

Situation in the Republic of Mali

ICC-PIDS-CIS-MAL-01-08/16\_Eng

***The Prosecutor v. Ahmad Al Faqi Al Mahdi***

Updated: 17 August 2017

ICC-01/12-01/15

## Ahmad Al Faqi Al Mahdi

Found guilty, sentenced to 9 years. On 27 September 2016, Trial Chamber VIII found Mr Al Mahdi guilty, as a co-perpetrator, of the war crime of intentionally directing attacks against historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali, in June and July 2012. Time spent in detention since arrest to be deducted from sentence. Reparations order issued on 17 August 2017.



**Age:** Born approximately 1975

**Place of birth:** Agoune, 100 kilometers west of Timbuktu, Mali

**Warrant of arrest:** 18 September 2015

**Transferred to The Hague:** 26 September 2015

**First appearance:** 30 September 2015

**Confirmation of charges hearing:** 1 March 2016

**Decision on the confirmation of charges:** 24 March 2016

**Trial:** 22-24 August 2016

**Verdict and sentence:** 27 September 2016

## Charges

Mr Al Mahdi is accused, pursuant to article 25(3)(a) (perpetration and co-perpetration); article 25(3)(b) (soliciting, inducing); article 25(3)(c) (aiding, abetting or otherwise assisting) or article 25(3)(d) (contributing in any other way) of the ICC Rome Statute, of the commission of a war crime alleged by the Prosecutor regarding intentionally directing attacks against the following buildings:

1) the mausoleum Sidi Mahamoud Ben Omar Mohamed Aquit, 2) the mausoleum Sheikh Mohamed Mahmoud Al Arawani, 3) the mausoleum Sheikh Sidi Mokhtar Ben Sidi Muhammad Ben Sheikh Alkabar, 4) the mausoleum Alpha Moya, 5) the mausoleum Sheikh Sidi Ahmed Ben Amar Arragadi, 6) the mausoleum Sheikh Muhammad El Mikki, 7) the mausoleum Sheikh Abdoul Kassim Attouaty, 8) the mausoleum Ahmed Fulane, 9) the mausoleum Bahaber Babadié, and 10) Sidi Yahia mosque (the door).

The charge concerns a crime allegedly committed in Timbuktu between around 30 June 2012 and around 11 July 2012. The Chamber indicated that the targeted buildings were regarded and protected as a significant part of the cultural heritage of Timbuktu and of Mali and did not constitute military objectives. They were specifically identified, chosen and targeted precisely in light and because of their religious and historical character. As a consequence of the attack, they were either completely destroyed or severely damaged. Their destruction was considered as a serious matter by the local population.

It is alleged that Mr Al Mahdi, born in Agoune, 100 kilometres west of Timbuktu, Mali, was an active personality in the context of the occupation of Timbuktu. He allegedly was a member of Ansar Eddine, a mainly Tuareg movement associated with Al Qaeda in the Islamic Maghreb ("AQIM"), working closely with the leaders of the two armed groups and in the context of the structures and institutions established by them. It is alleged that, until September 2012, he was the head of the "Hisbah" (body set up to uphold public morals and prevent vice), set up in April 2012. He was also associated with the work of the Islamic Court of Timbuktu and participated in executing its decisions. It is alleged that he was involved in the destruction of the buildings mentioned in the charge.

## Key judicial developments

### OPENING OF INVESTIGATIONS

The situation in Mali was [referred to the Court](#) by the Government of Mali on 13 July 2012. After conducting a preliminary examination of the situation, the Office of the Prosecutor [opened an investigation](#) on 16 January 2013, into alleged crimes committed on the territory of Mali since January 2012. The situation in Mali is assigned to Pre-Trial Chamber I.

### WARRANT OF ARREST

The [warrant of arrest](#) against Ahmad Al Mahdi Al Faqi was issued by ICC Pre-Trial Chamber I on 18 September 2015, for war crimes of intentionally directing attacks against historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali, committed between about 30 June 2012 and 10 July 2012.

### SURRENDER TO THE COURT

On 26 September 2015, Ahmad Al Mahdi Al Faqi was surrendered to the ICC by the authorities of Niger and transferred to the Court's Detention Centre in the Netherlands.

### FIRST APPEARANCE

On 30 September 2015, Ahmad Al Faqi Al Mahdi appeared before the single Judge of Pre-Trial Chamber I, Judge Cuno Tarfusser. Mr Al Mahdi was represented by his Duty Counsel, Mohamed Aouini. The Single Judge verified the identity of the suspect, and ensured that he was clearly informed of the charges and of his rights under the Rome Statute in a language he fully understands and speaks, in this case, Arabic.

### CONFIRMATION OF CHARGES

The confirmation of charges took place on 1 March 2016.

On 24 March 2016, ICC Pre-Trial Chamber I confirmed against Ahmad Al Faqi Al Mahdi the war crime charge regarding the destruction of historical and religious monuments in Timbuktu and committed him to trial.

On 2 May 2016, the Presidency of the Court constituted Trial Chamber VIII to be in charge of the case.

### TRIAL

The trial took place on 22-24 August 2016. At the trial's opening, Mr Al Mahdi admitted guilt as to the war crime consisting in the destruction of historical and religious monuments. Subsequently, the Prosecution presented its evidence and called three witnesses. The Legal representative of the victims (LRV) and the Defence presented their remarks before the Judges on 24 August 2016.

### VICTIMS' PARTICIPATION

Eight victims were participating in the trial represented by their legal representative, Maître Mayombo Kassongo, who presented their views and concerns.

### VERDICT AND SENTENCE

On 27 September 2016, Trial Chamber VIII unanimously found Mr Al Mahdi guilty, as a co-perpetrator, of the war crime of intentionally directing attacks against historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali, in June and July 2012.

The Chamber sentenced Mr Al Mahdi to nine years' imprisonment. The time he has spent in detention since his arrest upon the ICC warrant issued on 18 September 2015 will be deducted from the sentence.

### REPARATIONS

On 17 August 2017, Trial Chamber VIII issued a [Reparations Order](#) concluding that Mr Al Mahdi is liable for 2.7 million euros in expenses for individual and collective reparations for the community of Timbuktu for intentionally directing attacks against religious and historic buildings in that city. Noting that Mr Al Mahdi is indigent, the Chamber encourages the Trust Fund for Victims (TFV) to complement the reparations award and directed the TFV to submit a draft implementation plan for 16 February 2018, including the objectives, outcomes and necessary activities. The LRV and Defence may file any observations on the draft plan within 30 days of its notification. Upon subsequent approval by the Chamber, the TFV will then identify projects and discrete implementation partners for the Chamber's final approval.

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**Composition of Trial Chamber VIII**

Judge Raul C. Pangalangan, Presiding judge

Judge Antoine Kesia-Mbe Mindua

Judge Bertram Schmitt

**Representation of the Office of the Prosecutor**

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

**Defence Counsel for Mr Ahmad Al Faqi Al Mahdi**

Mohamed Aouini

**Legal Representatives of the Victims**

Mayombo Kassongo