

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 July 2021

**THE 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 REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI***

**Public
with Five Confidential Annexes, I to V**

**Responses of the Authorities of the Republic of Mali and
of the United Kingdom of Great Britain and Northern Ireland
to the Orders for the review concerning reduction of sentence of Mr Ahmad Al
Faqi Al Mahdi, ICC-01/12-01/15-392 and ICC-01/12-01/15-398**

Source: The Registry

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, Q.C.

Mr James Stewart

Counsel for the Defence

Mr Mohamed Aouini

Legal Representatives of the Victims

Mr Mayombo Kassongo

Legal Representatives of the Applicants

States' Representatives

The United Kingdom of Great Britain
and Northern Ireland

The Republic of Mali

Others

The Presidency

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. In accordance with rules 13(1) and 176(2) of the Rules of Procedure and Evidence (“the RPE”), the Registry reports to the Three Judges of the Appeals Chamber appointed for the review concerning the reduction of sentence of Mr Al Ahmad Al Faqi Al Mahdi (“the Three Judges”) the responses received from the Republic of Mali (“Mali”) and the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”) following the notification to their authorities of the *“Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi”*¹ (the “Scheduling Order”) and the subsequent *“Order on the filing of a response to the ‘Prosecution observations to the ‘Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi’, ICC-01/12-01/15-392”*² (the Second Order”) issued by the Three Judges respectively on 7 July 2021 and 21 July 2021.

II. Classification

2. Pursuant to regulation 23bis (2) of the Regulations of the Court, the present submission is public as it refers to submissions filed with the same level of classification. The annexes are classified as confidential because they contain contact details of staff members of the Registry and of the Republic of Mali.

III. Report on consultations with the United Kingdom and Mali

1) Consultation with the United Kingdom

3. On 7 July 2021, the Registry notified to the Embassy of the United Kingdom to the Kingdom of the Netherlands (“the British Embassy”) the Scheduling Order.³

¹ Three Judges of the Appeals Chamber appointed for the review concerning reduction of sentence, Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi, 7 July 2021, ICC-01/12-01/15-392. The translation in French has been recorded on 9 July 2021, ICC-01/12-01/15-392-tFRA.

² Three Judges of the Appeals Chamber appointed for the review concerning reduction of sentence, Order on the filing of a response to the “Prosecution observations to the ‘Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi’, ICC-01/12-01/15-392”, 21 July 2021, ICC-01/12-01/15-398. The translation in French has been recorded on 22 July 2021, ICC-01/12-01/15-398-tFRA.

³ Annex I

4. By email on 16 July 2021, the Embassy informed the Registry that the United Kingdom is not aware of any difficulty that would impact the hearing for the purpose of the review concerning reduction of his sentence (“the Hearing”) scheduled on 21 and 22 September 2021. The Embassy indicated also that the competent services of the British Prison where Mr Ahmad Al Faqi Al Mahdi (“Mr Al Mahdi”) enforces his sentence will provide written observations related to the reduction of sentence on the criteria set out in rule 223 of the RPE by 30 August 2021 and does not intend to participate in the Hearing, without prejudice on the possible participation of the Home Office .

5. By the way of a note verbale of 21 July 2021, the Registry notified to the Embassy the Second Order, together with the “*Prosecution observations to the “Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi”, ICC-01/12-01/15-392*”⁴ submitted by the Prosecutor on 19 July 2021 and the “*Observations de la Défense sur le calendrier fixé par l’ordonnance ICC-01/12-01/15-392* »⁵ submitted by the Defence of Mr Al Mahdi on the same day.⁶

6. On 26 July 2021, the British Embassy informed by email the Registry that the United Kingdom has no objection to the postponement of the Hearing to the week of the 27th September 2021 as suggested by the Prosecution.

2) Consultations with the Malian authorities

7. On 12 July 2021, the Registry notified the Scheduling Order and its translation in French to the Embassy of Mali in Brussels (“the Malian Embassy”).⁷

⁴ Office of the Prosecutor, Prosecution observations to the “Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi”, ICC-01/12-01/15-392, 19 July 2021, ICC-01/12-01/15-396. The translation in French has been recorded on 21 July 2021, ICC-01/12-01/15-396-tFRA.

⁵ Defence of Mr Ahmad Al Faqi Al Mahdi, Observations de la Défense sur le calendrier fixé par l’ordonnance ICC-01/12-01/15-392, ICC-01/12-01/15-397. The translation in English has been recorded on 22 July 2021, ICC-01/12-01/15-397-tENG.

⁶ Annex II.

⁷ Annex III.

8. On 22 July 2021, the Registry transmitted to the Malian Embassy the French version of the Second Order and of the *“Prosecution observations to the Scheduling order for the review concerning reduction of sentence of Mr Ahmad Al Faqi Al Mahdi”*, ICC-01/12-01/15-392”, and the *“Observations de la Défense sur le calendrier fixé par l’ordonnance ICC-01/12-01/15-392 »*.⁸
9. On 26 July 2021, the Malian authorities informed the Registry that they have no objection on the dates proposed by the Prosecution to hold the Hearing on the week of the 27th September 2021. This communication was done through a note verbale from the Embassy sent by email to the Registry and a note containing the Observations of the Ministry of Justice and Human Rights delivered to the ICC Country Office in Bamako.⁹

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Marc Dubuisson
Director, Division of Judicial Services on behalf of
Peter Lewis, the Registrar

Dated this 27 July 2021
At The Hague, the Netherlands

⁸ Annex IV.

⁹ Annex V.