

Situation in the Republic of Mali

ICC-PIDS-CIS-MAL-01-05/16_Eng

The Prosecutor v. Ahmad Al Faqi Al Mahdi

Updated: 15 August 2016

ICC-01/12-01/15

Ahmad Al Faqi Al Mahdi



Age: Born approximately 1975

Place of birth: Agoune, 100 kilometers west of Timbuktu, Mali,

Warrant of arrest: 18 September 2015

Transferred to The Hague: 26 September 2015

First appearance: 30 September 2015

Confirmation of charges hearing: 1 March 2016

Decision on the confirmation of charges: 24 March 2016

Scheduled opening of the trial: 22 August 2016

Charges

ICC Pre-Trial Chamber I found that the evidence presented by the Prosecutor is sufficient to establish substantial grounds to believe that Mr Al Mahdi is criminally responsible, pursuant to article 25(3)(a) (perpetration and co-perpetration); article 25(3)(b) (soliciting, inducing); article 25(3) (c) (aiding, abetting or otherwise assisting) or article 25(3) (d) (contributing in any other way) of the ICC Rome Statute, for the commission of a war crime alleged by the Prosecutor regarding intentionally directing attacks against the following buildings:

1) the mausoleum Sidi Mahamoud Ben Omar Mohamed Aquit, 2) the mausoleum Sheikh Mohamed Mahmoud Al Arawani, 3) the mausoleum Sheikh Sidi Mokhtar Ben Sidi Muhammad Ben Sheikh Alkabir, 4) the mausoleum Alpha Moya, 5) the mausoleum Sheikh Sidi Ahmed Ben Amar Arragadi, 6) the mausoleum Sheikh Muhammad El Mikki, 7) the mausoleum Sheikh Abdoul Kassim Attouaty, 8) the mausoleum Ahmed Fulane, 9) the mausoleum Bahaber Babadié, and 10) Sidi Yahia mosque (the door).

The confirmed charge concerns a crime allegedly committed in Timbuktu between around 30 June 2012 and around 11 July 2012. The Chamber indicated that the targeted buildings were regarded and protected as a significant part of the cultural heritage of Timbuktu and of Mali and did not constitute military objectives. They were specifically identified, chosen and targeted precisely in light and because of their religious and historical character. As a consequence of the attack, they were either completely destroyed or severely damaged. Their destruction was considered as a serious matter by the local population.

It is alleged that Mr Al Mahdi, born in Agoune, 100 kilometres west of Timbuktu, Mali, was an active personality in the context of the occupation of Timbuktu. He allegedly was a member of Ansar Eddine, a mainly Tuareg movement associated with Al Qaeda in the Islamic Maghreb ("AQIM"), working closely with the leaders of the two armed groups and in the context of the structures and institutions established by them. It is alleged that, until September 2012, he was the head of the "Hisbah" (body set up to uphold public morals and prevent vice), set up in April 2012. He was also associated with the work of the Islamic Court of Timbuktu and participated in executing its decisions. It is alleged that he was involved in the destruction of the buildings mentioned in the charge.

Key judicial developments

OPENING OF INVESTIGATIONS

The situation in Mali was [referred to the Court](#) by the Government of Mali on 13 July 2012. After conducting a preliminary examination of the situation, the Office of the Prosecutor [opened an investigation](#) on 16 January 2013, into alleged crimes committed on the territory of Mali since January 2012. The situation in Mali is assigned to Pre-Trial Chamber I.

WARRANT OF ARREST

The [warrant of arrest](#) against Ahmad Al Mahdi Al Faqi was issued by ICC Pre-Trial Chamber I on 18 September 2015, for war crimes of intentionally directing attacks against historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali, committed between about 30 June 2012 and 10 July 2012.

SURRENDER TO THE COURT

On 26 September 2015, Ahmad Al Mahdi Al Faqi was surrendered to the ICC by the authorities of Niger and transferred to the Court's Detention Centre in the Netherlands.

FIRST APPEARANCE

On 30 September 2015, Ahmad Al Faqi Al Mahdi appeared before the single Judge of Pre-Trial Chamber I, Judge Cuno Tarfusser, in the presence of the Prosecutor and the Defence. Ahmad Al Faqi Al Mahdi was represented by his Duty Counsel, Mohamed Aouini. The Single Judge verified the identity of the suspect, and ensured that he was clearly informed of the charges brought against him and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks, in this case, Arabic.

CONFIRMATION OF CHARGES

The confirmation of charges took place on 1 March 2016.

On 24 March 2016, ICC Pre-Trial Chamber I confirmed against Ahmad Al Faqi Al Mahdi the war crime charge regarding the destruction of historical and religious monuments in Timbuktu (Mali), and committed Mr Al Mahdi to trial before a Trial Chamber.

On 2 May 2016, the Presidency of the Court constituted Trial Chamber VIII which will be in charge of the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*.

OPENING OF THE TRIAL

On 1 June 2016, Trial Chamber VIII scheduled the opening of the trial for 22 August 2016. Due to Mr Al Mahdi's announced intentions to make an admission of guilt, the trial is expected to last for about a week, after which the judges will deliberate and in due course pronounce a decision on the guilt or innocence of the accused and the possible sentence. If the accused does not admit guilt at the opening of the trial, the hearings will be reported to another date.

VICTIMS' PARTICIPATION

Nine victims were allowed to participate in the trial in order to present their views and concerns before the Court. They are represented by a Counsel, their legal representative, Maître Mayombo Kassongo.

Composition of Trial Chamber VIII

Judge Raul C. Pangalangan, Presiding judge
Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Defence Counsel for Mr Ahmad Al Faqi Al Mahdi

Mohamed Aouini

Legal Representatives of the Victims

Mayombo Kassongo