

## **The First Appearance of Ahmad Al Faqi Al Mahdi before the ICC**

Ahmad Al Faqi Al Mahdi appeared before the single Judge of Pre-Trial Chamber I of the International Criminal Court (ICC), Judge Cuno Tarfusser, at the seat of the ICC in The Hague (The Netherlands), on 30 September 2015. He is the first Malian due to stand trial before the ICC. The Single Judge provisionally set the date of the beginning of the confirmation of charges hearing in respect of Ahmad Al Faqi Al Mahdi for 18 January 2016.<sup>1</sup> He is allegedly charge with the following crimes and the provisions sanctioning his involvement as follows:

"responsable pour avoir commis individuellement et conjointement avec d'autres personnes, facilité ou autrement contribué à la commission de crimes de guerre d'attaque intentionnellement dirigée, à Tombouctou d'environ le 30 juin 2012 et jusqu'à environ le 10 juillet 2012, contre des bâtiments consacrés à la religion et/ou des monuments historiques, à savoir : 1) le mausolée Sidi Mahmoud Ben Omar Mohamed Aquit, 2) le mausolée Cheick Mohamed Mahmoud Al Arawani, 3) le mausolée Cheikh Sidi Mokhtar Ben Sidi Mouhammad Ben Cheick Alkabir, 4) le mausolée Alpha Moya, 5) le mausolée Cheick Sidi Ahmed Ben Amar Arragadi, 6) le mausolée Cheick Mouhamad El Micky, 7) le mausolée Cheick Abdoul Kassim Attouaty, 8) le mausolée Ahamed Fulane, 9) le mausolée Bahaber Babadié 10) et la mosquée Sidi Yahia, faits prévus et réprimés par les articles 8(2) (e)(iv), 25 (3) (a) (à titre individuel et à titre de co-perpétration directe), 25(3)(c) et 25(3)(d) du Statut de Rome » (« le Chef d'accusation »)".<sup>2</sup>

The opening of the confirmation charges is provisionally schedule to begin on 18 January as highlighted above to enable the gathering of evidence to determine whether a case can be brought against the accused, mean while he has also been informed of the charges against him in the language which he understands.<sup>3</sup>

Ahmad, is allegedly born in Agoune, 100 kilometers west of Timbuktu, Mali, from the Ansar Tuareg tribe. He was an active personality in the context of the occupation of Timbuktu and was allegedly a member of Ansar Eddine, working closely with the leaders of the two armed groups and in the context of the structures and institutions established by them. The Prosecutor equally alleged that until September 2012, he was at the head of the "*Hesbah*"

<sup>1</sup> ICC, [http://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/pr1157.aspx](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr1157.aspx), [25 October 2015].

<sup>2</sup> ICC-01/12-01/15-1-Red, p. 3

<sup>3</sup> [http://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/pr1157.aspx](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr1157.aspx), [25 October 2015].

("Manners' Brigade"), operational from May 2012, and also closely associated with the work of the Islamic Court of Timbuktu and has participated in executing its decisions. Specifically, it is alleged that he was involved in the destruction of the buildings mentioned in the charges as highlighted above.<sup>4</sup> At this stage there is not enough evidence to formally charge him of the alleged crimes, if the prosecution cannot establish that fact then the charges against him will be dropped.

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<sup>4</sup> [http://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/pr1157.aspx](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr1157.aspx), [25 October 2015]; Armed Group and International Law, Ahmad Al Mahdi Al Faqi surrendered to ICC for war crimes against mausoleums and mosques in Timbuktu, Mali, (26 September 2015). Available at: <http://armedgroups-internationallaw.org/2015/09/26/ahmad-al-mahdi-al-faqi-surrendered-to-icc-for-war-crimes-against-mausoleums-and-mosques-in-timbuktu-mali/>, [25 October 2015].