

Situation in Mali

ICC-PIDS-CIS-MAL-02-010/20_Eng

The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

Updated: July 2020

ICC-01/12-01/18

Al-Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

Suspected of crimes against humanity and war crimes allegedly committed in Timbuktu, Mali, between 2012 and 2013. Charges confirmed on 30 September 2019. Opening of the trial scheduled for 14 July 2020. In ICC custody.



Date of birth: 1977

Place of birth: Timbuktu, Mali

Nationality: Malian

Title: Alleged member of Ansar Eddine, *de facto* chief of the Islamic police, involved in the Islamic court's work

Warrant of arrest: 27 March 2018

Transfer: 31 March 2018

Initial appearance : 4 April 2018

Confirmation of charges hearing: 8 to 17 July 2019

Decision confirming the charges: 30 September 2019

Opening of the trial: scheduled for 14 July 2020

Charges:

In its decisions issued on 30 September 2019 and on 23 April 2020, Pre-Trial Chamber I concluded that there are substantial grounds to believe that Mr Al Hassan is responsible for the following crimes:

- Crimes against humanity allegedly committed in Timbuktu, Mali, in the context of a widespread and systematic attack by armed groups Ansar Eddine / Al Qaeda in the Islamic Maghreb against the civilian population of Timbuktu and its region, between 1 April 2012 and 28 January 2013: Torture, rape, sexual slavery, other inhumane acts, including, inter alia, forced marriages, persecution; and
- War crimes allegedly committed in Timbuktu, Mali, in the context of an armed conflict not of an international nature occurring in the same period between April 2012 and January 2013: Torture, cruel treatment, outrages upon personal dignity, passing of sentences without previous judgement pronounced by a regularly constituted court affording all judicial guarantees which are generally recognized as indispensable, intentionally directing attacks against buildings dedicated to religion and historic monuments, rape and sexual slavery.

Alleged crimes (non-exhaustive list)

Pre-Trial Chamber I found that there are reasonable grounds to believe that:

- Between April 2012 and January 2013, in furtherance of a policy designed by the armed groups Al-Qaida in the Islamic Maghreb ("AQIM") and Ansar Eddine, a widespread and systematic attack within the meaning of article 7(1) of the Statute was carried out against the civilian population, including by torturing, raping and persecuting members of the civilian population of Timbuktu, in Mali.
- A non-international armed conflict began in January 2012 and remained ongoing in Mali throughout the period of the alleged events. During that period, from the beginning of April 2012 to 17 January 2013, the city of Timbuktu was allegedly under the control of the armed groups Al-Qaida in the Islamic Maghreb ("AQIM") and Ansar Eddine, a primarily Tuareg movement associated with AQIM. Mr Al Hassan is alleged to have played a prominent role in the commission of crimes and religious and gender-based persecution by those armed groups against the civilian population of Timbuktu.
- Mr Al-Hassan was a member of Ansar Eddine and *de facto* chief of the Islamic police.
- Mr Al-Hassan was involved in the work of the Islamic court in Timbuktu and participated in executing its decisions.
- Mr Al-Hassan took part in the destruction of mausoleums of Muslim saints in Timbuktu using Islamic police forces in the field, and participated in the policy of forced marriages which victimized the female inhabitants of Timbuktu and led to repeated rapes and sexual enslavement of women and girls.

Modes of liability

The Chamber finds reasonable grounds to believe that Mr Al-Hassan bears criminal responsibility for:

- (i) the commission of the crimes individually, jointly with another or through another person (article 25(3)(a)); or
- (ii) ordering, soliciting or inducing the commission of the crimes (article 25(3)(b))

Key judicial developments

REFERRAL AND OPENING OF THE INVESTIGATION

On 13 July 2012, the Government of Mali referred the situation in Mali since January 2012 to the ICC. After conducting a preliminary examination of the situation, the ICC Prosecutor concluded, on 16 March 2013, that there is reasonable basis to believe that crimes under the ICC's jurisdiction have been committed in Mali, since January 2012, and decided to open an investigation in this situation.

WARRANT OF ARREST

The warrant of arrest in this case was requested by the Prosecutor on 20 March 2018 and subsequently issued by Pre-Trial Chamber I on 27 March 2018.

TRANSFER AND INITIAL APPEARANCE

On 31 March 2018, Mr Al Hassan was surrendered to the ICC by the Malian authorities and arrived at the Court's detention centre in the Netherlands.

On 4 April 2018, Mr Al Hassan appeared before the single judge of Pre-Trial Chamber I, judge Marc Perrin de Brichambaut, in the presence of the Prosecutor and the Defence. Mr Al Hassan was represented by his Duty Counsel, Yasser Hassan. The Single Judge verified the identity of the suspect, and ensured that he was clearly informed of the crimes he is alleged to have committed and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks, in this case, Arabic.

CONFIRMATION OF CHARGES

The confirmation of charges hearing took place from 8 to 17 July 2019. On 30 September 2019, Pre-Trial Chamber I issued a confidential decision confirming the charges of war crimes and crimes against humanity brought by the Prosecutor against Mr Al Hassan and committed him to trial. [The redacted version of the decision](#) was published on 13 November 2019. On 18 November 2019, Pre-Trial Chamber I rejected the Defense's request for leave to appeal the decision confirming the charges in the Al Hassan case.

On 23 April 2020, Pre-Trial Chamber I partially granted the Prosecutor's request to modify the charges against Mr Al Hassan to include additional facts in the charges already confirmed against him. The redacted version of this decision [was made public](#) on 11 May 2020.

TRIAL PREPARATIONS

On 21 November 2019, the Presidency constituted Trial Chamber X, which will be in charge of the conduct of the trial. On the same day, the judges of the Chamber elected Judge Antoine Kesia-Mbe Mindua as Presiding Judge and Judge Kimberly Prost as Single Judge for the preparation of the trial,

The Chamber will hold status conferences, confer with the parties and participants in order to facilitate the fair and expeditious conduct of the proceedings.

On 6 January 2020, Trial Chamber X scheduled the opening of the trial for 14 July 2020. The Chamber also decided that the presentation of evidence by the Prosecution in the case will commence on 25 August 2020. These dates were set by the Chamber after noting the respective submissions by the Prosecution and the Defence as well as the necessary time for the disclosure of evidence and other materials.

ADMISSIBILITY OF THE CASE

On 19 February 2020, the ICC Appeals Chamber unanimously [confirmed](#) Pre-Trial Chamber I's [decision](#) of 27 September 2019 considering that the case against Mr Al Hassan is of sufficient gravity to justify further action by the Court.

Composition of Trial ChamberX

Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Kimberly Prost

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Defence Counsel

Melinda Taylor
Nicoletta Montefusco

Legal Representatives of the Victims

Seydou Doumbia
Mayombo Kassongo
Fidel Nsita Luvengika