

FIELD NOTE

CAPTURING MULTIPLE ELEMENTS OF A CRIME ON CAMERA

INTERNATIONAL CRIMINAL COURT V. AL MAHDI

Let's be clear: What is at stake here is not just walls and stones.... Such an attack against buildings dedicated to religious and historic monuments falls into the category of crimes that destroy the roots of an entire people and profoundly and irremediably affect its social practices and structures.

~ Fatou Bensouda, Prosecutor, International Criminal Court
Trial Transcripts, *ICC v. Al Mahdi*

Basics

Tribunal: International Criminal Court (ICC)

Who: [Ahmad Al Faqi Mahdi](#)

What: Base Crimes: Destruction of religious and historic buildings

International Crimes: War crime

How: Individual and Co-perpetration

Backstory

During the 15th and 16th centuries, the city of Timbuktu in Mali was a thriving crossroads of regional trade and a center of Islamic scholarship. With its three famous mosques and one of the world's great collections of ancient manuscripts, Timbuktu is still an oasis of cultural heritage not only for the people of Mali, but for humanity in general.

In the summer of 2012, a number of rebel groups took control of [Timbuktu](#). **Ahmad Al Faqi Al Mahdi** was a member of one of these groups, Ansar Dine, which was associated with Al Qaeda in the Islamic Maghreb (AQIM). Al Mahdi was appointed the head of the 'Hisbah', a morality brigade set up to uphold virtue and prevent vice. The rebels sought to impose Sharia law in Mali, with the help of local people such as Al Mahdi.

Part of this brigade's work involved destruction of the cultural heritage in Timbuktu. This included destroying a number of texts dating as far back as the 12th century and sacred burial places of Sufi Saints from the 15th century. The burial places had traditionally been kept closed and were places of prayer and pilgrimage for local residents.

In January of 2013, and at the [urging of the Malian government](#), the ICC's Office of the Prosecutor opened an investigation into a range of war crimes in Mali including murder, mutilation, torture, pillaging, and rape. The Prosecutor ultimately proceeded with a specific charge against Al Mahdi for destroying religious and historic buildings.

Video from a variety of media outlets provided ICC investigators with the initial information they needed to identify the locations of the destroyed buildings. The ICC confirmed the locations by combining this video footage with maps, photos, 360-degree panoramas, and satellite imagery. The media footage then served as a key source of evidence helping to prove different elements of the crime in the proceedings against Al Mahdi.

ABOUT THIS FIELD NOTE

This Field Note can be read alongside 'Anatomy of a Crime' and 'Collection Planning' sections of the *Video as Evidence Field Guide*.

TO READ ABOUT THE GOVERNMENT REQUEST

Visit: wit.to/AlMahdi-Mali-Request

TO WATCH THE ICC IN ACTION

Watch this 8-minute video summarizing the hearing on the Confirmation of Charges against Al Mahdi. At the hearing, the judges needed to determine if the full body of evidence presented by the Prosecutor provided substantial grounds to believe that Al Mahdi committed the crimes he was accused of. wit.to/AlMahdi-Materials

In this Field Note we look at how the ICC used video to prove elements of the:

- Base Crime: Destruction of religious and historic buildings, both the act itself and the required mental state
- International crime: War crime
- Modes of Liability: Individual and Co-perpetration

Let's look at the base crime first.

The Role of Video

1: Proving the Base Crime DESTRUCTION OF RELIGIOUS AND HISTORIC BUILDINGS

For the judges to find Al Mahdi guilty of this crime, the Prosecutor had to prove that the destruction actually happened. In this case, they had to show that religious and historic buildings were targeted and physically destroyed. The legal term for this is “actus reus” or the act itself. Specifically, the Prosecutor needed to prove:

- Al Mahdi was involved in **directing** the attack
- The target of the attack was one or more **buildings dedicated to historic monuments or buildings dedicated to religion**
- The target of the attack was **not a military object**
- The attack resulted in the actual **total or partial destruction** of the religious or historic buildings

As part of the evidence submitted, the Prosecutor showed video clips illustrating:

- The monuments:
 - before they were destroyed
 - being destroyed with pick axes, sledge hammers, and iron bars
 - after they were destroyed
- A sign showing an entrance to a cemetery with the monuments situated within the cemetery being destroyed
- Armed men standing guard while the monuments were being destroyed
- Al Mahdi participating in the physical destruction of some of the monuments



Alpha Moya Mauseoleum

Before



After

FOR MORE INFORMATION

The ICC collected video evidence from France 1, Al Jazeera, M6Channel, TF1, and journeyman.tv.

To see how the ICC Prosecutor presented the video footage in court together with maps, photos, panoramas, and satellite imagery go to: chicagotribune.com/news/ct-graphics-situ-damage-platform-htmlstory.html and icc-mali.situplatform.com.

TO VIEW THE VIDEO EVIDENCE

To view clips of the footage the Prosecutor showed in court to help prove the commission of the crime itself, go to: wit.to/AlMahdi-ICC

2 VIDEO AS EVIDENCE: COLLECTION PLANNING

2: Proving the Base Crime

KNOWLEDGE AND INTENT

In addition to proving the physical ‘act’ of destruction, the Prosecutor had to prove that Al Mahdi committed the acts with the relevant knowledge and intent. The legal term for this is “mens rea” and it is about showing what he was thinking when he did the act. In this case, the Prosecutor had to prove that Al Mahdi:

- **Meant** to direct the attack
- **Knew** the religious and/or historic significance of the buildings attacked (and that they were not military targets)
- **Intended** that the target of the attack was these significant buildings

Proving knowledge and intent often involves drawing inferences about what a person is thinking, and, as such, it’s usually a challenge to do this using video. But in this case, there was some very helpful footage. To reveal Al Mahdi’s thought processes, the Prosecutor showed video clips of Al Mahdi wearing the uniform of the “morality brigade” and being interviewed explaining the thinking behind his actions at the time of the attacks.

For example, the door of the Sidi Yahia Mosque situated in the very center of Timbuktu had not been open for hundreds of years. In the interview filmed in front of the door that was broken down, Al Mahdi stated, “If you open this door it has been said it will lead to the end of the world. We are in charge of fighting superstition and that is why we have decided to pull down this door.”¹

About the attack on Djingareyber Mosque, Al Mahdi stated “It’s probably the oldest mosque here in town, and is considered a heritage site [...] a World Heritage Site.”²

The on-camera interviews where he succinctly explained why he was involved with the destruction— together with radio broadcasts and documents—supported the Prosecutor’s claims that Al Mahdi was a religious scholar, knew the cultural value of the structures being destroyed, and intentionally targeted the structures.



Media interview with Al Mahdi, “We are responsible for fighting superstition.”

FROM THE COURTROOM

You can see him in video clips presented, unreservedly holding his pickaxe. You can also hear him confidently and repeatedly attempting to justify these crimes by reiterating his resolve to eliminate all things he labelled as being “inappropriate” to Timbuktu. Images speak a thousand words indeed, but so does the accused’s expressed intent.

~ Fatou Bensouda, Prosecutor, International Criminal Court
Trial Transcripts, ICC v. Al Mahdi

TO VIEW THE VIDEO EVIDENCE

To view clips the Prosecutor showed in court to help prove what Al Mahdi was thinking or “mens rea”, go to: wit.to/AlMahdi-knowledge-intent

3 VIDEO AS EVIDENCE: COLLECTION PLANNING

3: Proving the International Crime

WAR CRIMES

The ICC only has the power to prosecute a perpetrator when the **base crime** they committed rises to the level of an **international crime**. There are three main **international crimes**:

- War Crimes
- Crimes Against Humanity
- Genocide

Here, the Prosecutor charged Al Mahdi with **Destruction of Religious and Historic Buildings** as a **War Crime** so in addition to proving the base crime—destruction of religious and historic buildings—the Prosecutor also had to prove the destruction was committed **within the context of an armed conflict**. To prove this the Prosecutor specifically had to show:

- **Conflict**: the existence of an armed conflict not of international character. This means there has to be an actual conflict, not a mere internal disturbance, but it does not have to be a war between two countries either
- **Timing**: the base crime (destruction of religious and historic property) was committed during the time of the conflict—not before, not after
- **Geography**: the base crime took place where the conflict was happening
- **Connection**: the base crime was committed as part of the conflict
- **Knowledge**: Al Mahdi knew of the existence of an armed conflict and intended the base crime to be a part of that armed conflict

To do this, the Prosecutor presented video clips demonstrating that rebel groups had taken over and set up an administrative structure in Timbuktu as of early April 2012, and Al Mahdi was a part of it.

Footage included clips of:

- the black and white flag that was the emblematic flag of the armed groups in Timbuktu
- military equipment including vehicles, guns, and ammunition
- a bank that had been taken over and made into a place of administration for the Islamic police force with a sign reading “Islamic Police” and flags
- members of the Islamic police in uniforms patrolling Timbuktu
- Al Mahdi introducing himself as a leader of the morality brigade, meaning that he knew that the rebels had taken control of Timbuktu and that an armed conflict was underway



Screenshots from video footage from Timbuktu during the time the crimes were committed.

FOR MORE INFORMATION

To learn more about how to film the elements of the three primary international crimes see ‘**Documenting International Crimes: Crimes Against Humanity, War Crimes, and Genocide**’ in the *Video as Evidence Field Guide*: wit.to/VAE-DocumentingInternationalCrimes

TO VIEW THE VIDEO EVIDENCE

To view clips the Prosecutor showed in court to help prove the destruction was committed within the context of armed conflict go to: wit.to/AlMahdi-context

4 VIDEO AS EVIDENCE: COLLECTION PLANNING

4: Proving the Mode of Liability

HOW AL MAHDI PARTICIPATED IN THE COMMISSION OF THE CRIME

Finally, the Prosecutor had to prove how Al Mahdi participated in the commission of the crime. The Prosecution alleged that he participated as an individual and as a co-perpetrator. Individual perpetration means he actually participated in the destruction himself. Co-perpetration means Al Mahdi helped develop a common plan to destroy Timbuktu's cultural heritage sites or participated alongside others in the commission of the crime.

To show individual perpetration the Prosecutor had to show that Al Mahdi:

- **Participated** in the destruction himself
- **Meant** to engage in the conduct
- **Meant** to cause the destruction

To show co-perpetration the Prosecutor had to show that Al Mahdi:

- Made a **plan** to carry out the attack and **knew** it was a crime
- **Made a substantial or essential** contribution to the commission of the crime
- **Knew** the development of a plan would, in the ordinary course of events, result in the commission of the crime

To help prove that Al Mahdi committed the crime as both an individual and co-perpetrator, the Prosecutor presented video clips that showed Al Mahdi:

- using a pick axe himself to destroy mausoleums and a mosque
- meeting with members of the “Brigade des mœurs,” (morality brigade) in the lead up to the destruction of one of the sites
- using a megaphone to issue sentences for residents that violated Islamic virtues showing his role as the first leader of the Hisbah
- making statements on camera such as,

‘[I]f the tomb is higher than the others, it must be levelled [...] we are going to rid this landscape of anything that is out of place.’

‘As for demolishing these buildings, [...] we think that we’ve already introduced this matter gradually, as we’ve spent four months explaining to the people what’s right and what’s wrong, and now’s the time for implementation.’



Screenshots from video footage of Al Mahdi meeting with his brigade to develop a plan and discussing the plan with the community.

TO VIEW THE VIDEO EVIDENCE

To view clips the Prosecutor showed in court to help prove Al Mahdi assisted in the destruction of monuments himself and prepared a plan to do so, go to: wit.to/AlMahdi-perpetration

5 VIDEO AS EVIDENCE: COLLECTION PLANNING

The Result

The Prosecution leveraged the video evidence at different stages of the criminal justice process. It used the video evidence:

- When asking the court to issue a warrant for Al Mahdi's arrest
- During the hearing to confirm the charges against Al Mahdi, and
- At trial where Al Mahdi admitted guilt

During the sentencing hearing, the judges expressly stated that they relied, in part, on video evidence presented in court to conclude:

Base Crime—Destruction of Cultural Heritage

Ten structures with religious and historic significance were wholly or partially destroyed. Al Mahdi directed and was involved in the attacks.

Base Crime—Knowledge and Intent

Al Mahdi was considered an eminent scholar and expert on religious affairs, knew the mausoleums of Timbuktu were an integral part of the religious life of the city's inhabitants, knew Timbuktu's residents frequently visited the mausoleums to pray, and therefore knew the religious and historic significance of the buildings that his brigade intentionally destroyed. He saw the destruction as justified on spiritual grounds and carried it out as a member of the morality brigade.

International Crime—Context of Armed Conflict

The crimes were committed in the context of armed conflict since rebel groups had taken over in Timbuktu and set up an administrative structure, including a media commission, and Al Mahdi knew that the rebels had taken control.

Mode of Liability—Individual and Co-perpetration

Al Mahdi personally participated in attacks that led to physical destruction of at least five sites. He was present at all of the sites being attacked, giving instructions and moral support to his co-perpetrators. He also assisted in the planning and implementation of the destruction of cultural heritage in Timbuktu.

The proceedings concluded by the judges sentencing Al Mahdi to nine years in prison.

TAKE HOME POINTS

First, this case illustrates the enormous value of video captured by individuals on the frontline, in this case, journalists. Journalists have often provided relevant evidence in international criminal cases, and this is another example. In this situation, the crimes took place in the summer of 2012. The ICC was not given permission to investigate until the beginning 2013—six months after the crimes had been committed. Had the journalists not filmed the crimes as they were being perpetrated and the interviews with Al Mahdi where he outlined the motivation for destroying sacred sites, this case would have been much harder to prove.

Second, as we learned in the section ‘Stages of the Criminal Justice Process and Standards of Proof’, video can be presented at a variety of stages in the judicial process. In this case, the ICC relied on the video in its investigations, showed video at the hearing on the confirmation of charges, and presented video evidence during Al Mahdi’s trial. The judges, in turn, stated that they relied on the video evidence to confirm the charges against Al Mahdi, accept his guilty plea, and decide on an appropriate sentence.

Third, as we learned in the section ‘Anatomy of a Crime’, video can serve as useful evidence to prove different elements of a crime. In this case, the video evidence helped to prove context showing that an armed conflict was, in fact, underway. It also showed the physical act of destruction of sacred buildings, Al Mahdi’s knowledge and intent, and how he himself participated in the destruction of Timbuktu’s cultural heritage and supported others in doing so as well. We instinctively think of video as a good source of evidence to show the physical commission of a crime, but this Field Note illustrates that video can also be valuable to show a person’s state of mind. See the example Collection Plan below that illustrates all the different imagery that the ICC could have used to prove each element of the crime in this case.

Fourth, as we see in the section ‘All About Evidence’, video is only one piece of the puzzle. Here, video was used in combination with maps, satellite imagery, and photos to initially identify the locations of the crime. Then, video was used together with witness testimonies, expert reports, documents, physical evidence, and radio broadcasts to build a strong case against Al Mahdi.

Fifth, the Office of the Prosecutor (OTP) for the ICC has traditionally prioritized crimes of murder, torture, rape, use of child soldiers, etc. The OTP is now, however, looking to prosecute more crimes that involve environmental and cultural damage and harm. In September of 2016, the ICC published its policy on case selection and prioritization, which included references to illegal exploitation of natural resources, arms trafficking, human trafficking, terrorism, financial crimes, land grabbing, or the destruction of the environment. The Al Mahdi case shows how video can serve a useful purpose in successfully prosecuting this expanded line of crimes.

For More Information

To learn more about the case go to:

Case Information page, Al Mahdi by the International Criminal Court.
icc-cpi.int/mali/al-mahdi

Briefing Paper: The Trial of Ahmad Al Faqi Al Mahdi at the International Criminal Court by the Open Society Justice Initiative, August 2016.
opensocietyfoundations.org/sites/default/files/briefing-almahdi-icc-trial%2020160819_1.pdf

To watch excerpts from video evidence presented in court:

The 6-minute excerpt of audio-visual evidence presented at the confirmation of charges hearing can be viewed here: wit.to/AlMahdi-charges-evidence. This video was shown in the confirmation of charges hearing where the Prosecutor for the ICC presents a series of clips filmed by journalists that provide context to the crimes alleged. The clips provide evidence that an armed conflict underway and Al Mahdi's explanation of his role in rebel-controlled Timbuktu.

A 12-minute excerpt of audio-visual evidence presented at trial on 22 August 2016, can be seen here: wit.to/AlMahdi-trial-evidence. This clip takes us inside the trial where the Prosecutor for the ICC presents a series of clips filmed by journalists and matches the clips with video filmed by professional investigators, maps, photos, and satellite imagery. The video, photo, and satellite evidence demonstrates Al Mahdi's involvement in the commission of the cultural destruction and is an excellent illustration of how lawyers present video evidence in the courtroom.

To learn more about the platform used to present the video, photos, and satellite imagery created by Situ Studios and used by the Prosecutor go to:

Chicago Tribune, Data: How a Chicago foundation helped convict a war criminal in Timbuktu, <http://www.chicagotribune.com/news/ct-graphics-situ-damage-platform-htmlstory.html>

Then, to explore the presentation platform go to: icc-mali.situplatform.com

¹ Transcripts from the Trial, 22 August 2016 pg. 66 icc-cpi.int/Transcripts/CR2016_05767.PDF.

² Judgment and Sentence, 27 September 2016, pg. 27 icc-cpi.int/CourtRecords/CR2016_07244.PDF.

³ Judgment and Sentence, 27 September 2016, pg. 20-21 icc-cpi.int/CourtRecords/CR2016_07244.PDF.

⁴ Judgment and Sentence, 27 September 2016, pg. 25 icc-cpi.int/CourtRecords/CR2016_07244.PDF.

Collection Plan: Video Evidence

PURPOSE OF COLLECTING VIDEO DOCUMENTATION: Help prove that the leaders of the armed group, Ansar Dine, are intentionally destroying historic monuments, buildings, and manuscripts dedicated to religion in Timbuktu, Mali. Video documentation should focus of Ansar Dine member, Al Faqi Al Mahdi.

SUMMARY OF SITUATION: In April 2012, Ansar Dine, a Malian jihadist group allied with Al Qaeda, took over one of Mali's regional capitals, Timbuktu. Within Timbuktu, Al Faqi Al Mahdi assumed command of Ansar Dine's Hesbah, or 'morality brigade.' In June 2012, the leader of Ansar Dine instructed Al Mahdi to destroy 14 mausoleums and 1 mosque in Timbuktu. The destructions are currently underway.

DATE PLAN DRAFTED: 2 July 2012

NAME OF PERSON WHO DEVELOPED THIS PLAN:
Camille Gauthier (fictional)

CONTACT INFORMATION:
+33 1 84 79 06 97
c.gauthier@cmail.com
129 Rue de l'Université, 75007
Paris, France

NAME OF THE VIDEOGRAPHER:
Sidi Oumar Maiga (fictional)

CONTACT INFORMATION:
+223 20 29 13 72
som@cmail.com
Rue 243 Porte 297
Bamako, Mali

PURPOSED LOCATION: Religious and historic sites in and around Timbuktu, Mali, including 14 mausoleums and 1 mosque.

COMMENTS/NOTES:
Under international criminal law, it is unlawful to destroy non-movable religious and historic objects such as mosques and mausoleums. Unfortunately, it is not a crime to destroy movable objects such as historic religious manuscripts. Accordingly, please focus your filming efforts on the destruction of structures. But, if you have a chance to show the destruction of historic religious manuscripts, go ahead and film that too. Focus your efforts on Al Mahdi's role in the destructions.

GENERAL LIST OF NEEDED SHOTS:

- Narration
- Overview
- 360-degree pan
- Wide
- Medium
- Close-Ups
- Extreme Close-Ups

ADDITIONAL NOTES ON FILMING TECHNIQUES:

To the extent possible, please capture:

- Wide shots to verify your location
- Medium shots to show the activities at the religious and historic sites
- Close-ups of any fine details needed, such as the identities of individuals, types of weapons used, signs, etc.

Film continuously when possible.

NARRATION: As you begin filming, **if safe**, please include the time, date, specific location, videographer's name and contact information, and the names of any other persons present that may be able to corroborate what is being filmed. Otherwise, stay as silent as possible, only adding objective information when truly necessary to help the viewer understand what you are filming.

SECURITY ASSESSMENT / PLAN / KEY MEASURES: As a Malian familiar with the region and its customs, there is a low physical security risk. In fact, Ansar Dine is open about its actions, even encouraging filming in some situations. However, active conflict is ongoing around Timbuktu, so there is always some physical danger as projectiles and live fire may threaten your location. Use your judgement on a situation-specific basis to ensure you are not at risk. The digital security risk to filming and preserving your material is low as there is little chance that forces in the region will seek to confiscate and/or destroy your footage. Environmental conditions in Timbuktu do threaten your equipment as excessive heat and dust are common. Ensure your equipment is protected from these elements. Finally, please carefully read and fully implement the comprehensive Security Plan for the Field Mission to Mali that complements this Collection Plan.

IMPORTANT

This plan lists *ideas* for relevant footage you would likely want to collect to prove each element of a crime if safe and possible. **This list is not exhaustive.** When you are on the ground you may see other activities that will help prove one or several of the elements of the crime. Capture those!

What Base Crime: Intentionally Destroying Historic Monuments and Buildings Dedicated to Religion		
	Specific elements of the crime	What video clips could help you prove this element if possible to capture safely? What would be relevant to put in the camera's frame?
☑	An <i>attack</i> that wholly or partially <i>destroyed</i>	Wide, medium, and close-up footage of: <ul style="list-style-type: none"> • each historic and religious structure in the city of Timbuktu completely intact before any destruction (the wide shots should help verify the structure's location in the city) • religious and/or historic symbols on intact structures • the identities of any individuals storing, stockpiling, and/or preparing tools for use in destructions • the locations used for storing, stockpiling, and/or preparing tools for use in destructions • each structure as it is being destroyed • the tools being used to destroy structures • the number and identities of the people taking part in the destructions • the number and identities of individuals guarding the structures before, during, and/or after destructions • the remains of each structure after it is destroyed • religious and/or historic symbols in the rubble found after the structure has been destroyed • the identities of any individuals cleaning and/or storing tools used for destruction after use
☑	The object of the attack was one or more <i>buildings dedicated to religion ... [or] historic monuments ...</i> which were <i>not military objectives</i>	Wide, medium, and close-up footage of: <ul style="list-style-type: none"> • each historic and religious structure before, during, and after its destruction • religious and/or historic symbols on structures captured before, during, or after they are destroyed, either on the structure itself or in the rubble • plaques, signs, and/or other notices around structures that show or explain why the structures have historic or religious significance • the historic and/or religious structures' purpose (e.g. people praying at the sites, tour groups visiting the sites, and/or scholars or experts studying the sites, etc.) • the inside of the historic and/or religious structures just prior to their destruction (to show the structures have not been co-opted for military purposes) • local people, tourists, tour guides, scholars, and/or experts discussing the significance of the historic and/or religious structures
☑	The perpetrator <i>intended</i> such building or buildings ... to be the object of the attack	Interview footage of Al Mahdi speaking about his: <ul style="list-style-type: none"> • background as a religious scholar • role in Ansar Dine and the group's objectives • understanding of the local religious and/or historic sites in the area • reasons for needing to destroy the religious and/or historic structures • his plan for destroying the religious and/or historic structures Wide, medium, and close-up footage of Al Mahdi: <ul style="list-style-type: none"> • taking part in religious practices at the structures • taking part in meetings prior to and/or after destructions with the individuals that took part in the destructions • supervising the destructions of the religious and/or historic structures • using his own hands to destroy religious and/or historic structures • performing duties as the head of the morality brigade (e.g. speaking to the community about his plans, instructing the brigade on how to destroy structures, wearing special cloths or insignia that designate his leadership role, etc.)

What International Crime: War Crime		
	Contextual elements of the crime	What video clips could help you prove this element if possible to capture safely? What would be relevant to put in the camera's frame?
<input checked="" type="checkbox"/>	Existence of an <i>armed conflict</i>	Wide, medium, and close-up footage of: <ul style="list-style-type: none"> • scenes of actual active armed conflict (e.g. use of munitions against opposing forces, military strikes, large movements of combatants, injured combatants, destruction of objects that serve a military purpose, etc.) • individuals dressed in military uniforms • individuals organizing and/or meeting as a distinct collective • groups or individuals occupying certain areas and/or buildings • armed patrols of areas and the formations they patrol in • individuals openly carrying weapons • weapons present (e.g. small arms, automatic weapons, munitions, etc.) • arms stockpiles • military vehicles present (e.g. armored personnel vehicles, tanks, improvised fighting vehicles, etc.) • movements of large weapons • civilian structures that have been repurposed for military use • barricades and/or check points • flags, signs, and other symbols indicating the presence of armed groups
<input checked="" type="checkbox"/>	Crime took place <i>during the time</i> the conflict was taking place	Please state or film a 'slate' showing the time and date you are filming and collect wide, medium, and close-up footage of: <ul style="list-style-type: none"> • destructions taking place in proximity to active conflict • uniformed individuals occupying areas or involved in active conflict also taking part in destructions • armed forces near, at or guarding sites where destructions are taking place
<input checked="" type="checkbox"/>	The crime took place <i>where</i> the conflict was taking place	Please state or film a 'slate' showing the location where you are filming and collect wide, medium, and close-up footage of: <ul style="list-style-type: none"> • destructions taking place in proximity to active conflict • the location of destructions in the context of a larger area • posted signs showing the placement of a structure within a specific area (e.g. historic plaques describing the site, road signs, etc.) • uniformed individuals occupying areas or involved in active conflict also taking part in destructions • heavy weaponry used in active conflict also being used to destroy structures
<input checked="" type="checkbox"/>	There is a nexus <i>between the crime and the armed conflict</i>	Wide, medium, and close-up footage of: <ul style="list-style-type: none"> • individuals destroying structures while wearing the same uniforms as those participating in active conflict • individuals destroying structures or guarding structures as they are destroyed while openly carrying weapons • uniformed individuals moving military equipment to sites where structures are being destroyed • military equipment being used in destructions • tools for destructions being stockpiled and/or stored with weapons used in active conflict Interview footage of Ansar Dine leaders and/or members discussing: <ul style="list-style-type: none"> • why the destructions are taking place • how the destructions fit into the larger scheme of a military occupation of the area
<input checked="" type="checkbox"/>	The perpetrator was <i>aware</i> of factual circumstances that established the existence of an armed conflict	Interview footage of Al Mahdi discussing: <ul style="list-style-type: none"> • the existence of an armed conflict • the formation, purpose, and/or actions of Ansar Dine • his position and role within Ansar Dine • the occupation of Timbuktu

		<p>Wide, medium, and close-up footage of Al Mahdi:</p> <ul style="list-style-type: none"> wearing the uniform of Ansar Dine and symbols or insignia that show his position within the armed group carrying military weapons riding in military vehicles talking with Ansar Dine leaders and/or members attending meetings at Ansar Dine military headquarters
<input checked="" type="checkbox"/>	The perpetrator <i>intended</i> that the destruction be a part of the armed conflict	<p>Interview footage of Al Mahdi discussing:</p> <ul style="list-style-type: none"> the greater purpose and/or goals of Ansar Dine his role as the head of the morality brigade within Ansar Dine Ansar Dine's beliefs regarding certain historic and/or religious structures

How or Mode of Liability: Individual and Co-perpetration		
	Linkage elements of the crime	What video clips could help you prove this element if possible to capture safely? What would be relevant to put in the camera's frame?
<input checked="" type="checkbox"/>	The accused <i>participated</i> in the destruction himself	<p>Wide, medium, and close-up footage of Al Mahdi:</p> <ul style="list-style-type: none"> using tools to destroy sites using his bare hands to destroy sites collecting or distributing tools for use in destructions supervising or managing destructions guarding sites while destructions are taking place giving instructions on how the destructions should be implemented
<input checked="" type="checkbox"/>	The accused <i>made a plan</i> to carry out destructions; or <i>made a substantial or essential contribution</i> to the destructions	<p>Wide, medium, and close-up footage of Al Mahdi:</p> <ul style="list-style-type: none"> meeting with individuals taking part in destructions before, during, and/or after they take place discussing plans for destructions with members of his brigade announcing plans to destroy historic and/or religious sites to the community stockpiling tools used for destructions and/or making such tools available to those participating in destructions standing guard while destructions take place <p>Interview footage of Al Mahdi discussing:</p> <ul style="list-style-type: none"> his role in and/or contributions to destructions
<input checked="" type="checkbox"/>	The perpetrator <i>meant</i> to participate in the destructions; or the creation of a plan	<p>Wide, medium, and close-up footage of Al Mahdi:</p> <ul style="list-style-type: none"> taking part in meetings and/or discussing plans for destructions appearing to freely take part in destructions (as opposed to being forced to participate) meeting with individuals taking part in destructions before and/or after they take place and discussing the process <p>Interview footage of Al Mahdi discussing:</p> <ul style="list-style-type: none"> his role in and/or contributions to destructions
<input checked="" type="checkbox"/>	The perpetrator <i>knew</i> the attack was a crime; or <i>knew</i> the development of a plan would, in the ordinary course of events, <i>result</i> in the commission of the crime	<p>Interview footage of Al Mahdi:</p> <ul style="list-style-type: none"> explaining that the sites were protected sites (e.g. protected under the national laws of Mali and/or internationally protected by UNESCO, the Geneva Conventions, or under international criminal law) sharing his knowledge of the legal significance of and/or legal protections in place for the structures that were or are about to be destroyed discussing why Ansar Dine's goals are more important than abiding by national and/or international laws