

Gender Discrimination: From Salafism to Crimes Against Humanity with Emphasis on the Al-Hassan Case in the International Criminal Court

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Abstract

Nowadays, gender discrimination is not tolerated in any form as it goes against human rights. A testament to this is the conviction of “Al-Hassan” at the International Criminal Court. He was accused of committing crimes against humanity for committing gender-based discrimination against women, including rape, forced marriage, and persecution of women and girls through the imposition of laws and directives that violated their fundamental freedoms. This study indicates that Al-Hassan’s actions in his position as the head of the Islamic police in Ansar al-Din meet the criteria for crimes against humanity. Reexamining this case raises the question of whether the enforcement of Islamic laws can involve the elements of crimes against humanity to cooccur. It appears that the actions of some Muslim militia groups, such as Ansar al-Din, could constitute a crime against humanity due to the presence of causation, actus reus, and mens rea elements. These behaviors are mere manifestations of a harsh and extremist interpretation of religion that contradicts its true purposes. While this cannot be attributed to all Muslim countries, reexamining this case can provide valuable insights for all Islamic governments.

Keywords: Gender discrimination; Crimes against humanity; Al-Hassan case; Salafism; violence against women; International Criminal Court.

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