

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/12-01/15**

Date: **25 August 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 REPUBLIQUE OF MALI
IN THE CASE OF *THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI***

Public

**Prosecution's urgent request under regulation 35(2) to extend the time limit for the
Prosecution's written submissions on the review concerning reduction of sentence
of Mr Ahmad Al Faqi Al Mahdi**

Source: Office of the Prosecutor

Document 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 QC

Mr James Stewart

Mr Gilles Dutertre

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

Registrar

Mr Peter Lewis

Division of Court Services

Other

The Presidency

I. Introduction

1. The Prosecution respectfully requests the three Judges of the Appeals Chamber appointed for the review concerning reduction of Mr Al Mahdi's sentence (Presiding Judge Solomy Balungi Bossa, Judge Marc Perrin de Brichambaut and Judge Gocha Lordkipanidze, together "Panel") to grant, under regulation 35(2) of the Regulations of the Court ("Regulations"), a seven-day extension for the filing of the Prosecution's written submissions on the sentence review which are currently due on 6 September 2021.
2. The Prosecution respectfully requests consideration of this request on an expedited basis given the current deadline for the Prosecution's written submissions.

II. Procedural Background

3. On 7 July 2021, by public scheduling order,¹ the Panel scheduled a hearing to be held on 21 and 22 September 2021 for the purpose of the review concerning the reduction of Mr Al Mahdi's sentence. The Panel also ordered the Registry to file by 30 August 2021 written observations on the sentence review criteria in rule 223(a) to (e) of the Rules of Procedure and Evidence ("Rules"), and invited the United Kingdom and Mali to do so by the same date.² The Panel further invited Mr Al Mahdi, the Prosecution and the Legal Representative of Victims to file written submissions addressing (i) the sentence review criteria in article 110(4)(a) to (c) of the Statute and rule 223(a) to (e) of the Rules and (ii) the

¹ [ICC-01/12-01/15-392](#) ("Original Scheduling Order").

² [Original Scheduling Order](#), para. 4(a) and (b).

observations of the Registry, the United Kingdom and the Republic of Mali as appropriate. These written submissions are currently due on 6 September 2021.³

4. On 29 July 2021, the Panel re-scheduled the hearing to 12 and 13 October 2021 given the Prosecution's and the Legal Representative of Victims' involvement in the *Al Hassan* proceedings and the calendar of all ongoing proceedings before the Court.⁴

III. Submissions

5. Given the Prosecution's involvement in the *Al Hassan* case, in which trial hearings are scheduled to resume on 26 August 2021, the Prosecution respectfully submits that there is good cause under regulation 35(2) to grant a limited extension of time of seven calendar days for the filing of the Prosecution's written sentence review submissions.
6. The submissions made by the Registry, the Republic of Mali and/or the United Kingdom are scheduled to be filed by 16h00 on 30 August 2021 while trial hearings in the *Al Hassan* case are scheduled for the rest of that week and for the following one (as well as thereafter).
7. An extension of time of seven days for the filing of its written submissions would allow the Prosecution to properly analyse the submissions made by the Registry, the Republic of Mali and/or the United Kingdom and to address them as appropriate in the Prosecution's written submissions and within the applicable page limits.

³ [Original Scheduling Order](#), para. 4(c).

⁴ [ICC-01/12-01/15-403](#), para. 7.

8. The current deadline was set when the hearing was scheduled for 21-22 September. Given the brevity of the extension of time which the Prosecution seeks, as well as the re-scheduling of the hearing to 12 and 13 October 2021, this extension is unlikely to have an impact on the overall expeditious conduct of the sentence review proceedings.
9. If the requested extension is granted, in the Prosecution's respectful submission it should also be granted for the written submissions which the Panel invited Mr Al Mahdi and the Legal Representative of Victims to make. In this way these submissions would all be due on the same day, namely on 13 September 2021.

IV. Conclusion

10. For the reasons set out above, the Prosecution respectfully requests the Panel to grant under regulation 35(2) a time extension of seven days until 13 September 2021 for the filing of the Prosecution's written submissions.



Karim A. A. Khan QC, Prosecutor

Dated this 25th of August 2021

At The Hague, The Netherlands