

**Cour
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**International
Criminal
Court**

Original: **English**

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

Date: **9 July 2025**

TRIAL CHAMBER X

Before: Judge Kimberly Prost, Presiding
Judge Maria 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

**Public Redacted Version of “Prosecution Submissions on Reparations”, 16 June 2025,
ICC-01/12-01/18-2734-Conf**

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I. SUBMISSIONS

1. On 13 December 2024, Trial Chamber X (“Chamber”) issued an Order for Submissions on Reparations, instructing the Prosecution to make submissions on 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”, and on any or all other issues referred to in paragraph 6(i), by 16 June 2025.¹
2. For this purpose, the Prosecution outlines below relevant general principles and aspects pertinent to identifying direct and/or indirect victims of the crimes for which Mr Al Hassan was convicted, and assessing their rights to reparations, in addition to providing estimated numbers of victims.

A. General Principles

3. Under rule 85 of the Rules of Procedure and Evidence (“Rules”), reparations may be granted to both direct victims and indirect victims. Indirect victims are defined, under rule 85, as including: family members of direct victims; anyone who attempted to prevent the commission of one or more of the crimes under consideration; individuals who suffered harm when helping or intervening on behalf of direct victims; and, other persons who suffered personal harm as a result of these offences.
4. The Appeals Chamber in *Prosecutor v Lubanga*, and subsequent Chambers, have outlined relevant principles on reparations (“Reparations Principles”), including *inter alia*:²
 - The concept of ‘harm’, denotes “hurt, injury and damage”. Harm does not necessarily need to have been direct, but it must have been personal to the victim. Harm may be material, physical and psychological.³

¹ [ICC-01/12-01/18-2666](#), Order for Submissions on Reparations, (“Submissions Order”), para. 6(i)(a), para. 7.

² *Prosecutor v Lubanga*, Order for Reparations, [ICC-01/04-01/06-3129-AnxA](#) (“Lubanga Reparations Principles”). The Appeals Chamber stated that the principles could be applied, adapted, expanded, or added to by subsequent Trial Chambers (para. 5). *See also e.g.*, *Prosecutor v Ntaganda*, Reparations Order, [ICC-01/04/02/06-2659](#), paras. 46-47, 59-64 (“Ntaganda Reparations Order”); Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’ (“Ntaganda Reparations Appeal Judgment”); [ICC-01/04-02/06-2782](#), 12 September 2022, Judgment on the appeals against the decision of Trial Chamber II of 14 July 2023 entitled ‘Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659’, [ICC-01/04-02/06-2908-Red](#), (“Ntaganda Second Reparations Appeal Judgment”); *Prosecutor v Ongwen*, Judgment on the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX of 28 February 2024 entitled ‘Reparations Order’, [ICC-02/04/01/15-2108](#), 7 April 2025 (“Ongwen Reparations Appeal Judgment”).

³ [Lubanga Reparations Principles](#), para. 10. *See also, e.g.* [Ongwen Reparations Appeal Judgment](#), paras. 211-232, 481, 495-496, 621-625, 649-661; [Ntaganda Reparations Appeal Judgment](#), para.18; *Prosecutor v Katanga*, [ICC-01/04-01/07-3778-Red](#), Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled ‘Order for Reparations pursuant to Article 75 of the Statute’ (Katanga Reparations Appeal Judgment), 8 March 2018, paras. 5, 115-121; *Prosecutor v Katanga*, Decision on the Matter of the Transgenerational harm Alleged by Some Applicants for Reparations Remanded by the Appeals Chamber in its Judgment of 8 March 2018, 19 July 2018, [ICC-01/04-01/07-3804-Red-tENG](#) (“Katanga Transgenerational Harm Decision”); *Prosecutor v Ntaganda*, Decision on issues raised in the Registry’s First Report on Reparations, [ICC-01/04-02/06-2630](#), paras.11, 18; *Prosecutor v Lubanga*, Corrected version of the ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), paras. 40, 42-43, 181-184, 186. *See*

- Reparations shall be granted to victims without adverse distinction.⁴
- Reparations need to address any underlying injustices and in their implementation the Court should avoid replicating discriminatory practices or structures that predated the commission of the crimes. The Court should avoid further stigmatisation of the victims and discrimination by their families and communities.⁵
- A gender-inclusive and ethnic-inclusive approach should guide the design of the principles and procedures to be applied to reparations, ensuring that they are accessible to all victims in their implementation. Accordingly, gender parity in all aspects of reparations is an important goal of the Court.⁶ Intersectionality is a core component of taking a gender-inclusive and sensitive approach and perspective.⁷
- Priority should be given to certain victims, who are in a particularly vulnerable situation or who require urgent assistance. The Court may adopt measures that constitute affirmative action to guarantee equal, effective and safe access to reparations for particularly vulnerable victims.⁸
- One of the relevant factors to be taken into account in reparation proceedings is the age of the victims, in accordance with article 68(1) of the Statute, age-related harm experienced by the victims and their needs, pursuant to rule 86 of the Rules. Any differential impact of these crimes on boys and girls is also to be taken into account.⁹ In its reparation orders and programmes, the Court shall address the particular needs of victims who were children at the time of the crimes, bearing in mind the long-term effects these may have had in their development. Reparations for children should, in particular, contemplate and address the loss of their life plan. Reparations should include measures to prevent the ostracism and discrimination of children, as well as promoting their reintegration into society.¹⁰
- As regards indirect victims that are family members of direct victims, the concept of ‘family’ may have many cultural variations, so that the Court ought to have regard to the applicable social and

further, e.g. ECCC, *Prosecutor v. Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan*, Decision on Appeals against Orders of the Co-Investigating Judges on the Admissibility of Civil Party Applications, Case No. 002/19-09-2007-ECCC/OCIJ (PTC76, PTC113, PTC114, PTC115, PTC142, PTC157, PTC164, PTC165 and PTC172), PT.Ch., 24 June 2011, ALC, Vol.60, paras. 86-93; United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNGA [Res.40/34](#) of 29 November 1985, Article 1, Article 2, Article 18.

⁴ [Lubanga Reparations Principles](#), para. 16.

⁵ [Lubanga Reparations Principles](#), para. 17.

⁶ [Lubanga Reparations Principles](#), para. 18.

⁷ [Ntaganda Reparations Order](#), para. 60, footnotes 151 and 153.

⁸ [Lubanga Reparations Principles](#), para. 19.

⁹ [Lubanga Reparations Principles](#), para. 23-25.

¹⁰ [Ntaganda Reparations Order](#), para. 59, footnotes 147-150.

familial structures.¹¹

- Legal entities, including public and private educational institutes, community institutions, companies, and other partnerships, can also benefit from reparations.¹²

B. Direct and/or indirect victims of the crimes for which Mr Al Hassan was convicted

5. In this case, on 26 June 2024, Mr Al Hassan was convicted of eight counts of war crimes and crimes against humanity, namely persecution (Count 13), torture, cruel treatment, other inhumane acts, outrages upon personal dignity (Counts 1-5), mutilation (Count 14), and passing of sentence without due process (Count 6), either as a direct perpetrator, for aiding, abetting or otherwise assisting, or for contributing in any other way to the commission of these crimes under article 25(3)(a), (c) and (d) of the Statute.¹³

1. Persecution

6. As regards numbers of victims of persecution, in the Sentencing Judgment,¹⁴ the Chamber stated that:

Ansar Dine/AQIM targeted not only members of the population who opposed them, but also every member of the population who saw themselves forced to abide by rules and prohibitions, which for many had a substantial impact on their individual rights and liberties. *The number of victims of the crime of persecution is therefore very high: the entire population of the city of Timbuktu was targeted and was the subject of the deprivation of fundamental rights.*¹⁵
7. Similarly, Pre-Trial Chamber I, although at a different stage of proceedings and concerning victims' applications for participation, approached individuals claiming to be victims of persecution as a member of the community suffering a severe deprivation of fundamental rights, by assessing their presence in Timbuktu at the time when crimes were committed.¹⁶

¹¹ [Lubanga Reparations Principles](#), para. 7. *See also*, *Prosecutor v Ntaganda*, Decision on issues raised in the Registry's First Report on Reparations, ICC-01/04-02/06-2630, paras. 52-56; *See also*, e.g. [Ongwen Reparations Appeal Judgment](#), paras. 112-123.

¹² [Lubanga Reparations Principles](#), para. 8. *See also*, *Prosecutor v Katanga*, Order for Reparations pursuant to Article 75 of the Statute, [ICC-01/04-01/07-3728-t-ENG](#), ("Katanga Reparations Order"), paras. 35-36.

¹³ *Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Public redacted version of Trial Judgment, [ICC-01/12-01/18-2594-Red](#) ("[Trial Judgment](#)"), para. 1785.

¹⁴ Sentencing Judgment, ICC-01/12-01/18-2662 ("[Sentencing Judgment](#)"), paras. 68-80.

¹⁵ [Sentencing Judgment](#), para. 71, emphasis added. *See also*, [Sentencing Judgment](#), paras. 72-77, footnote 201. *See further* [Trial Judgment](#), paras. 1527-1549, 1559-1565, 1567-1570; [ICC-01/12-01/18-2594-OPI](#) ('Judge Akane's Separate and Partly Dissenting Opinion'), para. 100. *See also*, e.g. ECCC, Decision on Appeals against Orders of the Co-Investigating Judges on the Admissibility of Civil Party Applications, *Prosecutor v Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan*, Case No.002/19-09-2007, ECCC/OCIJ (PTC76, PTC112, PTC113, PTC114, PTC115, PTC142, PTC157, PTC164, PTC165, and PTC172), PT, Ch, 24 June 2011, ALC, Vol.60, paras. 49, 77-79, 93.

¹⁶ *Prosecutor v Al Hassan*, Second Decision on the Principles Applicable to Victims' Applications for Participation, 8 October 2018, [ICC-01/12-01/18-146-t-ENG](#), paras. 28, 36. *See also*, e.g. [Ongwen Reparations Appeal Judgment](#), paras. 83-99.

8. The Chamber outlined the geographical and temporal scope of the crime of persecution, which is relevant to the numbers of victims of the crimes. In particular, in its *Order for Submissions on Reparations*, the Chamber observed that the crime of persecution was limited in the Trial Judgment to the city and not the region of Timbuktu, and that “the acts for which Mr Al Hassan bears liability for this crime took place over a substantial period of time between early May 2012 and the end of January 2013, throughout the period of Ansar Dine/AQIM’s control of Timbuktu”.¹⁷
9. Mr Al Hassan has been 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.¹⁸
10. The Chamber cited Trial Chamber II in *Prosecutor v Ntaganda*, which recognised that the Prosecution is not a party to the reparations proceedings, and is “not required to identify or indicate the exact number of victims in cases involving mass-crimes” but that the Prosecution is expected by the Chamber to provide an “approximate number of potential beneficiaries”, or an explanation as to why submissions are not possible on this point.¹⁹ Accordingly, relevant to identifying numbers of victims of persecution from Timbuktu city, the Prosecution has obtained the last census of the population living in Timbuktu city, which took place before the occupation by Ansar Dine/AQIM in 2012, namely, in 2009.²⁰
11. In 2009, **87,552** people were reportedly living in “*Tombouctou urbain*”, segregated by gender: 43,219 females, 44,333 males. These figures are further broken down in the census extract below by age/gender, relevant to different vulnerable groups: children aged 00-04 years (7,266 females and 7,285 males), 05-09 years (6,799 females and 7,078 males), 10-14 years (4,899 females and 5,497 males), 15-19 years (4,874 females and 4,738 males); and older adults, aged 60-64 years (747 females and 717 males), 65-69 (500 females and 459 males), 70-74 (511 females and 431 males), 75-79 (208 females and 215 males), and 80 and above (245 females and 216 males).²¹

¹⁷ [Sentencing Judgment](#), ICC-01/12-01/18-2662, para. 71.

¹⁸ See [Sentencing Judgment](#), paras. 78-79, referring to paras. 34-38 and [Trial Judgment](#), paras. 1729, 1734-1736, fn.5231. See also, [Trial Judgment](#), paras. 1530-1532, 1562-1565, 1567-1570; [Judge Akane’s Separate and Partly Dissenting Opinion](#), paras. 95, 100-103.

¹⁹ *Prosecutor v Ntaganda*, Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659, [ICC-01/04/02/06-2858-Red](#), para. 287. See also, Pre-Trial Chamber 1, *Prosecutor v Al Hassan*, Decision on the Admissibility Challenge raised by the Defence for Insufficient Gravity of the Case, 27 September 2019, [ICC-01/12-01/18-459-tENG](#), paras. 55-56.

²⁰ See Table 1.2, pp. 37-38, Tombouctou Urbain, https://www.instat-mali.org/laravel-filemanager/files/shares/pub/anuair12_pub.pdf.

²¹ See Table 1.2, pp. 37-38, Tombouctou Urbain, https://www.instat-mali.org/laravel-filemanager/files/shares/pub/anuair12_pub.pdf.

	Groupes	Masculin	%	Féminin	%	Total	%
	Total	337 572	100,0	337 221	100,0	674 793	100,0
Tombouctou Urbain	00 04 ans	7 285	16,4	7 266	16,8	14 551	16,6
	05 09 ans	7 078	16,0	6 799	15,7	13 877	15,9
	10 14 ans	5 497	12,4	4 899	11,3	10 396	11,9
	15 19 ans	4 738	10,7	4 874	11,3	9 612	11,0
	20 24 ans	3 593	8,1	3 792	8,8	7 385	8,4
	25 29 ans	2 747	6,2	3 155	7,3	5 902	6,7
	30 34 ans	2 388	5,4	2 352	5,4	4 740	5,4
	35 39 ans	2 289	5,2	2 138	4,9	4 427	5,1
	40 44 ans	1 932	4,4	1 665	3,9	3 597	4,1
	45 49 ans	1 521	3,4	1 298	3,0	2 819	3,2
	50 54 ans	1 235	2,8	1 106	2,6	2 341	2,7
	55 59 ans	876	2,0	710	1,6	1 586	1,8
		60 64 ans	717	1,6	747	1,7	1 464
	65 69 ans	459	1,0	500	1,2	959	1,1
	70 74 ans	431	1,0	511	1,2	942	1,1
	75 79 ans	215	0,5	208	0,5	423	0,5
	80 ans et +	216	0,5	245	0,6	461	0,5
	ND	1 116	2,5	954	2,2	2 070	2,4
	Total	44 333	100,0	43 219	100,0	87 552	100,0

12. ‘*Tombouctou Urbain*’ may refer to different urban areas within Timbuktu region, rather than Timbuktu city alone. A different source refers to the 2009 census of Timbuktu urban commune, stating that there were 54,629 people (26,714 females and 27, 915 males).²²
13. The Prosecution has not identified any updated Malian government census for Timbuktu, in 2012. This is unsurprising bearing in mind that in 2012-2013, Timbuktu city was being controlled by Ansar Dine/AQIM and the whole Timbuktu region was still undergoing hostilities amongst the different armed groups.²³ The Prosecution has identified different online sources that refer to the population of Timbuktu city in 2012. One source dated 2016, estimated there were about 35,000 inhabitants but that many of them fled in 2012.²⁴ Another source, stated that in 2014, there were an estimated 15,000 people left in Timbuktu city following a reduction of more than half because of the 2012-2013 occupation by the Groups.²⁵

²² [Tombouctou \(Urban Commune, Mali\) - Population Statistics, Charts, Map and Location](#). Citing the Institut National de la Statistique, République du Mali.

²³ See [Trial Judgment](#), e.g. paras. 1-3, paras. 427-428, 444-456.

²⁴ [Timbuktu-Past-Present-and-Peace-Perspectives-Attempt-of-an-Overview.pdf](#), p.8. See also, [Timbuktu - Data Commons](#) (referring to a figure of about 35,300 people).

²⁵ ‘Timbuktu: The Legendary City of Timbuktu in Mali. Africa’, Matt Rosenberg, Updated 24 June 2018. [Timbuktu, Mali and Today](#).

14. Inhabitants who fled Timbuktu in 2012 because of the arrival of the armed groups, and lived as displaced persons and/or refugees,²⁶ also potentially suffered “harm” as victims, including of the crime of persecution, as defined under rule 85.²⁷ Therefore, the Prosecution has sought to identify both the numbers of those who fled Timbuktu, as well as numbers of those who remained living in Timbuktu, in 2012, during the occupation by the Groups.
15. It is difficult to provide a definite figure of those who fled and/or those who remained in Timbuktu, between May 2012 until January 2013. Nevertheless, [REDACTED] when asked to estimate the numbers of inhabitants from Timbuktu who fled, and those who remained, in Timbuktu, during this time period, provided the following estimated figures/stated the following: He believed that there were about 35,000 people living in Timbuktu city in 2012, but that about 30% of the population had left because of the presence of the armed groups. When asked about the figure of 87,552 people for ‘*Tombouctou urbain*’ reportedly from the 2009 census, he stated this could not be a correct figure for Timbuktu city, as he considered that there were no more than 35,000 people living in Timbuktu city in 2012.²⁸
16. Consideration of age-related harm and a gender-inclusive approach, require an assessment of the different categories of ages and gender of the general population living in Timbuktu city. It is necessary to take a disaggregated, and intersectional approach when assessing cumulative harm to accurately reflect harms suffered by different groups within the affected population. Such effect should be reflected in any subsequent reparations order.
17. In this regard, the Prosecution recalls that concerning the crime of persecution on religious grounds the Chamber 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.²⁹ The Prosecution notes the gendered-nature of harms arising from and/or gendered circumstances underlying other crimes for which Mr Al Hassan has been convicted, in addition to persecution, including for instance: related to cases of

²⁶ See [Trial Judgment](#), e.g. paras. 725, footnote 2171; paras. 740-741, footnotes 2223-2227; footnote 3113; para. 1082, footnote 3729; paras. 503-504, footnotes 1360, 1363.

²⁷ See e.g. [Trial Judgment, para. 1186](#), citing *Prosecutor v Krajišnik* Judgement, 27 September 2006, Case No.IT-00-39-T (“[Krajišnik Trial Judgment](#)”), paras. 722-726. See also, e.g. *Prosecutor v Nuon Chea and Khieu Samphan*, Case 002/02 Judgement, [ECCC, Case File/Dossier no. 002/19-09-2007/ECCC/TC](#), para. 455-466, citing the following as regards forced transfer: *Prosecutor v Stakić*, Judgement, 22 March 2006, Case No.IT-97-24-A, (“[Stakić Appeal Judgement](#)”), para. 317; *Prosecutor v Krajišnik*, Judgement, 17 March 2009, Case No.IT-00-39-A (“[Krajišnik Appeal Judgement](#)”), paras 330-331; *Prosecutor v Blaškić*, Judgement, 29 July 2004, Case No.IT-95-14-A (“[Blaškić Appeal Judgement](#)”), para. 153; and *Prosecutor v Krnojelac*, Judgement, 17 September 2003, Case No.IT-97-25-A (“[Krnojelac Appeal Judgement](#)”), para. 222; article 7(1)(d) of the Rome Statute.

²⁸ See Investigation Note, [REDACTED]

²⁹ [Sentencing Judgment](#), ICC-01/12-01/18-2662, para. 74. See also, [Trial Judgment](#), para. 1542, paras. 1567-1570. See further [Judge Akane’s Separate and Partly Dissenting Opinion](#), paras. 100, 103.

floggings for adultery, ██████████ of publicly flogged ██████████ and a number of the incidents of unlawful passing of sentences (e.g. ██████████ flogged ██████████ against her ‘husband’). The Chamber also found that some victims of persecution were particularly vulnerable as a result of their young or old age,³⁰ and/or for instance, their detained status.³¹

18. The Prosecution observes that other types of victims include legal entities that were impacted by the crime of persecution, such as schools that were forced to close and/or forced to comply with the Groups’ religious views, during the occupation by the Groups of Timbuktu city. Many school children were also impacted by, and suffered harm, from these school closures, as they suffered from disrupted and/or discontinued education, and/or education that involved the imposition of the Groups’ own ideological, religious views.³² ██████████ provided estimated numbers of schools impacted by closures, based on information he obtained including from ██████████ ██████████ namely that there were about 153 schools in Timbuktu city in 2012 that were closed because conditions were imposed that could not be met, including that the Arabic language and Islam had to be included in the curriculum, girls and boys should not mixed and girls had to be covered.³³ In line with prior reparations’ jurisprudence,³⁴ the Chamber may want to consider any long term impacts if any of these closures on the children, and any potential trans-generational harm.
19. There were other legal entities impacted by the Groups’ persecutory actions, such as businesses, including shops: that were closed for undefined periods of time,³⁵ that were damaged/destroyed including bars,³⁶ and shops that had stock damaged/destroyed.³⁷

2. Other crimes

20. The Chamber observed in its Order for Submissions on Reparations that “*outside of the crime of persecution, there are 49 direct victims in this case*”.³⁸
21. As regards numbers of indirect victims of other crimes for which Mr Al Hassan has been convicted,

³⁰ [Sentencing Judgment](#), ICC-01/12-01/18-2662, para. 75. See also, ██████████

³¹ [Trial Judgment](#), para. 1277.

³² See [Trial Judgment](#), e.g. para. 670, paras. 726-731.

³³ See Investigation Note, ██████████

³⁴ See e.g. [Katanga Transgenerational Harm Decision](#).

³⁵ See e.g. ██████████ was sentenced to 40 lashes, a fine of 50,000 CFA riyals, and order that his shop b ██████████

³⁶ See e.g. [Trial Judgment](#), paras. 685-686. See also Katanga Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras. 78-86.

³⁷ See e.g. [Trial Judgment](#), paras. 685-686, 704-705, 707-709. See also Katanga Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras. 87-107.

³⁸ [Submissions Order](#), para. 4, emphasis added.

the Prosecution observes that, in line with the Reparations Principles and rule 85 of the Rules, the definition of ‘harm’ and potential categories of indirect victims are broad. The Prosecution is not in a position to provide numbers of such victims, but is able to provide examples of potential categories of such indirect victims.

22. Examples of other potential categories of indirect victims of crimes for which Mr Al Hassan has been convicted (and who suffered additional, indirect forms of harm as a result of those other crimes) include, for instance, the following:

- **Individuals who witnessed and/or were otherwise harmed by the public punishments**,³⁹ *i.e.* floggings and/or amputation (including family members, friends, vulnerable individuals such as children and the elderly, and others suffering personal harm). It is not possible to provide precise numbers of all those who suffered from this type of harm. However, it is estimated in light of the Chamber’s findings (based, *inter alia*, on witness testimony and video/photographic evidence of events), that large numbers/large crowds of the population, including family members/friends, children and the elderly, witnessed and/or were otherwise impacted by these incidents. In line with the Reparations Principles, the Court should have particular regard to the impact on victims who were children at the time including any long term impact or harm. Their situation should be separately addressed in any reparations order. Regardless of whether family members witnessed these incidents, they may have also suffered personal harm as a result of these public floggings and [REDACTED] for instance, because of trauma, stigma within their communities, and/or financial harm (*e.g.* [REDACTED]). There is also evidence that the public punishments were designed to instil fear and deter the population from breach of the Groups’ rules, and, that members of the public were psychologically affected by these incidents and/or their consequences.⁴⁰

³⁹ See *e.g.* [Trial Judgment](#), para. 1186, citing [Ongwen Trial Judgment](#), para. 2744, referring to *e.g.* ICTY, Trial Chamber, [Prosecutor v. Duško Tadić, Opinion and Judgment](#), 7 May 1997, Case No.IT-94-1-T, paras. 726, 730; [Prosecutor v. Kaing Guek Eav alias Duch](#), Judgement, 29 July 2010, Case File/Dossier No.001/18-07-2007/ECCC/TC, (“[Duch Trial Judgement](#)”), paras 260-277, 372; ECCC, Trial Chamber, [Prosecutors v. Nuon Chea and Khieu Samphan](#), Case 002/02 Judgement, 16 November 2018, Case File/Dossier No. 002/19-09-2007-ECCC/TC (“[Nuon Chea and Khieu Samphan Appeals Judgement](#)”), paras. 733-739; ICTY, Trial Chamber, [Prosecutor v. Miroslav Kvočka et al.](#), Judgement, 2 November 2001, Case No.IT-98-30/1-T, para. 209; ICTR, Trial Chamber I, [The Prosecutor v. Ignace Bagilishema](#), Judgement, 7 June 2001, Case No.ICTR-95-1A-T, paras. 490-494; ICTY, Trial Chamber, [Prosecutor v. Zoran Kupreškić et al.](#), Judgement, 14 January 2000, Case No.IT-95-16-T, para. 819; Pre-Trial Chamber II, [The Prosecutor v. Francis Kirimi Muthaura et al.](#), Public Redacted Version Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, 23 January 2012, [ICC-01/09-02/11-382-Red](#), paras 274-280. See also ECCC, [Nuon Chea and Khieu Samphan Appeals Judgment](#), para. 581, citing [Prosecutor v Muthaura, Kenyatta, Hussein Ali](#), Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, (“[Kenyatta Confirmation of Charges decision](#)”), paras. 270-273, 276-277, 279-280; [Kupreškić Trial Judgement](#) (ICTY), para. 819; SCSL, [Prosecutor v Sesay et al.](#), Judgement, 2 March 2009, [Case no. SCSL-04-15-T](#), para. 171.

⁴⁰ See [Trial Judgment](#), paras. [REDACTED] 1538; [REDACTED] crowds of people including children witnessed flogging [REDACTED]

- **Family members of individuals unlawfully sentenced:** Family members of the different individuals sentenced, by the irregularly constituted Tribunal, without due process and/or fundamental guarantees, who suffered other types of personal harm are also indirect victims of the crimes for those reasons. For instance:

- **Individuals flogged for ‘adultery’ were also sentenced to banishment** from Timbuktu as part of their unlawful sentences [REDACTED] and [REDACTED] [REDACTED] – [REDACTED] the women flogged with them; and, [REDACTED] The family members of these men, including any biological children, who were separated from them, and/or were personally harmed by the threat of banishment are indirect victims of this unlawful sentence.⁴¹
- [REDACTED] **was flogged [REDACTED] and her male partner, [REDACTED]** [REDACTED] **was imprisoned for one week.** Both were accused of “association with a marriageable” man/woman. The [REDACTED] was the ‘husband’ of [REDACTED]

[REDACTED]

⁴¹ See [REDACTED]

[REDACTED]

Others who suffered personal harm from these sentences, include any family members of [REDACTED] or [REDACTED] who suffered for instance from any stigma by association, and therefore, who could potentially be indirect victims.⁴²

- **Individuals detained or imprisoned (including for uncertain periods):** A number of individuals were detained or imprisoned for various violations of the Groups' rules/laws, including for an uncertain period of time. Any of their family members, who were impacted financially and/or psychologically by their detention or imprisonment (including for uncertain/indeterminate periods of imprisonment), are also indirect victims. For instance, [REDACTED] (above) was imprisoned for one week.⁴³ An example of those imprisoned for uncertain periods of time include [REDACTED]
[REDACTED]
[REDACTED] who were sentenced to imprisonment as a *ta'zir* for alleged theft and were required to complete a *Sharia* course. The Judge ruled that the Tribunal would reconsider the term of imprisonment depending on their commitment to the *Sharia* course.⁴⁴ Additionally, [REDACTED] who was also sentenced to 100 lashes [REDACTED] was ordered to remain in prison for an indeterminate period, whilst the Court decided on his banishment.⁴⁵

II. CLASSIFICATION

23. Pursuant to regulation 23bis(1) of the Regulations of the Court, this filing is filed as confidential, because it refers to information identifying individuals who may face increased security-related difficulties within or outside their communities if publicly named, in connection with reparations. A publicly redacted version of this filing will be filed as soon as possible.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 9th day of July 2025
At The Hague, the Netherlands.

⁴² See [Trial Judgment](#), paras. [REDACTED]

⁴³ See [Trial Judgment](#), paras. [REDACTED]

⁴⁴ See [Trial Judgment](#), paras. [REDACTED]

⁴⁵ See [Trial Judgment](#), paras. [REDACTED]