



**Original: English**

**No. ICC-01/12-01/18 A A2**

**Date: 19 December 2024**

**THE APPEALS CHAMBER**

**Before:**

**Judge Luz del Carmen Ibáñez Carranza, Presiding  
Judge Solomy Balungi Bossa  
Judge Gocha Lordkipanidze  
Judge Miatta Maria Samba  
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**

**Order concerning reclassification and the filing of observations on  
the notices of discontinuance of the appeals**

**Order 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  
Ms Helen Brady

**Counsel for the Defence**

Ms Melinda Taylor  
Ms Felicity Gerry

**Legal Representatives of Victims**

Mr Seydou Doumbia  
Mr Mayombo Kassongo  
Mr Fidel Nsita Luvengika

**REGISTRY**

---

**Registrar**

Mr Osvaldo Zavala Giler

The Appeals Chamber of the International Criminal Court,

In the appeals of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud and the Prosecutor against the decision of Trial Chamber X entitled “Trial Judgment” of 26 June 2024 (ICC-01/12-01/18-2594-Conf; public redacted version: ICC-01/12-01/18-2594-Red),

In light of the “Defence Notice of Discontinuance of Appeal against Trial Judgment rendered by Trial Chamber X on 26 June 2024” of 17 December 2024 (ICC-01/12-01/18-2667) and the “Prosecution Notice of Discontinuance of its Appeals against the Trial Judgment of Trial Chamber X dated 26 June 2024” of 17 December 2024 (ICC-01/12-01/18-2668),

By majority, Judge Gocha Lordkipanidze and Judge Erdenebalsuren Damdin dissenting,

*Issues* the following

## ORDER

1. The legal representatives of the participating victims may file their observations on the aforementioned notices of discontinuance of appeals, not exceeding 10 pages, by 30 December 2024.
2. The Registrar is directed to reclassify as public filings ICC-01/12-01/18-2664-Conf-Exp, ICC-01/12-01/18-2665-Conf-Exp, and ICC-01/12-01/18-2669-Conf-Exp by 20 December 2024.

## REASONS

1. On 26 June 2024, Trial Chamber X (hereinafter: “Trial Chamber”) rendered its decision entitled “Trial Judgment” (hereinafter: “Conviction Decision”), in which Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (hereinafter: “Mr Al Hassan”) was convicted on eight counts of crimes against humanity and war crimes.<sup>1</sup>

---

<sup>1</sup> [Trial Judgment](#), ICC-01/12-01/18-2594-Red (confidential version filed on the same day, ICC-01/12-01/18-2594-Conf).

2. On 18 September 2024, the Defence and the Prosecutor filed their respective notices of appeal against the Conviction Decision.<sup>2</sup>
3. On 20 November 2024, the Trial Chamber rendered its decision entitled “Sentencing Judgment” (hereinafter: “Sentencing Decision”),<sup>3</sup> in which it sentenced Mr Al Hassan to a total period of imprisonment of 10 years and ordered that the time that he has spent in detention from 28 March 2018 and onwards be deducted from the total period of imprisonment.<sup>4</sup>
4. On 12 December 2024, following an urgent joint request filed by the Defence and the Prosecutor,<sup>5</sup> the Appeals Chamber rendered a decision, in which it rejected the parties’ request for: (i) a further extension of time for the filing of their respective appeal briefs against the Conviction Decision; and (ii) an extension of time for the filing of any notices of appeal against the Sentencing Decision (hereinafter: “Decision on Joint Request for Extension of Time”).<sup>6</sup>
5. On 17 December 2024, the Defence and the Prosecutor filed, pursuant to rule 152 of the Rules of Procedure and Evidence (hereinafter: “Rules”), their respective notices of discontinuance of the appeals against the Conviction Decision (hereinafter: jointly, “Notices of Discontinuance”).<sup>7</sup>
6. On the same day, following an order issued by the Appeals Chamber,<sup>8</sup> the Defence and the Prosecutor filed a joint request for reclassification of the Joint Request for Extension of Time (hereinafter: “Joint Request for Reclassification”).<sup>9</sup>
7. In the Notices of Discontinuance, the parties submit that they have decided to discontinue their respective appeals against the Conviction Decision and not to appeal the Sentencing

---

<sup>2</sup> [Defence Notice of Appeal against the Trial Judgment](#), ICC-01/12-01/18-2648; [Prosecution notice of appeal](#), ICC-01/12-01/18-2649.

<sup>3</sup> [Sentencing Judgment](#), ICC-01/12-01/18-2662.

<sup>4</sup> [Sentencing Decision](#), p. 68.

<sup>5</sup> Urgent Further Joint Request for Extension of Time, 10 December 2024, ICC-01/12-01/18-2664-Conf-Exp (hereinafter: “Joint Request for Extension of Time”).

<sup>6</sup>; Decision on the “Urgent Further Joint Request for Extension of Time”, ICC-01/12-01/18-2665-Conf-Exp.

<sup>7</sup> [Defence Notice of Discontinuance of Appeal against Trial Judgment rendered by Trial Chamber X on 26 June 2024](#), ICC-01/12-01/18-2667 (hereinafter: “Defence’s Notice of Discontinuance”), with [Annex A](#); [Prosecution Notice of Discontinuance of its Appeals against the Trial Judgment of Trial Chamber X dated 26 June 2024](#), ICC-01/12-01/18-2668 (hereinafter: “Prosecutor’s Notice of Discontinuance”).

<sup>8</sup> Decision on Joint Request for Extension of Time, p. 3, para. 14.

<sup>9</sup> Joint request for reclassification of filing ICC-01/12-01/18-2664-Conf-Exp, ICC-01/12-01/18-2669-Conf-Exp.

Decision.<sup>10</sup> In their view, the interests of justice would be served by bringing the proceedings in the present case to an end and by providing a definite and final resolution.<sup>11</sup>

8. Pursuant to article 68(3) of the Statute, the Appeals Chamber “*shall* permit [the victims’] views and concerns to be presented and considered” where their personal interests are affected.<sup>12</sup> In this regard, the Appeals Chamber recalls that, in line with this provision and the Statute’s victim-centred approach, it has permitted the victims, through their legal representatives, to participate in the appeals against the Conviction Decision.<sup>13</sup> Likewise, the Appeals Chamber recalls that pursuant to article 21(3) of the Statute, the application and the interpretation of the law, including in the instant case rules 152 and 157 of the Rules, must be consistent with internationally recognised human rights law.

9. Accordingly, the Appeals Chamber, by majority, with Judge Gocha Lordkipanidze and Judge Erdenebalsuren Damdin dissenting, finds it appropriate to allow the legal representatives of the participating victims to file observations on the Notices of Discontinuance, if any. The observations, not exceeding 10 pages, shall be filed by 30 December 2024.

10. Judge Gocha Lordkipanidze and Judge Erdenebalsuren Damdin agree that the participatory rights of victims shall be respected at all stages of the proceedings. However, they respectfully disagree with the Majority’s decision above. In the present case, and considering that appeals against a conviction are party-driven, the Majority’s decision to invite observations from the legal representatives of the participating victims has no justification under the statutory framework of the Court. In their view, the Appeals Chamber should issue a decision, acknowledging the Notices of Discontinuance and determining that they comply with the criteria of validity, as they are made unreservedly and concern discontinuance of both appeals in their entirety.

11. With respect to the Joint Request for Reclassification, the Appeals Chamber notes that the parties request for reclassification as public of the Joint Request for Extension of Time,<sup>14</sup> and indicate that once the Joint Request for Extension of Time is reclassified, the Joint Request

---

<sup>10</sup> [Defence’s Notice of Discontinuance](#), para. 4; [Annex A to Defence’s Notice of Discontinuance](#), paras 2-3; [Prosecutor’s Notice of Discontinuance](#), para. 3.

<sup>11</sup> [Annex A to Defence’s Notice of Discontinuance](#), paras 2-3, 5; [Prosecutor’s Notice of Discontinuance](#), para. 3.

<sup>12</sup> Emphasis added.

<sup>13</sup> See [Decision on the modalities of victim participation in the appeals](#), 24 October 2024, ICC-01/12-01/18-2659, p. 3, para. 4.

<sup>14</sup> Joint Request for Reclassification, paras 1-4.

for Reclassification may also be reclassified as public.<sup>15</sup> Regulation 23bis(3) of the Regulations of the Court provides that a chamber may reclassify a document when the basis for the classification no longer exists. Noting that the parties filed as public the Notices of Discontinuance, it does not appear to the Appeals Chamber that any reason exists for the Joint Request for Extension of Time (ICC-01/12-01/18-2664-Conf-Exp), the Decision on Joint Request for Extension of Time (ICC-01/12-01/18-2665-Conf-Exp) and the Joint Request for Reclassification (ICC-01/12-01/18-2669-Conf-Exp) to remain confidential, *ex parte*.

12. Therefore, the Registrar is directed to reclassify as public filings ICC-01/12-01/18-2664-Conf-Exp, ICC-01/12-01/18-2665-Conf-Exp and ICC-01/12-01/18-2669-Conf-Exp by 20 December 2024.

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



---

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

Dated this 19<sup>th</sup> day of December 2024

At The Hague, The Netherlands

---

<sup>15</sup> Joint Request for Reclassification, paras 5-6.