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BRIEFLY NOTED*

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Judicial and Similar Proceedings

1. The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (International Criminal Court – and November 20, 2024)

<https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd1808b650c.pdf> (trial judgment)
<https://www.icc-cpi.int/court-record/icc-01/12-01/18-2662> (sentencing judgment)

On June 26, 2024, Trial Chamber X found Al Hassan guilty of some of the charges of war crimes and crimes against humanity brought against him for acts committed between April 2, 2012, and January 29, 2013, in Timbuktu. According to a press release issued by the Court, the Court found that Al Hassan became a senior member of the Islamic Police and was given the task of, among other things, organizing police work. The Islamic Police played a "pivotal" role in the system put in place by armed groups Ansar Dine and Al-Qaida in Islamic Maghreb (AQIM)—a system put in place to commit the crimes at issue. The Court also determined that Al Hassan contributed to the police system put in place by Ansar Dine and AQIM through actions including writing and signing police reports, taking part in the transfer of accused persons to the Islamic Court, and implementing the Court's judgments and sentences. He was committed of the direct commission of crimes, contributing to crimes with others, and aiding and abetting the crimes of others in relation to crimes against humanity and torture, and the war crimes of torture and outrages upon personal dignity. He was convicted of contributing to crimes of Ansar Dine and AQIM in relation to the war crimes of mutilation, cruel treatment and passing sentences without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable, and the crimes against humanity of persecution and other inhumane acts.

The sentencing judgment was published on November 20, 2024. Al Hassan was sentenced to ten years in prison. The time he spent in detention from March 28, 2018, to November 20, 2024, will be deducted from his sentence. In arriving at this sentence, the Court took into account as a mitigating circumstance Al Hassan's cooperation with prosecution during the investigation. Both Defense and Prosecution have filed notices of appeal against the verdict.

2. U.S. v. Hassan and Mahmoud (Indictment) (N.D. Ill. – December 9, 2024)

<https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2867>

On December 9, 2024, the U.S. Government unsealed an indictment charging two former high-ranking Syrian Air Force Intelligence officers with war crimes, based on the U.S. War Crimes Statute, 18 U.S.C. § 2441. This is only the second time the statute has been used since its adoption in 1996. Prior to that, in 2023, it was used as a basis to bring charges against four Russian soldiers. The current indictment accuses Jamil Hassan and Abdul Salam Mahmoud of cruel and inhuman treatment of prisoners at an airbase prison in Damascus.

Resolutions, Declarations, and Other Documents

1. AB-2867: Holocaust Art Bill (Judicial Council of Cal. – September 16, 2024)

<https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2867>

On September 16, 2024, California Governor Newsom signed AB02867, which provides that California law applies in cases where a California resident seeks to bring an action for damages or to recover artwork or personal property stolen during political persecutions.

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This is in response to the 9th circuit decision in *Cassirer v. Thyssen-Bornemisza Collection Foundation*. Claude Cassirer, a Holocaust survivor and long-time California resident, sued a Spanish government-owned museum for a painting looted by the Nazis from his grandmother. Spanish law on acquisitive prescription finds that a person who possesses moveable goods acquires title after three years of uninterrupted possession in good faith and after six years of uninterrupted possession in bad faith, while under California law, thieves cannot pass good title. Siding with the museum, the 9th circuit applied Spanish law.

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