Statement on the Surrender of Al Hassan to the ICC and Charges of Forced Marriage

The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

3 April 2018

The Women’s Initiatives for Gender Justice is encouraged by the surrender to the International Criminal Court (ICC) of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (Al Hassan), suspected of war crimes and crimes against humanity committed in Mali. Al Hassan is accused of six charges of sexual and gender-based crimes, including rape and sexual slavery.

The Arrest Warrant was issued by Pre-Trial Chamber I on 27 March 2018 and he was surrendered four days later on 31 March 2018. His initial appearance is scheduled for 4 April 2018.

The charges against Al Hassan stem from alleged crimes committed during the internal conflict in Mali in 2012-2013. This is the second ICC case after that against Al Mahdi, and the first including sexual and gender-based crimes charges, in the Mali Situation. We welcome the efforts of the Court in bringing additional arrests in the Mali Situation, specifically in broadening the scope of charges.

Of particular note, the charges against Al Hassan include forced marriage, which is only the second time the Court has charged such a crime. The first time forced marriage was charged was in the ongoing case against Dominic Ongwen, a former commander of the Lord’s Resistance Army (LRA) charged with 70 counts of war crimes and crimes against humanity. The recognition of forced marriage as a distinct crime from sexual slavery under ‘other inhumane acts’ allows prosecutors to recognise the victims of these crimes and the particular social stigmatisation they face.

The Women’s Initiatives is heartened by the statement by the ICC Prosecutor, Fatou Bensouda, as well as by her stated commitment to ending impunity for those accused of sexual and gender-based crimes. The Prosecutor’s reference to her Office’s Policy Paper on Sexual and Gender-Based Crimes underscores the value of the prosecutorial approach based on strong evidentiary foundations.

Read the Arrest Warrant against Al Hassan here, and the Office of the Prosecutor’s application for the Warrant here.

Read the statements by the ICC and the Prosecutor here and here.