

Situation in Mali

ICC-PIDS-CIS-MAL-02-015/24_Eng

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

Updated: June 2024

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. Convicted on 24 June 2024. 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

Verdict: 26 June 2024

Charges:

On 26 June 2024, Trial Chamber X, by majority, convicted Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud of some of the charges brought against him of war crimes and crimes against humanity committed between 2 April 2012 and 29 January 2013 in Timbuktu, northern Mali, controlled at that time by the armed groups Ansar Dine and Al-Qaida in Islamic Maghreb (AQIM).

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.

VERDICT

On 26 June 2024, Trial Chamber X, by majority, convicted Mr Al Hassan of some of the charges brought against him of war crimes and crimes against humanity committed between 2 April 2012 and 29 January 2013 in Timbuktu, northern Mali, controlled at that time by the armed groups Ansar Dine and Al-Qaida in Islamic Maghreb (AQIM).

Mr Al Hassan was convicted, by majority, of directly committing the crimes himself, contributing to them with others or aiding and abetting the commission of the crimes by others, in relation to:

- i) the crimes against humanity of torture; and
- ii) the war crimes of torture and outrages upon personal dignity;

and of contributing to the crimes perpetrated by other members of Ansar Dine/AQIM, in relation to:

- i) the war crimes of mutilation, cruel treatment and passing sentences without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable; and
- ii) the crimes against humanity of persecution and other inhumane acts.

The Chamber found that certain crimes of sexual violence had taken place in Timbuktu during the material time. However, Mr Al Hassan was not found to bear responsibility for those crimes and was consequently acquitted of the following charges:

- i) the war crimes of rape and sexual slavery;
- ii) the crimes against humanity of rape, sexual slavery and other inhumane acts in the form of forced marriage.

Mr Al Hassan was also acquitted of the war crime of attacking protected objects.

NEXT STEPS

An order setting the calendar of the proceedings for Mr Hassan's sentencing will be issued shortly.

The verdict may be appealed by the Prosecutor or the Defence for Mr Al Hassan within 30 days.

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