

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

Update: 20 November 2024

ICC-01/12-01/18

### Decision on the sentence in the Al Hassan case at the International Criminal Court 20 November 2024

#### WHAT DID THE JUDGES DECIDE REGARDING THE SENTENCE AGAINST MR AL HASSAN?

On 20 November 2024, Trial Chamber X of the International Criminal Court ("ICC" or "Court") sentenced Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud to 10 years of imprisonment following the [Trial Judgment](#) in which the Chamber found him guilty of some of the charges brought against him of war crimes and crimes against humanity committed between early May 2012 and 29 January 2013 in Timbuktu, northern Mali. The period of his detention between 28 March 2018 and 20 November 2024, will be deducted from the total time of imprisonment imposed on him. The sentence may be appealed before the ICC Appeals Chamber by either party to the proceedings.

#### WHAT DID THE JUDGES TAKE INTO ACCOUNT TO PRONOUNCE THIS SENTENCE?

To determine the sentence, the Chamber assessed the gravity of each of the crimes, including the degree of Mr Al Hassan's participation and intent, as well as the presence of any aggravating and mitigating circumstances, and Mr Al Hassan's individual or personal circumstances.

The Chamber took into account the mitigating circumstances, namely the minor actions of Mr Al Hassan to assist the civilian population in 2012-2013 and his cooperation with the Prosecution at the investigation stage. The existence of these mitigating circumstances should not be understood as lessening, in any way, the gravity of the crimes that were committed, including the impact they had on the victims. In particular, the Chamber considered that this joint sentence is proportionate to the serious gravity of the crimes, namely the crimes of persecution, torture, other inhumane acts, cruel treatment, outrages upon personal dignity, mutilation and sentencing without due process.

#### CAN EITHER PARTY APPEAL AGAINST THE SENTENCE AND CAN IT BE REVISED?

Yes, the Defence and the Prosecution may appeal the decision on the sentence within 30 days, on the grounds of disproportion between the crime and the sentence. Additionally, in accordance with article 110(3) of the Rome Statute, after Mr Al Hassan has served two thirds of his sentence, the Court shall review the sentence to determine, in light of certain criteria, whether it should be reduced.

#### WHY IS THE SENTENCE BEING DELIVERED WHEN THERE ARE ONGOING APPEALS ON THE VERDICT AGAINST MR AL HASSAN?

Notices of appeal against the verdict in this case were filed by both the Defence and the Prosecutor on 18 September 2024 so it remains to be seen if the judgment is confirmed in appeal and if the sentence will be appealed. According to the Rome Statute, the Trial Chamber delivers the decision on the guilt or innocence of the accused and pronounces a sentence in case of conviction. Both decisions may be appealed by the parties, separately. This is part of due process to ensure there were no legal errors in the decisions of the Trial Chamber.

#### WHERE WILL MR AL HASSAN SERVE HIS PRISON SENTENCE?

Persons convicted of crimes under the ICC's jurisdiction do not serve their sentence at the ICC Detention Centre in The Hague (The Netherlands) as the facility is not designed for long-term imprisonment. If the sentencing judgment becomes final, the ICC Presidency, having heard the views of the sentenced person, shall designate a State of enforcement from a list of States that have indicated their willingness to accept the sentenced person and have signed an agreement with the Court to that effect or pursuant to an *ad hoc* agreement with the Court. In the meantime, Mr Al Hassan will remain in the ICC detention centre.

#### WILL VICTIMS OBTAIN REPARATIONS?

Victims before the ICC can participate during the proceedings. In the Al Hassan case, 2196 victims were granted the right to participate in the proceedings and are represented by Counsels Seydou Doumbia, Mayombo Kassongo, and Fidel Nsita Luvengika. Independently of the participation, victims may ask for reparations in case of a conviction. In the case against Mr Al Hassan, issues related to the procedure for victims' reparations will be addressed in due course.

Reparations proceedings may run concurrently with an appeal about the guilty verdict against Mr Al Hassan. However, if at the end of the appeal Mr Al Hassan is found innocent, proceedings at the Court will end, including any reparation proceedings that had started. If the appeal confirms the conviction of Mr Al Hassan, the reparations' phase may continue or start.

### WHO ARE THE JUDGES SITTING IN THIS CASE?

Trial Chamber X is composed of [Judge Kimberly Prost](#), presiding judge, [Judge Tomoko Akane](#) and [Judge Keebong Paek](#). The ICC Judges are persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. All have extensive experience relevant to the Court's judicial activity. The Judges are elected by the Assembly of States Parties on the basis of their established competence in criminal law and procedure and in relevant areas of international law such as international humanitarian law and the law of human rights.