

Situation in the Republic of Mali

Update: September 2019

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

Decision on the Confirmation of charges in the Al Hassan case, 30 September 2019

WHAT DID THE JUDGES DECIDE?

Pre-Trial Chamber I of the International Criminal Court (ICC) confirmed the charges of war crimes and crimes against humanity brought against Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (“Al Hassan”) and committed him to trial. The Chamber issued a confidential decision, the redacted version of which will be published later.

The judges based their decision on the evidence presented during the hearing held from 8 to 17 July 2019. The Chamber concluded that there are substantial grounds to believe that Mr Al Hassan is responsible for:

- Crimes against humanity allegedly committed in Timbuktu, Mali, in the context of a widespread and systematic attack by armed groups Ansar Eddine / Al Qaeda in the Islamic Maghreb against the civilian population of Timbuktu and its region, between 1 April 2012 and 28 January 2013: Torture, rape, sexual slavery, other inhumane acts, including, inter alia, forced marriages, persecution; and
- War crimes allegedly committed in Timbuktu, Mali, in the context of an armed conflict not of an international nature occurring in the same period between April 2012 and January 2013: Torture, cruel treatment, outrages upon personal dignity, passing of sentences without previous judgement pronounced by a regularly constituted court affording all judicial guarantees which are generally recognized as indispensable, intentionally directing attacks against buildings dedicated to religion and historic monuments, rape and sexual slavery.

WHO IS MR AL HASSAN?

Mr Al Hassan, a Malian national from the Tuareg/Tamasheq Kel Ansar tribe, born on 19 September 1977 in the community of Hangabera, about 10 kilometres north of Goundam in the region of Timbuktu was allegedly a member of Ansar Dine and the *de facto* chief of the Islamic Police. He is also alleged to have been involved in the work of the Islamic court in Timbuktu and to have participated in executing its decisions.

CAN THIS DECISION BE APPEALED?

The Defence and the Prosecution are not automatically entitled to appeal this decision but they can request authorisation from the Pre-Trial Chamber to do so.

WHAT ARE THE EXPECTED NEXT STEPS NOW?

A public redacted version of the confirmation decision will be issued in due course. The ICC Presidency will then constitute a Trial Chamber responsible for conducting the subsequent phase of the proceedings and composed of three judges other than those who sat on the Pre-Trial bench. Promptly after it is constituted, the Trial Chamber will hold status conferences, confer with the parties and participants in order to set the date of the trial and adopt the procedures necessary to facilitate the fair and expeditious conduct of the proceedings. The Chamber will rule on several preliminary issues, including the timing and the manner of disclosure of evidence.

ARE VICTIMS PARTICIPATING IN THIS CASE?

Yes, the judges have authorised over 880 victims to participate in the case. They are represented by their legal representatives, Seydou Doumbia, Mayombo Kassongo and Fidel Nsita Luvengika.

WHERE IS MR AL HASSAN CURRENTLY BEING DETAINED?

Since his transfer to the Court on 31 March 2018, Mr Al Hassan has been detained at the ICC Detention Centre in Scheveningen, The Hague (The Netherlands). The Detention Centre meets the highest international human rights standards for the treatment of detainees. Detained persons are presumed innocent unless and until proven guilty beyond reasonable doubt after a trial.

WHO ARE THE JUDGES SITTING IN THIS CASE?

Pre-Trial Chamber I is composed of Presiding Judge Péter Kovács, Judge Marc Perrin de Brichambaut and Judge Reine Alapini-Gansou. ICC Judges are persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. All have extensive experience relevant to the Court’s judicial activity. They are elected by the Assembly of States Parties on the basis of their established competence in criminal law and procedure and/or in relevant areas of international law such as international humanitarian law and human rights law.