

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/12-01/18

Date: 4 March 2024

TRIAL CHAMBER X

Before: Judge Kimberly Prost, Single Judge

SITUATION IN THE REPUBLIC OF MALI

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

Public

Decision on two requests concerning the delivery of the Trial Judgment

To be notified in accordance with Regulation 31 of the *Regulations of the Court* to:**The Office of the Prosecutor**

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Legal Representatives of Applicants**Unrepresented Victims****Unrepresented Applicants for Participation/Reparations****The Office of Public Counsel for Victims****The Office of Public Counsel for the Defence****States Representatives*****Amicus Curiae*****REGISTRY**

Registrar

Oswaldo Zavala Giler

Counsel Support Section**Victims and Witnesses Unit**

Nigel Verrill

Detention Section**Victims Participation and Reparations Section****Other**

Public Information and Outreach Section

Judge Kimberly Prost, acting as Single Judge of Trial Chamber X (the ‘Single Judge’ and the ‘Chamber’, respectively) of the International Criminal Court, in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, having regard to Articles 64 and 74 of the Rome Statute (the ‘Statute’), issues the following ‘Decision on two requests concerning the delivery of the Trial Judgment’.

1. On 6 December 2023, the Chamber issued a scheduling order announcing that its judgment pursuant to Article 74 of the Statute (‘the Trial Judgment’) would be delivered in a public hearing on 18 January 2024.¹
2. On 15 January 2024, the Chamber issued an order indicating that, in light of the health situation of Judge Antoine Kesia-Mbe Mindua, it had ‘no option but to vacate the hearing previously scheduled’.²
3. On 13 February 2024, the Defence and the Legal representatives of victims, jointly, and the Prosecution filed requests seeking information relating to the setting of a date for the delivery of the Trial Judgment.³
4. In their respective requests, the parties and participants raise valid concerns and queries. The Single Judge can only agree that it is of the utmost importance, in the circumstances, and particularly at this stage, for all to receive updated information promptly. Best efforts have been made to obtain such information with as much detail as possible. However, Judge Mindua remains generally unavailable such that the other judges of the Chamber have had only limited communication with him over the past four weeks.
5. The Single Judge therefore can only advise that, because of Judge Mindua’s ongoing health situation and his resulting unavailability, the issuance and delivery the Trial Judgment is unlikely to happen before the end of March 2024. For the same reasons, the Single Judge simply does not have a more precise time estimate

¹ Order scheduling the delivery of the Trial Judgment, ICC-01/12-01/18-2476.

² Order vacating the hearing scheduled for the delivery of the Trial Judgment, ICC-01/12-01/18-2584.

³ Requête conjointe de la Défense et des représentants légaux des victimes quant à l’obtention d’information relativement à la date de prononce du jugement, ICC-01/12-01/18-2586 (filed on 12 February 2024); Requête de l’Accusation aux fins d’information concernant la date de prononcé du jugement dans l’affaire Al Hassan, ICC-01/12-01/18-2587.

and acknowledges the unfortunate impact the ongoing lack of clarity has on the accused, the affected communities, as well as the parties and participants' respective teams. Further, and while the Single Judge accepts the parties and participants' submission that sufficient notice with respect to the delivery date would be of assistance for organisational reasons, the prevailing concern remains the timely delivery of the Trial Judgment. Accordingly, while the Single Judge cannot guarantee that a scheduling order will necessarily be issued two weeks before the delivery date, the Chamber will attempt to provide such notice as requested.

6. The Chamber remains committed to sharing, with the parties and participants, and at the earliest opportunity, any relevant information in its possession.

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



Judge Kimberly Prost
Single Judge

Dated this Monday, 4 March 2024

At The Hague, The Netherlands