



# **DAISMUN FALL**

## **INTERNATIONAL CRIMINAL COURT**

*On charges of war crimes and crimes against humanity  
committed between 2 April 2012 and 29 January 2013 in  
Timbuktu, northern Mali [The prosecutor v. Al Hassan  
Ag Abdoul Aziz Ag Mohamed Ag Mahmoud]*

## **Chair Report**



# DAISMUN Fall 2024

**FORUM:** International Criminal Court (ICC)

**ISSUE OF:** On charges of war crimes and crimes against humanity committed between 2 April 2012 and 29 January 2013 in Timbuktu, northern Mali [The prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud]

**STUDENT OFFICERS:** Thomas Sebahi and Hailey Ma

**POSITIONS:** President and Deputy President

## Topic Background:

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This case is centered from the 2012-armed conflict in Northern Mali. From April 2, 2012, to January 29, 2013, Al Hassan Ab Abdoul Aziz Ag Mohamed Ag Mahmoud, who was allegedly a key member of Ansar Dine and the actual chief of the Islamic police, faced charges. The charges Al Hassan received were charges of war crimes and crimes against humanity, including torture, rape, sexual slavery, and destruction of cultural heritage. In 2018, Al Hassan was transferred to the ICC custody, with his trial starting in 2020, and convicted in July 2024.

*Note from Presidency: As stated in the [case information sheet](#) of Al Hassan, he was convicted of the charges against him in July 2024. In the ICC of DAISMUN Fall 2024, however, we will consider this verdict as invalid and Al Hassan needing a re-trial. **Thus, when viewing the case information sheet, you should directly ignore the “Verdict” section.** Any accounts you give in relation to this verdict given by the ICC in reality would not be considered by the DAISMUN ICC Presidency.*

## Previous Proceedings and Actions Taken:

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### Initial Arrest (2018)

Al Hassan Ag Abdoul Aziz was arrested in Mali in March 2018 and transferred to the Hague, Netherlands, to face charges at the ICC. Al Hassan was charged with several war crimes, including the destruction of cultural heritage sites. More specially, the charges are related to his



# DAISMUN Fall 2024

involvement in the destruction of nine Mausoleums and a mosque in Timbuktu, which are World Heritage sites. The charges also include crimes against humanity, for example, sexual slavery, rape, and other forms of violence, under Article 8 2.(e)(vi) of the Rome Statute of the ICC. Al Hassan played a role of in enforcing a regime of terror in Timbuktu, including the systematic abuse of women and girls.

## Pre-trial proceedings (2018)

On April 4, 2018, Al Hassan made his first appearance before the ICC. The charges were read, and he was informed of his rights. The Pre-trial Chamber held a hearing to confirm the charges against him. This phase involved reviewing the evidence presented by the prosecution to ensure it was sufficient for a trial. The pre-trial Chamber confirmed the charges on September 30, 2020.

## Trial proceedings (2022)

The trial against Al Hassan began on July 14, 2022. During this phase, the defense and the prosecution both presented their case, including evidence and testimony. To establish Al Hassan's alleged role in the crimes, the prosecution provided evidence, including testimonies from survivors and experts on the destruction of cultural sites. The defense presented counterarguments and evidence aiming to refute the persecution's claim.

## Key Events:

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### Tuareg Rebellion for Independence

The conflict in Mali started with the Tuareg Rebellions for independence of Northern Mali, that took place primarily in Menaka in 2012. Rebels formed the National Movement for the Liberation of Azawad (MNLA), who claimed independence of Northern Mali with the name of Azawad in April 2012. This conflict may even be traced back to the 1990s, when the Tuareg and Arab nomads had then already formed the People's Movement for the Liberation of Azawad (MPA), in attempt of claiming independence.

### Seizing Control of Timbuktu



# DAISMUN Fall 2024

In March 2012, as soon as the leaders of the military coup said they were able to give up the power, therefore their opposing party, the Tuareg rebels in Mali seized Timbuktu, the last stronghold of the army in the north. Government forces had fled the city as the rebels swept in. Military leaders who ousted President Amadou Toumani Toure said they were restoring the constitution, however, the reporter said that they have yet to step down and there are no clear arrangements for a transition of power. Coup leader Capt Amadou Sanogo claimed in a statement, that the 1992 constitution would be re-established. In addition, two other important northern centers besides Timbuktu, Kidal and Gao, also fell under control of the Tuareg fighters. The country has been in turmoil since army officers overthrew the government.

## **Destruction of Shrines in Timbuktu**

The destruction of the ancient Sufi shrines in Timbuktu by Ansar Dine, an Islamic terrorist group, occurred between June and July 2012. These holy sites are an integral part of Timbuktu's rich cultural and religious heritage and are revered as historical treasures that embody centuries of Islamic scholarship and Sufi traditions. Ansar Dine, driven by their extremist interpretation of Islam, idolized the holy sites and sought to eradicate them as symbols of practices they considered heretical.

## **Mali Government Recapturing Timbuktu**

In January 2013, French and Malian forces recaptured Timbuktu, a city in northern Mali that had been under the control of Islamist militant groups since 2012. The French army, in cooperation with the Malian army, carried out a swift and decisive campaign to regain control over Timbuktu on 28 January 2013. The operation involved intense ground fighting and air strikes and was characterized by the effective use of French special forces and Malian infantry to drive out the rebels. This operation was launched at the request of the Malian government to help fight militants from Ansar Dine and Al Qaeda in the Islamic Maghreb (AQIM).

## **The Algiers Accord of 2015**

On May 15 and June 20 of 2015, several armed groups have signed a historic peace agreement, named the Algiers Accord, with the Malian government in Bamako. The agreement includes measures to disarm and address political and economic grievances. The parties hope to pave the way for lasting peace in the country by engaging in dialogue and committing to a peaceful settlement. Despite the effort, the accord was announced to be "cancelled with immediate effect" by Mali's military leader in January 2024, due to hostility of the Tuareg separatists.



# DAISMUN Fall 2024

## ICC Issues an Arrest Warrant For Al Hassan

On 27 March 2018, the International Criminal Court issued a highly anticipated arrest warrant for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, a prominent figure linked to the militant group Ansar Dine. The charges are serious allegations of war crimes and crimes against humanity committed during the conflict in Mali. The warrant accuses Hassan of planning and executing brutal acts, including mass killings, sexual violence, and the destruction of religious and historical sites in Timbuktu.

## Continued and Expanded Conflicts and Violence

The turmoil in Mali persisted, despite domestic and international efforts to bring peace. Reports of "terrorist" attacks constantly appear; for instance, in 2015, four people including Europeans were shot in an attack in Bamako. In 2017, Euronews reported a suicide attack in a northern Mali military base camp, that was allegedly carried out by an Al Qaeda affiliated group. In 2021 and 2022, Mali once again witnessed political coup that replaced their leaders. On 10 August 2024, Al-Jazeera reported another case of women raped by armed men "wearing military fatigues" at a checkpoint of northeastern Mali.

## Key Figures and Groups:

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### Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, also known as Al Hassan, was a Malian national that gained international attention due to his connections and involvements with Ansar Dine, an Islamic terrorist group. He also served as the *de facto* chief of the Islamic police during the occupation of Timbuktu in 2012-2013. Furthermore, he was found to be involved in the Islamic courts. In 2018, Hassan was arrested and faced charges such as charges of war crimes and crimes against humanity, such as torture, rape, sexual slavery under article 8 2.(e)(vi) of the Rome Statute of the ICC, murder, mutilation and other inhumane acts.

The ICC did not specify what initial specific charges were brought against Al Hassan, but only "some of the charges of war crimes and crimes against humanity". In the 2024 DAISMUN Fall,



# DAISMUN Fall 2024

the Secretariat and ICC Presidency would define those charges as specifically the following, based on released case information sheet:

## 1. Crimes against humanity

- a. Torture (7-1-f; 7-2-e)
- b. Persecution and inhumane acts (7-1-h; 7-2-g)
- c. Rape, sexual slavery, and other inhumane acts in the form of forced marriage (7-1-g)

## 2. War crimes

- a. Outrages upon personal dignity (8-2-b-xxi)
- b. Mutilation (8-2-b-x)
- c. Cruel treatment and passing sentences without previous judgment pronounced by a regularly constituted court, and affording all judicial guarantees which are generally recognized as indispensable (8-2-c-iv)

The numbering in the parentheses indicates the charges' numbering in the Rome Statute. For instance, "8-2-b-xxi" means the charge is stated in article 8, paragraph 2, (b), (xxi).

### **Ansar Dine**

Ansar Dine, directly translated as "Defenders of Faith", are an Islamic terrorist group founded in December 2011 by Iyad Ag Ghaly. Essentially, the group has almost the same ideology as the AQIM. This group's intention is to set up Islam's Shariah law across Mali and targets western civilians, the United Nations peacekeepers, French and Malian militaries across Mali, as they believed that foreign forces were in Mali to stop their goals and aspirations. The group has primarily gotten its funds from kidnapping, opium trafficking, donations from AQIM, but has allegedly also gotten support from the government of Qatar itself.

### **Al-Qaeda in the Islamic Maghreb (AQIM)**



# DAISMUN Fall 2024

The Salafi-Jihadist group Al Qaeda in the Islamic Maghreb (AQIM), formerly known as Al Qaeda in the Lands of the Islamic Maghreb (AQLIM), locates in the North African region and joined forces with Osama bin Laden's Al Qaeda (AQ) in 2006. The organization's primary goal was to establish an Islamic Caliphate in the Maghreb that would uphold Shariah law throughout the area. The phrase "Al Qaeda's wealthiest affiliate" is often applied to AQIM. Most of the group's funding came from its ransom kidnapping and trafficking operations. It is believed that this criminal organization made over \$50 million from kidnappings alone in the first ten years of the 2000s. The most well-known aspect of AQIM's reputation is the multiple kidnappings of foreign company personnel, tourists, diplomats, and charity workers. Many, but not all, of those kidnapped by AQIM have been Western citizens in Mali, Mauritania, Niger, and Algeria.

## Islamic Police

The Islamic police, often referred to as religious police or Mutaween, are law enforcement agencies that run in some nations with a majority of Muslims. Their job is to uphold Sharia, or Islamic law. Usually, these groups keep an eye on how people behave in public to make sure that religious customs and standards like clothing regulations, gender segregation, and prayer times are followed. Islamic police forces' reach and authority differ greatly between Islamic nations; some have considerable authority to apprehend and hold people, while others have primarily consultative responsibilities. Supporters of these organizations argue that they contribute to the preservation of religious and cultural values, while critics claim that they can violate people's human rights and freedoms. In many Islamic nations, there is ongoing discussion over the efficiency and reputation of Islamic police forces. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud himself was part of the law enforcement agency and had the role of interpreter and administrator for the Mutaween in Timbuktu. Where during that time the Mutaween and himself forced down a policy that effectively rendered Timbuktu women and underaged girls as sexual slaves.

## Government of Mali

Mali is a semi-presidential republic in which the prime minister and the president share authority. Following decades of military control, the nation's present constitution was enacted in 1992, ushering in a multi-party democracy. The President is the head of state and supreme military commander; they are chosen by the people to a five-year term in office. As the head of state, the President appoints the Prime Minister, who oversees carrying out national policy. The unicameral National Assembly, whose members are chosen for five-year terms, is the body that



# DAISMUN Fall 2024

oversees legislation in Mali. However, recent military takeovers and political unrest have put the democratic process in jeopardy and raised questions about the nation's governance outside.

## Foreign Forces

Predominantly by those from the West, the situation in Mali is intervened by foreign countries alike many other Arab-related conflicts. France has launched Operation Serval under Mali's appeal for assistance, initially enacted with the aim of stopping armed groups advance southward in Mali. The operation was later renamed as Operation Barkhane and expanded into neighboring Sahel countries. Its intervention has in later years triggered domestic opposition; confirmed by the UN, France has once mistaken a wedding as a terrorist gathering and killed 19 civilians. Its old opponent back in the Cold War, Russia, also assisted Mali forces through the mercenary group of Wagner. Wagner was received with greater popularity,

## Accounts of Provided Witnesses:

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The following are available resources and directions for roles of witnesses. Those assigned with such roles may use this resource as guidance in the research and understanding of the role. However, additional research is recommended.

### Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

As previously stated, Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud was a Malian that was involved with Ansar Dine. He was also chief of the Islamic Police in 2012-2013. Later, in 2018, Hassan faces charges of war crime and crimes against humanity.

### Ahmed Al Faqi Al Mahdi

Ahmed Al Faqi Al Mahdi was essentially a member of the terrorist organization, Ansar Dine. In 2016, Ahmed admitted guilt and was sent to 9 years in prison. Though in 2021, his sentence was shortened to 7 years. Ahmed is currently in release.





# DAISMUN Fall 2024

## **Iyad Ag Ghaly**

Iyad Ag Ghaly, also known as Abu Al Fadl, was born in 1954. Iyad is a Tuareg Islamist that was active during the Tuareg rebellions in Mali against the government since the 1980s. In 2012, Iyad was recognized as the founder and leader of Ansar Dine.

## **Amadou Koufa**

Born in the Mopti region of central Mali, Amadou Koufa also known as Amadou Diallo is a Malian jihadist and preacher. He is also a senior member in Jama'at Nusrat al-Islam wal-Muslimin (JNIM), an al-Qa'ida affiliate active in the Sahel region of Africa. JNIM is led by Iyad Ag Ghaly.

## **Karim Khan**

Karim A. A. Khan KC, also referred to as Karim Khan, was elected as Prosecutor of the ICC on February 12 of 2021. Karim was later sworn in on June 16, 2021. As the first Special Adviser and Head of the UN Investigative Team to promote accountability, Karim was also an Assistant Secretary-General of the United Nations.

## **Dr. Mohamed Ag Mahmoud**

Dr. Mohamed Ag Mahmoud is well known for his contributions to international criminal law and human rights. He serves as counsel at the International Criminal Court (ICC), where he plays a crucial role in ensuring fair trials and upholding the principles of justice. Dr Mohamed is specifically known for being involved in cases related to Mali.

## **Maître Paolina Massidda**

Maître Paolina Massidda is primarily recognized for her contributions to the ICC. To guarantee that victims' voices are heard, and their rights are upheld in international criminal proceedings, she holds the crucial role of Principal Counsel for the Office of Public Counsel for Victims (OPCV) at the ICC.

## **Maître Sarah Pellet**



# DAISMUN Fall 2024

Maître Sarah Pellet is a distinguished legal professional known for her work in international criminal law, particularly in association with the ICC. She serves as counsel in the Office of Public Counsel for Victims (OPCV) at the ICC, where she is essential in defending the rights and interests of victims in international criminal trials.

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# DAISMUN Fall 2024

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