



**Original: English**

**No. ICC-01/12-01/15  
Date: 29 July 2021**

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

**Before: Judge Solomy Balungi Bossa, Presiding  
Judge Marc Perrin de Brichambaut  
Judge Gocha Lordkipanidze**

**SITUATION IN THE REPUBLIC OF MALI**

**IN THE CASE OF THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI**

**Public document**

**Decision re-scheduling the hearing before the three judges of the Appeals  
Chamber**

**Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:**

**The Office of the Prosecutor**  
Mr Karim A. A. Khan, Prosecutor  
Mr James Stewart

**Counsel for Mr Ahmad Al Faqi Al Mahdi**  
Mr Mohamed Aouini

**Legal Representatives of Victims**  
Mr Mayombo Kassongo

**State Representatives**  
The Republic of Mali  
The United Kingdom

**REGISTRY**

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**Registrar**  
Mr Peter Lewis

**Other**  
The Presidency

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

In the review by the Court concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi (hereinafter: “Mr Al Mahdi”) pursuant to article 110 of the Statute,

Noting the “Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi” of 7 July 2021 (ICC-01/12-01/15-392),

Having before them the “Prosecution observations to the ‘Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi’, ICC-01/12-01/15-392” of 19 July 2021 (ICC-01/12-01/15-396),

*Renders* the following

## DECISION

The hearing before the three judges of the Appeals Chamber for the purpose of the review concerning reduction of sentence of Mr Al Mahdi is re-scheduled to 12 and 13 October 2021.

## REASONS

### I. PROCEDURAL HISTORY

1. On 7 July 2021, the three judges of the Appeals Chamber appointed for the review concerning reduction of sentence of Mr Al Mahdi issued the “Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi”<sup>1</sup> (the “Scheduling Order”). A hearing in this matter was scheduled for 21 and 22 September 2021 and the participants were directed to inform the three judges by Monday, 19 July 2021 should any difficulties arise with respect to these dates.<sup>2</sup>

2. On 19 July 2021, the Prosecutor filed the “Prosecution observations to the ‘Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al

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<sup>1</sup> [ICC-01/12-01/15-392](#).

<sup>2</sup> [Scheduling Order](#), paras 1 and 6.

Faqi Al Mahdi’, ICC-01/12-01/15-392”<sup>3</sup> (the “Prosecutor’s Request”). On the same day, counsel for Mr Al Mahdi filed the “Observations de la Défense sur le calendrier fixé par l’ordonnance ICC-01/12-01/15-392”.<sup>4</sup> While counsel for Mr Al Mahdi indicated that he had no issue with the proposed dates of the hearing, the Prosecutor on the other hand indicated that the dates were problematic.

3. On 21 July 2021, the three judges of the Appeals Chamber directed the participants to respond to the Prosecutor’s Request by 26 July 2021.<sup>5</sup>

4. On 26 July 2021, counsel for Mr Al Mahdi and the Legal Representative of Victims filed their responses to the Prosecutor’s Request.<sup>6</sup> The Registry informed the three judges of the Appeals Chamber that the authorities of the United Kingdom and the Republic of Mali communicated their respective agreement with the alternate dates suggested by the Prosecutor for the re-scheduling of the hearing.<sup>7</sup>

## II. MERITS

5. The Prosecutor submits that his difficulty with the proposed dates for the hearing relate to the fact that the senior trial lawyer assigned to the present case is unable to participate as he is required to appear before the trial chamber in the case of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (hereinafter: “*Al Hassan case*”).<sup>8</sup> The Prosecutor thus proposes the week of 27 September 2021 as possible alternate dates.<sup>9</sup>

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<sup>3</sup> [ICC-01/12-01/15-396](#).

<sup>4</sup> [ICC-01/12-01/15-397](#).

<sup>5</sup> Order on the filing of a response to the “Prosecution observations to the ‘Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi’, ICC-01/12-01/15-392”, ICC-01/12-01/15-398.

<sup>6</sup> Réponse de la Défense aux observations ICC-01/12-01/15-396 du Procureur, conformément à l’ordonnance ICC-01/12-01/15-398, ICC-01/12-01/15-400 (hereinafter: “Mr Al Mahdi’s Response”); Réponse du Représentant legal aux “Prosecution observations to the ‘Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi’, ICC-01/21-01/15-392” (ICC-01/12-01/15-396), ICC-01/12-01/15-401 (hereinafter: “LRV’s Response”).

<sup>7</sup> Responses of the Authorities of the Republic of Mali and of the United Kingdom of Great Britain and Northern Ireland to the Orders for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi, ICC-01/12-01/15-392 and ICC-01/12-01/15-398, ICC-01/12-01/15-402 (hereinafter: “Registry Report”). *See also* ICC-01/12-01/15-402-Conf-AnxV (Note verbale from the Republic of Mali).

<sup>8</sup> [Prosecutor’s Request](#), para. 2.

<sup>9</sup> [Prosecutor’s Request](#), para. 2.

6. Counsel for Mr Al Mahdi, the Registrar, the United Kingdom and the Republic of Mali have indicated that they have no objection to the Prosecutor's request or the alternate dates that he suggests.<sup>10</sup> Likewise, the Legal Representative of Victims supports the Prosecutor's Request. However, given his involvement in the *Al Hassan* trial proceedings, the Legal Representative requests that any re-scheduling of the hearing in the present case should not coincide with that of the *Al Hassan* proceedings.<sup>11</sup>

7. In light of the Prosecutor's request and the responses received from the other participants the three judges of the Appeals Chamber consider it appropriate to grant the Prosecutor's request to re-schedule the hearing for the review concerning reduction of sentence of Mr Al Mahdi. Noting both the Prosecutor's and the Legal Representative of Victims' involvement in the *Al Hassan* proceedings and the calendar of all ongoing proceedings before the Court, the three judges of the Appeals Chamber consider that the earliest possible alternate dates suitable for the hearing are the 12<sup>th</sup> and 13<sup>th</sup> of October 2021. Accordingly, the hearing for the review concerning reduction of sentence of Mr Al Mahdi is re-scheduled to these dates.

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



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**Judge Solomy Balungi Bossa**  
**Presiding Judge**

Dated this 29<sup>th</sup> day of July 2021

At The Hague, The Netherlands

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<sup>10</sup> Mr Al Mahdi's Response, para. 6; Registry Report, paras 6 and 9.

<sup>11</sup> LRV's Response, para. 4.