

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/12-01/18**

Date: **9 January 2025**

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 Response to the Observations of the Legal Representatives of the Victims on
the Discontinuances of the Appeals**

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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Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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Amicus Curiae

REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

1. The Prosecution recognises and appreciates the disappointment expressed by the victims, through their Legal Representatives, in the Prosecution's discontinuance of its appeal against Mr Al Hassan's acquittals for certain gender-based crimes.¹
2. Before filing the notice of discontinuance,² Prosecution counsel contacted the Legal Representatives several times to inform them about potential withdrawals of the appeals by the parties and to seek their views. The views and concerns of the victims expressed in these discussions were heard and noted. The Prosecutor then carefully considered the victims' communicated opinions as a relevant factor in exercising his independent statutory discretionary decision to discontinue the appeal.
3. Mr Al Hassan was convicted of torture as a crime against humanity and as a war crime; other inhumane acts as a crime against humanity; cruel treatment as a war crime; outrages upon personal dignity as a war crime; sentencing without due process as a war crime; mutilation as a war crime; and persecution on religious grounds as a crime against humanity.³
4. In relation to the crime of persecution on religious grounds, the Trial Chamber found that the number of victims was very high: the entire population of the city of Timbuktu was targeted by Ansar Dine/AQIM and was the subject of the deprivation of fundamental rights.⁴ It further found that the restrictions imposed had a specific and disproportionate impact on female members of the population, who were in a position of particular vulnerability and were particularly affected by Ansar Dine/AQIM's rules and prohibitions.⁵ Mr Al Hassan was convicted of contributing to the crime of persecution on religious grounds by virtue of his key role in the Islamic Police and his involvement in Ansar Dine/AQIM's imposition and promotion of rules and measures and the system of surveillance and punishment.⁶
5. With the discontinuances of the Prosecution and Defence appeals of the Trial Judgment, Mr Al Hassan's convictions will now become final. As a result, victims of the crimes for

¹ ICC-01/12-01/18-2671 ("[LRV Observations](#)"); [ICC-01/12-01/18-2671-AnxA-Red](#); [ICC-01/12-01/18-2671-AnxB-Red](#).

² ICC-01/12-01/18-2668 ("[Prosecution Notice of Discontinuance](#)").

³ ICC-01/12-01/18-2594-Red ("[Trial Judgment](#)"), pp. 819-821.

⁴ ICC-01/12-01/18-2662 ("[Sentencing Judgment](#)"), paras. 71-77; *see also* footnote 201. *See further* [Trial Judgment](#), paras. 1527-1549, 1559-1565; ICC-01/12-01/18-2594-OPI ("[Judge Akane Separate and Partly Dissenting Opinion](#)"), para. 100.

⁵ [Sentencing Judgment](#), para. 74, citing [Trial Judgment](#), para. 1542; *see also* [Trial Judgment](#), paras. 1567-1570. *See further* [Judge Akane Separate and Partly Dissenting Opinion](#), paras. 100, 103.

⁶ Concerning the scope of Mr Al Hassan's conviction for the crime of persecution on religious grounds, *see* [Sentencing Judgment](#), paras. 78-79, referring to paras. 34-38 and [Trial Judgment](#), paras. 1729, 1734-1736, fn. 5231. *See also* [Judge Akane Separate and Partly Dissenting Opinion](#), paras. 95, 100-102.

which Mr Al Hassan was convicted may seek and obtain reparations, but without awaiting the uncertain outcomes of complex appeals by both the Prosecution and Defence in potentially lengthy appellate proceedings.⁷

6. In accordance with the Trial Chamber's Order for Submissions on Reparations,⁸ the Prosecution is committed to supporting the efficient and effective conduct of the reparations proceedings.



Karim A.A. Khan KC, Prosecutor

Dated this 9th day of January 2025

At The Hague, the Netherlands

⁷ Victims can only obtain reparations when a conviction is final: ICC-01/05-01/08-3653 (“[Bemba Final Decision on Reparations Proceedings](#)”), paras. 2-3; ICC-01/09-01/11-2027-Red-Corr (“[Ruto & Sang Acquittal Decision](#)”), Reasons of Judge Fremr, para. 149; ICC-01/09-01/11-2038 (“[Ruto & Sang Reparations Decision](#)”), para. 7.

⁸ [ICC-01/12-01/18-2666](#).