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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

**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); Alexandra Lily Kather; Sareta Ashraph

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I. Introduction

1. This submission is made pursuant to Rule 103(1) of the Rules of Procedure and Evidence, in response to the Order for Submissions on Reparations (13 December 2024),¹ and in line with the Chamber's decision granting leave to file observations (11 March 2025)² on four issues: (i) types and harms suffered by the victims; (ii) types and modalities of reparations; (iii) victim identification; and (iv) prioritisation. The submission does not seek to challenge the Chamber's finding in relation to Mr Al Hassan's conviction but rather to analyse the full extent and impact of harm inflicted on victims as a result of the crimes, by highlighting its gendered and intersectional dimensions.

II. Specification of the types and the extent of the harm suffered by the victims of the crimes for which Mr Al Hassan was convicted

2. The Court has consistently held that victims' harms must be assessed and addressed in a holistic manner, guided by reparation principles that are mutually reinforcing, to be applied as a coherent whole, and capable of evolving and being further developed to reflect the specific context and nature of harm.³ In the present case, the crimes were committed in the context of a campaign aimed at imposing the Ansar Dine/AQIM interpretation of Sharia on the Timbuktu population and particularly targeted women and girls, whose behaviour was "particularly controlled" and repressed with "especially harsh punishment".⁴ As the harms resulting from these crimes have gendered and intersectional dimensions, this holistic approach must be meaningfully applied. Reparations that overlook these intersecting harms risk failing to meet the Court's obligation to provide measures that are adequate, prompt and effective to address those harms.

A. Gendered and intersectional dimensions of the convicted crimes

3. The Trial Chamber's findings demonstrate that the crimes for which Mr Al Hassan was convicted were committed within a broader context of systematised gendered oppression and intersectional discrimination. This context is central to understanding the full extent and impact of the harm inflicted by the imposition of Ansar Dine/AQIM's interpretation of Sharia, and should inform the identification and prioritisation of victims, and the appropriate modalities of reparations.
4. The Trial Chamber found by majority that Ansar Dine/AQIM committed gender-based crimes, particularly targeting women and girls, and that all underlying acts of persecution were part of Ansar Dine/AQIM's discriminatory campaign.⁵ The Chamber similarly established that the persecution, which it determined to be on both religious and gender grounds, "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".⁶ While the conviction itself relates only to religious persecution, these findings highlight that religious persecution in this case resulted in intersectional, and in particular, gendered harm.
5. It was further concluded by majority that Mr Al Hassan participated in the commission of these crimes with intent and knowledge.⁷ The Chamber found that he "had a vital and important role in the Islamic Police and in Ansar Dine/AQIM in general", "was a key player", "chose to participate in this system in an active manner", and "personally collaborated with all the relevant institutions and partners in order to contribute to the efficacy of the repression

¹ [Order for Submissions on Reparations](#), *The Prosecutor v. Al Hassan*, ICC-01/12-01/18-2666, 13 December 2024.

² [Decision on the requests for leave to submit *amicus curiae* observations](#), ICC-01/12-01/18-2689, 11 March 2025.

³ [Reparations Order](#), *The Prosecutor v Bosco Ntaganda*, ICC-01/04-02/06-2659, 8 March 2021, para 30. [Reparations Order](#), *The Prosecutor v Dominic Ongwen*, ICC-02/04-01/15-2074, 28 February 2024, para 57.

⁴ [Trial Judgment](#), *The Prosecutor v. Al Hassan*, ICC-01/12-01/18-2594-Red, 26 June 2024, para 1568.

⁵ *Ibid*, para 1574.

⁶ *Ibid*, paras 1574, 1576.

⁷ *Ibid*, paras 1674-1692, 1717, 1734-1736.

system”.⁸ In the various roles he carried – as translator, report drafter, spokesperson, interim Islamic Police commissioner, liaison to the Islamic Court – he participated in investigations and public punishments, organised and led patrols, issued permits, directed the actions of police officers, personally participated in floggings and delivered persons for corporal punishments.⁹ During the women’s march of 6 October 2012, he further demonstrated his vital role in the Islamic Police, instructing officers, issuing threats and taking notes during interrogations.¹⁰ In light of these and other findings, the Chamber concluded “Mr Al Hassan had a leading role in the implementation of the repression system put into place by Ansar Dine/AQIM in Timbuktu”.¹¹

6. The Chamber found that Mr Al Hassan contributed to a broad range of crimes, including persecution, torture, other inhumane acts, cruel treatment, outrages upon personal dignity, and mutilation, under both Article 7 and 8 of the Statute.¹²
7. Although the conviction on persecution was limited to religious grounds, excerpts from the Chamber’s findings will show in the following paragraphs that the religious persecution in this case was intrinsically intersectional, involving a structure of gendered oppression. The ideologically driven governance project established and maintained by Ansar Dine/AQIM, including through the individual acts of Mr Al Hassan, was inherently persecutory. Its dystopian vision of society was founded upon oppression on religious and gender grounds, which were inseparable in both ideology and implementation. This intersectional oppression cast aside local religious traditions, eviscerated gender expression and autonomy, and targeted ethnic identities that Ansar Dine/AQIM’s ideology refused to countenance. Any manifestation of religious or gender diversity was perceived as a challenge and threat to the dominance of Ansar Dine/AQIM’s ideology.
8. The Chamber found that “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,”¹³ 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”.¹⁴ An environment of fear loomed, Ansar Dine/AQIM members “patroll[ing] the city daily to control the correct implementation of the dress code of women, [...] and chas[ing] women inside their houses for not being sufficiently well covered,”¹⁵ leading to women feeling “they could be punished ‘whatever [they] did’ to respect the rules and prohibitions, and some women no longer left their home”.¹⁶
9. The findings also indicate elements of ethnic, cultural and racialised persecution. In the words of the Chamber: “The targeted group in this case [...] consists of the population of Timbuktu in its entirety”, perceived by Ansar Dine/AQIM as “‘ignorant and not ‘real Muslims’.”¹⁷ Ansar Dine/AQIM “damaged and destroyed monuments of historical value to the population of Timbuktu”, “forbade the local population from taking part in cultural and social practices, such as dancing, playing or listening to music, whether in festive ceremonies and events like marriages and baptisms or loudly at home”,¹⁸ prohibited the “use of specific items, such as

⁸ Ibid, para 1674.

⁹ Ibid, paras 1675-1678, 1681.

¹⁰ Ibid, para 1679.

¹¹ Ibid, para 1684.

¹² Ibid, paras 1682-1692.

¹³ Ibid, para 1566.

¹⁴ Ibid, para 1568.

¹⁵ Ibid, paras 699, 701.

¹⁶ Ibid, para 1570.

¹⁷ Ibid, para 1559.

¹⁸ Ibid, para 1531.

amulets and talismans”, engagement “in practices referred to [...] as ‘heresy’, ‘magic’ or ‘sorcery’,” and “forbade, and forcibly prevented members of the population from engaging in any religious and customary practices [...] deemed non-‘Sharia-compliant’ at the sites of the mausoleums.”¹⁹

10. Moreover, Ansar Dine/AQIM prohibited “women and men from engaging in sexual relationships outside of marriage”,²⁰ and marriage with local women were a “means for Ansar Dine/AQIM members to have sexual intercourse in a ‘permissible’ manner”,²¹ with women having “no right to refuse sexual relations with their ‘husband’ who had control over everything”.²² Consequently, Ansar Dine/AQIM sought to impose what they deemed the “correct” form of religious belief,²³ namely their interpretation of Sharia,²⁴ by institutionalising forced marriages as a tool of religious and gender control. The Chamber also noted that sexual slavery victims were subjected to this form of abuse following their forced marriages to members of Ansar Dine/AQIM²⁵. These gender-based crimes were therefore intrinsically linked to the crime of persecution on religious grounds, as the very foundation of the forced marriages and resulting sexual slavery lay in the group’s religiously framed ideology and enforcement practices.
11. The intersectionally oppressive and discriminatory system described above – rooted in rigid religious orthodoxy, patriarchal control, cultural erasure, and racialised perceptions of inferiority – produced not only separate violations but also layered, cumulative and enduring harm, with socio-economic, community-wide and transgenerational effects, resulting in spiritual and cultural disintegration. Recognising the gendered dimensions of harms is imperative, as a gender-blind approach to reparations risks obscuring the full scope of violations and undermining their transformative potential to acknowledge and redress such harms in a meaningful and context-specific manner. As noted in Judge Odio Benito’s dissenting opinion in *Lubanga*, even when gender-based crimes are not explicitly charged, the resulting harm – such as sexual violence and its impact on education, health, and family life – must still be addressed.²⁶
12. While the Chamber acknowledged the differential application of rules to men and women – resulting in the specific targeting of women and girls²⁷ – it is important to emphasise the broader ideological system that punished both religious and gender nonconformity. This included any expressions of identity or autonomy perceived as a threat to the authority of Ansar Dine/AQIM. Accordingly, harm recognition must avoid reinforcing binary conceptions of gender-based harm and remain sensitive to the experiences of individuals across the gender and sexual spectrum, including men, boys, and LGBTQI+ persons.

B. Layered and compounded individual suffering

13. The violations endured by the victims of the convicted crimes were not isolated events but inherent to a system of governance based on Ansar Dine/AQIM’s ideological interpretation of Sharia, requiring the oppression of any facets of society which evinced a contesting ideology. As the Chamber observed, “members of the population were thereby effectively prevented from exercising their right to adopt a religion or belief of their choice and to manifest their religion or belief (or lack thereof) in the way of their choosing, individually or in community,

¹⁹ Ibid, para 1530.

²⁰ Ibid, paras 673, 677, 1532.

²¹ Ibid, paras 510, 1572.

²² Ibid, para 510.

²³ Ibid, para 1574.

²⁴ Ibid, para 1562.

²⁵ Ibid, para 1442.

²⁶ [Decision on Sentence pursuant to Article 76 of the Statute](#), *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-2901, 10 July 2012, paras 19-21.

²⁷ Ibid, para 1571.

in public and in private”.²⁸ When viewed through an intersectional lens, this denial of religious freedom was marked by systemic discrimination on the basis of gender, culture, and perceived moral character.

14. The convicted crimes resulted in severe *physical* harm. For the crime of torture (Counts 1 and 3), this included public floggings,²⁹ a public amputation,³⁰ and in one case, forced nudity,³¹ the Chamber finding that Mr Al Hassan personally carried out floggings and facilitated corporal punishments resulting in lasting injuries.³² In its discussion on the crime of other inhumane acts (Count 2), the Chamber found by majority that the inhumane acts which “taken as a whole caused great suffering” included denial of water or food, detention in unsanitary and degrading conditions, rape – including while blindfolded, held at gunpoint, and threatened with death - by multiple *Hesbah* members, resulting in vaginal bleeding, loss of consciousness, prolonged hospitalisation and an abortion.³³ For the crime of cruel treatment (Count 4), the physical harms resulted from public floggings,³⁴ violent arrest,³⁵ detention in unsanitary conditions,³⁶ multiple rapes at gunpoint, bleeding, unconsciousness and abortion.³⁷ In what concerns outrages upon personal dignity (Count 5), the physical harms included violent public floggings (ranging from 10 to 200 lashes), a public amputation, degrading detention conditions, violent arrests involving beatings and forced exposure, and for some victims, rape accompanied by threats of and actual physical violence resulting in injuries such as bleeding and loss of consciousness.³⁸ For the crime of mutilation (Count 14), the physical harm consisted of a public amputation permanently incapacitating the victim and leaving him disabled.³⁹ The crime of sentencing without due process (Count 6) involved public floggings, detentions in unsanitary and humiliating conditions, and in one case, a public amputation, all imposed without a prior judgment by a regularly constituted court or through judgments rendered by a court lacking independence and impartiality.⁴⁰ Finally, for the crime of persecution on religious grounds (Count 13), physical harm was inflicted through public floggings, beatings, inhumane detention, public amputation, violent arrests using weapons,⁴¹ and in certain contexts – particularly when enforcing religious rules like the dress code or punishing perceived “moral” offenses – rape and sexual violence.⁴²
15. Victims also suffered profound *mental* harm, including intense fear, trauma, humiliation, and social ostracism.⁴³ Many recounted living in constant anticipation of arrest or punishment for minor infractions, dread of public flogging, and enduring shame after being exposed, beaten, or stripped in front of others during punitive enforcement actions.⁴⁴ As the Chamber observed, those “subjected to public punishments described feeling afraid and ashamed”, with the public executions of punishments exerting a “strong impact on the morale of the local population”.⁴⁵ Victims of sexual violence, particularly women and girls detained for dress code violations,

²⁸ [Trial Judgment](#), para 1545.

²⁹ *Ibid*, paras 1310, 1312, 1316-1318, 1320-1322.

³⁰ *Ibid*, paras 1317-1318.

³¹ *Ibid*, 1328.

³² *Ibid*, paras 1586, 1683.

³³ *Ibid*, paras 1346-1349.

³⁴ *Ibid*, para 1343.

³⁵ *Ibid*, para 1346.

³⁶ *Ibid*, para 1347.

³⁷ *Ibid*, paras 1369-1371.

³⁸ *Ibid*, paras 1382-1406.

³⁹ *Ibid*, para 1409.

⁴⁰ *Ibid*, paras 1477-1522.

⁴¹ *Ibid*, paras 1537, 1540-1541, 1551.

⁴² *Ibid*, para 1552.

⁴³ *Ibid*, paras 1310-1329, 1346-1349.

⁴⁴ *Ibid*, paras 754, 760, 1540-1541.

⁴⁵ *Ibid*, para 1541.

reported feelings of worthlessness, suicidal ideation, and the belief that their lives were over – exacerbated by rejection from family and community.⁴⁶ Cumulatively, these experiences instilled an atmosphere of terror, chronic anxiety and internalised trauma throughout the community.

16. Victims also faced systemic exclusion and deprivation, resulting in *social and economic* harm. The Chamber found that “women and girls were particularly affected by the situation put into place by Ansar Dine/AQIM, finding it difficult to go to the market and to their regular trade”.⁴⁷ Their capacity to work, attend school, or participate in public life was stifled by constant surveillance, harassment, and the threat of punishment.⁴⁸ This not only stripped them of immediate sources of income but entrenched long-term socio-economic inequality. The departure of educators, the closure of schools,⁴⁹ and restrictions on women’s movement deepened poverty and dependency, creating generational obstacles to recovery and empowerment.
17. These harms intersected and reinforced one another - physically injuring and immobilizing victims, mentally destabilizing them, and socially excluding them from essential structures of support and survival, compounding across all aspects of life. Although separately categorised, these harms were experienced by victims in overlapping and mutually reinforcing ways.

C. Community-wide, cultural and transgenerational harm

18. The impact of the convicted crimes extended beyond individual victims and reverberated across the wider Timbuktu community. As the Chamber noted, “many inhabitants of Timbuktu left the city because of the violence or because they did not want to submit themselves to Ansar Dine/AQIM’s rules”,⁵⁰ reflecting the broader destabilising effect of the widespread persecution campaign. The imposition of inhumane punishments as described in the previous paragraphs instilled fear and forced displacement, fracturing families, disrupting traditional knowledge systems and severing traditional lines of care and authority.⁵¹ The targeting of women and girls further ruptured community cohesion, with the resulting ostracism also impacting their children, entrenching stigma, social isolation, and long-term economic marginalisation.
19. The destruction of Timbuktu’s cultural and religious heritage deepened this communal disintegration. The Chamber highlighted how Ansar Dine/AQIM “damaged or destroyed monuments of historical value” and “forcibly prevented members of the population from engaging in any religious and customary practices”.⁵² These acts stripped communities of their spiritual anchors and rituals of healing. In a context where religious and cultural practices were essential for mourning, resilience, and social reintegration, this destruction inflicted long-lasting and profound spiritual and cultural dislocation.⁵³ The erasure of cultural rituals and religious diversity also meant that younger generations grew up disconnected from the identities, practices, and histories that once provided communal resilience and belonging.
20. The crimes for which Mr Al Hassan was convicted cannot be understood in isolation from the broader system of control and discrimination in which they occurred. As the Trial Chamber’s findings underscore, these crimes not only reflected but also perpetuated entrenched hierarchies of power—targeting individuals and groups on the basis of gender, religion, and

⁴⁶ Ibid, paras 1370-1371, 1392.

⁴⁷ Ibid, para 1542.

⁴⁸ Ibid, para 738.

⁴⁹ Ibid, paras 727, 1532.

⁵⁰ Ibid, para 1543.

⁵¹ Ibid, paras 1540, 1543-1544.

⁵² Ibid, paras 1530-1531.

⁵³ Ibid, paras 737-738. As recognized by the Court in *Al Mahdi*, the attacks against protected buildings “rippled out into the community and diminished the link and identity the local community had with such cultural heritage”. [Reparations Order](#), *The Prosecutor v. Ahmad al Faqi Al Mahdi*, ICC-01/12-01/15-236, 17 August 2017, para 19.

ethnicity. The resulting harms were not episodic but enduring, affecting victims' bodies, minds, communities, and cultural identities.

III. Reparative principles

21. To be effective, reparations in *Al Hassan* must respond to the cumulative, intersectional and community-wide harms outlined above. The Court's jurisprudence in *Ntaganda*⁵⁴ and *Ongwen*⁵⁵ 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.⁵⁶
22. In light of the crimes' embeddedness in systemic gendered oppression, cultural erasure and socio-economic exclusion, three principles are particularly salient. Reparations must be (i) victim-centred, (ii) restorative and structurally corrective, including gender-transformative, and (iii) culturally and contextually relevant.

A. Victim-centred

23. Reparations must be shaped by the voices of those affected, especially women and marginalised groups, whose agency was systematically denied. In *Ntaganda*, the Chamber held that the victim-centred approach requires "full and meaningful consultation and engagement with victims, giving them a voice in the design and implementation of reparations programmes and allowing them to shape the reparation measures according to their needs".⁵⁷ This was endorsed in *Ongwen*, where the Chamber instructed the Trust Fund for Victims (TFV) to "consult with the victims on the nature of the collective community-based awards and the methods of implementation," and to "take into account the victims' views and proposals when designing the proposed projects," in line with the 'do no harm' principle, accessibility, and respect for victim diversity.⁵⁸
24. The Court jurisprudence thus confirms that co-creation is not a new or aspirational goal, but rather, is inherent in the ICC's existing legal framework. Any reparations programme in *Al Hassan* must therefore be developed in a way that centres victims' agency and participation, in both design and implementation, as a matter of judicially established principle.

B. Restorative and structurally corrective, including gender-transformative

25. Reparations must redress the harm suffered by individuals and communities, while also addressing and transforming the structural conditions that enabled the violations in the first place. This dual role – restorative in repairing lived harm, and structurally corrective in challenging systemic exclusion – is essential for reparations to be meaningful in this case. As emphasised in *Ntaganda*, reparations should aim to produce "both a restorative and a corrective effect and to promote structural changes, dismantling discriminations, stereotypes, and practices that may have contributed to create the conditions for the crime to occur".⁵⁹ This was confirmed in *Ongwen*.⁶⁰
26. A gender-transformative approach is central to this effort, an imperative which was recognised in *Ntaganda*, with the Court finding it "should take into account the existence of previous gender and power imbalances [...]".⁶¹ As emphasised by the Human Rights Council Working Group on discrimination against women and girls, "the purpose of gender-transformative

⁵⁴ [Reparations Order](#), *The Prosecutor v Bosco Ntaganda*, ICC-01/04-02/06-2659, 8 March 2021, para 60.

⁵⁵ [Reparations Order](#), *The Prosecutor v Dominic Ongwen*, ICC-02/04-01/15-2074, 28 February 2024, para 637.

⁵⁶ This view has also been upheld by the Inter-American Court of Human Rights, notably in the *Campo Algodonero* and the *Atala Riffo y niñas Vs. Chile* cases. Corte IDH, Caso González y otras ("Campo Algodonero") Vs. México, Excepción Preliminar, Fondo, Reparaciones y Costas, Sentencia de 16 de noviembre de 2009, Serie C No. 205, para 450. Corte IDH, Caso Atala Riffo y niñas Vs. Chile, Fondo, Reparaciones y Costas, Sentencia de 24 de febrero de 2012, Serie C No. 239, para 267.

⁵⁷ *Ntaganda* [Reparations Order](#), para 45.

⁵⁸ *Ongwen* [Reparations Order](#), para 799.

⁵⁹ *Ntaganda* [Reparations Order](#), para 94.

⁶⁰ *Ongwen* [Reparations Order](#), para 637.

⁶¹ *Ntaganda* [Reparations Order](#), para 61.

reparations is to challenge existing conditions and reshape gender-unequal structures,” which may be transformed by “monitoring implementation, providing for reasonable accommodation and developing broad structural reform”.⁶²

27. In *Al Hassan*, gender-transformative reparations should be designed to address the gendered harms arising from the crimes for which the accused was convicted, considering the broader context of systemic discrimination in which those crimes occurred. They should amplify women’s and girls’ voices in community leadership and reinforce victim-led initiatives that challenge discriminatory norms—transforming harm into a foundation for justice and lasting change.

C. Culturally and contextually relevant

28. Reparation measures must incorporate the principle of cultural relevance, mandating that reparations should not be applied uniformly or in a standardised manner but rather tailored to the socio-cultural context of the victims to ensure their appropriateness and effectiveness.⁶³ A strictly ethnocentric approach risks further marginalizing victims and imposing solutions that fail to align with their lived realities.
29. In *Al Mahdi*, the Trial Chamber emphasised that reparations “should, as far as possible, reflect local cultural and customary practices,” provided they do not cause discrimination or reinforce structural inequalities, and reiterated the necessity of a “gender-sensitive approach in both the protection and redress of victims”.⁶⁴
30. Contextual relevance also requires sensitivity to current security conditions and local dynamics, including the risks victims may face in accessing or participating in reparations processes. As the Court recognised in *Ntaganda*, reparative measures must not “create or exacerbate security concerns or tensions among communities”.⁶⁵ In the current context, where security and cohesion remain fragile, reparations must be designed to avoid placing victims at further risk, consistent with the ‘do no harm’ principle recognised in ICC jurisprudence.

IV. Identification and prioritisation of victims

31. While this submission affirms the need for reparations to be victim-centred, restorative, structurally corrective, culturally and contextually relevant, these principles must be applied in light of the unique and ongoing challenges surrounding victim identification and prioritisation in Mali. A victim-centred reparations process requires a framework that balances inclusivity and legal soundness with pragmatic adaptation to displacement, insecurity, and community fragmentation.

A. On contextual realities: JNIM control and security risks

32. Timbuktu remains effectively under siege and in a state of de facto control by Jama’a Nusrat ul-Islam wa al-Muslimin (JNIM), a Salafi-jihadist coalition formed through the merger of Ansar Dine, Al-Qaeda in the Islamic Maghreb (AQIM) factions and other affiliated groups.⁶⁶ JNIM continues to pursue a long-term strategic objective of expanding southward toward Bamako,

⁶² Human Rights Council, [Substantive gender equality - Guidance document of the Working Group on discrimination against women and girls](#), A/HRC/WG.11/42/1, 14 March 2025, paras 63-65.

⁶³ See [Order for Reparations](#), *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-3129-AnxA, 3 March 2015, para 47; [Al Mahdi Reparations Order](#), para 34. 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.

⁶⁴ *Ibid*, para 17

⁶⁵ *Ntaganda Reparations Order*, para 51.

⁶⁶ Koldo Salazar López, [“JNIM: Al Qaeda en Africa”](#), 8 January 2025, Otralectura.

with the explicit aim of imposing a strict interpretation of Sharia law across Mali.⁶⁷ In areas under its influence, including parts of northern and central Mali, JNIM has entrenched governance structures that replicate the ideological framework and punitive mechanisms previously implemented by Ansar Dine, including harsh moral codes, gender segregation, suppression of cultural expression, and use of intimidation to control civilian populations.⁶⁸ As highlighted in the Chamber's findings and corroborated by recent field reporting, including a March 2025 report of the UN Independent Expert on Mali,⁶⁹ these practices have created a climate marked by surveillance, fear, and restrictions on women's rights and mobility.

33. Between February and March 2025 alone, at least 50 security incidents were recorded in the Timbuktu region, reflecting an escalation in violence and instability.⁷⁰ These attacks, often involving coordinated ambushes and blockades by armed groups such as JNIM, triggered the forced displacement of nearly 1,800 households.⁷¹ The destruction of over 19,000 homes and dozens of health centres has compounded a severe livelihood and nutrition crisis, with 12% of the population suffering from acute malnutrition, particularly affecting children and pregnant women.⁷²
34. Reparations must be informed by and adapted to this fragile and high-risk security environment. Measures should (i) avoid requiring public self-identification or interaction with hostile local authorities; (ii) consider remote or cross-border modalities; (iii) prioritise safety, discretion and psychological well-being in all reparations programming.

B. On Al Hassan's imminent early release and associated risks

35. Mr Al Hassan has now served more than 70 per cent of his ten-year sentence and has petitioned the Appeals Chamber for sentence reduction under Article 110 and Rule 223.⁷³ His defence cites remorse, disassociation from extremism, and pledges not to return to Timbuktu before 2028 as grounds for early release.⁷⁴
36. Notwithstanding these assurances - contained in confidential annexes unavailable for independent scrutiny - the prospect of his release raises acute concerns. The crimes for which he was convicted targeted the entire population of Timbuktu, and the city remains ideologically influenced by JNIM, a coalition that traces its lineage to Ansar Dine. His return or even the perception of his presence could re-traumatise victims, create a sense of impunity, destabilise communities, and deter victims from participating in reparations or outreach.
37. In April 2025, Mr Al Hassan submitted a written statement in which he expressed remorse for certain acts, apologised to the victims of Timbuktu, and encouraged support for the ICC's

⁶⁷ Ibid. See also, Christian Ani, "[Timber logging drives JNIM's expansion in Mali](#)", 19 June 2024, Institute for Security Studies; Mohamed Ibrahim, "[Mali crisis: Life in Timbuktu and Gao under siege by Islamist fighters](#)", 8 October 2023, BBC; David Baché, "[Under siege in Léré, the latest Malian town cut off by jihadists](#)", 15 December 2024, RFI.

⁶⁸ Koldo Salazar López, "[JNIM: Al Qaeda en Africa](#)", 8 January 2025, Otralectura.

⁶⁹ UNHRC, [Interactive Dialogue with the Independent Expert on the Situation of Human Rights in Mali](#), 28 March 2025, p 2.

⁷⁰ Mamadou Tapily, "[As army operations ramp up in Mali, rebel groups impose 'suffocating' blockades](#)", 12 March 2024, The New Humanitarian. See also, UN Office for the Coordination of Humanitarian Affairs (OCHA), [Mali: Humanitarian access dashboard - First quarter 2025 \(March 2025\)](#), 16 May 2025, ReliefWeb.

⁷¹ Action contre le faim France, [Bulletin de surveillance multisectorielle sur les régions de Tombouctou et Taoudéni - février - mars 2025 No.11](#), 18 April 2025, ReliefWeb.

⁷² Ibid.

⁷³ As of 17 January 2025, Mr. Al Hassan has served 6 years, 9 months, and 19 days in ICC detention since 28 March 2018. Trial Chamber X sentenced him to 10 years of imprisonment on 20 November 2024, deducting the time already served at the ICC detention unit, but excluding the period he spent in Malian detention between 21 April 2017 and 28 March 2018. On 17 December 2024, both the Defence and Prosecution withdrew their appeals against the conviction and sentence, rendering the verdict final. The Defence has since filed a request for a reduction of sentence, and a hearing is expected pursuant to Rule 223 of the Rules of Procedure and Evidence, which will assess whether he may be eligible for early release based on factors such as rehabilitation, cooperation, and the completion of two-thirds of the sentence. [Request to compose an article 110\(3\) panel](#), ICC-01/12-01/18-2675, 16 January 2025; [Request for an expedited and staggered briefing schedule for the Article 110 sentence review](#), ICC-01/12-01/18-2690, 12 March 2025.

⁷⁴ [Public Redacted Version of "Defence Observations on Article 110 and Rule 223"](#), ICC-01/12-01/18-2720-Red, 8 May 2025.

reparations process.⁷⁵ It is worth noting that a similar expression of remorse⁷⁶ formed the basis of the Prosecution’s decision to discontinue its appeal,⁷⁷ a development that has caused deep disappointment and frustration among the victims.⁷⁸ Such statements, while procedurally relevant, should not eclipse the imperative for prompt and adequate reparations, robust victim protection, and full recognition of the harms suffered.

38. The *amici* therefore urge the Chamber to account for this risk in both the design and delivery of reparations, and to embed a comprehensive mitigation plan. Measures should include (i) guarantees of non-repetition as part of collective reparations; (ii) psychosocial and community-based support to address ongoing trauma; (iii) early warning mechanisms and coordination with national authorities and protection actors to safeguard victims and reinforce victim trust.
39. Because the prospect of Mr Al Hassan’s early release is not speculative – it is procedurally foreseeable - reparations planning must be both responsive and preventive, ensuring that the impact of reparations extends into the lived reality of the victims who continue to endure the consequences of the convicted crimes.

C. On the challenges of identifying and tracing victims

40. Given the protracted displacement and fragmentation of the Timbuktu population, the identification of eligible victims has⁷⁹ and will continue to face considerable practical obstacles. Many residents of Timbuktu have been internally displaced or fled to neighbouring countries, particularly Niger, Mauritania, and Burkina Faso.⁸⁰ LRV’s submissions in the *Al Mahdi* case show that the scale of displacement following the events in 2012 reached around 79%.⁸¹ Northern Mali has experienced mass internal displacement due to ongoing violence, with 42,785 displaced in the region of Timbuktu and 378,363 across the country,⁸² with many unregistered or living in precarious informal settings. The number of displacements represents a 54% increase since December 2023.⁸³
41. Civil registration systems in Mali are weak, with over 148,000 displaced children lacking birth certificates due to insecurity, administrative breakdown and limited access to services.⁸⁴ Ongoing conflict and a history of abuses by state and non-state actors contribute to widespread fear and mistrust, discouraging victims from engaging with official processes.⁸⁵
42. We recommend that in order to support victim identification and participation, the Chamber requests the Victims Participation and Reparations Section (VPRS) and TFV to cooperate and strengthen partnerships with humanitarian organisations and diaspora networks, particularly in contexts of displacement and cross-border movement. Drawing on its experience in the *Al Mahdi* case, where reparations were delivered through a community-driven approach involving local consultations across all eight neighbourhoods of Timbuktu and with the

⁷⁵ [Annex B to the Defence Disclosure of Evidence, including a statement from Mr Al Hassan](#), ICC-01/12-01/18-2710-AnxB, 14 April 2025.

⁷⁶ [Annex A to the Defence Notice of Discontinuance of Appeal against Trial Judgment rendered by Trial Chamber X on 26 June 2024](#), ICC-01/12-01/18-2667-AnxA, 17 December 2024.

⁷⁷ [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, para 2.

⁷⁸ [Observations des Représentants légaux des victimes relatives aux désistements d’appel](#), ICC-01/12-01/18-2671, 30 December 2024, para 17.

⁷⁹ [Public Redacted Version of “Joint Report pursuant to Trial Chamber X’s “Order for Submissions on Reparations” \(ICC-01/12-01/18-2666\) and request for extension of time”](#), 13 March 2025, ICC-01/12-01/18-2692-Conf-Exp, paras 14-30.

⁸⁰ UNHCR, [Annual Results Report 2023 Mali](#), 31 May 2024.

⁸¹ [Public redacted version of “Submissions of the Legal Representative of Victims on the principles and forms of the right to reparation” dated 2 December 2016 \(ICC-01/12-01/15-190-Conf\)](#), para 16.

⁸² European Commission’s Directorate-General for European Civil Protection and Humanitarian Aid Operations, [Mali - Forced displacement \(DG ECHO partners, media\) \(ECHO Daily Flash of 21 February 2025\)](#), ReliefWeb.

⁸³ UNFPA, [Mali: Situation Report #7 - 28 January, 2025](#), ReliefWeb.

⁸⁴ Norwegian Refugee Council, [“Mali: 148,000 displaced children lack birth certificates and face exclusion”](#), 21 November 2022.

⁸⁵ OHCHR, [“Weak state protection of civilians threatens Mali’s existence - UN expert”](#), 6 August 2021.

diaspora in Bamako,⁸⁶ the TFV could adopt similarly flexible, context-sensitive strategies. This should include recognizing informal or community-based evidence mechanisms, adapting outreach efforts to the realities of displacement, and ensuring that documentation barriers do not exclude victims from access to reparations and redress.

D. On the presumption of victimhood

43. The Registry, Prosecution and Legal Representatives of Victims have determined in a joint report that there are 49 direct victims of the crimes, excluding the crime of persecution, and out of the 49, 28 have been identified or pre-identified.⁸⁷ The Chamber has responded to a request for clarification from the LRVs and Registry that it “does not, however, prohibit the parties and participants from making submissions on the number of direct victims of all crimes, should they choose to do so” and that it “will make its final determination on the number of victims in the Reparations Order”.⁸⁸
44. Given the Chamber’s findings that the population of Timbuktu in its entirety was subjected to the crime against humanity of persecution on religious grounds,⁸⁹ of which Mr Al Hassan was found guilty, the *amici* recommend that the Chamber establishes a presumption of victimhood in relation to all individuals who resided in Timbuktu during the temporal scope of the convicted crimes. These individuals fall within the category of “victims of the underlying acts specifically referred to in the Chamber’s positive findings that lead to the conviction for persecution”,⁹⁰ as articulated in *Ntaganda*, and should accordingly be recognised as direct victims.
45. The majority found that Ansar Dine/AQIM imposed rules and prohibitions on the population of Timbuktu, with the objective of forcing them to adopt certain behaviours and to practice religion in a specific manner,⁹¹ which had a “traumatic effect on the population of Timbuktu”.⁹² It further concluded that “Ansar Dine/AQIM carried out a campaign to impose their vision and interpretation of Sharia on all members of the Timbuktu population”,⁹³ and that “the infringement of these rights is at the heart of the crime of persecution”.⁹⁴ Taken as a whole, these findings provide a compelling basis for the adoption of the proposed presumption. This approach is consistent with the Court’s findings in *Al Mahdi*, where it noted that “the number of applications received in the present case pales in comparison to the number of persons who were in fact harmed”,⁹⁵ and that the harm caused by Al Mahdi necessitated both individual and collective reparations “for the community of Timbuktu as a whole”,⁹⁶ clarifying that at the time of the attack the population of Timbuktu was estimated at 70,000 people.⁹⁷ A similar presumption of victimhood applied in *Ongwen* for the residents of IDP camps, victims of the

⁸⁶ Trust Fund for Victims, [“Al Mahdi Case: ICC Trust Fund for Victims Delivers Collective Reparations to Timbuktu Community”](#), 10 October 2024.

⁸⁷ [Public Redacted Version of “Joint Report pursuant to Trial Chamber X’s “Order for Submissions on Reparations” \(ICC-01/12-01/18-2666\) and request for extension of time”](#), 13 March 2025, ICC-01/12-01/18-2692-Conf-Exp, para 8.

⁸⁸ [Decision on the Legal Representative of Victim’s and Registry’s requests for clarification](#), 21 March 2025, ICC-01/12-01/18-2699, para 11.

⁸⁹ [Trial Judgment](#), paras 1559-1560.

⁹⁰ *Ntaganda*, [Decision on issues raised in the Registry’s First Report on Reparations](#), 15 December 2020, ICC-01/04-02/06-2630, para 61.

⁹¹ [Trial Judgment](#), para 1528.

⁹² *Ibid*, para 1540.

⁹³ *Ibid*, para 1544.

⁹⁴ *Ibid*, para 1545.

⁹⁵ *Al Mahdi* [Reparations Order](#), para 141.

⁹⁶ *Ibid*, para 83. As the Court established in *Al Mahdi*, collective measures can include “community-based educational and awareness raising programmes” and “a ‘microcredit system’ that would assist the population to generate income, or other cash assistance programmes to restore some of Timbuktu’s lost economic activity.”

⁹⁷ *Ibid*, para 141.

crimes of attack against the civil population as such and persecution through the underlying act of attack against the civilian population as such.⁹⁸

46. The presumption should encompass individuals who suffered gendered harm as a result of the convicted crime, including mental pain, emotional distress and psychosocial suffering, directly attributable to the system of discriminatory rules imposed by Ansar Dine/AQIM, which Mr Al Hassan helped maintain.

E. On victim prioritisation based on urgency and victim needs

47. In light of the legal findings, the scale and nature of harm, the operational challenges discussed above, the socio-political context in Timbuktu, and the availability of resources,⁹⁹ reparations should prioritise victims whose needs are most urgent and whose harms are compounded by systemic exclusion, poverty, and instability.
48. We invite the Chamber to consider prioritising: vulnerable victims in dire need of urgent assistance; vulnerable direct participating victims; all remaining vulnerable victims;¹⁰⁰ victims of compounded or intersectional harm, including women and girls; and displaced victims, both within Mali and in neighbouring countries.

V. Types and modalities of reparations appropriate to address the harm suffered by victims

49. The *amici* respectfully submit that reparations in *Al Hassan* must respond to the cumulative, intersectional and gendered nature of the harms suffered, and be tailored to the current security and displacement context in Mali. In principle, reparations should be awarded on both an individual and collective basis.¹⁰¹ The choice and design of modalities must be informed first and foremost by the expressed views and needs of victims, as well as by safety, accessibility, and ‘do no harm’ principle.
50. Victims in Mali, including those directly consulted by *amici* operating in the country, have expressed a clear preference for monetary compensation as the most immediate and meaningful form of redress. While only 49 direct victims have been determined to date,¹⁰² 28 of whom are confirmed or preliminarily identified,¹⁰³ the broader population of Timbuktu—presumed to have suffered collective persecution—remains largely displaced, undocumented, and difficult to safely trace. In this context, the Chamber may consider drawing from the approach in *Ongwen*, which allowed for collective reparations with an individualised component, reflecting the victims’ diverse preferences and vulnerabilities.¹⁰⁴
51. Under current conditions, delivering individualised compensation at scale remains operationally challenging. Nonetheless, this should not preclude its feasibility for certain categories of victims, particularly those who are displaced and may face fewer security risks. Should ongoing efforts by the TFV, the government of Mali, and humanitarian actors succeed in safely identifying a broader pool of eligible victims—especially among displaced populations—this modality should be revisited and prioritised in alignment with victim preferences.
52. Any reparations—individual or collective—must be implemented in ways that safeguard victims’ dignity, autonomy, and protection. Insecure environments, local governance by armed

⁹⁸ *Ongwen* [Reparations Order](#), paras 164-165.

⁹⁹ *Ibid*, para 633.

¹⁰⁰ This approach is consistent with the prioritisation in *Ongwen*. *Ibid*, para 659-661.

¹⁰¹ [Reparations Order](#), *The Prosecutor v. Germain Katanga*, ICC-01/04-01/07-3728, 24 March 2027, para 265; [Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations”](#), *The Prosecutor v. Thomas Lubanga Dylo*, ICC-01/04-01/06-3129, 3 March 2015, para 32.

¹⁰² *Al Hassan* [Order for submissions on reparations](#), para 4. *See also*, [Sentencing Judgment](#), *The Prosecutor v. Al Hassan*, ICC-01/12-01/18-2662.

¹⁰³ [« Joint Report pursuant to Trial Chamber X’s Order for Submission on Reparations’ and request for extension of time »](#), ICC-01/12-01/18-2692-Red, 19 March 2025, para 8.

¹⁰⁴ *Ongwen* [Reparations Order](#), paras 569-587.

groups, and the risk of surveillance or retaliation mean that even collective measures may carry significant risks. Delivery must therefore be guided by the ‘do no harm’ principle, employ remote or cross-border modalities where needed, and rely on trusted humanitarian partners for implementation.

53. In addition, reparations must account for the gendered dimensions of harm. The system of persecution implemented by Ansar Dine/AQIM—of which Mr Al Hassan was a key enforcer—targeted women and girls through enforced moral codes, gender segregation, and the suppression of autonomy. To avoid reinforcing the very structures that enabled these violations, reparations must be gender-transformative, empowering affected women and communities, and challenging discriminatory norms. This includes ensuring women’s full and safe participation in the design, implementation, and monitoring of reparative measures.
54. In relation to modalities, the Court has held that in addition to restitution, compensation and rehabilitation, measures of satisfaction and guarantees of non-recurrence also entail appropriate modalities of reparations.¹⁰⁵ In accordance with the principles outlined before, the needs of victims and the contextual realities, measures of socio-economic rehabilitation must be prioritised, which can include housing, micro-credit and income-generating programmes and opportunities. Furthermore, in assessing the extent of the harm suffered, rehabilitation measures could also integrate non-conventional psychological mechanisms, drawing on local, traditional, and community-based practices that have proven effectiveness in healing processes. This may include restorative approaches, social reintegration rituals, community dialogue circles, and therapeutic methods adapted to the cultural frameworks and social dynamics of affected communities.
55. Measures of satisfaction, particularly those aimed at acknowledging the violations and safeguarding the dignity of victims,¹⁰⁶ must be closely integrated with guarantees of non-repetition, especially in light of the foreseeable prospect of Mr Al Hassan’s early release. As noted above, the risk of re-traumatisation, perceived impunity, and intimidation is acute. Even if Mr Al Hassan does not return to Timbuktu or Mali, the symbolic impact of his release – particularly in a region where the ideology he helped impose remains present – may still trigger fear, anger and re-traumatisation among victims.
56. In this context, the *amici* urge the Chamber to explicitly recognise this risk posed and to instruct the TFV to co-design a comprehensive mitigation and protection plan in collaboration with victims and civil society partners, accounting for both physical and psychosocial dimensions of harm.

VI. Final observations

57. While this submission remains within the scope set by the Chamber, we respectfully note a significant missed opportunity in the discontinuation of the appeals on gender-based crimes. The Trial Chamber found that such crimes were committed, and by majority that Mr Al Hassan acted with intent and knowledge, yet this did not result in convictions due to the application of defences of duress and mistake of law.
58. This situation leaves a gap in accountability and contributes to the erasure of victims’ experiences. It also represents an incongruity between the Court’s and the OTP’s stated commitments to advancing accountability for gender-based crimes,¹⁰⁷ and the operational decision to discontinue the appeal. These decisions risk weakening the evolving jurisprudence on gender persecution and may affect the credibility of institutional efforts to centre gender justice within international criminal law.

¹⁰⁵ Ibid, para 78.

¹⁰⁶ Ibid, para 620.

¹⁰⁷ [“Office of the Prosecutor of the International Criminal Court publishes new Policy on Gender-based Crimes: Statement by ICC Prosecutor Karim A.A. Khan KC”](#), 5 December 2023.

59. Reparations offer one of the final avenues to recognise the full scope of intersectional harms in this case, including gendered harm, particularly given the compounded harm women and girls experienced as a result of the religious persecution and other convicted crimes in this case. They must therefore be comprehensive, victim-informed, and capable of contributing to individual healing, community resilience, and broader systemic transformation. In doing so, they can partially fill the jurisprudential void left by the lack of legal redress for gender-based crimes and demonstrate the Court's continued commitment to gender justice and non-discrimination.

VII. Relief sought

60. For the above-mentioned reasons, the *amici* respectfully request the Chamber to give due consideration to these submissions, and to ensure that the reparations process meaningfully reflects the cumulative, intersectional, and community-wide harms pertaining to the convicted crimes. The *amici* urge the Chamber to adopt a reparations framework that is victim-centred, restorative and structurally corrective, including gender-transformative, culturally and contextually relevant; to prioritise the safety and inclusion of vulnerable and displaced victims. The *amici* remain available to provide technical assistance on all matters related to planning and implementing the reparations.

A handwritten signature in blue ink, appearing to read 'A. Vuillemin', is written over a horizontal line. The signature is fluid and cursive.

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), Bezhahinibé Micheline Somda (LWB Canada), Alexandra Lily Kather, and Sareta Ashraph.

Dated this 16 June 2025

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