

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **17 December 2024**

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
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

**Prosecution Notice of Discontinuance of its Appeal against the Trial Judgment of
Trial Chamber X dated 26 June 2024**

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 KC
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Legal Representatives of Victims

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

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations Other Section**

1. In its Trial Judgment of 26 June 2024,¹ the Trial Chamber convicted Mr Al Hassan of eight counts: torture as a crime against humanity; torture as a war crime; other inhumane acts as a crime against humanity; cruel treatment as a war crime; outrages upon personal dignity as a war crime; sentencing without due process as a war crime; persecution on religious grounds as a crime against humanity; and mutilation as a war crime. In its Sentencing Judgment of 20 November 2024,² the Trial Chamber sentenced him to a total period of imprisonment of 10 years.
2. The Prosecution notes Mr Al Hassan's discontinuance of his appeal against the Trial Judgment. The Prosecution also notes that Mr Al Hassan has decided not to appeal the Sentencing Judgment. The Prosecution further notes that Mr Al Hassan asks for forgiveness from all those he harmed and from all the victims of Timbuktu during the period from May 2012 to January 2013, whose suffering was set out in the Trial Judgment and the Sentencing Judgment.³
3. Pursuant to rule 152(1) of the Rules of Procedure and Evidence, the Prosecution discontinues its appeal against the Trial Judgment,⁴ having filed a notice of appeal on 18 September 2024.⁵ The Prosecution also decides not to appeal the Sentencing Judgment. The Prosecution considers that it will contribute to the interests of justice to bring the proceedings in this case to a close and to ensure that its outcome is final.

¹ ICC-01/12-01/18-2594-Red ("[Trial Judgment](#)").

² ICC-01/12-01/18-2662 ("[Sentencing Judgment](#)").

³ ICC-01/12-01/18-2667 ("[Defence Notice of Discontinuance of Appeal against the Trial Judgment](#)"), and Annex A. *See also* ICC-01/12-01/18-2648 ("[Defence Notice of Appeal](#)").

⁴ In the context of the discontinuance of appeals under rule 152, the Appeals Chamber has held that "it is within the party's discretion to discontinue an appeal and that the Court's legal framework does not provide for a role of the Appeals Chamber therein": ICC-01/04-01/07-3505 ("[Katanga Decision on Victim Participation in the Appeal](#)"), para. 13. Following the filing of notices of discontinuance by the Parties in the *Katanga* case, the Appeals Chamber terminated the proceedings, recalling that "[a] notice of discontinuance is neither subject to approval by nor acknowledgement from the Court": [Katanga Decision on Victim Participation in the Appeal](#), para. 14, fn. 31, referring with approval to ICC-01/04-01/06-176 ("[Lubanga Discontinuance of Appeal Decision](#)"), para. 8. In the context of the discontinuance of appeals under rule 157, the Appeals Chamber has likewise noted that "[t]he Appellant need not provide reasons for discontinuing and may exercise this right at any time before the judgment is delivered." ([Lubanga Discontinuance of Appeal Decision](#), para. 8). *See also* ICC-01/04-01/06-393 ("[Lubanga Second Discontinuance of Appeal Decision](#)"), para. 12; ICC-01/04-01/06-1486 ("[Lubanga Non-Disclosure Appeal Decision](#)"), para. 16; and ICC-02/17-216 ("[Afghanistan Notice of Discontinuance Decision](#)"), paras. 29, 33-34.

⁵ ICC-01/12-01/18-2649 ("[Prosecution Notice of Appeal](#)").



Karim A.A. Khan KC, Prosecutor

Dated this 17th day of December 2024

At The Hague, the Netherlands