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**International
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TRIAL CHAMBER X

Before: Judge Kimberly Prost, Presiding Judge
Judge María del Socorro Flores Liera
Judge Keebong Paek

SITUATION IN THE REPUBLIC OF MALI

***IN THE CASE OF THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG
MOHAMED AG MAHMOUD***

**Public Document
With Confidential Annex**

**Registry submissions on implementation of Trial Chamber X's "Order for
Submissions on Reparations" (ICC-01/12-01/18-2666)**

Source: Registry

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

D28 Al Hassan Defence Team

☒ **Legal Representatives of the Victims**
V43 Victim Team

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☐ **The Office of Public Counsel for Victims**

☐ **The Office of Public Counsel for the Defence**

☐ **States' Representatives**

☐ **Amicus Curiae**

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and
Reparations Section**

☒ **Other**
Trust Fund for Victims

I. Introduction

1. On 13 December 2024, Trial Chamber X (“Chamber”) issued an “Order for Submissions on Reparations” (“Order”)¹ in the present case (“Case”), inviting the Registry to make submissions on: (i) the estimated total number of direct victims of the crime of persecution and the indirect victims of all crimes for which Mr Al Hassan was convicted (“issue a”); and (ii) any legal and factual issues relevant to the identification of eligible victims (“issue f”), referred to in paragraph 6(i) of the Order, by 16 June 2025. To comply with the Order, the Victims Participation and Reparations Section of the Registry (“VPRS”) submits a request for guidance regarding the scope of the conviction² and a request for an extension of the scope of its submissions on reparations in light of all information currently available to it.

II- Procedural History

2. On 24 May 2018, Pre-Trial Chamber I issued a decision establishing the procedure for the participation of victims at pre-trial (“24 May 2018 Decision”).³
3. On 12 March 2020, the Chamber issued a decision establishing the procedure for the participation of victims at trial (“12 March 2020 Decision”).⁴
4. On 12 June 2020, the Chamber encouraged the Registry, after the expiry of the deadline for the final transmission of victim applications at trial, to continue to collect application forms for the purposes of any future reparations proceedings.⁵

¹ Trial Chamber X, “Order for Submissions on Reparations”, 13 December 2024, ICC-01/12-01/18-2666, para. 8.

² Trial Chamber X, Public redacted version of « Trial Judgment », 26 June 2024, ICC-01/12-01/18-2594-Red.

³ Pre-Trial Chamber I, “Decision Establishing the Principles Applicable to Victims’ Applications for Participation, 24 May 2018, ICC-01/12-01/18-37-tENG.

⁴ Trial Chamber X, “Decision on the procedure for the admission of victims to participate in proceedings for the purposes of trial”, 12 March 2020, ICC-01/12-01/18-661.

⁵ Trial Chamber X, “Decision on request for extension of deadlines for the final transmission of victim applications for participation at trial”, 12 June 2020, ICC-01/12-01/18-880, para. 15.

5. On 26 June 2024, the Chamber convicted the accused ("Mr Al Hassan") for the commission of three counts of crimes against humanity and five counts of war crimes ("Trial Judgment").⁶
6. On 20 November 2024, the Chamber sentenced Mr Al Hassan to 10 years of imprisonment ("Sentencing Judgment").⁷
7. On 13 December 2024, the Chamber issued the Order, instructing the parties, participants and the Registry to provide submissions for the purpose of reparations.⁸

III- Applicable Law

8. The present transmission is submitted *proprio motu* in accordance with Regulations 24 *bis*(1) and 37(2) of the Regulations of the Court ("RoC").

IV- Classification

9. In accordance with regulation 23*bis*(2) of the RoC, the annex to the present submissions ("Annex") is classified as confidential because it contains confidential information relating to victims.

V- Submissions

A. Request for guidance regarding the scope of the conviction

10. For a number of victim application forms, the VPRS is presently unable to make a clear determination as to whether they fall within the scope of the conviction because it remains unclear in these specific cases whether the personal harm reported by the applicants resulted from an incident falling within the temporal, geographic and material parameters of the *Al Hassan* case as defined in the Trial Judgment ("Unclear applications"). The VPRS submits in annex of

⁶ See above, footnote 2.

⁷ Trial Chamber X, "Sentencing Judgment", 20 November 2024, ICC-01/12-01/18-2662.

⁸ See above, footnote 1.

the present filing ("Annex") excerpts of the Unclear Applications to illustrate the issues which the VPRS seeks guidance on. Said issues can broadly be categorised into three main categories:

- (i) Geographical scope (Category 1);
- (ii) Temporal scope (Category 2); and
- (iii) Material scope (Category 3).

11. The Chamber's guidance on the issues presented below will greatly facilitate the legal analysis of the victim application forms, which will in turn inform the Registry submissions on reparations.

Category 1: Geographical scope of the Case

- (i) Place of crime(s): *Kabara*

12. The VPRS notes the Chamber's finding in the Trial Judgment that the "case relates to crimes against humanity and war crimes which took place in the city of Timbuktu, in Northern Mali",⁹ including "in the old town called medina";¹⁰ "[o]ne of the most significant neighbourhoods of the city was the one called Bellafarandi [...] The other main neighbourhoods were: Abaradjou, Sankoré, Alpha Moya, Sans Fil, Bariz and Hammabangou".¹¹

13. Some victim applications refer also to the neighbourhood *Kabara*, which is however *not* explicitly listed in the Trial Judgment.¹² According to the information available to the VPRS, while not directly adjacent to the *medina* or to its immediate surrounding neighbourhoods referred to in the Trial Judgement, *Kabara* is an official neighbourhood of the city of Timbuktu,¹³ which

⁹ Trial Judgment, para. 1.

¹⁰ *Ibid*, para. 398.

¹¹ *Id*. The VPRS also notes footnote 922 of the Trial Judgment referring to "Annex 4 to the Prosecution Final Brief"(ICC-01/12-01/18-2475-Corr2-Red), "Maps of Timbuktu" with maps of districts and neighbourhoods of Timbuktu and of Timbuktu center (ICC-01/12-01/18-2475-Anx4-Red). The VPRS notes that the map of Timbuktu center includes other areas which were not mentioned in the Trial Judgment, such as Badjende, Djingareyber, Quartier Administratif and Sarakeina.

¹² See the Annex, applications a/20165/19, a/11021/21 and a/60185/23.

¹³ The official administrative division of "Commune Tombouctou" are "Abaradjou, Badjende, Bellafaradi, Djingareyber, Hamabangou, Kabara, Sankore, Sareikaina." [Emphasis added]. See, [recensement général de la population et de l'habitat \(rgph\) \(instat-mali.org\)](https://rgph.instat-mali.org) (RGPH 2009), page 254 of the document, slide 271.

includes a large part of the Timbuktu city airport. The VPRS also notes that *Kabara* is considered as a neighbourhood of Timbuktu city for the purpose of the implementation of reparations programmes in the case of *the Prosecutor v. Ahmad Al Faqi Al Mahdi*.¹⁴ Absent an explicit mention in the Trial Judgement, the VPRS respectfully seeks the Chamber's clarification as to whether this neighbourhood can be considered as falling within the geographical scope of the Case.

(ii) Place of crime(s): *Timbuktu*

14. A number of applicants simply refer to *Timbuktu* as the place where the crime(s) they have suffered from occurred, without mentioning any details which may locate the crime(s) in a specific part of Timbuktu city (e.g. BMS, Gouvernorat, specific neighbourhood).¹⁵ These applications provide however some contextual information in relation to the "occupation", the "crisis" and/or the presence of "armed men"/"jihadist", "islamists" or "rebels".
15. The VPRS respectfully seeks the Chamber's clarification as to whether these applications may be considered as falling within the geographical scope of the Case.

Category 2: Temporal scope of the Case

(i) Date of crime(s): just before 7 May 2012

16. In compliance with the Pre-Trial Chamber's Confirmation of Charges Decision limiting the temporal scope of the case between 7 May 2012 and 28 January 2013,¹⁶ VPRS has considered all victim applications providing a date of crime(s) even just before 7 May 2012 as falling outside of the scope of the Case during

¹⁴ Trial Chamber II, "Decision on the TFV's Thirty-second, Thirty-third and Thirty-fourth update reports on the updated implementation plan", 11 February 2025, ICC-01/12-01/15-479, fn 10 and Disposition, following Trust Fund for Victims, "Thirty-third update report on the updated implementation plan, with annexes A and B", 29 Octobre 2024, ICC-01/12-01/15-477, paras 24, 38.

¹⁵ See the Annex, applications a/45329/18 and a/60122/23.

¹⁶ Pre-Trial Chamber, "Rectificatif à la Décision relative à la confirmation des charges portées contre Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud", 8 November 2019, ICC-01/12-01/18-461-Conf-Corr.

the trial phase.¹⁷ The Trial Judgment specified on the temporal scope that "[w]hile the Chamber found that Mr Al Hassan was working with Ansar Dine/AQIM at the end of April 2012, the Chamber recalls that it previously declined to extend the time frame for Mr Al Hassan's criminal responsibility beyond what the Pre-Trial Chamber clearly identified in the decisions on the charges. While the Pre-Trial Chamber identified 7 May 2012 as the starting date for examining Mr Al Hassan's criminal responsibility, the Chamber found that Mr Al Hassan began to work for the Islamic Police in early May 2012. He continued to work for the Islamic Police until 29 January 2013 when he, along with Ansar Dine/AQIM, departed Timbuktu. The Chamber considers that the period for which it established that Mr Al Hassan bore criminal responsibility is consistent with the period established by the Pre-Trial Chamber."¹⁸

17. The Registry respectfully requests guidance on whether it should continue to apply the dates as issued by the Pre-Trial Chamber, or apply some flexibility as to victim recounts placing harm into (late) April or early May 2012 *before* the date of 7 May insofar as they clearly refer to types of crimes for which Mr Al Hassan was convicted.

(ii) Date of crime(s): *inference from recount of circumstances*

18. A number of applications for participation and/or reparations received by the VPRS refer to a period of crime(s) (e.g. in "2012") instead of a precise date.¹⁹ They however provide contextual information in relation to the "occupation", the "crisis" and/or the presence of "armed men"/"jihadists", "islamists" or "rebels" and incidents related for example to the imposition of the rules and prohibitions according to Ansar Dine/AQIM's 'Islamic Sharia', suggesting that the events have occurred within the temporal scope of the Case.²⁰ Having had

¹⁷ See the Annex, applications a/45529/18, a/45541/18 and a/20423/19.

¹⁸ Trial Judgment, para. 1660.

¹⁹ See the Annex, applications a/45154/18 and a/20094/19.

²⁰ The VPRS notes that it has so far followed a *prima facie* standard for its Rule 85 assessment, in line with the applicable decisions in the Case (see above footnote 3, 24 May 2018 Decision, para. 46; see "Deuxième

particular regard to the nature of the crimes and events which occurred repeatedly, over the course of a long period of time, the VPRS respectfully seeks the Chamber's clarification as to whether it can be considered as falling inside the temporal scope of the Case as defined by the Trial Judgment.

Category 3: Material scope of the Case

(i) Direct victims of other crime(s) than the crime of persecution

19. The Chamber has identified in the Trial Judgment 49 direct victims of all of the crimes but the crime of persecution, for which Mr Al Hassan was convicted.²¹ The VPRS notes that in addition to the 49 direct victims identified by the Chamber, a number of other victim participants and new applicants report to have suffered direct harm as a result of these crimes (charges 1 to 6 and 14) other than, or in addition to, the crime of persecution (charge 13) for which Mr Al Hassan was convicted.²²

20. The VPRS respectfully seeks confirmation that for the purpose of reparations, the Chamber accepts that there may be more direct victims of the crimes under charges 1 to 6 and 14 than explicitly outlined in Annex III of the Trial Judgment.

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B. Request for an extension of the scope of the Registry submissions on reparations

décision relative aux principes applicables aux demandes de participation des victimes" 8 October 2018, ICC-01/12-01/18-146, paras 20-23 ; see also Trial Chamber X, "Second decision on the admission of victims to participate in trial proceedings", 17 June 2020, ICC-01/12-01/18-886-Conf-Exp and its public redacted version ICC-01/12-01/18-886-Red2 of 23 June 2020, para. 23).

²¹ Trial Judgment and its Annex III, ICC-01/12-01/18-2594-Anx3; see also Sentencing Judgment, 20 November 2024, ICC-01/12-01/18-2662, paras 42, 59.

²² See the Annex, applications a/45171/18, a/45276/18, a/45639/18.

²³ This would impact the estimates to be submitted by the VPRS pursuant to the Order paragraph 6 (i) point a. In this context, the Chamber's finding is noted that the criminal conduct underlying Counts 1 to 5 and 14 concerns public punishments (floggings or amputation) for breaches of Ansar Dine/AQIM's rules and prohibitions. The Chamber identified that these public punishments relate to 14 individuals, but it clarified that "these are the victims as named in the charges. However, specification of this number here does not in any way limit the scope of victims for the purposes of reparations". See Sentencing Judgment, para. 43, footnote 111.

21. The Registry is invited by the Chamber to submit observations only on two issues,²⁴ while the VPRS has collected, and continues to receive, a large amount of other data pertaining to other issues listed in paragraph 6(i) of the Order and which may be of relevance for the purpose of reparations in this Case (*e.g.* those listed at paragraph 6(i), points b., d. and g.). The Registry thus suggests that it may be judicious to share with the Chamber, parties and Trust Fund for Victims (“TFV”) such information collected. Therefore, the VPRS respectfully requests the Chamber to authorise an extension of: (i) the scope of the VPRS submissions on reparations to any issue listed in paragraph 6(i) on which it has information to share, and if so granted, (ii) of the imposed page limit for its submissions to 40 pages, concomittant to the Legal representatives of Victims, the Defence and the TFV.²⁵

p.p.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 21 February 2025

At The Hague, The Netherlands

²⁴ See above, para. 1.

²⁵ The VPRS notes that the 40 pages limit extension corresponds to the page limit authorised by the Chamber to the Legal representatives of Victims, the Defence, the Office of the Prosecutor and the Trust Fund for Victims for their submissions on reparations on any or all issues referred to in paragraph 6(i) of the Order (see Order, para. 6 (i) and para. 7).