereinafter: “Sentence Review Decision”).<sup>4</sup>

5. On 1 August 2025, the Panel issued its “Decision on the ‘Defence request for leave to appeal’” (hereinafter: “Decision on Leave to Appeal”), dismissing the Defence’s request to appeal the Sentence Review Decision on the basis that article 82(1)(d) of the Statute does not extend to decisions rendered pursuant to article 110 of the Statute.<sup>5</sup>

6. On 27 January 2026, the Defence filed an application for full commutation and release, pursuant to rule 224(3) of the Rules of Procedure and Evidence (hereinafter: “Defence Application” and “Rules”).<sup>6</sup>

7. On 6 February 2026, upon request of the Office of Public Counsel for Victims (hereinafter: “OPCV”),<sup>7</sup> the Panel directed the Registrar to make confidential filing ICC-01/12-01/18-2758-Conf, and its confidential annexes, available to the OPCV, and ordered the OPCV to file a response to the Defence Application by Friday, 13 February 2026 (hereinafter: “Order of 6 February 2026”).<sup>8</sup>

8. On 9 February 2026, the Legal Representatives of the Victims (hereinafter: “LRVs”) filed their response opposing the Defence Application.<sup>9</sup> On the same day, the Deputy Prosecutor (hereinafter: “Prosecutor”) filed his response, in which he does not

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<sup>4</sup> [Decision on the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud](#), ICC-01/12-01/18-2743-Conf (public redacted version filed on the same day, ICC-01/12-01/18-2743-Red), para. 113.

<sup>5</sup> [Decision on the “Defence request for leave to appeal”](#), ICC-01/12-01/18-2746.

<sup>6</sup> [Defence Application for Full Commutation and Release, pursuant to Rule 224\(3\) of the Rules of the Procedure and Evidence](#), ICC-01/12-01/18-2758-Conf (public redacted version filed on 6 February 2026, ICC-01/12-01/18-2758-Red), with confidential Annexes A, B, D, E, F, H, I, J, K, confidential and *ex parte* Annex G, confidential redacted Annex G, and public Annex C.

<sup>7</sup> [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”](#), ICC-01/12-01/18-2759-Conf (reclassified as public on 12 February 2026, ICC-01/12-01/18-2759, pursuant to the Appeals Chamber’s order of 12 February 2026, ICC-01/12-01/18-2765). *See also* Confidential Defence Response to OPCV Application for Access, ICC-01/12-01/18-2760-Conf, paras 2-4.

<sup>8</sup> [Order concerning access to a confidential document](#), ICC-01/12-01/18-2761-Conf (reclassified as public on 12 February 2026, ICC-01/12-01/18-2761, pursuant to the Appeals Chamber’s order of 12 February 2026, ICC-01/12-01/18-2765).

<sup>9</sup> [Réponse des Représentants légaux des victimes à la “Defence Application for Full Commutation and Release, pursuant to Rule 224\(3\) of the Rules of the Procedure and Evidence” \(ICC-01/12-01/18-2758-Conf\), 27 janvier 2026](#), ICC-01/12-01/18-2762-Conf (corrected version and public redacted version thereof filed on 18 February 2026, ICC-01/12-01/18-2762-Conf-Corr and ICC-01/12-01/18-2762-Corr-Red) (hereinafter: “LRVs’ Response”).

oppose Mr Al Hassan’s reduction of sentence resulting in his release.<sup>10</sup> Neither response was notified to the OPCV.

9. On 11 February 2026, the OPCV filed a second request for access to documents related to the Defence Application (hereinafter: “Second Request”),<sup>11</sup> requesting access to the confidential Sentence Review Decision (ICC-01/12-01/18-2743-Conf), the above-mentioned responses to the Defence Application, and any additional documents that the Panel may consider material for the OPCV to discharge its representation mandate.<sup>12</sup>

10. On 12 February 2026, the Panel, recalling its Order of 6 February 2026, and noting that the Prosecutor did not oppose the Second Request,<sup>13</sup> directed the Registrar to provide the OPCV access to ICC-01/12-01/18-2743-Conf, ICC-01/12-01/18-2762-Conf and ICC-01/12-01/18-2763-Conf (hereinafter: “Order of 12 February 2026”).<sup>14</sup>

11. On 12 February 2026, the Defence filed a request for leave to reply to the Prosecutor’s Response and the LRVs’ Response (hereinafter: “Defence’s Request for Leave to Reply”).<sup>15</sup>

12. On 13 February 2026, the OPCV filed its response to the Defence Application.<sup>16</sup>

13. On 16 February 2026, the Defence filed, pursuant to the Order of 12 February 2026, a request for reclassification of ICC-01/12-01/18-2760-Conf as public.<sup>17</sup>

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<sup>10</sup> [Prosecution’s response to “Defence Application for Full Commutation and Release, pursuant to Rule 224\(3\) of the Rules of Procedure and Evidence”](#), ICC-01/12-01/18-2763-Conf (public redacted version filed on 16 February 2026, ICC-01/12-01/18-2763-Red) (hereinafter: “Prosecutor’s Response”).

<sup>11</sup> [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”](#), ICC-01/12-01/18-2764-Conf (reclassified as public on 12 February 2026, ICC-01/12-01/18-2764, pursuant to the Appeals Chamber’s order of 12 February 2026, ICC-01/12-01/18-2765).

<sup>12</sup> [Second Request](#), pp. 4-5.

<sup>13</sup> [Second Request](#), p. 4.

<sup>14</sup> [Order concerning access to confidential documents and other procedural matters](#), ICC-01/12-01/18-2765.

<sup>15</sup> Defence’s Request for Leave to Reply, ICC-01/12-01/18-2766-Conf-Exp (confidential redacted version filed on the same day, ICC-01/12-01/18-2766-Conf-Red).

<sup>16</sup> [Submissions on the “Defence Application for Full Commutation and Release, pursuant to Rule 224 \(3\) of the Rules of the Procedure and Evidence”](#), ICC-01/12-01/18-2767-Conf (hereinafter: “OPCV’s Response”).

<sup>17</sup> Defence’s Request for Reclassification of Filing ICC-01/12-01/18-2760-Conf, ICC-01/12-01/18-2768-Conf.

14. On the same day, the Prosecutor filed a response to the Defence's Request for Leave to Reply, indicating that it does not take any position with regard to the request.<sup>18</sup>

15. On 18 February 2026, the Defence filed a request for leave to reply to the OPCV's Response (hereinafter: "Defence's Second Request for Leave to Reply").<sup>19</sup>

16. On 19 February 2026, the OPCV filed a response to the Defence's Second Request for Leave to Reply, requesting that it be rejected.<sup>20</sup>

17. On 7 April 2026, the Defence filed a confidential *ex parte* document, only available to the Defence and Registry.<sup>21</sup>

## II. MERITS

### A. Applicable law

18. Article 110 of the Statute, entitled "Review by the Court concerning reduction of sentence", provides that:

1. The State of enforcement shall not release the person before expiry of the sentence pronounced by the Court.
2. The Court alone shall have the right to decide any reduction of sentence, and shall rule on the matter after having heard the person.
3. When the person has served two thirds of the sentence, or 25 years in the case of life imprisonment, the Court shall review the sentence to determine whether it should be reduced. Such a review shall not be conducted before that time.
4. In its review under paragraph 3, the Court may reduce the sentence if it finds that one or more of the following factors are present:
  - a. The early and continuing willingness of the person to cooperate with the Court in its investigations and prosecutions;
  - b. The voluntary assistance of the person in enabling the enforcement of the judgements and orders of the Court in other cases, and in particular providing assistance in locating assets subject to orders of fine, forfeiture or reparation which may be used for the benefit of victims; or

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<sup>18</sup> Prosecution response to the Defence's Request for Leave to Reply, ICC-01/12-01/18-2769-Conf.

<sup>19</sup> Defence Request for Leave to Reply to OPCV, ICC-01/12-01/18-2772-Conf.

<sup>20</sup> OPCV Response to the "Defence Request for Leave to Reply", ICC-01/12-01/18-2773-Conf.

<sup>21</sup> Confidential *ex parte* Defence document, ICC-01/12-01/18-2781-Conf-Exp, with confidential and *ex parte* Annex A.

- c. Other factors establishing a clear and significant change of circumstances sufficient to justify the reduction of sentence, as provided in the Rules of Procedure and Evidence.
- 5. If the Court determines in its initial review under paragraph 3 that it is not appropriate to reduce the sentence, it shall thereafter review the question of reduction of sentence at such intervals and applying such criteria as provided for in the Rules of Procedure and Evidence.
- 19. Rule 224(1) of the Rules provides that:

For the application of article 110, paragraph 3, three judges of the Appeals Chamber appointed by that Chamber shall conduct a hearing, unless they decide otherwise in a particular case, for exceptional reasons. The hearing shall be conducted with the sentenced person, who may be assisted by his or her counsel, with interpretation, as may be required. Those three judges shall invite the Prosecutor, the State of enforcement of any penalty under article 77 or any reparation order pursuant to article 75 and, to the extent possible, the victims or their legal representatives who participated in the proceedings, to participate in the hearing or to submit written observations. Under exceptional circumstances, this hearing may be conducted by way of a videoconference or in the State of enforcement by a judge delegated by the Appeals Chamber.

- 20. Rule 224(3) of the Rules provides that:

For the application of article 110, paragraph 5, three judges of the Appeals Chamber appointed by that Chamber shall review the question of reduction of sentence every three years, unless it establishes a shorter interval in its decision taken pursuant to article 110, paragraph 3. In case of a significant change in circumstances, those three judges may permit the sentenced person to apply for a review within the three-year period or such shorter period as may have been set by the three judges.

- 21. Rule 224(4) of the Rules provides that:

For any review under article 110, paragraph 5, three judges of the Appeals Chamber appointed by that Chamber shall invite written representations from the sentenced person or his or her counsel, the Prosecutor, the State of enforcement of any penalty under article 77 and any reparation order pursuant to article 75 and, to the extent possible, the victims or their legal representatives who participated in the proceedings. The three judges may also decide to hold a hearing.

## **B. Summary of submissions**

### *1. Defence's submissions*

- 22. The Defence requests the Panel to: (i) recognise a significant change in circumstances since the prior Sentence Review Decision; (ii) exercise its discretion to



conduct a new review; and (iii) reduce Mr Al Hassan's sentence to permit his immediate release,<sup>22</sup> arguing that the new developments materially affect the assessments of his rehabilitation, resettlement prospects, and any risk of social instability. It submits that rule 224(3) of the Rules permits the sentenced person to submit a new application for sentence review before the established period for review, and that this reading is consistent with article 60(3) of the Statute,<sup>23</sup> the second *Lubanga* sentence review decision,<sup>24</sup> broader international practice, and human rights standards requiring timely review mechanisms.<sup>25</sup> On this basis, the Defence maintains that the existence of a final decision partially reducing Mr Al Hassan's sentence does not preclude the submission of a new application for further reduction based on changed circumstances.<sup>26</sup>

## 2. *Prosecutor's submissions*

23. The Prosecutor concurs with the Defence that the acceptance of a third country for Mr Al Hassan's release, his family's refugee status, and a concrete offer of employment amount to a significant change in circumstances under rule 224(3) of the Rules, affecting the factors in rules 223(b) and (c) of the Rules, and further indicates that, consistent with his earlier position, he does not oppose a sentence reduction leading to Mr Al Hassan's release.<sup>27</sup> He maintains that Mr Al Hassan is entitled to bring this request, emphasising that rule 224(3) of the Rules expressly allows a convicted person to seek review within the usual three-year period when such a change is shown, and notes that the *Lubanga* review panel confirmed the convicted person's right to apply for a new review in the event of significantly changed circumstances.<sup>28</sup>

## 3. *LRVs' submissions*

24. The LRVs submit that article 110 of the Statute permits renewed review only where a prior request for sentence reduction has been denied, not where a reduction has already been granted.<sup>29</sup> They contend that the precedents cited by the Defence – Kosovo Specialist Chambers' jurisprudence, the *Lubanga* case and *Bralo* case – all involved rejected initial applications, reflecting the logic that new circumstances may justify

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<sup>22</sup> [Defence Application](#), para. 1.

<sup>23</sup> [Defence Application](#), para. 5.

<sup>24</sup> [Defence Application](#), paras 5-6.

<sup>25</sup> [Defence Application](#), paras 5-7.

<sup>26</sup> [Defence Application](#), para. 6.

<sup>27</sup> [Prosecutor's Response](#), para. 3.

<sup>28</sup> [Prosecutor's Response](#), para. 6.

<sup>29</sup> [LRVs' Response](#), paras 9-10.

reconsideration only after a refusal, not repeated reductions absent exceptional grounds.<sup>30</sup> They further submit that the Defence's reliance on human rights jurisprudence is misplaced, as those cases concern life sentence parole, conditional release, or mental health detention, none of which requires periodic review of a sentence already imposed and partially reduced.<sup>31</sup> Noting that Mr Al Hassan's sentence was reduced by 12 months in July 2025, the LRVs argue that any further reduction would require exceptional circumstances incompatible with continued detention<sup>32</sup> – circumstances they say are not present – and emphasise that article 60(3) of the Statute applies only to provisional release before conviction.<sup>33</sup> The LRVs therefore submit that Mr Al Hassan is not eligible to request reconsideration of his sentence and that the application must be declared inadmissible.<sup>34</sup>

#### 4. *OPCV's submissions*

25. The OPCV submits that the Court's legal framework does not allow a second sentence review after a first successful reduction, arguing that the wording of article 110 of the Statute clearly limits review to a single instance and that any further reconsideration is available only when the initial request was denied.<sup>35</sup> It submits that this is confirmed by the structure of article 110(3) and (5) of the Statute: paragraph 3 creates a one-time mandatory review, while paragraph 5 provides a continuing mechanism only when no reduction is granted.<sup>36</sup> The OPCV cites the *Lubanga* and *Katanga* cases as supporting practice – the *Lubanga* case triggering paragraph 5 because no reduction was granted, and the *Katanga* case ending the process after a successful reduction.<sup>37</sup> It further argues that this interpretation aligns with the object and purpose of article 110 of the Statute, which requires balancing early release considerations against victims' interests, noting that repeated applications burden victims who are still awaiting reparations and risk perpetuating trauma.<sup>38</sup> On this basis, the OPCV contends that allowing multiple reviews would undermine the statutory

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<sup>30</sup> [LRVs' Response](#), paras 13-16.

<sup>31</sup> [LRVs' Response](#), paras 17-19.

<sup>32</sup> [LRVs' Response](#), para. 19.

<sup>33</sup> [LRVs' Response](#), para. 20.

<sup>34</sup> [LRVs' Response](#), paras 21-22.

<sup>35</sup> [OPCV's Response](#), paras 2, 12.

<sup>36</sup> [OPCV's Response](#), paras 13-15.

<sup>37</sup> [OPCV's Response](#), para. 15.

<sup>38</sup> [OPCV's Response](#), paras 16-17.

scheme and victims' wellbeing, and therefore asks the Panel to dismiss the Defence Application *in limine* as unreceivable.<sup>39</sup>

### C. Determination by the Panel

26. The Panel observes that this is the first time a second request for sentence review has been submitted following a decision reducing a convicted person's sentence pursuant to article 110(3) of the Statute. It recalls that article 110(3) prescribes a mandatory review mechanism according to which the Court shall review the sentence to determine whether it should be reduced "[w]hen the person has served two thirds of the sentence, or 25 years in the case of life imprisonment".

27. The Panel further recalls that article 110(4) of the Statute and rule 223 of the Rules set out the factors that may justify a reduction of the sentence. Article 110(4)(c) of the Statute states that the Court may reduce the sentence if, *inter alia*, it finds present "other factors establishing a clear and significant change of circumstances sufficient to justify the reduction of sentence, as provided in the [Rules]".<sup>40</sup> Furthermore, the Panel recalls that "clear" is defined as "free from doubt", "unambiguous" and "very obvious" while "significant" is defined as "large enough to be noticed or have an effect" or "of a measurable large amount".<sup>41</sup> Applying this standard, in its 23 July 2025 Sentence Review Decision, the Panel reduced Mr Al-Hassan's sentence by 12 months, setting the completion date on 28 March 2027.<sup>42</sup>

28. Article 110(5) of the Statute addresses ongoing reviews, providing that "[i]f the Court determines in its initial review under paragraph 3 that it is not appropriate to reduce the sentence, it shall thereafter review the question of reduction of sentence at such intervals and applying such criteria as provided for in the [Rules]".

29. Moreover, the Panel notes that rule 224(3) of the Rules, which implements article 110 of the Statute, makes clear that sentence reviews at intervals shorter than

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<sup>39</sup> [OPCV's Response](#), paras 17, 48; *see also* para. 2.

<sup>40</sup> [Decision on the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi](#), 25 November 2021, ICC-01/12-01/15-434-Conf-Exp (public redacted version filed on the same day, ICC-01/12-01/15-434-Red3) (hereinafter: "*Al Mahdi* Decision on Sentence Review"), para. 16.

<sup>41</sup> [Al Mahdi Decision on Sentence Review](#), para. 16.

<sup>42</sup> [Sentence Review Decision](#), para. 113.

three years are available only where the Panel declined to reduce the sentence at the initial review and expressly set a shorter interval in that initial decision.

30. The Panel also recalls that the interpretation of treaties, such as the Statute, is governed by the Vienna Convention on the Law of Treaties (hereinafter: “VCLT”), specifically by articles 31 and 32. Pursuant to article 31(1) of the VCLT, “[a] treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose”. In this respect, the jurisprudence of the Appeals Chamber sets out that the law shall be interpreted in accordance with:

[I]ts wording read in context and in light of its object and purpose. The context of a given legislative provision is defined by the particular sub-section of the law read as a whole in conjunction with the section of an enactment in its entirety. Its objects may be gathered from the chapter of the law in which the particular section is included and its purposes from the wider aims of the law as may be gathered from its preamble and general tenor of the treaty.<sup>43</sup>

31. The Panel considers at the outset that article 110(5) of the Statute, which provides for further reviews of reduction of the sentence, must be interpreted in accordance with the *ordinary meaning* to be given to its terms. Article 110(5) of the Statute contains express language limiting its application: it applies only “[i]f the Court determines in its initial review under paragraph 3 that it is *not appropriate to reduce the sentence*” (emphasis added). Read together with rule 224(3) of the Rules, this legal framework appears to be unambiguous.

32. As noted in the jurisprudence of the Appeals Chamber, a phrase in a provision “must be read as a whole and in a manner that gives meaning and effect to all of its constituent words, rather than in a disjointed manner”.<sup>44</sup> The Panel finds that the

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<sup>43</sup> Appeals Chamber, [Judgment on the appeal of Mr Rodrigo Roa Duterte against Pre-Trial Chamber’s “Decision on the Defence Challenge to the Jurisdiction of the Court” of 23 October 2025](#), 22 April 2026, ICC-01/21-01/25-415, para. 44. See also Appeals Chamber, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, [Judgment on the Appeal Against the Decision on Joinder rendered on 10 March 2008 by the Pre-Trial Chamber in the Germain Katanga and Mathieu Ngudjolo Chui Cases](#), 9 June 2008, ICC-01/04-01/07-573 (OA6), para. 5; Appeals Chamber, *Situation in the Democratic Republic of the Congo*, [Judgment on the Prosecutor’s Application for Extraordinary Review of Pre-Trial Chamber I’s 31 March 2006 Decision Denying Leave to Appeal](#), 13 July 2006, ICC-01/04-168 (OA3), para. 33 (footnotes omitted).

<sup>44</sup> Appeals Chamber, *The Prosecutor v. Paul Gicheru*, [Judgment on the appeal of the Office of Public Counsel for the Defence against the decision of Pre-Trial Chamber A of 10 December 2020 entitled “Decision on the Applicability of Provisional Rule 165 of the Rules of Procedure and Evidence”](#), 8 March 2021, ICC-01/09-01/20-107 (OA), para. 69.

interpretation advanced by the Defence that rule 224(3) of the Rules permits the convicted person to submit a new application for sentence review, before the established period for review, “upon demonstration of a significant change of circumstances”,<sup>45</sup> fails to give effect to the explicit words of the above-mentioned sentence in article 110(5) of the Statute, which confines subsequent reviews to circumstances in which no reduction was granted at the initial review.

33. The Panel further notes that the Rules, which pursuant to article 51(4) of the Statute shall be consistent with the Statute, do not deviate from this conclusion. Rule 224(3) and (4) of the Rules implement article 110(5) of the Statute, cross-referring to it directly.

34. As noted above, the wording of article 110(5) of the Statute must be *read in its context*. In this regard, neither article 110 of the Statute nor any other provision in the Court’s legal framework provide for further review mechanisms following a decision granting a reduction of a sentence pursuant to article 110(3) of the Statute. The Panel notes that under the second limb of rule 224(3) of the Rules the panel may permit the sentenced person to apply for a review within the three-year period or any shorter period previously set. However, this is not applicable in the instant case, since the Panel previously granted a reduction of sentence.

35. Finally, the Panel recalls that the object and purpose of the Statute is “to put an end to impunity” for the most serious crimes of concern to the international community as a whole<sup>46</sup> whereas the purpose of the sentence review procedure:

23. [...] is to serve the interests of justice by ensuring a realistic prospect of resocialisation for the sentenced person, while also taking into account the concerns of victims and of the State of resettlement.<sup>47</sup>

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<sup>45</sup> [Defence Application](#), para. 5.

<sup>46</sup> Appeals Chamber, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, [Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case](#), 25 September 2009, ICC-01/04-01/07-1497 (OA8), paras 79, 83. See also Appeals Chamber, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, [Judgment on the appeal of Mr Abdullah Al-Senussi against the decision of Pre-Trial Chamber I of 11 October 2013 entitled “Decision on the admissibility of the case against Abdullah Al-Senussi”](#), 24 July 2014, ICC-01/11-01/11-565 (OA6), para. 217.

<sup>47</sup> [Sentence Review Decision](#), para. 23. The Panel moreover recalls its [Decision on Leave to Appeal](#), para. 77, in which it made the following relevant considerations “[...] 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

36. In light of the above, the Panel finds that interpreting article 110(5) of the Statute and rule 224(4) of the Rules to preclude a second review, once a reduction of sentence has been granted is, in principle, consistent with these provisions. However, the Panel's legal analysis does not end here.

37. Indeed, the Panel underlines that it retains the discretion to conduct a further review of the sentence under exceptional circumstances. Resorting to a systemic interpretation of the law, the Panel is mindful of its obligations under article 21(3) of the Statute, which provides that “[t]he application and interpretation of law pursuant to this article must be consistent with internationally recognized human rights”. This provision requires the Panel to interpret article 110 of the Statute in a manner that gives effect to fundamental human rights principles and does not exclude that exceptional circumstances may require entertaining a further application, or proceeding to a *proprio motu* review, following an initial reduction of sentence.<sup>48</sup> An interpretation of the legal framework foreclosing all possibility of further review following an initial reduction may produce unjust results in future cases.

38. Turning to the present case, the Panel is of the view that, even though the initial Sentence Review Decision considered some information incomplete,<sup>49</sup> the submissions advanced by the Defence, based on the newly obtained information, do not constitute exceptional circumstances warranting recourse to the above-mentioned discretion.

39. For the reasons set out above, the Panel dismisses the Defence Application.

40. The Panel reiterates its instruction that the Registry, in accordance with its general duties pursuant to rule 20(1)(b) of the Rules, shall provide support and assistance to the

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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” (emphasis added).

<sup>48</sup> See also [LRVs' Response](#), para. 19: “Une libération par une seconde remise de peine dans ces conditions ne pourrait faire suite qu'à la démonstration de circonstances exceptionnelles qui rendraient la détention incompatible avec le respect de la dignité humaine”.

<sup>49</sup> [Sentence Review Decision](#), paras 63, 75.

Defence in its efforts to identify a State to which Mr Al Hassan can enter following the completion of his sentence.<sup>50</sup>

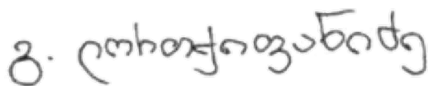
41. Having dismissed the Defence Application, the Panel dismisses the Defence's request for leave to reply, the Defence's Second Request for Leave to Reply and ICC-01/12-01/18-2781-Conf-Exp as moot.

42. Finally, with regard to documents ICC-01/12-01/18-2766-Conf-Red, ICC-01/12-01/18-2769-Conf and ICC-01/12-01/18-2772-Conf, the Panel directs the Defence, the Prosecutor and the OPCV to file public redacted versions of their respective documents by 12 May 2026. In addition, the Panel finds that no reasons exist for documents 01/12-01/18-2760-Conf, ICC-01/12-01/18-2768-Conf and ICC-01/12-01/18-2773-Conf to remain confidential and directs the Registrar to reclassify these documents as public.

Done in English. A French translation will follow. The English version remains authoritative.



**Judge Luz del Carmen Ibáñez Carranza**  
**Presiding**



**Judge Gocha Lordkipanidze**



**Judge Erdenebalsuren Damdin**

Dated this 6<sup>th</sup> day of May 2026

At The Hague, The Netherlands

<sup>50</sup> [Sentence Review Decision](#), paras 111, 114(a).