

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

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

**Date: 19 March 2025**

**TRIAL CHAMBER X**

**Before:** Judge Kimberly Prost, Presiding Judge  
Judge María del Socorro Flores Liera  
Judge Keebong Paek

**SITUATION IN THE REPUBLIC OF MALI**

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

**Public**

**Public Redacted Version of “Joint Report pursuant to Trial Chamber X’s “Order for Submissions on Reparations” (ICC-01/12-01/18-2666) and request for extension of time”, 13 March 2025, ICC-01/12-01/18-2692-Conf-Exp**

**Source:** Registry, Prosecution and Legal Representatives of Victims

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

**The Office of the Prosecutor**

**Counsel for the Defence**  
D28 Al Hassan Defence Team

**Legal Representatives of the Victims**  
V43 Victim Team

**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**

**Registrar**  
M. Zavala Giler, Osvaldo

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Other**  
Trust Fund for Victims

## I. Introduction

1. On 13 December 2024, Trial Chamber X (“Chamber”) issued an “Order for Submissions on Reparations” (“Order”)<sup>1</sup> in the present case (“Case”), noting that, outside of the crime of persecution, there are 49 direct victims in the Case,<sup>2</sup> and instructing the Legal Representatives of Victims (the “LRV”), the Office of the Prosecutor (the “Prosecution”), and the Registry to provide by 14 March 2025 a joint report (“Joint report”) to the Chamber “advising: (i) whether these victims, or in the case of victims who may be deceased, their families, are identifiable and can be contacted; (ii) whether any of these victims are currently represented by the LRV; and, (iii) if the victims are not represented by the LRV, whether they have now chosen to be”.<sup>3</sup> The Chamber allowed the Defence to respond to the Joint report by 14 April 2025.

## II. Procedural History

2. On 26 June 2024, the Chamber, by majority, convicted the accused (“Mr Al Hassan”) for the commission of three counts of crimes against humanity and five counts of war crimes (“Trial Judgment”).<sup>4</sup>
3. On 20 November 2024, the Chamber sentenced Mr Al Hassan to 10 years of imprisonment (“Sentencing Judgment”).<sup>5</sup>
4. On 13 December 2024, the Chamber issued the Order.<sup>6</sup>
5. Last, on 7 March 2025, the Appeals Chamber found that “[a]s the Notices of Discontinuance satisfy the procedural requirements, the Appeals Chamber

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<sup>1</sup> Trial Chamber X, “Order for Submissions on Reparations”, 13 December 2024, ICC-01/12-01/18-2666.

<sup>2</sup> Order, para. 4; these 49 direct victims are listed in Annex 3 of the Trial Judgment ( ICC-01/12-01/18-2594-Anx3) and in the Sentencing Judgment (ICC-01/12-01/18-2662, paras 42, 59).

<sup>3</sup> Order, para. 4.

<sup>4</sup> Trial Chamber X, Public redacted version of “Trial Judgment”, 26 June 2024, ICC-01/12-01/18-2594-Red.

<sup>5</sup> Trial Chamber X, “Sentencing Judgment”, 20 November 2024, ICC-01/12-01/18-2662.

<sup>6</sup> See *supra*, footnote 1.

finds that they are valid and that the appellate proceedings in the case against Mr Al Hassan are terminated.”<sup>7</sup>

### III. Applicable Law

6. The present transmission and request for extension of time are submitted respectively in compliance with the Order and in accordance with Regulation 35 of the Regulations of the Court (“RoC”).

### IV. Classification

7. In accordance with regulation 23bis(2) of the RoC, the present submission is classified as confidential *ex parte*, only available to the Registry, the Prosecution and the LRV, as it contains identifying information relating to victims. A public redacted version will be filed promptly to allow the Defence to respond by 14 April 2025, as ordered by the Chamber.<sup>8</sup>

### V. Submissions

8. In order to comply with the Order, and to collect all relevant information, several coordination meetings were organised between the Registry, the Prosecution, and the LRV, both at the HQ level and within the respective field teams. Through these coordinated efforts, of the 49 victims, 28 have been identified or at least pre-identified so far.

#### A. Victims identified (4)

9. Three direct victims, namely P-0554, P-0557 and P-0565, are known, can be contacted and are currently represented by the LRV.<sup>9</sup> On 26 February 2025, the Victims Participation and Reparations Section (“VPRS”) provided to the LRV

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<sup>7</sup> Appeals Chamber, “Decision on the notices of discontinuance of the appeals”, 7 March 2025, ICC-01/12-01/18-2688 A A2.

<sup>8</sup> See *supra* para. 1 *in fine*.

<sup>9</sup> P-0554 (participating victim a/10711/21), P-0557 (participating victim a/25081/14, duplicate a/45122/18) and P-0565 (participating victim a/50906/20).

information with regards to potential victims' relatives mentioned in their victim applications. [REDACTED] the contact between the LRV and their clients which will occur as soon as possible.

10. One victim, [REDACTED].<sup>10</sup> [REDACTED].

#### **B. Victims pre-identified and under further verification (24)**

11. 24 further persons have been identified by the VPRS as potential matches with the 49 victims or as their relative(s) in the case of deceased victims. These are: [REDACTED]. To the VPRS' knowledge, none of these individuals have applied for victim status in the *Al Hassan* proceedings.

12. The VPRS was supported [REDACTED] was based on the list of names of the direct victims (with the exception of the persons already identified, namely P-0554, P-0557, P-0565 and [REDACTED]) and on the public parts of the Trial Judgment which relate to the incidents. [REDACTED] their identity as well as their description of the events/incidents. Additional information and/or clarifications were requested in cases of homonyms. Some individuals provided information to support their narrative (e.g. names of witnesses of relevant incidents). Copies of their identity documents, current residence<sup>11</sup> and contact details have been collected and are being analysed by VPRS staff for further verification/confirmation.<sup>12</sup>

13. Based on the information thus collected, the VPRS considers that there are presently 24 potential matches with the 49 direct victims and/or their relative(s). Enquiries are being made with the above individuals as to their choice of the LRV as legal representative.<sup>13</sup>

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<sup>10</sup> [REDACTED].

<sup>11</sup> The VPRS notes that [REDACTED].

<sup>12</sup> The identification of individuals has to be made by soliciting their account of harm suffered in conjunction with their identity documents, as the latter alone often do not provide clear indications - partly because of the different spellings of names, and partly because most of the names on the Chamber's list of 49 direct victims are aliases/pseudonyms (*see also infra* at 'Challenges').

<sup>13</sup> Order, para. 4, *lit.* (iii).

### C. Victims not yet identified (21)

14. Among the 49 victims, 21 individuals have not yet been identified, despite the efforts made to date.<sup>14</sup>

a) [REDACTED]

15. The VPRS is conducting [REDACTED] to identify the remaining 21 victims. The VPRS has been informed that one counsel for the LRV [REDACTED] to identify victims<sup>15</sup> and has [REDACTED]. However so far no results have been reported.

b) *Desk research*

16. The Prosecution performed a detailed desk-research on the names and aliases available on the case file and in its database. However, to date useful information on whereabouts and/or contact details of the 21 individuals concerned could not be found, except potentially for the individual called [REDACTED].<sup>16</sup>

17. The Prosecution considers it unlikely that further research into the available data will yield useful information to reach relevant victims. Indeed, most of them were [REDACTED] filed as evidence in the record of the Case, without additional details.

18. The VPRS has also completed a desk review exercise in its victim application database based on the names and/or aliases (when available) of the 49 victims. With the exception of P-0554, P-0557, P-0565 and [REDACTED], no matching victim application forms could be identified.<sup>17</sup>

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<sup>14</sup> The VPRS notes that only the victims mentioned in paras 9-10 *supra* have been identified in the central Registry victim database (information has been shared with the LRV and the Prosecution by email of 16 January 2025). *See infra*, para. 18.

<sup>15</sup> [REDACTED].

<sup>16</sup> Additional checks are being performed by the Prosecution on [REDACTED].

<sup>17</sup> The absence of matches may not entirely exclude that the relevant individuals ever submitted a victim application form before the Court; the absence of results may also be the effect of possible significant alternative name spellings coupled with insufficient additional identity information to run an accurate data search. [REDACTED] seek to exclude the latter option.

19. The VPRS has further carried out a spot-check analysis of more than 400 documents from the Prosecution's list of materials of the Case related to the 49 victims.<sup>18</sup> The VPRS's spot check analysis covered 12 percent of the material, notably also in light of the parallel comprehensive check of the same data by the Prosecution as well as efforts of the LRV based on that same information on the case record. The VPRS has come to the same conclusion as the Prosecution in that none of the information provides direct leads to reach any of the concerned victims. Contextual information regarding some individuals has been identified and [REDACTED] to see whether further victims can be found.<sup>19</sup> Therefore, [REDACTED].
20. The LRV informed the VPRS that their team is conducting in parallel a desk-research.<sup>20</sup> This has likewise to date remained without tangible results.
21. The VPRS has also reached out to the TFV and has engaged in an informal discussion with the Defence. TFV colleagues signalled that they may be able to assist with some leads. Similarly, the Defence indicated their willingness to provide any information in its possession that could help in the exercise of identifying any of the direct victims on the Chamber's list.

#### **D. Challenges faced and request for extension of time**

22. Due to the ongoing research and still outstanding verifications, as well as the challenges mentioned below, the LRV, the Prosecution and the Registry respectfully request a moderate extension of time by two months until 16 May 2025.
23. This time will be required to conclude due diligence efforts to confirm existing information and explore remaining leads. The LRV and the Registry continue

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<sup>18</sup> Access was provided to the VPRS following Chamber's instruction by email of 6 February 2025.

<sup>19</sup> The VPRS extracted data from items on the record dated in 2012 and 2013 (including data where the exact date is unknown) such as municipal residence at the time, references to family members (at times including their names), profession, and names of third persons who, if identifiable, may provide a lead to the victim in question.

<sup>20</sup> Email from the LRV to the VPRS and the Prosecution on 22 February 2025.

to face various challenges (i) in the confirmation of the potential matches of 24 victims, and (ii) in efforts to identify [REDACTED] the remaining 21 victims.

24. First, the elements of identification provided by victims are limited, and often identity documents do not provide conclusive answers: the VPRS noticed [REDACTED] that the names may be spelled differently (homonyms) in official identity documents than on the Chamber's list; and that some names on the list may in fact be aliases/pseudonyms that do not correspond to the identity documents of the relevant victims. Only by soliciting the relevant victim's account of the harmful events and by comparing this with the Trial Judgment can one establish with aggregate certainty that the person in question is indeed the one mentioned by the Chamber.
25. Second, the events relevant to the charges took place more than a decade ago; victims often had to move from one place of residence to another and/or changed their contact details. This also affects individuals on the list of the 49 direct victims. If and where victims have long left their communities, even enquiries by the Registry or the LRV [REDACTED] may be time-consuming and might ultimately prove unsuccessful.
26. Third, the tense security situation in the field<sup>21</sup> [REDACTED]. Moreover, [REDACTED] is difficult due to [REDACTED] challenges, but also as it makes any verification impossible.
27. Finally, [REDACTED] pose serious limits to an investigation that can yield results in short time.
28. An extension until 16 May 2025 will hopefully enable particularly the Registry and LRV to i) complete the information provided in the present Joint Report and verify the potential leads found during this exercise; ii) organise [REDACTED]; and iii) collect information about their legal representation. In addition, the Registry could engage further, with the Chamber's leave, with

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<sup>21</sup> See, e.g., <https://www.jeuneafrique.com/1665877/politique/terrorisme-jihadiste-burkina-faso-mali-et-niger-en-tete-des-pays-les-plus-frappes-au-monde/>.



colleagues of the TFV and the Defence to analyse any further information and follow any leads provided.

29. This said, the LRV, the Prosecution and the Registry would also like to stress that the current exercise and efforts may very likely lead to inconclusive results for at least some of the 49 victims.
30. Over and above the present exercise, the Registry will do its utmost to identify the remaining persons of the Chamber's list of direct victims in the course of any continuing victim identification exercise the Chamber may find appropriate for further potential reparation beneficiaries in this Case.



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Karim A.A. Khan KC, Prosecutor



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Marc Dubuisson, Director, Division of Judicial Services  
on behalf of  
Osvaldo Zavala Giler, Registrar



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Me Seydou Doumbia, Me Fidel Nsita Luvengika, Me Mayombo Kassongo  
Legal Representatives of Victims

Dated this 19 March 2025

At The Hague, The Netherlands