

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Kimberly Prost, Judge María del Socorro Flores Liera and
7 Judge Keebong Paek
8 Reparations Order - Courtroom 1
9 Tuesday, 28 April 2026
10 (The hearing starts in open session at 11.00 a.m.)
11 THE COURT USHER: [11:00:37] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE PROST: [11:01:07] (Microphone not activated)
15 THE COURT OFFICER: [11:01:19] Good morning, Madam President. Good
16 morning, your Honours.
17 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
18 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
19 ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE PROST: [11:01:43] (Microphone not activated)
22 THE INTERPRETER: [11:01:54] Microphone, please.
23 PRESIDING JUDGE PROST: [11:01:58] Oh, sorry. Let me start that again.
24 Good morning to everyone including those in the courtroom, the public gallery and
25 those following on line.

1 The Chamber acknowledges the present situation in Mali and sends its condolences to
2 the victims of the recent attacks.

3 I'll begin by asking for the appearances, please, from the parties and participants. I
4 will start with the Legal Representatives of Victims.

5 MR NSITA: [11:02:43](Interpretation) Good morning, Madam President. Good
6 morning, your Honours. Good morning, dear colleagues. The Legal
7 Representatives of Victims in this case are represented at this hearing by Maître
8 Julie Goffin, by Madam Anouk Kermiche, by Ms Prisque Dipanga Biyéké, who are
9 present here in the courtroom; and out in the field we have Maître Seydou Doumbia
10 and Boubacar Maïga and Jeanine Kapinga, who are the field assistants who are
11 following us from Bamako; in addition to Maître Mayombo Kassongo, and he is
12 tuning in from Kinshasa, if possible. Thank you.

13 PRESIDING JUDGE PROST: [11:03:59] Thank you very much.

14 Now I'll hear from the Office of Public Counsel for Victims.

15 MR SUPRUN: [11:04:03] Good morning, Madam President. Good morning, your
16 Honours. Good morning everyone present in the courtroom. The Office of Public
17 Counsel for Victims is represented by Adeline Bedoucha and myself, Dmytro Suprun.
18 Thank you.

19 PRESIDING JUDGE PROST: [11:04:16] Thank you very much.

20 Defence counsel for Mr Al Hassan.

21 MS BEAULIEU LUSSIER: [11:04:21](Interpretation) Good morning, Madam
22 President. Good morning, your Honours, dear colleagues. Mr Al Hassan is
23 represented this morning by Madam Leili Bohlooli, Mr Ibrahim Ag Mohamed, and by
24 myself, Melissa Beaulieu Lussier. And Mr Al Hassan is present in the courtroom
25 this morning. Thank you.

1 PRESIDING JUDGE PROST: [11:04:46] Thank you very much.

2 I turn now to the Office of the Prosecutor.

3 MR DUTERTRE: [11:04:57](Interpretation) Good morning, Madam President.

4 Good morning, your Honours. The Office of the Prosecutor is represented this
5 morning by my colleagues Paola Sacchi to my right and Mousa Allafi to my right, as
6 well as myself, Gilles Dutertre. And I thank you.

7 PRESIDING JUDGE PROST: [11:05:15](Interpretation) Thank you very much,
8 Mr Dutertre.

9 (Speaks English) And now the representatives of the Registry, please.

10 MR AMBACH: [11:05:24] Good morning, Madam President. Good morning, your
11 Honours. Good morning, colleagues. This is Philipp Ambach for the VPRS, Victim
12 Participation Reparations Section of the Registry.

13 MR HELLMAN: [11:05:41] Good morning, your Honour. Good morning your
14 Honours. Matias Hellman for the Public Information and Outreach Section.

15 PRESIDING JUDGE PROST: [11:05:51] Thank you very much.
16 And then the Trust Fund for Victims, please.

17 MS RUIZ VERDUZCO: [11:06:00] Good morning, Madam President, your
18 Excellencies, your Honours. The Trust Fund for Victims is represented today by
19 Franziska Eckelmans, Aude Le Goff, Nicole Rychter, Marcelo Montoy, Malina
20 Witzenrath, and myself, Deborah Ruiz Verduzco, executive director. Thank you.

21 PRESIDING JUDGE PROST: [11:06:21] Thank you very much for that. That
22 concludes the appearances, I believe.

23 Today, Trial Chamber X pronounces the Reparations Order in this case and delivers a
24 public summary of its main findings and conclusions in accordance with the Rules of
25 Procedure and Evidence.

1 The written Reparations Order has been issued and will be notified shortly after the
2 conclusion of today's hearing. It is the only authoritative document and will be
3 publicly available on the ICC website.

4 The Chamber recalls that the crimes for which Mr Al Hassan was convicted were
5 committed in the context of, and in association with, a non-international armed
6 conflict in Northern Mali. Through the period of the charges, which spanned from
7 April 2012 to January 2013, Ansar Dine/AQIM exercised control over the city of
8 Timbuktu and conducted a systematic attack against the civilian population and
9 imposing its interpretation of Sharia on the residents.

10 Mr Al Hassan's responsibility for these crimes arises primarily out of his role within
11 the Islamic Police and the role of the Islamic Police in the repressive system created by
12 Ansar Dine/AQIM. The Chamber recalls that Mr Al Hassan, who was a senior
13 member of the Islamic Police, was found guilty of three counts of crimes against
14 humanity and five counts of war crimes, namely: persecution on religious grounds,
15 torture, mutilation, other inhumane acts, cruel treatment, outrages upon personal
16 dignity, and passing of sentences without previous judgment pronounced by a
17 regularly constituted court affording all judicial guarantees.

18 The Chamber adopts the consistent jurisprudence of the Court on the principles on
19 reparations, to the extent that they are applicable on the particular facts of this case.

20 As determined by the Appeals Chamber, a reparations order must contain, at a
21 minimum, five essential elements. The Chamber will hereafter detail its findings
22 about reference to those elements, namely, personal liability, victims, harm, types and
23 modalities and amount of liability.

24 I begin with personal liability. The Chamber notes that Mr Al Hassan, having been
25 found responsible for the crimes which caused harm to the victims, as defined in the

1 Order, bears the financial liability for the cost of repairing the harm.

2 In relation to the complementary nature of the reparations and the
3 "no-overcompensation" principle, the Chamber finds that the harm remedied in the
4 context of the reparations implemented in the Al Mahdi case, which arose from the
5 same conflict, is distinct from the harm caused by the Mr Al Hassan's crimes.

6 Turning then to victims. For the crime of persecution, the Chamber finds that all
7 members of the population of the city of Timbuktu were the target of the crime of
8 persecution on religious grounds.

9 Given that the various types of harm arising from this crime affected the entirety of
10 the local population, the Chamber finds it appropriate to presume the victimhood of
11 any person who can demonstrate, to the required standard of proof, their presence or
12 residence in the city of Timbuktu during the temporal scope of the case.

13 As for individuals who fled the city prior to the arrival of Ansar Dine/AQIM or
14 current members of the community who were not present at the moment of the
15 commission of the crimes, including persons born after the temporal scope of the
16 crime, the Chamber does not consider those persons as direct victims since they did
17 not suffer personal harm directly as a result of the persecution perpetrated by Ansar
18 Dine/AQIM and Mr Al Hassan.

19 Regarding the direct victims of the crimes of torture, mutilation, other inhumane acts,
20 cruel treatment, outrages on personal dignity, and sentencing without due process,
21 the Chamber recalls that in this case, the confirmed charges adjudicated upon by the
22 Chamber, through the trial proceedings, related to particular incidents with specified
23 victims. Thus, the Trial Judgment and Sentencing Decision made findings with
24 respect to the charges involving a limited number of individuals, which were not
25 expansive or open-ended in the description of the victim population. For this reason,

1 the Chamber finds that the direct victims of Mr Al Hassan's conviction for these
2 particular crimes were the 49 persons as set out in the Trial Judgment and Sentencing
3 Decision.

4 The Chamber understands that many participating victims, and others yet to be
5 identified as victims of persecution, may have experienced similar facts and harm to
6 the specified victims; nevertheless, the Chamber must not expand the scope of
7 Mr Al Hassan's conviction.

8 However, the Chamber notes that since the persecutory measures imposed by Ansar
9 Dine/AQIM included arrests, detentions and the imposition of physical punishments,
10 such harm is also recognised as arising from the persecution of the members of the
11 population of the city of Timbuktu and is thereby addressed in the reparations order
12 in that context.

13 Regarding indirect victims, following the Court's jurisprudence, the Chamber finds
14 that any individual who has suffered harm as a result of the harm experienced by the
15 direct victims may be an indirect victim of the crimes provided that they can
16 demonstrate their own personal harm and causal link with the crimes to the required
17 standard of proof.

18 I turn now to the harm. In its Order, the Chamber provides definitions for physical,
19 moral, material and community harm.

20 Regarding the harm suffered by direct victims of persecution, the Chamber notes that
21 Ansar Dine/AQIM's rules and prohibitions were imposed through the
22 implementation of a system of surveillance and punishment which relied on acts of
23 violence, force, intimidation, and threat. Persons identified as having contravened
24 the rules and prohibitions were punished directly, or brought to the Islamic Police
25 headquarters, where they were detained under dire conditions and eventually

1 sentenced by the Islamic Court and subjected to punishments, including
2 imprisonment and floggings.

3 As determined in the judgement, it is clear that Ansar Dine/AQIM's rules and
4 prohibitions, as well as the associated punishments, were imposed "on the population
5 of Timbuktu as a whole" and thus the Chamber also finds that, aside from the 14
6 direct victims whose harm was recognised in the Trial Judgment as amounting to
7 torture, mutilation, other inhumane acts, cruel treatment, and outrages upon personal
8 dignity, there may be similarly situated victims who also suffered physical harm in
9 the context of the crime of persecution.

10 The Chamber also makes findings as to the following kinds of moral harm associated
11 with the crime of persecution:

12 The imposition of a system of repression that instilled fear in the population. This
13 was particularly acute for women and girls. The Chamber notes that during the trial
14 numerous female victims testified to the fear they had of leaving their homes,
15 believing that whatever they did could give rise to their arrest and punishment.

16 The humiliation and loss of dignity due to the imposition of a purported "proper
17 Islam" by Ansar Dine/AQIM.

18 The moral impact caused as a result of the destruction of monuments of religious
19 importance, which according to the Trial Judgment findings, had an emotional impact
20 on Timbuktu's population.

21 The fear and shame experienced by the victims of public punishments in the context
22 of persecution.

23 The loss of schooling and education due to measures imposed on public schools.

24 The long-lasting psychological impact of persecution.

25 Regarding material harm, the Chamber recalls that a consequence of Ansar

1 Dine/AQIM's rules and prohibitions was the discontinuation of some jobs and
2 activities, the closure of shops and the destruction and confiscation of goods. The
3 Chamber finds that women particularly suffered economic damage from the crime of
4 persecution since they drastically reduced their activities outside of the home for fear
5 of being arrested and punished, diminishing their regular trade.

6 Regarding community harm, the Chamber notes that the evidence in the case file
7 contains a wealth of information related to the harm caused to the community of
8 Timbuktu as a whole, which saw its collective identity, structure and functioning
9 impacted. The Chamber makes findings as to the following kinds of community
10 harm associated with the crime of persecution:

11 The alteration of the social structure of the city of Timbuktu, impacting the
12 community's cultural, religious and social traditions.

13 The social impact of the closing of public schools.

14 The separation of families and disruption of the transmission of traditions caused by
15 the fleeing population.

16 The destruction of cultural and religious heritage as a religious persecutory measure
17 which resulted in the loss of collective identity.

18 And the social impact of the gender aspect of religious persecution, especially related
19 to women and girls being the subject of strict gender-specific rules on clothing and
20 public and private behaviour.

21 And the effect on religious groups especially impacted by Ansar Dine/AQIM's
22 imposition of their interpretation of Sharia.

23 Regarding the harm suffered by direct victims of the crime of sentencing without due
24 process, the Chamber notes that the Trial Judgment and Sentencing Decision made no
25 specific findings on the harm suffered by the direct victims of this crime. However,

1 based on the consistent jurisprudence of regional human rights tribunals, the
2 Chamber presumes that on a balance of probabilities, the Islamic court's lack of
3 essential guarantees of independence and impartiality created an environment that
4 inflicted moral harm on the victims in the form of, *inter alia*, stigmatisation, impact to
5 the honour and reputation of the victim, anxiety, frustration and a feeling of injustice.
6 As to the harm suffered by direct victims of torture, mutilation, other inhumane acts,
7 cruel treatment and outrages upon personal dignity, the Chamber identifies in the
8 Reparations Order the detailed physical, moral and material harm caused to each of
9 the 14 victims of these crimes and finds that the acknowledgment of the harm
10 experienced by the direct victims in the case serves as a symbolic and satisfaction
11 measure.

12 In relation to the harm suffered by indirect victims, the Chamber finds, on a balance
13 of probabilities, family members of the 14 direct victims of the crimes of torture,
14 mutilation, other inhumane acts, cruel treatment, and outrages upon personal dignity,
15 suffered moral harm in the form of psychological impact. In addition, the Chamber
16 finds that the witnesses of the punishments imposed against the 14 direct victims
17 suffered moral harm, which may include psychological or emotional harm, trauma
18 resulting from seeing people being publicly flogged or amputated, shock and fear.
19 The Chamber now turns to the types and modalities of reparations to be awarded.
20 Based on the factors set out in Rule 98(3), the Chamber finds in this case the most
21 appropriate type of reparations to address the harm suffered by the victims for the
22 crimes for which Mr Al Hassan was convicted is collective community-based
23 reparations with a limited individualised component.

24 The Chamber has reached this conclusion in light of the nature and scope of the harm
25 suffered as a result of the crimes; the number of eligible victims in this case, estimated

1 by the Chamber to be approximately 65,202 victims; the need for an efficient and
2 effective delivery of reparations; and the need to do no harm to the population of
3 Timbuktu city.

4 For the victims of crime other than persecution, the Chamber recognised that these
5 victims, as well as other victims of persecution who suffered acts consistent with
6 torture, mutilation, other inhumane acts, cruel treatment, and outrages on personal
7 dignity, who have experienced specific harm, particularly physical and psychological
8 harm, which warrants a more individualised component of the reparations award,
9 and thus the Chamber has so ordered a limited individualised component for those
10 victims.

11 The Chamber carefully considered the parties' submissions -- the parties' and
12 participants' submissions on a symbolic or monetary award of some nature.

13 However, the Chamber has found that in the particular circumstances of this case,
14 collective community-based reparations are most fitting to address the different types
15 of harm suffered by the victims while ensuring the efficiency and integrity of the
16 process. Further, the Chamber is convinced that awarding an appropriate and
17 meaningful symbolic award in this case is simply not feasible.

18 The Chamber wishes to make clear that collective community-based reparations refer
19 both to the group that will receive reparations and the mode in which the reparations
20 will be delivered. With respect to the group, the Chamber is referring to the
21 community of eligible victims in this case, that is the population of Timbuktu city
22 present during the temporal scope of the case. Regarding the mode in which
23 reparations are delivered, the Chamber is referring to community-based measures
24 and programmes that can reach large numbers of victims in a less resource-intensive
25 manner.

1 The Chamber considers the most appropriate modalities to address the harm in this
2 case in an efficient and effective manner is through collective reparations focussed on
3 rehabilitation measures, as well as symbolic and satisfaction measures.

4 Specifically, the Chamber awards rehabilitation measures directed at rectifying the
5 moral, material and community harm suffered by the victims. The part of this
6 measure, socio-economic support should be implemented, especially support for
7 income-gathering activities. The implementation of these types of community-based
8 measures could include cash-based support aimed at assisting victims in restoring
9 economic activity. The Chamber emphasises that women and girls suffered
10 particular moral and material harm as a result of the crime of persecution and this
11 should be reflected in the planning, design and implementation of all socio-economic
12 rehabilitation projects and initiatives.

13 The Chamber also notes that educational support through programmes or trainings
14 should be implemented as a rehabilitation measure as well as collective
15 community-based psychological rehabilitation to address the physiological harm
16 suffered by victims as a result of the crimes.

17 In addition, the Chamber awards collective symbolic and satisfaction measures
18 intended to acknowledge the violations of the victims' rights, safeguard their dignity
19 and promote cohesion, reconciliation, reduction of tension in the community and
20 commemoration.

21 Finally, the Chamber's detailed recounting of the harm suffered by the victims in the
22 Trial Judgment, the Sentencing Decision and the Order serves as a satisfaction
23 measure in the case.

24 As to the limited individualised component previously mentioned, the Chamber
25 awards rehabilitation measures to address the physical and psychological harm

1 suffered by the individual victims of the crimes other than persecution as well as
2 similarly situated victims of persecution.

3 Turning to the selection of projects and initiative, the Chamber finds that it is most
4 appropriate for the Trust Fund for Victims to design these programmes in close
5 consultation with the victims. In this regard, the Chamber endorses the use of a
6 participatory process -- processes that involves the community of Timbuktu to
7 determine which projects and initiatives are the most appropriate and acceptable to
8 the victims.

9 I will now outline the costs, will explain the costs associated with each measure that
10 has been awarded. The details on how the Chamber arrived at these amounts is
11 contained in the Reparations Order.

12 Regarding the rehabilitation measures, the Chamber estimates that the cost of
13 implementing socio-economic and educational support programmes would amount
14 to €4,000,000. Regarding collective community-based psychological rehabilitation
15 measures, the Chamber estimates that the cost of implementing this programme
16 would amount to €1,200,000. As for the physical and psychological rehabilitation,
17 which constitutes the limited individualised component, the Chamber awards
18 €1,500,000. Finally, regarding symbolic and satisfaction measures, the Chamber
19 awards €550,000.

20 In light of the above, the Chamber considers Mr Al Hassan's total liability for the
21 harm to victims of the crimes of which he was convicted to amount to a total of
22 €7,250,000, equivalent to 4,755,688,250 CFA francs as of 24 April 2026.

23 The Chamber is satisfied that setting Mr Al Hassan's liability for reparations at this
24 amount is fair, equitable and appropriate and takes into account the rights of the
25 victims and those of the convicted person.

1 In the Order, the Chamber instructs the Trust Fund for Victims to prepare a draft
2 implementation plan with the details of the rehabilitation and symbolic measures to
3 be included within the collective community-based reparations and limited
4 individualised component.

5 The identification, collection of information and eligibility assessments will be the
6 responsibility of the Registry. Outreach will also be designed and conducted by the
7 Registry.

8 The Chamber notes that no property and assets belonging to Mr Al Hassan have been
9 identified to date and requests the Presidency to regularly monitor Mr Al Hassan's
10 financial capacity for the purposes of reparations.

11 Due to Mr Al Hassan's current financial status, the Chamber invites the Trust Fund
12 for Victims' Board of Directors to complement the resources to fulfil the reparations
13 award as stipulated in the regulations of the Trust Fund. The Chamber understands
14 that in order for the Trust Fund for Victims to be able to fully complement the award,
15 substantial fundraising will need to take place and takes the opportunity to encourage
16 States, organisations, corporations, and private individuals to support the
17 Trust Fund's mission and efforts and contribute to its fundraising activities.

18 (Interpretation) The Chamber would like to address those who have suffered harm
19 under the regime imposed by Ansar Dine and AQIM in Timbuktu, but which do not
20 fulfil the criteria to be considered as victims of crimes other than that of persecution.

21 The Chamber would like, once again, to acknowledge the reality of your suffering
22 and express all of its compassion to you, notably with regard to the girls and women
23 who suffered particularly. The Chamber would also like to express its sincere hope
24 that the collective reparations that it has ordered will be in a position to repair, to a
25 certain extent, the harm that you have suffered in a concrete, prompt and effective

1 manner.

2 Now I shall continue in English.

3 (Speaks English) For the foregoing reasons, the Chamber hereby unanimously adopts
4 the following substantive dispositions. Other also unanimously adopted procedural
5 dispositions can be found in the reparations order.

6 The Chamber:

7 Issues an order for reparations against Mr Al Hassan;

8 Awards collective community-based reparations with a limited individualised
9 component focused on rehabilitation, symbolic and satisfaction measures to the direct
10 and indirect eligible victims in the case;

11 Assesses Mr Al Hassan's liability for reparations at approximately €7,250,000,
12 equivalent to 4,755,688,250 CFA francs;

13 Decides that any payments made by Mr Al Hassan must be counted towards the
14 reparations order against him and shall not be classified as voluntary contributions or
15 symbolic form of reparations;

16 Invites the Trust Fund for Victims to complement the resources to fulfil the
17 reparations award and to engage in additional fundraising efforts to the extent
18 necessary to meet the totality of the award;

19 Instructs the Trust Fund to prepare a draft implementation plan pursuant to the
20 requirements outlined in the present order and to submit it for the Chamber's
21 approval by 25 January 2027 at the latest;

22 Instructs the Registry to design and conduct, throughout the duration of the
23 administrative eligibility process, the required outreach campaign for the purposes of
24 this reparations proceeding, after engaging consultation with the parties, the Trust
25 Fund for Victims, the VPRS and the OPCV;

1 Instructs the Registry to commence with the identification of potential beneficiaries as
2 soon as possible, and prior to the approval of the draft implementation plan;
3 Requests that the Presidency, with the support of the Registry, continues to explore
4 whether Mr Al Hassan possesses any undiscovered assets and to monitor his financial
5 situation on an ongoing basis, and;
6 Encourages, again, States, organisations, corporations, private individuals to support
7 the Trust Fund's mission and efforts and contribute to its activities.
8 This concludes the Chamber's summary and today's hearing. As I said, the written
9 reparations order with the Chamber's findings and conclusions, which remains the
10 only authoritative document, has been issued and you will see it shortly.
11 The Chamber wishes to thank the interpreters, the court reporters, security, and all
12 other Registry staff for facilitating this hearing. We would also like to thank all of
13 those who have attended the hearing today, those in the public gallery and those
14 following on line, especially the members of the community of Timbuktu and, more
15 generally, the people of Mali.
16 This hearing is adjourned.
17 THE COURT USHER: [11:34:53] All rise.
18 (The hearing ends in open session at 11.35 a.m.)