

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/12-01/18**  
Date: **18 September 2024**

**THE APPEALS CHAMBER**

**Before:**

**Judge Luz del Carmen Ibáñez Carranza, Presiding Judge**  
**Judge Solomy Balungi Bossa**  
**Judge Gocha Lordkipanidze**  
**Judge Miatta Maria Samba**  
**Judge Erdenebalsuren Damdin**

**SITUATION IN THE REPUBLIC OF MALI**

**IN THE CASE OF**

***THE PROSECUTOR V. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG  
MAHMOUD***

**Public**

**Prosecution notice of appeal**

**Source: Office of the Prosecutor**

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court*****to:****The Office of the Prosecutor**

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Section**

## Notice of Appeal

1. Under article 81(1)(a)(ii) and (iii) of the Rome Statute, the Prosecution gives notice of its appeal in part against the “Trial Judgment” of Trial Chamber X in the case of *Prosecutor v. Al Hassan ag Abdoul Aziz ag Mohamed ag Mahmoud*, filing number ICC-01/12-01/18-2594, which was rendered on 26 June 2024 (“Judgment”).<sup>1</sup> Consistent with article 74(3) and (5) of the Statute, the Judgment contains separate and partly dissenting opinions from Judges Mindua,<sup>2</sup> Akane,<sup>3</sup> and Prost.<sup>4</sup>
2. The Prosecution’s appeal relates to Mr Al Hassan’s acquittal *entirely* for certain gender-based crimes—namely, other inhumane acts in the form of forced marriage and associated acts of sexual slavery (counts 8-10) and rape (counts 11-12)—but also to his acquittal *in part* for certain others: cruel treatment, other inhumane acts, outrages upon personal dignity, the passing of sentences without due process, and persecution on grounds of gender (counts 2, 4-6, 13).
3. The gendered dimension of the charges, affecting in particular women and girls in Timbuktu, has always been central to the Prosecution’s view of this case. In the Judgment, a majority of the Trial Chamber (Judges Mindua and Prost) not only concluded that Ansar Dine/AQIM committed these particular gender-based crimes in Timbuktu, but also that Mr Al Hassan participated in the commission of those crimes with intent and knowledge.<sup>5</sup> Ordinarily, such findings would imply Mr Al Hassan’s criminal responsibility, resulting in his conviction.
4. Unusually, however, the majority findings of Judges Mindua and Prost did not determine the Trial Chamber’s verdict. Rather, the verdict was controlled by Judge Akane’s narrower

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<sup>1</sup> See further Rules of Procedure and Evidence (“RPE”), rule 150(1); [Regulations of the Court](#), reg. 57. The deadline for filing this notice of appeal was extended twice by order of the Appeals Chamber: [ICC-01/12-01/18-2606 A](#) (“Decision on First Request for Extension”), para. 15; [ICC-01/12-01/18-2628 A](#) (“Decision on Second Request for Extension”), para. 15.

<sup>2</sup> [ICC-01/12-01/18-2594-OPI3](#) (“Judge Mindua’s Opinion”).

<sup>3</sup> [ICC-01/12-01/18-2594-OPI](#) (“Judge Akane’s Opinion”).

<sup>4</sup> [ICC-01/12-01/18-2594-OPI2](#) (“Judge Prost’s Opinion”).

<sup>5</sup> See e.g. [Judgment](#), paras. 1360, 1379, 1406, 1438-1439, 1457-1458, 1472-1473, 1574, 1579-1580, 1623-1639, 1640-1646, 1657-1659, 1670-1691, 1707-1718, 1727-1736; [Judge Mindua’s Opinion](#), para. 124; [Judge Prost’s Opinion](#), paras. 20, 22-24, 26. This is subject to some exceptions, for example with regard to Mr Al Hassan’s alleged responsibility for the rape of detained women and girls, under counts 11-12, where Judge Mindua joined Judge Akane in concluding that the elements of article 25(3)(d) were not satisfied: see e.g. [Judgment](#), paras. 1719-1726; [Judge Prost’s Opinion](#), paras. 2, 4-17. Likewise, with regard to Mr Al Hassan’s alleged responsibility for the forced marriage of P-0602, and associated sexual slavery and rape, under counts 8-12, Judge Mindua joined both Judges Akane and Prost in concluding that the elements of article 25(3)(d) were not satisfied: see e.g. [Judgment](#), paras. 1660, 1662-1663.

approach to the sufficiency of the evidence.<sup>6</sup> This was controlling purely because Judge Mindua—in conclusions that were rejected not only by Judge Prost but also by Judge Akane<sup>7</sup>—had determined that Mr Al Hassan should be excused from criminal responsibility for all charged crimes on the basis of duress, notwithstanding his finding that Mr Al Hassan had participated in the relevant conduct with the necessary *mens rea*. As a result of this unprecedented situation, Mr Al Hassan was acquitted of the crimes charged under counts 8-12 entirely, and convicted only in part for others under counts 2, 4-6, 13.

5. In this context, the Prosecution has reviewed the Judgment carefully with reference to the established standard of appellate review for matters both of law<sup>8</sup> and fact,<sup>9</sup> and mindful also of the need to demonstrate that any error materially affected the Judgment.<sup>10</sup>

6. Furthermore, in the unusual circumstances of this case, where there may be alternate paths to reversing the acquittals (by seeking to correct different potential errors arising from the separate opinions of Judges Mindua and Akane), the Prosecution has taken into account the extent to which its approach on appeal would facilitate not only a fair but also an expeditious resolution of the relevant issues. This benefits all concerned in these proceedings, most importantly victims and affected communities.

7. Accordingly, this appeal will solely focus on the errors of law and/or fact committed by Judge Mindua in determining the existence of grounds excluding Mr Al Hassan's criminal responsibility. While these errors primarily concern Judge Mindua's view of duress, which led to the acquittal for certain gender-based crimes (and a narrower verdict on others), they also

<sup>6</sup> See e.g. [Judgment](#), Disposition; [Judge Akane's Opinion](#), paras. 1-3, 8, 69, 82, 88, 95, 104-105; [Judge Prost's Opinion](#), paras. 1, 3.

<sup>7</sup> See [Judgment](#), paras. 1737-1774; [Judge Akane's Opinion](#), para. 4; [Judge Prost's Opinion](#), paras. 3, 18-19.

<sup>8</sup> In this regard, the Appeals Chamber will not defer to the Trial Chamber's interpretation of the law, but rather will arrive at its own conclusions as to the appropriate law. See e.g. [ICC-02/04-01/15-2022-Red A](#) ("Ongwen AJ"), para. 76; [ICC-02/11-01/15-1400 A](#) ("Gbagbo AJ"), para. 62; [ICC-01/04-02/06-2666-Red A A2](#) ("Ntaganda AJ"), para. 36; [ICC-01/05-01/13-2275 A A2 A3 A4 A5](#) ("Bemba et al. AJ"), para. 90; [ICC-01/05-01/08-3636 A](#) ("Bemba AJ"), para. 36; [ICC-01/04-02/12-271 A](#) ("Ngudjolo AJ"), para. 20; [ICC-01/04-01/06-3121 A5](#) ("Lubanga AJ"), paras. 17-18.

<sup>9</sup> In this regard, the Appeals Chamber will defer to the Trial Chamber's factual findings to the extent required by the Statute, bearing in mind factors such as the Trial Chamber's primary responsibility for evaluating and weighing the evidence received at trial. It will not disturb a Trial Chamber's factual finding only because it would have come to a different conclusion, but only where a factual finding was unreasonable in the circumstances of the case, based on a holistic evaluation of the evidence and having regard to the applicable standard of proof beyond reasonable doubt. See e.g. [Ongwen AJ](#), paras. 77-83; [Gbagbo AJ](#), paras. 66-71; [Ntaganda AJ](#), paras. 37-42. See also [Bemba et al. AJ](#), paras. 91-98; [Ngudjolo AJ](#), paras. 22-26; [Lubanga AJ](#), paras. 21-27 (reciting similar principles, and requiring a showing of "clear error").

<sup>10</sup> See e.g. [Statute](#), art. 83(2). See also [Ongwen AJ](#), para. 84; [Gbagbo AJ](#), para. 72; [Ntaganda AJ](#), para. 43; [Lubanga AJ](#), para. 19.

concern Judge Mindua’s view of mistake of law (also narrowing the verdict in some respects). But for these errors, the findings of the majority (Judges Mindua and Prost, concurring) would have determined the verdict of the Trial Chamber, including entering convictions for the gender-based crimes alleged in counts 8-12 on at least some of the allegations presented.<sup>11</sup>

8. The focus of the appeal does not mean that the Prosecution necessarily accepts the correctness of the narrower approach taken by Judge Akane. Yet it is not unusual for a judgment of this Court to contain a minority view on some issues, and an appeal is not the proper means simply to register a difference of opinion with a minority view. In these circumstances, the Prosecution does not consider that debating the intricacies of Judge Akane’s minority view is the most effective and expeditious way to proceed in framing its appeal, and securing the verdict that it believes is justified by the law and evidence. Consistent with the established practice of the Appeals Chamber, the Prosecution will, however, address any issues arising from Judge Akane’s minority view to the extent they may arise in the course of appellate proceedings.<sup>12</sup>

9. On the basis described above, the Prosecution has thus identified two discrete grounds of appeal, which will be advanced cumulatively and/or alternatively. These are:

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<sup>11</sup> Specifically, convictions would have been entered for those incidents under each count for which the Chamber unanimously, or by majority (Judges Mindua and Prost) found the elements of crime and modes of liability to have been proven beyond reasonable doubt, but for Judge Mindua’s view on the applicability of statutory defences. *See further below* para. 17.

<sup>12</sup> *See e.g.* [ICC-01/05-01/08-3636-Anx1-Red A](#) (“*Bemba* AJ, Dissenting Opinion of Judges Monageng and Hofmański”), para. 327 (expressly rejecting the Defence claim that the Prosecution, in responding to an appeal, is not entitled to address legal questions which are “clearly encompassed by the question on appeal and require[] determination by the Appeals Chamber”, and therefore proceeding to “examine the Prosecutor’s submissions” concerning any requirement of causation under article 28 of the Statute). *See also* [ICC-01/05-01/08-3636-Anx2 A](#) (“*Bemba* AJ, Separate Opinion of Judges Van den Wyngaert and Morrison”), paras. 51-56 (likewise considering the causation issue to be properly before the Appeals Chamber, and addressing it); [ICC-01/05-01/08-3636-Anx3 A](#) (“*Bemba* AJ, Concurring Separate Opinion of Judge Eboe-Osuiji”), para. 186 (likewise considering the causation issue to be properly before the Appeals Chamber, and addressing it). Specifically, in *Bemba*, the Prosecution had not itself appealed the Trial Chamber’s conclusion that it was necessary to prove causation for the purpose of article 28 of the Statute, because the Trial Chamber had further concluded that causation was established and therefore any error did not materially affect the judgment. In responding to the Defence appeal, however, the Prosecution argued that proof of causation was not legally required: *see e.g.* [ICC-01/05-01/08-3472-Corr-Red A](#) (“*Bemba* Prosecution Response to Appeal”), paras. 223-225.

**GROUND ONE: ERRORS REGARDING DURESS, LEADING TO ACQUITTALS FOR CERTAIN CRIMES ENTIRELY (COUNTS 8-12) AND OTHERS IN PART (COUNTS 2, 4-6, 13)**

10. Judge Mindua erred both in law and fact, expressed most clearly in paragraphs 102-124 of his separate and partly dissenting opinion, by concluding that the responsibility of Mr Al Hassan for all charged crimes was excluded on the basis of article 31(1)(d) of the Statute (duress). In particular:

- in paragraphs 102-112, Judge Mindua incorrectly concluded in law that a threat for the purpose of article 31(1)(d) need not be “imminent”;
- in paragraphs 113-118, Judge Mindua reached the unreasonable conclusion of fact that Mr Al Hassan actually was subject to any relevant threat at the material times, qualifying for the purpose of article 31(1)(d);
- Judge Mindua incorrectly and/or unreasonably failed to make any findings in his separate and partly dissenting opinion with regard to the other elements required for the purpose of article 31(1)(d), or in any event to provide any adequate reasoning for such factual conclusions, which were in any event unreasonable.

11. These errors, individually and/or cumulatively, materially affected the Judgment.

12. *First*, because Judge Mindua erroneously concluded that article 31(1)(d) applied, he joined with Judge Akane in acquitting Mr Al Hassan *entirely* for the gender-based crimes alleged in counts 8-12 (forced marriage, and the associated sexual slavery and rape).<sup>13</sup> Judge Mindua’s view on article 31(1)(d) also meant that his concurrence with Judge Prost in characterising persecution charged in count 13 as occurring on grounds of gender, as well as religion, was not reflected in the verdict.

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<sup>13</sup> With regard to four victims (P-1134, P-0636, P-0570, and P-0547), for the purpose of the allegation under counts 11-12 of certain rapes occurring in detention, Judge Mindua in any event joined with Judge Akane in concluding that Mr Al Hassan did not participate in these crimes in the meaning of article 25(3)(d). With regard to one further victim (P-0602), for the purpose of the allegation under counts 8-12 of forced marriage, sexual slavery, and rape, Judge Mindua in any event joined with Judges Akane and Prost in concluding that Mr Al Hassan did not participate in these crimes in the meaning of article 25(3)(d). *See above* fn. 5. As such, with regard to these particular allegations, Judge Mindua not only considered that Mr Al Hassan should be acquitted because of his conclusion regarding article 31(1)(d), but also for additional reasons. Accordingly, the Prosecution does not seek reversal of these acquittals on the basis of the errors alleged in Ground One. *See further below* para. 17 (concerning counts 8-12).

13. *Second*, because Judge Mindua erroneously concluded that article 31(1)(d) applied, he joined with Judge Akane in acquitting Mr Al Hassan *in part* for certain acts alleged in counts 2, 4-6, and 13 (other inhumane acts, cruel treatment, outrages upon personal dignity, passing of sentences without previous judgment pronounced by a regularly constituted court, and persecution). To the extent that some of those acts were based on acts of “flogging”, Judge Mindua considered that Mr Al Hassan should be acquitted based not only on his conclusion regarding article 31(1)(d) but also his separate conclusion regarding article 32(2) (mistake of law), addressed also under Ground Two below.

## **GROUND TWO: ERRORS REGARDING MISTAKE OF LAW, LEADING TO ACQUITTALS FOR CERTAIN CRIMES IN PART (COUNTS 2, 4-6, 13)**

14. Judge Mindua erred both in law and fact, expressed most clearly in paragraphs 91-101 and 124 of his separate and partly dissenting opinion, read as necessary with his more general reflections in paragraphs 28-90, by concluding that the responsibility of Mr Al Hassan for certain crimes in which the victimisation was based on “flogging” was excluded on the basis of article 32(2) of the Statute (mistake of law).<sup>14</sup> In particular:

- in paragraphs 91-99, Judge Mindua incorrectly concluded in law that a mistake of law may negate *mens rea* under article 32(2) even with respect to crimes which do not require a corresponding legal appreciation as an element of their *mens rea*;
- in paragraphs 99-101 and 124, read as necessary with paragraphs 28-90, Judge Mindua reached the unreasonable conclusion of fact that Mr Al Hassan actually was subject to any

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<sup>14</sup> See [Judge Mindua’s Opinion](#), paras. 99 (“*M. Al Hassan ne pouvait être conscient qu’il était en train de commettre des crimes [...] lorsqu’il participait par exemple à des flagellations*”), 100 (“*concernant les flagellations en tant que punition imposée par Ansar Dine/AQMI à la population pour non-respect des nouvelles règles, je considère qu’une erreur de droit [...] est applicable à la conduite de l’accusé*”), 124 (joining “*à l’ensemble des conclusions factuelles et juridiques du jugement quant aux crimes commis et à la responsabilité pénale individuelle de M. Al Hassan vis-à-vis de ces crimes, exception faite des crimes concernant les flagellations*”). See also [Judgment](#), para. 1774 (“Considering the foregoing, the Chamber, and in relation to mistake of law regarding acts of flogging, the Majority, finds that no mistake of facts or of law negate the mental elements required for the crimes committed under Counts 1-6 and 8-14 pursuant to Articles 25(3)(a), (c) or (d) of the Statute as relevant”). The Prosecution understands other aspects of Judge Mindua’s reasoning concerning article 32(2) accordingly: see e.g. [Judge Mindua’s Opinion](#), para. 101 (opining that Mr Al Hassan could not know “*que les sanctions prévues par la Charia constitueraient des actes criminels dont il pourrait être tenu coupable*” and that, “*notant l’utilisation des cadis et des mariages arrangés avant et après 2012 à Tombouctou, [...] Al Hassan ne pouvait pas imaginer que son rôle et sa participation à l’imposition de règles et de sanctions par Ansar Dine/AQMI dans ce cadre seraient illégaux [...] il ne pouvait pas s’imaginer ou avoir la connaissance coupable que ces actions pouvaient constituer des actes pénalement illégaux*”).

relevant mistake of law negating his *mens rea* for any of the charged crimes in the circumstances of this case.

15. These errors, individually and/or cumulatively, materially affected the Judgment.

16. Notably, Judge Mindua's erroneous conclusion that Mr Al Hassan was subject to a mistake of law meeting the requirements of article 32(2) led him to join with Judge Akane in acquitting Mr Al Hassan in part for relevant acts of "flogging" alleged in counts 2, 4-6, and 13 (other inhumane acts, cruel treatment, outrages upon personal dignity, passing of sentences without previous judgment pronounced by a regularly constituted court, and persecution). In these respects, Judge Mindua considered that Mr Al Hassan should be acquitted based not only on his conclusion regarding article 32(2) but also his separate conclusion regarding article 31(1)(d) (duress), addressed also under Ground One above.

## **RELIEF REQUESTED**

17. Based on these grounds, the Prosecution requests the Appeals Chamber to confirm the applicable law concerning articles 31(1)(d) and 32(2) of the Statute, and to exercise its powers under article 83(2) of the Statute to: reverse the findings material to these errors; amend the decision by making any further findings which are necessary, and; amend existing convictions and enter additional convictions, as follows. Other than those forming the subject-matter of the appeal, each of the findings required to amend existing convictions or to enter additional convictions has already been made by the Trial Chamber, either unanimously or by majority (Judges Mindua and Prost, concurring).

- **Count 2 (other inhumane acts as a crime against humanity):** to find that Mr Al Hassan is additionally responsible under article 25(3)(d) of the Statute for inhumane acts committed against Azahara Abdou (P-1134), P-0636, P-0570, and Fadimata Mint Lilli (P-0547),<sup>15</sup> and to amend Mr Al Hassan's conviction accordingly;
- **Count 4 (cruel treatment as a war crime):** to find that Mr Al Hassan is additionally responsible under article 25(3)(d) of the Statute for the cruel treatment of Azahara Abdou

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<sup>15</sup> See [Judgment](#), paras. 1282-1297, 1299, 1345-1350, 1353-1354, 1356-1360, 1617-1621, 1623-1639, 1659, 1665-1691. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 7-8, 12, 14-24, 41-49, 104; [Judge Prost's Opinion](#), paras. 21-22 (and fn. 53).



(P-1134), P-0636, P-0570, and Fadimata Mint Lilli (P-0547),<sup>16</sup> and to amend Mr Al Hassan's conviction accordingly;

- **Count 5 (outrages upon personal dignity as a war crime):** to find that Mr Al Hassan is additionally responsible under article 25(3)(d) of the Statute for outrages upon the personal dignity of Azahara Abdou (P-1134), P-0636, P-0570, and Fadimata Mint Lilli (P-0547),<sup>17</sup> and to amend Mr Al Hassan's conviction accordingly;
- **Count 6 (passing of sentences without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable, as a war crime):** to find that Mr Al Hassan is additionally responsible under article 25(3)(c) of the Statute for the passing of such sentences in nine cases,<sup>18</sup> and under article 25(3)(d) of the Statute for the passing of such sentences in 12 cases,<sup>19</sup> and to amend Mr Al Hassan's conviction accordingly;
- **Count 8 (other inhumane acts in the form of forced marriage as a crime against humanity):** to find that Mr Al Hassan is responsible under article 25(3)(d) of the Statute for the forced marriages of P-0520, P-0538, P-0610, and P-1162,<sup>20</sup> and to enter a new conviction accordingly;

<sup>16</sup> See [Judgment](#), paras. 1257-1263, 1265-1269, 1271-1272, 1274, 1276-1280, 1368-1374, 1376-1379, 1617-1621, 1623-1639, 1659, 1666-1691. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 7-8, 12, 14-24, 41-49, 104; [Judge Prost's Opinion](#), paras. 21-22 (and fn. 53).

<sup>17</sup> See [Judgment](#), paras. 1257-1263, 1265-1269, 1271-1272, 1274, 1276-1280, 1381, 1390-1395, 1399-1401, 1403-1406, 1617-1621, 1623-1639, 1659, 1666-1691. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 7-8, 12, 14-24, 41-49, 104; [Judge Prost's Opinion](#), paras. 21-22 (and fn. 53).

<sup>18</sup> These related to: (i) Ibrahim bin Al-Husayn; (ii) Al-Husayn Bin 'Umar and Halimah Bint Muhammad; (iii) Al-Khayr Bin-Sidi; (iv) Moussa Ben Mohamed el-Joumaa or Muhammad Musa Muhammad al-Jam'at, 'Abdu, 'Ali al-Jaw and Adulahi; (v) Abdelkarim Ascofare or 'Abd-al-Karim Iskufari; (vi) Muhammad Bin Musa; (vii) Muhammad Walad, Aghli Asudh and Arjili Bin Aman; (viii) Yahya Bin-Muhammad or his companion; and (ix) El-Khamis Bin-el-Sabt. See [Judgment](#), paras. 1257-1263, 1265-1269, 1271-1272, 1274, 1276-1280, 1495-1496, 1498, 1501-1521, 1589-1590, 1606-1615. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 3, 8, 12, 88-94, 104; [Judge Prost's Opinion](#), para. 23 (and fn. 58).

<sup>19</sup> These related to: (i) Azahara Abdou (P-1134); (ii) P-0636; (iii) P-0570; (iv) Fadimata Mint Lilli (P-0547); (v) Salamata Warnamougrez (P-1710); (vi) Hady Aguisa (P-1711); (vii) Mahmud Bin al-Mustafa; (viii) Boune Ould Hassan; (ix) Ali al-Haji and 'Ali Shayban; (x) 'Abdullah Kuni; (xi) Abou-Bakr Soumboulou; and (xii) Dawoud Oulale. See [Judgment](#), paras. 1257-1263, 1265-1269, 1271-1272, 1274, 1276-1280, 1480-1493, 1497-1498, 1501-1522, 1617-1621, 1623-1639, 1659, 1666-1667, 1693-1706. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 8, 12, 14-24, 41-49, 104; [Judge Prost's Opinion](#), para. 24 (and fn. 63).

<sup>20</sup> See [Judgment](#), paras. 1282-1296, 1298-1299, 1418-1421, 1423-1429, 1431, 1433-1439, 1617-1621, 1640-1646, 1659, 1707-1718. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 2, 8, 12, 34-40, 52-56, 63-68, 105-106; [Judge Prost's Opinion](#), para. 20.

- **Counts 9-10 (sexual slavery as a crime against humanity and a war crime):** to find that Mr Al Hassan is responsible under article 25(3)(d) of the Statute for the sexual enslavement of P-0520, P-0538, P-0610, and P-1162,<sup>21</sup> and to enter new convictions accordingly;
- **Count 11-12 (rape as a crime against humanity and a war crime):** to find that Mr Al Hassan is responsible under article 25(3)(d) of the Statute for the rape of P-0520, P-0538, P-0610, and P-1162,<sup>22</sup> and to enter new convictions accordingly;
- **Count 13 (persecution as a crime against humanity):** to find that Mr Al Hassan is responsible for the targeting of victims not only on grounds of religion but also gender in respect of the acts falling under counts 1-6, 8-12, and 14, including as amended, as well as other acts constituting severe deprivations of fundamental rights,<sup>23</sup> and to amend Mr Al Hassan's conviction accordingly.

18. Finally, based on these amended and additional convictions, the Appeals Chamber should determine an appropriate increase to the sentence imposed upon Mr Al Hassan.




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**Karim A.A. Khan KC, Prosecutor**

Dated this 18<sup>th</sup> day of September 2024

At The Hague, the Netherlands

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<sup>21</sup> See [Judgment](#), paras. 1257-1263, 1265-1269, 1271-1272, 1274, 1276-1280, 1282-1296, 1298-1299, 1442-1443, 1445-1448, 1450-1451, 1453-1458, 1617-1621, 1640-1646, 1659, 1707-1718. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 2, 8, 12, 34-40, 52-56, 63-68, 105-106; [Judge Prost's Opinion](#), para. 20.

<sup>22</sup> See [Judgment](#), paras. 1257-1263, 1265-1269, 1271-1272, 1274, 1276-1280, 1282-1296, 1298-1299, 1464-1467, 1470-1473, 1617-1621, 1640-1646, 1659, 1707-1718. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 2, 8, 12, 34-40, 52-56, 63-68, 105-106; [Judge Prost's Opinion](#), para. 20.

<sup>23</sup> See [Judgment](#), paras. 1282-1299, 1525, 1527-1556, 1558-1560, 1562-1580, 1617-1621, 1657-1659, 1664, 1727-1736. For reference, see also [Judge Mindua's Opinion](#), paras. 124-125; [Judge Akane's Opinion](#), paras. 3, 95-103; [Judge Prost's Opinion](#), paras. 25-26.