

IAF EARTH OBSERVATION SYMPOSIUM (B1)  
Interactive Presentations - IAF EARTH OBSERVATION SYMPOSIUM (IP)

Author: Ms. Katharina Anna Harreiter  
Austria

THE USE OF SATELLITE IMAGERY IN INTERNATIONAL CRIMINAL PROCEEDINGS: THE AL  
MAHDI CASE

**Abstract**

Most people would associate the topic of earth observation with scientific or technical issues but it can be tied to another area as well: international criminal law.

The purpose of this work is to explain how earth observation, in particular satellite imagery is used in international criminal proceedings by focusing on the Al Mahdi case in front of the International Criminal Court (hereafter ICC) which was the first time satellite images were used as evidence by the ICC. This work also argues that this use of earth observation will only gain relevance in the future and should therefore be examined further.

Ahmad Al Faqi Al Mahdi was a member of an armed Islamist group in Mali and was accused of ordering or at least being involved in the destruction of various important mausoleums and mosques in Timbuktu in 2012. He was subsequently captured, found guilty for having committed war crimes and was sentenced to nine years imprisonment. The interesting aspect in this case was that the Prosecution worked closely together with SITU Research in creating a platform with inter alia satellite images of the sites in Timbuktu before and after their destruction. The platform was created to help analyze and present the evidence, by using among others geospatial information and historic satellite imagery. The advantage of using such type of evidence is apparent: only in showing the before and after images of the destroyed sites can the amount of destruction be shown.

So, will satellite imagery be used in the future? In his statement regarding the arrest warrant for Vladimir Putin and the Russian Commissioner for Children's Rights, Maria Lvova-Belova on 17 March 2023, the Prosecutor of the ICC, Karim Khan mentioned that the Prosecution will be using "advanced technological tools" in this case, which would also encompass satellite imagery. Consequently, with the war in Ukraine, the topic will gain further traction. One way to approach this would be a dedicated platform for the gathering of such type of evidence similar to Al Mahdi. It would also be possible to create a special office in the framework of the ICC for gathering digital evidence, as a kind of one-stop-shop.

Concluding, in documenting crime and gathering evidence, one has to also look above and view the situation from beyond the sky.