

Annex

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**International
Criminal
Court**

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No.: ICC-01/12-01/18
Date: 14 February 2025

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

**Request for Leave to File Amici Curiae Observations pursuant to
Article 75 of the Statute and Rule 103 of the Rules of Procedure and Evidence**

Source: Mama Koité Doumbia; Association des Femmes pour les Initiatives de Paix (AFIP); Groupe de Recherche, d'Etude, de Formation Femme-Action (GREFFA); Women's Initiatives for Gender Justice (WIGJ); International Federation for Human Rights (FIDH); REDRESS; Lawyers Without Borders Canada (LWB Canada); Akila Radhakrishnan; Alexandra Lily Kather; Sareta Ashraph

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

☒ Legal Representatives of the Victims

☐ 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

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☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Pursuant to Rule 103(1) of the Rules of Procedure and Evidence (the “Rules”), Mama Koité Doumbia, Association des Femmes pour les Initiatives de Paix (AFIP), Groupe de Recherche, d’Etude, de Formation Femme-Action (GREFFA), Women’s Initiatives for Gender Justice (WIGJ), the International Federation of Human Rights (FIDH), Lawyers Without Borders Canada, REDRESS, Akila Radhakrishnan, Alexandra Lily Kather, and Sareta Ashraph, (hereinafter “the Applicants”) respectfully request leave to submit observations regarding the issues set forth in paragraph 6(i) of the Order for Submissions on Reparations.¹

II. Procedural History

2. On 26 June 2024, the Trial Chamber X (the “Chamber”) of the International Criminal Court (the “Court”) convicted Mr Al Hassan for the commission of eight counts of crimes against humanity and war crimes² (the “Trial Judgment”). On 20 November 2024, the Chamber sentenced Mr Al Hassan to a joint sentence of 10 years of imprisonment³ (the “Sentencing Judgment”).
3. On 18 September 2024, the Prosecution filed a notice of appeal against the Trial Judgment.⁴
4. On 17 December 2024, the Defence⁵ and the Prosecution⁶ discontinued their appeals against the Trial Judgment and the Sentencing Judgment.
5. On 13 December 2024, the Chamber issued the “Order for Submissions on Reparations”⁷ inviting interested persons or organisations to request leave to make submissions, in accordance with paragraph 6(i) by 14 February 2025.

III. Background and expertise

6. Mama Koité Doumbia is a Malian advocate for gender equality and peacebuilding. Ms Doumbia holds the title of *Officier de l'Ordre National du Mali* and was nominated as an African Women Mediator by FemWise-Africa under the African Union. She served as Chair of the Board of Directors of the ICC Trust Fund for Victims and currently serves as the President of the Platform for Women Leaders in Mali and as the President of the

¹ [Order for Submissions on Reparations](#), ICC-01/12-01/18-2666, 13 December 2024.

² [Trial Judgment](#), ICC-01/12-01/18-2594-Red, 26 June 2024.

³ [Sentencing Judgment](#), ICC-01/12-01/18-2662, 20 November 2024.

⁴ [Prosecution notice of appeal](#), ICC-01/12-01/18-2649, 18 September 2024.

⁵ [Defence Notice of Discontinuance of Appeal against Trial Judgment rendered by Trial Chamber X on 26 June 2024](#), ICC-01/12-01/18-2667, 17 December 2024.

⁶ [Prosecution Notice of Discontinuance of its Appeal against the Trial Judgment of Trial Chamber X dated 26 June 2024](#), ICC-01/12-01/18-2668, 17 December 2024.

⁷ Order, *supra* Note 1.

MUSONET Network in Mali. She is also a member of the UN Women Advisory Group for West and Central Africa and a founding member of the Francophone Network for Gender Equality (OIF).

7. The Association des Femmes pour les Initiatives de Paix (AFIP) is a Malian organization working to address governance, security, and peace issues through a gender-responsive approach. Established in 1998 in Bamako in the context of the Programme for Coordination and Assistance for Security and Development (PCASED), AFIP emerged from the recognition that Malian women were deeply affected by the country's recurring crises. The organization focuses on conflict resolution and addressing the proliferation of small arms and light weapons, which have fueled insecurity and intercommunal violence over land and water. Through awareness-raising, capacity-building, and advocacy, AFIP strengthens local peace initiatives, enhances the role of women in peacebuilding, and promotes a society founded on justice and non-violence.
8. The Groupe de Recherche, d'Etude, de Formation Femme-Action (GREFFA) is a Malian non-governmental organization based in Gao that has been working since 1994 to promote the socio-economic and cultural empowerment of women and children, helping them access legal, medical, and psychological assistance. Following the 2012 crisis in northern Mali, GREFFA became the first national organization to implement a comprehensive response program across the northern regions of Gao, Timbuktu, and Kidal, as well as parts of southern Mali, including Bamako and Ségou.
9. Women's Initiatives for Gender Justice (WIGJ) is an international feminist organisation advancing accountability for gender-based crimes in international criminal law. It is the successor of the Women's Caucus for Gender Justice (1997-2003) that brought together over 300 women's human rights advocates and organisations in the Rome Statute negotiations. WIGJ has over 20 years of expertise in monitoring, advocating and implementing actions aiming at advancing gender inclusive justice through the work of the Court and the Rome Statute framework. WIGJ has been regularly granted leave to intervene in cases before the Court.⁸
10. The International Federation for Human Rights (FIDH) is an international NGO founded in 1922 composed of 188 national human rights organisations from 116 countries. FIDH has a mandate to defend all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights. As part of its priorities, FIDH fights against

⁸ See, e.g. [Amici Curiae Observations on the Rome Statute's definition of 'forced pregnancy' by Dr Rosemary Grey, Global Justice Center, Women's Initiatives for Gender Justice and Amnesty International](#), ICC-02/04-01/15 A A2, 23 December 2021; WIGJ, [Legal filings](#).

impunity for the most serious crimes and supports the realisation of victims' rights to truth, justice and reparations. FIDH has maintained a permanent representation in The Hague since 2004. FIDH has advocated for a victim-centred approach in Court-wide policies and the meaningful participation of victims before the ICC. FIDH has also, along with its member organisations, submitted amicus curiae observations, including specifically on reparations, in other cases.⁹

11. REDRESS is an international non-governmental organisation that has special consultative status with the United Nations Economic and Social Council. Its mandate is to seek justice and reparation for survivors and victims of torture and related international crimes. It has over 25 years' expertise in advocating for the rights of survivors and victims to gain both access to the courts and redress for their suffering, in over 50 countries worldwide. REDRESS has extensive experience in directly representing survivors and victims before national, regional, and international courts and tribunals, as well as UN treaty bodies and special procedures. REDRESS has regularly been granted leave to intervene in cases before the Court, the African Commission on Human and Peoples' Rights, the European Court of Human Rights, the Special Court for Sierra Leone, and the Extraordinary Chambers in the Courts of Cambodia.
12. Lawyers Without Borders Canada (LWB Canada) is a non-governmental international cooperation organization specialised in promoting human rights and access to justice by strengthening the rule of law, combating impunity, and ensuring legal representation for people in vulnerable situations, particularly women. LWB Canada has extensive experience in the field of international criminal justice and transitional justice in Africa, where it has been active for 20 years, implementing international cooperation projects across seven countries, maintaining a main office in Bamako, Mali. There, LWB Canada assisted twelve survivors in presenting testimonies and facilitating participation in the proceedings before the ICC in the *Al Hassan* case.
13. Akila Radhakrishnan is an independent international human rights lawyer and a globally recognized expert in justice and accountability, sexual and gender-based violence, gender equality, and reproductive rights. Ms. Radhakrishnan previously served as the President and Legal Director of the Global Justice Center, a human rights organization using international law to achieve gender equality and dismantle systems of oppression. Ms. Radhakrishnan has been granted leave to intervene before the Court, including by presenting oral

⁹ See, e.g. '[Amicus Curiae brief pursuant to article 75 of the Statute and Rule 103 of the Rules of Procedure and Evidence](#)', The Prosecutor v. Dominic Ongwen, ICC-02/04-01/15, 4 February 2022; and '[Joint observations of FIDH and AMDH on the reparations proceedings](#)', The Prosecutor v. Ahmad Al Faqi Al Mahdi, ICC-01/12-01/15-189, 2 December 2016.

submissions on behalf of a group of *amici* before the Appeals Chamber in the case of Dominic Ongwen on gender-based crimes.

14. Alexandra Lily Kather is a legal expert advising accountability actors on investigating and prosecuting violations of international human rights, humanitarian, and criminal law, with a focus on gender-based and slavery crimes. Their work contributed to key prosecutions, including rape and sexual coercion as crimes against humanity in Syria (Anwar R. case, Germany) and the first conviction for persecution based on intersecting religion and gender grounds against the Yazidi (Sarah O. case, Germany). Kather specializes in justice facilitation, covering investigation coordination, documentation methodology, gender and intersectional analysis, legal advocacy, and submissions. In 2021, they were a Visiting Fellow at the Hertie School's Centre for Fundamental Rights and Goldsmiths University, researching intersectional strategies in international criminal investigations, and since 2022, they have been part of the Justice Rapid Response (JRR) – UN Women's "SGBV Justice Experts" roster. They have worked with organisations such as the UN, UN Women, the Center for Justice and Accountability, the European Center for Constitutional and Human Rights, the Clooney Foundation for Justice, and Human Rights Watch.
15. Sareta Ashraph is a barrister specialized in international criminal law, and an expert in the gender-competent and intersectional analyses of the commission and impact of international crimes. Called to the Bars of England and Wales as well as of the Republic of Trinidad and Tobago, Ms. Ashraph has served as Counsel before the Special Court for Sierra Leone and has directed accountability-driven United Nations investigations, most recently into crimes committed by the armed group, the Islamic State. She teaches the subject of [*Gender and International Crimes*](#) at the Geneva Academy of International Humanitarian Law and Human Rights, and continues to advise on case-building efforts for crimes committed against marginalised groups, with a focus on women and girls. Ms. Ashraph has previously provided observations as *amicus curiae* before the Appeals Chamber in the case of Dominic Ongwen concerning gender-based crimes.

IV. Summary of observations

16. The Applicants seek to submit observations on the following issues from the list contained in paragraph 6(i) of the Order for Submissions on Reparations:¹⁰
 - (b) specification of the types and extent of the harm suffered by the victims of the crimes for which Mr Al Hassan was convicted, citing specific evidence;

¹⁰ Order, *supra* Note 1.

- (d) types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Al Hassan was convicted;
- (f) any legal and factual issues relevant to the identification of eligible victims; and
- (g) any victims or groups of victims who may require prioritisation in the reparations process.

17. The Applicants seek to provide the Chamber with focused observations on the extent of the gendered and intersectional harms suffered by the victims of the crimes for which Al Hassan was convicted¹¹ and the types and modalities of reparations appropriate to address them,¹² underscoring the need for a gender transformative reparations framework that recognises the systemic and intersectional nature of the harm suffered by the victims and prioritises them.¹³

A. Gendered and intersectional harms of the convicted crimes

18. While Al Hassan was acquitted of gender-based charges, the Trial Chamber found by majority that Ansar Dine/AQIM committed gender-based crimes, particularly targeting women and girls.¹⁴ The Trial Chamber further concluded by majority that Al Hassan participated in the commission of these crimes with intent and knowledge.¹⁵

19. It is similarly important to note the finding by majority of the Trial Chamber on the fact that the persecution in the case, which it determined included both religious and gender persecution, “did not take place in isolation” but “[r]ather it formed part of a series of crimes against humanity involving different acts under Article 7(1) perpetrated against the population of Timbuktu”.¹⁶

20. The Applicants would like to emphasize at the outset that the submission will not seek to revisit the acquittal on charges of gender-based crimes. Instead, it aims to provide legal and evidentiary insights into how the convicted crimes were gendered in their execution and impact and should accordingly be reflected in any reparations order.

i) The gendered aspects and impacts of religious persecution

21. Al Hassan’s conviction for the crime against humanity of persecution, although confirmed only on religious grounds, illuminates underlying structural gender-based discrimination. As found by the Trial Chamber by majority, in addition to and in the context of religious

¹¹ Ibid, para 6(i)(b).

¹² Ibid, para 6(i)(d).

¹³ Ibid, para 6(i)(f)(g).

¹⁴ [Trial Judgment](#), *supra* Note 2, para 1574.

¹⁵ Ibid, paras 1674-1685, 1717, 1734-1736.

¹⁶ Ibid, paras 1574, 1576.

persecution, women and girls were “specifically targeted [...] by reason of their gender, depriving them of some of their fundamental rights because of the particular roles, expectations and conduct Ansar Dine/AQIM assigned to their gender”.¹⁷

22. The targeting of women and girls under the strict morality codes enforced by the Islamic Police demonstrates that religious persecution in Timbuktu was inherently gendered. As found by the Trial Chamber, “[t]he behaviour of women and girls was particularly controlled” with “specific rules and prohibitions [...] aimed at women and girls, and their violation [...] repressed with especially harsh punishment and detention conditions, involving gender-specific violence”.¹⁸ Rooted in discriminatory gender norms, the religious edicts, justifying the severe deprivation of fundamental human rights, were designed to control and subordinate women and girls. These rules imposed restrictions on their freedom of movement, dress, education, public and economic participation, and enforced through harsh punishments, including public floggings, beatings, and humiliation.¹⁹ These punishments were intended to ensure compliance and reinforce women’s subordination within both the family and society.
23. The enforcement of religious edicts disproportionately restricted women rights and autonomy, creating an intersecting and compounded experience of persecution,²⁰ systemic control, subordination, and harm - conduct driven by and targeting the intersection of their gender, race, and religious identity. As found by the Trial Chamber, “[t]hose specific rules and prohibitions imposed on women and their enforcement had a significant impact on all aspects of the life of women in Timbuktu”.²¹

ii) *The gendered elements of other convicted crimes*

24. The impact of this gendered oppression extended beyond religious persecution and manifested as well in the convictions for torture, other inhumane acts, cruel treatment, and outrages upon personal dignity.
25. Women subjected to public punishments and detention often faced threats of - and actual - sexual violence, public forced nudity, and severe physical abuse.²² In many cases, these punishments resulted in serious physical injuries, and acts constituting reproductive violence,²³ including miscarriages and unsafe abortions.²⁴ Beyond the immediate physical

¹⁷ Ibid, paras 1566, 1567-1574.

¹⁸ Ibid, para 1568.

¹⁹ Ibid, paras 1568-1571.

²⁰ Ibid, para 1574.

²¹ Ibid, para 1570.

²² Ibid, paras 1385-1398.

²³ OTP-ICC, [Policy on Gender-Based Crimes](#), paras 35-37.

²⁴ [Trial Judgment](#), *supra* Note 2, para 1393, fn 293.

suffering, women endured lasting psychological trauma and social ostracism, as they were often rejected by their families and communities.²⁵ Overall, women's public movements and participation in society were severely curtailed due to fear of punishment and arrest, creating long-term psychological trauma and perpetuating structural gender discrimination, oppression, and violence.

B. Modalities of reparation

26. Reparations for the crimes for which Al Hassan was convicted should account for the systemic, cumulative, gendered, and intersectional harm experienced by the victims. The harm inflicted extends beyond direct victims and permeates the broader community, leading to lasting and transgenerational consequences including affecting children born from gender-based violence.²⁶ Reparations should be gender transformative, and address both the immediate physical and psychological harm as well as the long-term socio-economic exclusion and structural discriminations, including racial hierarchies within the society of Timbuktu,²⁷ that resulted from these crimes. Beyond their restorative effect, reparations should also be corrective and address the context in which the violence occurred and the underlying causes of the crimes.
27. Women and girls experienced repeated and overlapping forms of harm. The cumulative effect of physical harm (beatings, floggings, sexual violence) combined with psychological harm (fear, trauma, humiliation), as well as social harm (discrimination, ostracism, stigma, denial of resources) created interconnected layers of suffering and extended into socio-economic exclusion, gender-based structural inequality, and transgenerational trauma. Each instance of violence did not occur in isolation but contributed to a continuing cycle of harm, leading to long-term marginalization from education, employment, and public life, compounded by the destruction of cultural and religious heritage that once provided a sense of identity and community.²⁸
28. The jurisprudence of the Court in *Ntaganda*²⁹ and *Ongwen*³⁰ highlights the importance of reparations frameworks that address the intersectional nature of harm, go beyond addressing immediate harm, respond to structural discrimination and societal exclusion, and are guided by a gender-sensitive approach. This view has also been upheld by the Inter-American Court

²⁵ Ibid, para 1392.

²⁶ [Reparations Order](#), The Prosecutor v Dominic Ongwen, ICC-02/04-01/15-2074, 28 February 2024, para 413.

²⁷ [Trial Judgment](#), *supra* Note 2, para 401, fn 930.

²⁸ Ibid, paras 403-404, 515, 1188, 1189, 1314, 1572.

²⁹ [Reparations Order](#), The Prosecutor v Bosco Ntaganda, ICC-01/04-02/06-2659, 8 March 2021, para 60.

³⁰ *Ongwen* [Reparations Order](#), *supra* note 26, para 637.

of Human Rights, notably in the *Campo Algodonero*³¹ and the *Atala Riffo y niñas Vs. Chile*³² cases.

29. Reparations should adopt a holistic approach, incorporating individual (addressing physical, psychological and social harm), collective (addressing the broader socio-economic impact of the crimes), and symbolic (recognizing the long-term impact of the crimes) measures to comprehensively address the harm inflicted upon victims and to achieve meaningful redress, ensuring non-recurrence and the reintegration of victims. Reparations should also be contextualised, taking into account historical realities and incorporating the principle of cultural relevance, to ensure their appropriateness and effectiveness.³³
30. A survivor-centred approach should be central to the design and implementation of these reparations.³⁴ Victims should be actively consulted and involved in determining the forms of reparations that best address their needs, ensuring that measures are culturally appropriate and sensitive to the diverse experiences of the affected communities.

V. Relief sought

31. Pursuant to Rule 103(1) of the Rules, the Applicants request that the Chamber grant them leave to submit observations in the form of a written brief on the four [4] issues listed in paragraph 16 of this request, based on their expertise regarding gendered and intersectional harms, and their proximity to the Malian context and survivors.

³¹ Inter-American Court of Human Rights (IACtHR), *Caso González y otras ("Campo Algodonero") v. Mexico*, Preliminary Objection, Merits, Reparations, and Costs, Judgment of 16 November 2009, Series C No. 205, para 450.

³² IACtHR, *Caso Atala Riffo y Niñas v. Chile*, Merits, Reparations, and Costs, Judgment of 24 February 2012, Series C No. 239, para 267.

³³ [Order for Reparations](#), The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06-3129-AnxA, 3 March 2015, para 47. See also, African Court on Human and Peoples' Rights, [Judgment \(Reparations\)](#), The Matter of African Commission on Human and People's Rights v. Republic of Kenya, Application No. 006/2012, 23 June 2022, para 126; [Judgment](#), Association pour le Progrès et la Défense des Droits des Femmes Maliennes (APDF) and the Institute for Human Rights and Development in Africa (IHRDA) v. Republic of Mali, Application No. 046/2016; IACtHR, [Judgment of August 31, 2001 \(Merits, Reparations and Costs\)](#), Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Series C, No. 79, para 149.

³⁴ See, e.g. OTP-ICC, [Policy on Gender-Based Crimes](#), para 70; UN Security Council Resolution 2467, 23 April 2019; UN General Assembly Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.



Alix Vuillemin, Executive Director, Women's Initiatives for Gender Justice
on behalf of

Mama Koité Doumbia, Fatoumata Maiga (AFIP), Alassane Albakaya Toure
(GREFFA), Alice Mogwe (FIDH), Rupert Skilbeck (REDRESS), Bezhinibé
Micheline Somda (LWB Canada), Akila Radhakrishnan, Alexandra Lily Kather,
and Sareta Ashraph.

Dated this 14 February 2025

At Bamako (Mali) and The Hague (The Netherlands)