

Annex 3

Updated self-contained set of charges and convictions

Updated self-contained set of charges¹ and convictions²

Contextual elements listed under Articles 7 and 8 of the Statute

1. Between 1 April 2012 and 28 January 2013, the armed groups Ansar Dine/AQIM, constituting an organisation, carried out a widespread and systematic attack on the civilian population of Timbuktu and of the region which bears the same name. During that period Ansar Dine/AQIM imposed its ideology on the population and, to this end, members of Ansar Dine/AQIM committed multiple crimes under Article 7(1) of the Statute pursuant to, or in furtherance of, the policy of the armed groups to conduct such an attack. The alleged acts listed below under counts 1, 2, 8, 9, 11 and 13 were perpetrated as part of the abovementioned attack. The perpetrators, including Mr Al Hassan, who were members of Ansar Dine/AQIM, were aware that their conduct was, or intended their conduct to be, part of the said attack.
2. The crimes under Article 8(2)(c) and (e) of the Statute with which Mr Al Hassan is charged were committed in the context of a non-international armed conflict taking place in Mali at the material time and are linked to the armed conflict. The alleged acts listed below under counts 3, 4, 5, 6, 7, 10 and 12 were perpetrated in the context of, and were associated with, the armed conflict. The perpetrators of the crimes, including Mr Al Hassan, who were members of Ansar Dine/AQIM, were aware of the factual circumstances that established the existence of the armed conflict.

Counts

3. Mr Al Hassan is criminally responsible for the commission of the crimes under Counts 1 to 13 between the beginning of May 2012 and the end of January 2013 in the city of Timbuktu and the region which bears the same name.
4. The members of the armed groups Ansar Dine/AQIM, constituting an organisation, had as their goal to impose in Timbuktu and the region which bears the same name a new power structure based on their religious ideology and to compel the civilian population

¹ The present document is an updated version of the self-contained set of charges adopted by virtue of the [Decision on Self-contained Set of Charges](#), in order to reflect the three decisions providing notice pursuant to Regulation 55(2) of the Regulations, the addition of a new ‘Count 14: Mutilation as a war crime’, and the withdrawal of several incidents by the Prosecution.

² To reflect the scope of Mr Al Hassan’s conviction, the Chamber further marked the present document in bold.

of Timbuktu to comply with it by force or threat of force. From April 2012 to January 2013, they established detention and training centres and put in place various institutions and bodies: the Security Battalion, the Islamic Police, the *Hesbah*, the Islamic Court, the Sharia Committee and the Media Commission. Each of these bodies was led by an individual designated to be its “emir” and was composed of men belonging to the armed groups, Ansar Dine and AQIM. They also distributed the respective functions and powers between them.

5. Mr Al Hassan exercised functions and powers on a daily basis in the Islamic Police and within the organisation, and contributed to the activities of the organisation in Timbuktu from 7 May 2012 at the latest until 28 January 2013.
6. On this basis, Mr Al Hassan is criminally responsible for the crimes set out under the following counts:

Count 1: Torture as a crime against humanity

7. **Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the crime against humanity of torture under Article 7(1)(f) of the Statute, in respect of the following:**
 - a. Acts of violence and other forms of ill-treatment committed against two young men who were arrested in Timbuktu by the Islamic Police, and who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly on or around 8 July 2012; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(a) of the Statute as a direct perpetrator, having himself delivered a number of lashes;**
 - b. Acts of violence and other forms of ill-treatment committed against Ibrahim bin Al-Husayn, who was arrested and detained on or around 16 July 2012 in Timbuktu by the Islamic Police and sentenced on 16 July 2012 by the Islamic Court to *inter alia* 40 lashes; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having participated in the Islamic Police investigation procedure in this case by, *inter alia*, writing and signing the report of the Islamic Police;
 - c. Acts of violence and other forms of ill-treatment committed against P-0565 and P-0557, who were arrested by the Islamic Police, detained in Timbuktu in or around mid-June

2012, sentenced by a judge to whipping, which sentence was carried out publicly, and forced to marry; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping and having, with others, put in place a security cordon between the persons being whipped and the public;**

- d. Acts of violence and other forms of ill-treatment committed against P-0580, who was arrested in or around July or August 2012 in Timbuktu, and several times afterwards, and who was detained and whipped a number of times, including on the order of a judge; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having on some occasions himself arrested, interrogated and arranged the whipping of P-0580;
- e. ~~Acts of violence and other forms of ill-treatment committed against P-0574, who was arrested in Timbuktu in or around July or August 2012 and placed in detention by the Islamic Police and/or the *Hesbah* and who received lashes ordered and administered by the Islamic Police, including acts of a sexual nature committed by coercion against P-0574 during her detention;~~³
- f. Acts of violence and other forms of ill-treatment committed against P-0580's daughter, who was arrested in Timbuktu, detained and sentenced by the *Hesbah* to whipping, which sentence was carried out between in or around July or August 2012 and January 2013;
- g. ~~Acts of violence and other forms of ill-treatment committed against P-0580's mother, who was arrested in Timbuktu and sentenced by the *Hesbah* to whipping, which sentence was carried out publicly between in or around July or August 2012 and January 2013;~~⁴
- h. Acts of violence and other forms of ill-treatment committed against Khudi Bint Ibrahim and Abdallah Bin Mukha, Bint Bint Ibrahim and Ikhmad Bin Muhammad, and Al-Husyan Bin Umar and Halimah Bint Muhammad, three couples who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly in Timbuktu

³ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19.

⁴ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

on or around 29 November 2012; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping, having, with others, put in place a security cordon between the persons being whipped and the public and having signed the report of the Islamic Police concerning Al-Husyan Bin Umar and Halimah Bint Muhammad;** Mr Al Hassan is also criminally responsible for the incident concerning Al-Husyan Bin Umar pursuant to Article 25(3)(a) of the Statute, having personally participated in the flogging of the victim;⁵

- i. **Acts of violence and other forms of ill-treatment committed against Dédéou Maiga, who was arrested by the Islamic Police and detained for months in Timbuktu and sentenced on 12 September 2012 by the Islamic Court to have his hand amputated, which sentence was carried out publicly in September or October 2012 with the participation of the Islamic Police;**
- j. **Acts of violence and other forms of ill-treatment committed against Sallaka Bent Al-Khair, who was arrested in Timbuktu and sentenced on 1 January 2013 by the Islamic Court to whipping, which sentence was carried out publicly on the same date;**
- k. **Acts of violence and other forms of ill-treatment committed against Madou Traoré, who was sentenced on 1 January 2013 in Timbuktu by the Islamic Court to whipping, which sentence was carried out publicly on the same date;**
- l. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-1134, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between November 2012 and January 2013;⁶ and
- m. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them.⁷

⁵ See [Second Regulation 55 Decision](#), paras 27-41.

⁶ See [First Regulation 55 Decision](#), paras 18-26.

⁷ See [First Regulation 55 Decision](#), paras 27-36.

Count 2: Other inhumane acts as a crime against humanity

8. **Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the crime against humanity of other inhumane acts under Article 7(1)(k) of the Statute, in respect of the following:**
- a. Acts of violence and other forms of ill-treatment committed against two young men who were arrested in Timbuktu by the Islamic Police, and who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly on or around 8 July 2012; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(a) of the Statute as a direct perpetrator, having himself delivered a number of lashes;
 - b. Acts of violence and other forms of ill-treatment committed against Ibrahim bin Al-Husayn, who was arrested and detained on or around 16 July 2012 in Timbuktu by the Islamic Police and sentenced on 16 July 2012 by the Islamic Court to *inter alia* 40 lashes; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having participated in the Islamic Police investigation procedure in this case by, *inter alia*, writing and signing the report of the Islamic Police;
 - c. Acts of violence and other forms of ill-treatment committed against P-0565 and P-0557, who were arrested by the Islamic Police, detained in Timbuktu in or around mid-June 2012, sentenced by a judge to whipping, which sentence was carried out publicly, and forced to marry; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping and having, with others, put in place a security cordon between the persons being whipped and the public;
 - d. Acts of violence and other forms of ill-treatment committed against P-0580, who was arrested in or around July or August 2012 in Timbuktu, and several times afterwards, and who was detained and whipped a number of times, including on the order of a judge; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having on some occasions himself arrested, interrogated and arranged the whipping of P-0580;

- e. ~~Acts of violence and other forms of ill-treatment committed against P-0574, who was arrested in Timbuktu in or around July or August 2012 and placed in detention by the Islamic Police and/or the *Hesbah* and who received lashes ordered and administered by the Islamic Police, including acts of a sexual nature committed by coercion against P-0574 during her detention;~~⁸
- f. Acts of violence and other forms of ill-treatment committed against P-0580's daughter, who was arrested in Timbuktu, detained and sentenced by the *Hesbah* to whipping, which sentence was carried out between in or around July or August 2012 and January 2013;
- g. ~~Acts of violence and other forms of ill-treatment committed against P-0580's mother, who was arrested in Timbuktu and sentenced by the *Hesbah* to whipping, which sentence was carried out publicly between in or around July or August 2012 and January 2013;~~⁹
- h. Acts of violence and other forms of ill-treatment committed against Khudi Bint Ibrahim and Abdallah Bin Mukha, Bint Bint Ibrahim and Ikhmad Bin Muhammad, and Al-Husyan Bin Umar and Halimah Bint Muhammad, three couples who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly in Timbuktu on or around 29 November 2012; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping, having, with others, put in place a security cordon between the persons being whipped and the public and having signed the report of the Islamic Police concerning Al-Husyan Bin Umar and Halimah Bint Muhammad; Mr Al Hassan is also criminally responsible for the incident concerning Al-Husyan Bin Umar pursuant to Article 25(3)(a) of the Statute, having personally participated in the flogging of the victim;¹⁰
- i. Acts of violence and other forms of ill-treatment committed against Dédéou Maiga, who was arrested by the Islamic Police and detained for months in Timbuktu and sentenced on 12 September 2012 by the Islamic Court to have his hand amputated,

⁸ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19.

⁹ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

¹⁰ See [Second Regulation 55 Decision](#), paras 27-41.

which sentence was carried out publicly in September or October 2012 with the participation of the Islamic Police;

- j. Acts of violence and other forms of ill-treatment committed against Sallaka Bent Al-Khair, who was arrested in Timbuktu and sentenced on 1 January 2013 by the Islamic Court to whipping, which sentence was carried out publicly on the same date;
- k. Acts of violence and other forms of ill-treatment committed against Madou Traoré, who was sentenced on 1 January 2013 in Timbuktu by the Islamic Court to whipping, which sentence was carried out publicly on the same date;
- l. **Acts of violence and other forms of ill-treatment committed against the elderly man known as Foma, who was publicly whipped in Timbuktu between April 2012 and January 2013;**
- m. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-1134, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between November 2012 and January 2013;
- n. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0636, who was arrested in Timbuktu between April 2012 and the destruction of mausoleums, sentenced by the Islamic Police, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- o. Ill-treatment of P-1708, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between April 2012 and January 2013;
- p. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- q. ~~Ill-treatment of P-0542, who was arrested and detained by the *Hesbah* for several days between April 2012 and January 2013 in Timbuktu, including acts of a sexual nature~~

committed against P-0542 without her knowledge and without her having the capacity to give free consent during her detention;¹¹

- r. Acts of violence and other forms of ill-treatment committed against P-0570, who was arrested and detained by the *Hesbah* in or around June 2012 in Timbuktu, including acts of a sexual nature committed, by coercion and with violence, against P-0570 during her detention;¹² and
- s. Acts of violence and other forms of ill-treatment committed against P-0547, who was arrested and detained in or around July or August 2012 in Timbuktu, including acts of a sexual nature committed by coercion against P-0547 during her detention.¹³

Count 3: Torture as a war crime

- 9. **Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the war crime of torture under Article 8(2)(c)(i) of the Statute, in respect of the following:**
 - a. Acts of violence and other forms of ill-treatment committed against two young men who were arrested in Timbuktu by the Islamic Police, and who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly on or around 8 July 2012; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(a) of the Statute as a direct perpetrator, having himself delivered a number of lashes;**
 - b. Acts of violence and other forms of ill-treatment committed against Ibrahim bin Al-Husayn, who was arrested and detained on or around 16 July 2012 in Timbuktu by the Islamic Police and sentenced on 16 July 2012 by the Islamic Court to *inter alia* 40 lashes; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having participated in the Islamic Police investigation procedure in this case by, *inter alia*, writing and signing the report of the Islamic Police;
 - c. Acts of violence and other forms of ill-treatment committed against P-0565 and P-0557, who were arrested by the Islamic Police, detained in Timbuktu in or around mid-June

¹¹ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19; [First Regulation 55 Decision](#), paras 70-71.

¹² See [Second Regulation 55 Decision](#), paras 14-26.

¹³ See [Third Regulation 55 Decision](#), paras 9-15; [Second Regulation 55 Decision](#), paras 14-19.

2012, sentenced by a judge to whipping, which sentence was carried out publicly, and forced to marry; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping and having, with others, put in place a security cordon between the persons being whipped and the public;**

- d. Acts of violence and other forms of ill-treatment committed against P-0580, who was arrested in or around July or August 2012 in Timbuktu, and several times afterwards, and who was detained and whipped a number of times, including on the order of a judge; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having on some occasions himself arrested, interrogated and arranged the whipping of P-0580;
- e. ~~Acts of violence and other forms of ill-treatment committed against P-0574, who was arrested in Timbuktu in or around July or August 2012 and placed in detention by the Islamic Police and/or the *Hesbah* and who received lashes ordered and administered by the Islamic Police, including acts of a sexual nature committed by coercion against P-0574 during her detention;~~¹⁴
- f. Acts of violence and other forms of ill-treatment committed against P-0580's daughter, who was arrested in Timbuktu, detained and sentenced by the *Hesbah* to whipping, which sentence was carried out between in or around July or August 2012 and January 2013;
- g. ~~Acts of violence and other forms of ill-treatment committed against P-0580's mother, who was arrested in Timbuktu and sentenced by the *Hesbah* to whipping, which sentence was carried out publicly between in or around July or August 2012 and January 2013;~~¹⁵
- h. Acts of violence and other forms of ill-treatment committed against Khudi Bint Ibrahim and Abdallah Bin Mukha, Bint Bint Ibrahim and Ikhmad Bin Muhammad, and Al-Husyan Bin Umar and Halimah Bint Muhammad, three couples who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly in Timbuktu

¹⁴ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19.

¹⁵ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

on or around 29 November 2012; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping, having, with others, put in place a security cordon between the persons being whipped and the public and having signed the report of the Islamic Police concerning Al-Husyan Bin Umar and Halimah Bint Muhammad;** Mr Al Hassan is also criminally responsible for the incident concerning Al-Husyan Bin Umar pursuant to Article 25(3)(a) of the Statute, having personally participated in the flogging of the victim;¹⁶

- i. **Acts of violence and other forms of ill-treatment committed against Dédéou Maiga, who was arrested by the Islamic Police and detained for months in Timbuktu and sentenced on 12 September 2012 by the Islamic Court to have his hand amputated, which sentence was carried out publicly in September or October 2012 with the participation of the Islamic Police;**
- j. **Acts of violence and other forms of ill-treatment committed against Sallaka Bent Al-Khair, who was arrested in Timbuktu and sentenced on 1 January 2013 by the Islamic Court to whipping, which sentence was carried out publicly on the same date;**
- k. **Acts of violence and other forms of ill-treatment committed against Madou Traoré, who was sentenced on 1 January 2013 in Timbuktu by the Islamic Court to whipping, which sentence was carried out publicly on the same date;**
- l. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-1134, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between November 2012 and January 2013;¹⁷ and
- m. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them.¹⁸

¹⁶ See [Second Regulation 55 Decision](#), paras 27-41.

¹⁷ See [First Regulation 55 Decision](#), paras 18-26.

¹⁸ See [First Regulation 55 Decision](#), paras 27-36.

Count 4: Cruel treatment as a war crime

10. **Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the war crime of cruel treatment under Article 8(2)(c)(i) of the Statute, in respect of the following:**
- a. Acts of violence and other forms of ill-treatment committed against two young men who were arrested in Timbuktu by the Islamic Police, and who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly on or around 8 July 2012; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(a) of the Statute as a direct perpetrator, having himself delivered a number of lashes;
 - b. Acts of violence and other forms of ill-treatment committed against Ibrahim bin Al-Husayn, who was arrested and detained on or around 16 July 2012 in Timbuktu by the Islamic Police and sentenced on 16 July 2012 by the Islamic Court to *inter alia* 40 lashes; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having participated in the Islamic Police investigation procedure in this case by, *inter alia*, writing and signing the report of the Islamic Police;
 - c. Acts of violence and other forms of ill-treatment committed against P-0565 and P-0557, who were arrested by the Islamic Police, detained in Timbuktu in or around mid-June 2012, sentenced by a judge to whipping, which sentence was carried out publicly, and forced to marry; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping and having, with others, put in place a security cordon between the persons being whipped and the public;
 - d. Acts of violence and other forms of ill-treatment committed against P-0580, who was arrested in or around July or August 2012 in Timbuktu, and several times afterwards, and who was detained and whipped a number of times, including on the order of a judge; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having on some occasions himself arrested, interrogated and arranged the whipping of P-0580;

- e. ~~Acts of violence and other forms of ill-treatment committed against P-0574, who was arrested in Timbuktu in or around July or August 2012 and placed in detention by the Islamic Police and/or the *Hesbah* and who received lashes ordered and administered by the Islamic Police, including acts of a sexual nature committed by coercion against P-0574 during her detention;~~¹⁹
- f. Acts of violence and other forms of ill-treatment committed against P-0580's daughter, who was arrested in Timbuktu, detained and sentenced by the *Hesbah* to whipping, which sentence was carried out between in or around July or August 2012 and January 2013;
- g. ~~Acts of violence and other forms of ill-treatment committed against P-0580's mother, who was arrested in Timbuktu and sentenced by the *Hesbah* to whipping, which sentence was carried out publicly between in or around July or August 2012 and January 2013;~~²⁰
- h. Acts of violence and other forms of ill-treatment committed against Khudi Bint Ibrahim and Abdallah Bin Mukha, Bint Bint Ibrahim and Ikhmad Bin Muhammad, and Al-Husyan Bin Umar and Halimah Bint Muhammad, three couples who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly in Timbuktu on or around 29 November 2012; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping, having, with others, put in place a security cordon between the persons being whipped and the public and having signed the report of the Islamic Police concerning Al-Husyan Bin Umar and Halimah Bint Muhammad; Mr Al Hassan is also criminally responsible for the incident concerning Al-Husyan Bin Umar pursuant to Article 25(3)(a) of the Statute, having personally participated in the flogging of the victim;²¹
- i. Acts of violence and other forms of ill-treatment committed against Dédéou Maiga, who was arrested by the Islamic Police and detained for months in Timbuktu and sentenced on 12 September 2012 by the Islamic Court to have his hand amputated,

¹⁹ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19.

²⁰ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

²¹ See [Second Regulation 55 Decision](#), paras 27-41.

which sentence was carried out publicly in September or October 2012 with the participation of the Islamic Police;

- j. Acts of violence and other forms of ill-treatment committed against Sallaka Bent Al-Khair, who was arrested in Timbuktu and sentenced on 1 January 2013 by the Islamic Court to whipping, which sentence was carried out publicly on the same date;
- k. Acts of violence and other forms of ill-treatment committed against Madou Traoré, who was sentenced on 1 January 2013 in Timbuktu by the Islamic Court to whipping, which sentence was carried out publicly on the same date;
- l. **Acts of violence and other forms of ill-treatment committed against the elderly man known as Foma, who was publicly whipped in Timbuktu between April 2012 and January 2013;**
- m. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-1134, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between November 2012 and January 2013;
- n. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0636, who was arrested in Timbuktu between April 2012 and the destruction of mausoleums, sentenced by the Islamic Police, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- o. Ill-treatment of P-1708, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between April 2012 and January 2013;
- p. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- q. ~~Ill-treatment of P-0542, who was arrested and detained by the *Hesbah* for several days between April 2012 and January 2013 in Timbuktu, including acts of a sexual nature~~

~~committed against P-0542 without her knowledge and without her having the capacity to give free consent during her detention;~~²²

- r. Acts of violence and other forms of ill-treatment committed against P-0570, who was arrested and detained by the *Hesbah* in or around June 2012 in Timbuktu, including acts of a sexual nature committed, by coercion and with violence, against P-0570 during her detention;²³ and
- s. Acts of violence and other forms of ill-treatment committed against P-0547, who was arrested and detained in or around July or August 2012 in Timbuktu, including acts of a sexual nature committed by coercion against P-0547 during her detention.²⁴

Count 5: Outrages upon personal dignity as a war crime

11. Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the war crime of outrages upon personal dignity under Article 8(2)(c)(ii) of the Statute, in respect of the following:

- a. Acts of violence and other forms of ill-treatment committed against two young men who were arrested in Timbuktu by the Islamic Police, and who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly on or around 8 July 2012; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(a) of the Statute as a direct perpetrator, having himself delivered a number of lashes;**
- b. Acts of violence and other forms of ill-treatment committed against Ibrahim bin Al-Husayn, who was arrested and detained on or around 16 July 2012 in Timbuktu by the Islamic Police and sentenced on 16 July 2012 by the Islamic Court to *inter alia* 40 lashes; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having participated in the Islamic Police investigation procedure in this case by, *inter alia*, writing and signing the report of the Islamic Police;
- c. Acts of violence and other forms of ill-treatment committed against P-0565 and P-0557, who were arrested by the Islamic Police, detained in Timbuktu in or around mid-June

²² **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19; [First Regulation 55 Decision](#), paras 70-71.

²³ See [Second Regulation 55 Decision](#), paras 14-26.

²⁴ See [Third Regulation 55 Decision](#), paras 9-15; [Second Regulation 55 Decision](#), paras 14-19.

2012, sentenced by a judge to whipping, which sentence was carried out publicly, and forced to marry; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping and having, with others, put in place a security cordon between the persons being whipped and the public;**

- d. Acts of violence and other forms of ill-treatment committed against P-0580, who was arrested in or around July or August 2012 in Timbuktu, and several times afterwards, and who was detained and whipped a number of times, including on the order of a judge; Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having on some occasions himself arrested, interrogated and arranged the whipping of P-0580;
- e. ~~Acts of violence and other forms of ill-treatment committed against P-0574, who was arrested in Timbuktu in or around July or August 2012 and placed in detention by the Islamic Police and/or the *Hesbah* and who received lashes ordered and administered by the Islamic Police, including acts of a sexual nature committed by coercion against P-0574 during her detention;~~²⁵
- f. Acts of violence and other forms of ill-treatment committed against P-0580's daughter, who was arrested in Timbuktu, detained and sentenced by the *Hesbah* to whipping, which sentence was carried out between in or around July or August 2012 and January 2013;
- g. ~~Acts of violence and other forms of ill-treatment committed against P-0580's mother, who was arrested in Timbuktu and sentenced by the *Hesbah* to whipping, which sentence was carried out publicly between in or around July or August 2012 and January 2013;~~²⁶
- h. Acts of violence and other forms of ill-treatment committed against Khudi Bint Ibrahim and Abdallah Bin Mukha, Bint Bint Ibrahim and Ikhmad Bin Muhammad, and Al-Husyan Bin Umar and Halimah Bint Muhammad, three couples who were sentenced by the Islamic Court to whipping, which sentence was carried out publicly in Timbuktu

²⁵ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19.

²⁶ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

on or around 29 November 2012; **Mr Al Hassan is also criminally responsible for these acts pursuant to Article 25(3)(c) of the Statute, having been present during the whipping, having, with others, put in place a security cordon between the persons being whipped and the public and having signed the report of the Islamic Police concerning Al-Husyan Bin Umar and Halimah Bint Muhammad; Mr Al Hassan is also criminally responsible for the incident concerning Al-Husyan Bin Umar pursuant to Article 25(3)(a) of the Statute, having personally participated in the flogging of the victim;**²⁷

- i. **Acts of violence and other forms of ill-treatment committed against Dédéou Maiga, who was arrested by the Islamic Police and detained for months in Timbuktu and sentenced on 12 September 2012 by the Islamic Court to have his hand amputated, which sentence was carried out publicly in September or October 2012 with the participation of the Islamic Police;**
- j. **Acts of violence and other forms of ill-treatment committed against Sallaka Bent Al-Khair, who was arrested in Timbuktu and sentenced on 1 January 2013 by the Islamic Court to whipping, which sentence was carried out publicly on the same date;**
- k. **Acts of violence and other forms of ill-treatment committed against Madou Traoré, who was sentenced on 1 January 2013 in Timbuktu by the Islamic Court to whipping, which sentence was carried out publicly on the same date;**
- l. **Acts of violence and other forms of ill-treatment committed against the elderly man known as Foma, who was publicly whipped in Timbuktu between April 2012 and January 2013;**
- m. ~~Ill-treatment of P-0542, who was arrested and detained by the *Hesbah* for several days between April 2012 and January 2013 in Timbuktu, including acts of a sexual nature committed against P-0542 without her knowledge and without her having the capacity to give free consent during her detention;~~²⁸

²⁷ See [Second Regulation 55 Decision](#), paras 27-41.

²⁸ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [Second Regulation 55 Decision](#), paras 14-19.

- n. Acts of violence and other forms of ill-treatment committed against P-0570, who was arrested and detained by the *Hesbah* in or around June 2012 in Timbuktu, including acts of a sexual nature committed, by coercion and with violence, against P-0570 during her detention;²⁹
- o. Acts of violence and other forms of ill-treatment committed against P-0547, who was arrested and detained in or around July or August 2012 in Timbuktu, including acts of a sexual nature committed by coercion against P-0547 during her detention;³⁰
- p. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-1134, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between November 2012 and January 2013;
- q. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0636, who was arrested in Timbuktu between April 2012 and the destruction of mausoleums, sentenced by the Islamic Police, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- r. ~~Acts of violence and other forms of ill-treatment committed against P-1728 who was whipped in Timbuktu between April 2012 and January 2013;~~³¹ and
- s. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them.

Count 6: Passing of sentences without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable

12. **Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the above-mentioned war crime under Article 8(2)(c)(iv) of the Statute, in respect of the following:**

²⁹ See [Second Regulation 55 Decision](#), paras 14-19.

³⁰ See [Second Regulation 55 Decision](#), paras 14-19.

³¹ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

- a. Case of P-0547;
- b. ~~Case of P-0574;~~³²
- c. Case of P-0580's daughter (in respect of all three sentences passed); Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c) of the Statute for the passing of the second and third sentences, having issued relevant orders himself;
- d. ~~Case of P-0580's mother;~~³³
- e. Case of P-0570;
- f. ~~Case of P-0542;~~³⁴
- g. **Case of the elderly man known as Foma;**
- h. **Case of Ibrahim Bin al-Husayn, number 01/1433-2012, dated 16 July 2012; Case of Al-Khayr Bin-Sidi, number 23/1433-2012, dated 1 October 2012; Case of (1) Moussa Ben Mohamed el-Joumaa or Muhammad Musa Muhammad al-Jam'at, (2) anonymous and (3) anonymous, number 43/1433/2012, dated 19 November 2012; Case of Abdelkarim Ascofare or 'Abd-al-Karim Iskufari, number 45/1433-2012, dated 19 November 2012; Case of (1) Al-Husayn Bin 'Umar and (2) Halimah Bint Muhammad, number 54/1433-2012, dated 28 November 2012;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c) of the Statute in relation to these cases, having written, signed and, in some instances, transmitted the reports of the Islamic Police to the Islamic Court;
- i. **Case of (1) Nuh bin Muhammad, (2) 'Isa Bin Jadu, (3) Muhammad Shaka, (4) Ali Bin Barakah and (5) Abdallah Bin Muhammad al-Jum'at, number 04/1433-2012, dated 30 June 2012;**
- j. **Case of (1) Yusfi 'Uthman and (2) Bili Arbi, number 09/1433-2012, dated 27 August 2012;**
- k. **Case of (1) Halimah Samak and (2) Braym Mik, number 11/1433-2012, dated 28 August 2012;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c)

³² **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

³³ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

³⁴ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

of the Statute in relation to this case, having written and signed the report of the Islamic Police to the Islamic Court;³⁵

- l. **Case of (1) al-Hasan Bin Irzaq and (2) Halimah Bint Sali, number 13/1433-2012, dated 4 September 2012;**
- m. **Case of Muhammad, number 15/1433-2012, dated 10 September 2012;**
- n. **Case of Sha'ban Bin Sidi, number 16/1433-2012, dated 11 September 2012;**
- o. **Case of Dédéou Muhammad Maiga, number 17/1433-2012, dated 12 September 2012;**
- p. **Case of Umar Anjami, number 18/1433-2012, dated 18 September 2012;**
- q. **Case of Infa Muhammad 'Ali, number 19/1433-2012, dated 17 September 2012;**
- r. **Case of Halle Bin Hanay, number 21/1433-2012, dated 24 September 2012;**
- s. **Case of Muhammad Bin Musa, number 25/1433-2012, dated 10 October 2012;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c) of the Statute in relation to this case, having written and signed the report of the Islamic Police to the Islamic Court;³⁶
- t. **Case of Mahmud Bin al-Mustafa, number 28/1433-2012, dated 13 October 2012;**
- u. **Case of Asya Bint 'Umar, number 29/1433-2012, dated 15 October 2012;**
- v. **Case of (1) Muhammad Bin Musa, (2) Muhammad Bin Ban and (3) Qurba Mika, number 33/1433-2012, dated 17 October 2012;**
- w. **Case of Boune Ould Hassan, number 44/1433-2012, dated 19 November 2012;**
- x. **Case of Ahmad Walad Muhammad, number 46/1433-2012, dated 20 November 2012;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c) of the Statute in relation to this case, having written and signed the report of the Islamic Police to the Islamic Court;³⁷

³⁵ See [First Regulation 55 Decision](#), paras 102-114.

³⁶ See [First Regulation 55 Decision](#), paras 102-114.

³⁷ See [First Regulation 55 Decision](#), paras 102-114.

- y. **Case of (1) Khudi Bint Ibrahim and (2) ‘Abdallah Bin Mukha, number 48/1433-2012, dated 26 November 2012;**
- z. **Case of (1) Bint Bint Ibrahim and (2) Ikhmad Bin Muhammad, number 49/1433-2012, dated 26 November 2012;**
- aa. **Case of (1) Muhammad Walad, (2) Aghli Asudh and (3) Arjili Bin Aman, number 55/1433-2012, dated 3 December 2012;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c) of the Statute in relation to this case, having written and signed the report of the Islamic Police to the Islamic Court;³⁸
- bb. Case of (1) Ali al-Haji and (2) ‘Ali Shayban, number 60/1433/2012, dated 25 December 2012;
- cc. Case of ‘Abdullah Kuni, number 61/1433/2012, dated 25 December 2012;
- dd. **Case of Sallaka Bent Al-Khair, number 66/1434-2013, dated 1 January 2013;**
- ee. **Case of Yahya Bin-Muhammad or his companion, number 67/1434/2013, dated 1 January 2013;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c) of the Statute in relation to this case, having written and signed the report of the Islamic Police to the Islamic Court;³⁹
- ff. **Case of Madou Traoré, number 68/1434-2013, dated 1 January 2013;**
- gg. **Case of El-Khamis Bin-el-Sabt, dated 23 May 2012;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c) of the Statute in relation to this case, having written and signed the report of the Islamic Police to the Islamic Court;⁴⁰
- hh. Case of Abou-Bakr Soumboulou, dated 23 May 2012;
- ii. Case of Dawoud Oulale, dated 23 May 2012;
- jj. **Case of (1) Mohamed Ben el-Gaw and (2) el-Goumaa, dated between 23 May and 11 June 2012;** Mr Al Hassan is also criminally responsible pursuant to Article 25(3)(c)

³⁸ See [First Regulation 55 Decision](#), paras 102-114.

³⁹ See [First Regulation 55 Decision](#), paras 102-114.

⁴⁰ See [First Regulation 55 Decision](#), paras 102-114.

of the Statute in relation to this case, having written and signed the report of the Islamic Police to the Islamic Court;⁴¹

kk. **Case of P-0557;**

ll. **Case of P-0565;**

mm. **Case of the two men whipped on or around 8 July 2012;**

nn. Case of P-1134;

oo. Case of P-0636;

pp. Case of P-1710 and P-1711, who were both arrested, sentenced by the *Hesbah* and detained in Timbuktu between April 2012 and January 2013;

qq. Case of P-1712, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between the end of 2012 and January 2013;

rr. Case of P-1721, who was sentenced by the *Hesbah* to whipping, which sentence was carried out in Timbuktu between April 2012 and January 2013;

ss. Case of P-1708; and

tt. Case of P-0609.⁴²

Count 7: Directing attacks against protected objects as a war crime

13. Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the war crime of directing attacks against protected objects under Article 8(2)(e)(iv) of the Statute in respect of the destruction of the following mausoleums or other protected objects, or parts of them, in or around June and July 2012:
 - a. The Cheikh Sidi Mahmoud Ben Omar Mohamed Aquit mausoleum, on or around 30 June 2012, with the participation of the Islamic Police;
 - b. The Cheikh Mohamed Mahmoud Al Arawani mausoleum, on or around 30 June 2012;

⁴¹ See [First Regulation 55 Decision](#), paras 102-114.

⁴² See [First Regulation 55 Decision](#), paras 27-36.

- c. The Cheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausoleum, on or around 30 June 2012, in the presence of the Islamic Police;
- d. The Cheikh Alpha Moya mausoleum, on or around 30 June 2012;
- e. The Cheikh Mouhamad El Micky mausoleum, on or around 1 July 2012;
- f. The Cheikh Abdoul Kassim Attouaty mausoleum, on or around 1 July 2012;
- g. The Cheikh Sidi Ahmed Ben Amar Arragadi mausoleum, on or around 1 July 2012;
- h. The door of the Sidi Yahia mosque, on or around 2 July 2012; and
- i. The Cheikh Ahamed Fulane mausoleum and the Cheick Bahaber Babadié mausoleum, on or around 11 July 2012.

**Count 8: Other inhumane acts in the form of forced marriage as a
crime against humanity**

14. Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the crime against humanity of other inhumane acts under Article 7(1)(k) of the Statute in respect of the following:
- a. Acts of coercion and violence, including acts of a sexual nature, committed against P-0520, who, from May 2012 in Timbuktu, was assigned a husband against her will, placed at his disposal, forced to have sexual intercourse with him and detained on several occasions for days at a time;
 - b. Acts of coercion and violence, including acts of a sexual nature, committed against P-0602, who, in Timbuktu during the month of Ramadan 2012 and more generally between April 2012 and January 2013, against her will, was assigned a husband with a payment for the marriage, placed at his disposal and forced to have sexual intercourse with him;
 - c. Acts of coercion and violence, including acts of a sexual nature, committed against P-0610, who, in August or September 2012 in Timbuktu, following the payment of a sum of money, was assigned a husband against her will, placed at his disposal and forced to have sexual intercourse with him;

- d. Acts of coercion and violence, including acts of a sexual nature, committed against P-0538, who, in or around June 2012, against her will, was assigned a husband with a payment for the marriage, detained in Timbuktu and, while so detained, placed at the disposal of men and forced to have sexual intercourse with them;
- e. Acts of coercion and violence, including acts of a sexual nature, committed against P-0553, who, from May 2012 in Timbuktu, was assigned husbands against her will following the payment of a sum of money, placed at their disposal, forced to have sexual intercourse with them, detained by them and forced into servitude for several months;
- f. Acts of coercion and acts of a sexual nature committed against P-0553's sister, who, from May 2012 in Timbuktu, was assigned husbands against her will, placed at their disposal and forced to stay at a house every evening;
- g. Acts of coercion and violence, including acts of a sexual nature, committed against P-1162, who, between May 2012 and July 2012 in Timbuktu, was detained, assigned husbands against her will and placed at the disposal of men while detained;
- h. Acts of coercion and violence, including acts of a sexual nature, committed against P-1460, who, in Timbuktu between April 2012 and January 2013, against her will, was assigned husbands with a payment for the marriage and placed at their disposal;
- i. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them; and
- j. Acts of coercion and violence, including acts of a sexual nature, committed against P-0957, who, in or around August 2012 in Timbuktu, against her will, was assigned a husband with a payment for the marriage, married to him, detained by him, forced to have sexual intercourse with him and forced into servitude for several months.

Count 9: Sexual slavery as a crime against humanity

- 15. Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the crime against humanity of sexual slavery under Article 7(1)(g) of the Statute, in respect of the following:

- a. Acts of coercion and violence, including acts of a sexual nature, committed against P-0520, who, from May 2012 in Timbuktu, was assigned a husband against her will, placed at his disposal, forced to have sexual intercourse with him and detained on several occasions for days at a time;
- b. Acts of coercion and violence, including acts of a sexual nature, committed against P-0602, who, in Timbuktu during the month of Ramadan 2012 and more generally between April 2012 and January 2013, against her will, was assigned a husband with a payment for the marriage, placed at his disposal and forced to have sexual intercourse with him;
- c. Acts of coercion and violence, including acts of a sexual nature, committed against P-0610, who, in August or September 2012 in Timbuktu, following the payment of a sum of money, was assigned a husband against her will, placed at his disposal and forced to have sexual intercourse with him;
- d. Acts of coercion and violence, including acts of a sexual nature, committed against P-0538, who, in or around June 2012, against her will, was assigned a husband with a payment for the marriage, detained in Timbuktu and, while so detained, placed at the disposal of men and forced to have sexual intercourse with them;
- e. Acts of coercion and violence, including acts of a sexual nature, committed against P-0553, who, from May 2012 in Timbuktu, was assigned husbands against her will following the payment of a sum of money, placed at their disposal, forced to have sexual intercourse with them, detained by them and forced into servitude for several months;
- f. Acts of coercion and acts of a sexual nature committed against P-0553's sister, who, from May 2012 in Timbuktu, was assigned husbands against her will, placed at their disposal and forced to stay at a house every evening;
- g. Acts of coercion and violence, including acts of a sexual nature, committed against P-1162, who, between May 2012 and July 2012 in Timbuktu, was detained, assigned husbands against her will and placed at the disposal of men while detained;
- h. Acts of coercion and violence, including acts of a sexual nature, committed against P-1460, who, in Timbuktu between April 2012 and January 2013, against her will, was assigned husbands with a payment for the marriage and placed at their disposal;

- i. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them; and
- j. Acts of coercion and violence, including acts of a sexual nature, committed against P-0957, who, in or around August 2012 in Timbuktu, against her will, was assigned a husband with a payment for the marriage, married to him, detained by him, forced to have sexual intercourse with him and forced into servitude for several months.

Count 10: Sexual slavery as a war crime

- 16. Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the war crime of sexual slavery under Article 8(2)(e)(vi) of the Statute, in respect of the following:
 - a. Acts of coercion and violence, including acts of a sexual nature, committed against P-0520, who, from May 2012 in Timbuktu, was assigned a husband against her will, placed at his disposal, forced to have sexual intercourse with him and detained on several occasions for days at a time;
 - b. Acts of coercion and violence, including acts of a sexual nature, committed against P-0602, who, in Timbuktu during the month of Ramadan 2012 and more generally between April 2012 and January 2013, against her will, was assigned a husband with a payment for the marriage, placed at his disposal and forced to have sexual intercourse with him;
 - c. Acts of coercion and violence, including acts of a sexual nature, committed against P-0610, who, in August or September 2012 in Timbuktu, following the payment of a sum of money, was assigned a husband against her will, placed at his disposal and forced to have sexual intercourse with him;
 - d. Acts of coercion and violence, including acts of a sexual nature, committed against P-0538, who, in or around June 2012, against her will, was assigned a husband with a payment for the marriage, detained in Timbuktu and, while so detained, placed at the disposal of men and forced to have sexual intercourse with them;

- e. Acts of coercion and violence, including acts of a sexual nature, committed against P-0553, who, from May 2012 in Timbuktu, was assigned husbands against her will following the payment of a sum of money, placed at their disposal, forced to have sexual intercourse with them, detained by them and forced into servitude for several months;
- f. Acts of coercion and acts of a sexual nature committed against P-0553's sister, who, from May 2012 in Timbuktu, was assigned husbands against her will, placed at their disposal and forced to stay at a house every evening;
- g. Acts of coercion and violence, including acts of a sexual nature, committed against P-1162, who, between May 2012 and July 2012 in Timbuktu, was detained, assigned husbands against her will and placed at the disposal of men while detained;
- h. Acts of coercion and violence, including acts of a sexual nature, committed against P-1460, who, in Timbuktu between April 2012 and January 2013, against her will, was assigned husbands with a payment for the marriage and placed at their disposal;
- i. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them; and
- j. Acts of coercion and violence, including acts of a sexual nature, committed against P-0957, who, in or around August 2012 in Timbuktu, against her will, was assigned a husband with a payment for the marriage, married to him, detained by him, forced to have sexual intercourse with him and forced into servitude for several months.

Count 11: Rape as a crime against humanity

- 17. Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the crime against humanity of rape under Article (7)(1)(g) of the Statute, in respect of the following:
 - a. Acts of coercion and violence, including acts of a sexual nature, committed against P-0520, who, from May 2012 in Timbuktu, was assigned a husband against her will,

placed at his disposal, forced to have sexual intercourse with him and detained on several occasions for days at a time;

- b. Acts of coercion and violence, including acts of a sexual nature, committed against P-0602, who, in Timbuktu during the month of Ramadan 2012 and more generally between April 2012 and January 2013, against her will, was assigned a husband with a payment for the marriage, placed at his disposal and forced to have sexual intercourse with him;
- c. Acts of coercion and violence, including acts of a sexual nature, committed against P-0610, who, in August or September 2012 in Timbuktu, following the payment of a sum of money, was assigned a husband against her will, placed at his disposal and forced to have sexual intercourse with him;
- d. Acts of coercion and violence, including acts of a sexual nature, committed against P-0538, who, in or around June 2012, against her will, was assigned a husband with a payment for the marriage, detained in Timbuktu and, while so detained, placed at the disposal of men and forced to have sexual intercourse with them;
- e. Acts of coercion and violence, including acts of a sexual nature, committed against P-0553, who, from May 2012 in Timbuktu, was assigned husbands against her will following the payment of a sum of money, placed at their disposal, forced to have sexual intercourse with them, detained by them and forced into servitude for several months;
- f. Acts of coercion and acts of a sexual nature committed against P-0553's sister, who, from May 2012 in Timbuktu, was assigned husbands against her will, placed at their disposal and forced to stay at a house every evening;
- g. Acts of coercion and violence, including acts of a sexual nature, committed against P-1162, who, between May 2012 and July 2012 in Timbuktu, was detained, assigned husbands against her will and placed at the disposal of men while detained;
- h. Acts of coercion and violence, including acts of a sexual nature, committed against P-1460, who, in Timbuktu between April 2012 and January 2013, against her will, was assigned husbands with a payment for the marriage and placed at their disposal;

- i. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-1134, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between November 2012 and January 2013;
- j. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0636, who was arrested in Timbuktu between April 2012 and the destruction of mausoleums, sentenced by the Islamic Police, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- k. Acts of coercion and acts of a sexual nature committed against P-1674, who was arrested and detained in Timbuktu between April 2012 and January 2013;
- l. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- m. Acts of coercion and violence, including acts of a sexual nature, committed against P-0957, who, in or around August 2012 in Timbuktu, against her will, was assigned a husband with a payment for the marriage, married to him, detained by him, forced to have sexual intercourse with him and forced into servitude for several months;
- n. Acts of a sexual nature committed, by coercion and with violence, against P-0570 in or around June 2012 in Timbuktu during her detention;⁴³
- o. Acts of a sexual nature committed by coercion against P-0547 in or around July or August 2012 in Timbuktu during her detention;⁴⁴
- p. ~~Acts of a sexual nature committed by coercion against P-0574 in or around July or August 2012 in Timbuktu during her detention;~~⁴⁵ and

⁴³ See [First Regulation 55 Decision](#), paras 46-56.

⁴⁴ See [First Regulation 55 Decision](#), paras 46-56.

⁴⁵ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [First Regulation 55 Decision](#), paras 46-56.

- q. ~~Acts of a sexual nature committed against P-0542 without her knowledge and without her having the capacity to give free consent during her detention in Timbuktu between April 2012 and January 2013.~~⁴⁶

Count 12: Rape as a war crime

18. Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the war crime of rape under Article 8(2)(e)(vi) of the Statute, in respect of the following:
- a. Acts of coercion and violence, including acts of a sexual nature, committed against P-0520, who, from May 2012 in Timbuktu, was assigned a husband against her will, placed at his disposal, forced to have sexual intercourse with him and detained on several occasions for days at a time;
 - b. Acts of coercion and violence, including acts of a sexual nature, committed against P-0602, who, in Timbuktu during the month of Ramadan 2012 and more generally between April 2012 and January 2013, against her will, was assigned a husband with a payment for the marriage, placed at his disposal and forced to have sexual intercourse with him;
 - c. Acts of coercion and violence, including acts of a sexual nature, committed against P-0610, who, in August or September 2012 in Timbuktu, following the payment of a sum of money, was assigned a husband against her will, placed at his disposal and forced to have sexual intercourse with him;
 - d. Acts of coercion and violence, including acts of a sexual nature, committed against P-0538, who, in or around June 2012, against her will, was assigned a husband with a payment for the marriage, detained in Timbuktu and, while so detained, placed at the disposal of men and forced to have sexual intercourse with them;
 - e. Acts of coercion and violence, including acts of a sexual nature, committed against P-0553, who, from May 2012 in Timbuktu, was assigned husbands against her will following the payment of a sum of money, placed at their disposal, forced to have sexual intercourse with them, detained by them and forced into servitude for several months;

⁴⁶ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [First Regulation 55 Decision](#), paras 46-56.

- f. Acts of coercion and acts of a sexual nature committed against P-0553's sister, who, from May 2012 in Timbuktu, was assigned husbands against her will, placed at their disposal and forced to stay at a house every evening;
- g. Acts of coercion and violence, including acts of a sexual nature, committed against P-1162, who, between May 2012 and July 2012 in Timbuktu, was detained, assigned husbands against her will and placed at the disposal of men while detained;
- h. Acts of coercion and violence, including acts of a sexual nature, committed against P-1460, who, in Timbuktu between April 2012 and January 2013, against her will, was assigned husbands with a payment for the marriage and placed at their disposal;
- i. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-1134, who was arrested, sentenced by the *Hesbah* and detained in Timbuktu between November 2012 and January 2013;
- j. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0636, who was arrested in Timbuktu between April 2012 and the destruction of mausoleums, sentenced by the Islamic Police, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- k. Acts of coercion and acts of a sexual nature committed against P-1674, who was arrested and detained in Timbuktu between April 2012 and January 2013;
- l. Acts of coercion, violence and other forms of ill-treatment, including acts of a sexual nature, committed against P-0609, who was arrested in Timbuktu between April 2012 and January 2013, detained by the *Hesbah*, whipped several times, assigned a husband against her will, forced to marry, detained, placed at the disposal of men and forced to have sexual intercourse with them;
- m. Acts of coercion and violence, including acts of a sexual nature, committed against P-0957, who, in or around August 2012 in Timbuktu, against her will, was assigned a husband with a payment for the marriage, married to him, detained by him, forced to have sexual intercourse with him and forced into servitude for several months;

- n. Acts of a sexual nature committed, by coercion and with violence, against P-0570 in or around June 2012 in Timbuktu during her detention;⁴⁷
- o. Acts of a sexual nature committed by coercion against P-0547 in or around July or August 2012 in Timbuktu during her detention;⁴⁸
- p. ~~Acts of a sexual nature committed by coercion against P-0574 in or around July or August 2012 in Timbuktu during her detention;~~⁴⁹ and
- q. ~~Acts of a sexual nature committed against P-0542 without her knowledge and without her having the capacity to give free consent during her detention in Timbuktu between April 2012 and January 2013.~~⁵⁰

Count 13: Persecution as a crime against humanity

19. **Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the crime against humanity of persecution on religious and/or gender grounds under Article 7(1)(h) of the Statute**, in respect of the acts falling under Counts 1-12 and 14 as well as other acts that constitute severe deprivations of fundamental rights, contrary to international law, notably the following:
- a. ~~Acts of a sexual nature committed, by coercion and with violence, against P-0570 in or around June 2012 in Timbuktu during her detention;~~⁵¹
 - b. ~~Acts of a sexual nature committed by coercion against P-0547 in or around July or August 2012 in Timbuktu during her detention;~~⁵²
 - c. ~~Acts of a sexual nature committed by coercion against P-0574 in or around July or August 2012 in Timbuktu during her detention;~~⁵³

⁴⁷ See [First Regulation 55 Decision](#), paras 46-56.

⁴⁸ See [First Regulation 55 Decision](#), paras 46-56.

⁴⁹ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [First Regulation 55 Decision](#), paras 46-56.

⁵⁰ **Withdrawn.** See Prosecution Final Brief, paras 212, 318. See also [First Regulation 55 Decision](#), paras 46-56.

⁵¹ This incident falls under Counts 2, 4-5 and 11-12 by virtue of the Chamber's Regulation 55 decision. See [First Regulation 55 Decision](#), paras 46-56; [Second Regulation 55 Decision](#), paras 14-26.

⁵² This incident falls under Counts 2, 4-5 and 11-12 by virtue of the Chamber's Regulation 55 decision. See [First Regulation 55 Decision](#), paras 46-56; [Second Regulation 55 Decision](#), paras 14-19; [Third Regulation 55 Decision](#), paras 9-15.

⁵³ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

- d. ~~Acts of a sexual nature committed against P-0542 without her knowledge and without her having the capacity to give free consent during her detention in Timbuktu between April 2012 and January 2013;~~⁵⁴ and
- e. Acts of harassment and threats committed against P-0641, who was arrested in Timbuktu between May 2012 and January 2013.

Count 14: Mutilation as a war crime⁵⁵

20. **Mr Al Hassan is criminally responsible pursuant to Article 25(3)(d) of the Statute for the war crime of mutilation under Article 8(2)(c)(i) of the Statute, in respect of Dédéou Maiga, who was arrested by the Islamic Police and detained for months in Timbuktu and sentenced on 12 September 2012 by the Islamic Court to have his hand amputated, which sentence was carried out publicly in September or October 2012 with the participation of the Islamic Police.**

⁵⁴ **Withdrawn.** See Prosecution Final Brief, paras 212, 318.

⁵⁵ See [First Regulation 55 Decision](#), paras 76-82.