

Situation in Mali

ICC-PIDS-CIS-MAL-02-013/23\_Eng

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

Updated: August 2023

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 on 14 July 2020. Closure of submission of evidence on 8 February 2023. Judges deliberations ongoing. 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:** 14 July 2020

**Closure of submission of evidence:** 8 February 2023

**Closing statements:** 23- 25 May 2023

### 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.

On 21 November 2019, the Presidency constituted Trial Chamber X, to be in charge of the conduct of the trial.

### TRIAL

On 14 and 15 July 2020, the trial opened before Trial Chamber X. The trial's opening started with the reading of the charges against Mr Al Hassan. The Chamber was satisfied that the accused understood the nature of the charges. The accused decided not to plead guilty or non-guilty to the charges at this stage of the trial. The Prosecution took the floor for opening statements.

The trial resumed on 8 September 2020, when the Prosecution started to present its evidence and call its witnesses before the judges. 52 oral witnesses were called by the Prosecution at this stage.

On 8 February 2022, the Legal Representatives of the 2196 victims participating in this trial made their opening statements before the judges. From 8 to 10 February 2022, the Legal Representatives called two witnesses to testify.

On 9 May 2022, the Defence of Mr Al Hassan made its opening statement before Trial Chamber X. The first Defence witness started testifying on 10 May 2022. 22 Defense witnesses appeared in court, the last having completed testimony on 3 November 2022. On 6 February 2023, the Defence notified the judges of the closure of its presentation of evidence. On 8 February 2023, Trial Chamber X declared the closure of the submission of evidence in this case and participants were [requested](#) to file their final briefs.

The closing statements of the Office of the Prosecutor, the Legal Representatives of Victims, and the Defence took place from 23 to 25 May 2023. Trial Chamber X has started its deliberations on the proceedings and will, within a reasonable period, pronounce its decision on conviction or acquittal pursuant to article 74 of the Rome Statute. The Chamber bases its decision only on the applicable law and on evidence submitted and discussed before it at the trial.

**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 Chamber X**

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

**Representation of the Office of the Prosecutor**

Karim A.A. Khan KC, Prosecutor  
Mame Mandiaye Niang, Deputy Prosecutor  
Gilles Dutertre, Senior trial lawyer

**Defence Counsel**

Melinda Taylor  
Felicity Gerry KC

**Legal Representatives of the Victims**

Seydou Doumbia  
Mayombo Kassongo  
Fidel Nsita Luvengika