

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/15

Date of original: **8 February 2018**

Date: **16 May 2022**

TRIAL CHAMBER VIII

Before: Judge Raul C. Pangalangan, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF *THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI*

PUBLIC

Public redacted version of "Draft Implementation Plan: Progress Report on a Field mission",
submitted on 8 February 2018, ICC-01/12-01/15-256-Conf-Exp

Source: The Trust Fund for Victims

To be notified in accordance with regulation 31 of the *Regulations of the Court* to:

Office of the Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for
Participation/Reparation

Office of Public Counsel for
Victims

States' Representatives

Office of Public Counsel for the
Defence

REGISTRY

Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations
Section

I. Background

1. On 17 August 2017, Trial Chamber VIII (“Trial Chamber”) issued a reparations order¹ against Mr Al Mahdi pursuant to article 75 of the Statute, wherein it, *inter alia*, instructed the Trust Fund to submit the draft implementation plan (“Draft Implementation Plan”) by 16 February 2018.²

2. On 26 January 2018, the Trust Fund for Victims (“Trust Fund”) submitted a “Request for an extension of time” for the submission of its Draft Implementation Plan in relation to the reparations order.³ The Trust Fund refers to the background section of this filing that contains a comprehensive overview of its activities relevant to the development of the Draft Implementation Plan.

3. On 29 January 2018, the legal representative for victims responded, submitting that he had no objection to the Trust Fund’s extension request.⁴

II. Classification

4. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“Regulations”), this submission is classified as confidential *ex parte* Trial Chamber VIII only, since it contains information that may lead to the unwarranted identification of victims, local organizations, and [REDACTED]. A confidential redacted version will be submitted on 9 February 2018.

III. Progress Report on the Trust Fund’s Field Mission

5. During [REDACTED] January 2018, the Trust Fund conducted a third mission to Mali, which for the first time allowed a short visit to Timbuktu and for the Trust Fund to conduct meetings with

¹ Reparations Order, ICC-01/12-01/15-236 (“Reparations Order”).

² Reparations Order, p. 60.

³ Request for an extension of time, ICC-01/12-01/15-253-Conf-Red

⁴ Observations de Représentant légal relative à la demande de prorogation de délai déposée par le Fonds au profit des victimes [...], ICC-01/12-01/15-254-Conf

Timbuktu-based stakeholders. The outcomes and insights resulting from the Trust Fund's most recent mission to Bamako and Timbuktu, Mali, the Trust Fund considers it necessary and appropriate to conduct an additional mission to Timbuktu for several days in early March 2018. The first visit to Timbuktu was instrumental in exploring the implementation landscape and laying the foundation for stakeholder participation and support. The major conclusion of the visit is that a next visit is required to conduct a profound and more detailed assessment of the scope and nature of the activities to be proposed in the draft implementation plan.

6. The Trust Fund views it as important to provide an update to the Trial Chamber concerning the findings of this mission, which will inform the further development of the Draft Implementation Plan.

7. Security conditions in January permitted the Trust Fund to conduct a short consultation mission to Timbuktu from [REDACTED] January 2018. Through the joint cooperation and support of the [REDACTED] Timbuktu (Government of Mali), [REDACTED], and the Registry [REDACTED] the Trust Fund was able to meet with a first group of selected stakeholders.

8. During the first mission to Timbuktu, the Trust Fund conducted the following sessions:

- a. Through the effective facilitation of [REDACTED] Timbuktu, for which the Trust Fund expresses its appreciation, the mission delegation was able to meet and engage with local government officials, including [REDACTED]
[REDACTED]. This provided the opportunity to explain the purpose of the mission, the scope of the order of reparations and the foreseeable implementation role of the Trust Fund. During the meetings, the Trust Fund was also able to clarify and correct misconceptions arising from erroneous reporting.
- b. The [REDACTED] Timbuktu was instrumental in arranging a meeting with [REDACTED] more than 20 religious leaders of Timbuktu. The meeting with the religious leaders was an opportunity to demonstrate the

Trust Fund's appreciation and respect for their role as a partner in the implementation of reparations awards, including community dialogue and reconciliation. The religious leaders had questions concerning the potential role of government agencies. The meeting afforded the Trust Fund an opportunity to address rumors and answer questions they had concerning the reparations order.

- c. The Trust Fund was able to hold a meeting convening more than twenty non-governmental organizations operating in and around Timbuktu. This meeting afforded the Trust Fund an opportunity to explore the feasibility of different programmatic initiatives with local implementing organizations and to appreciate their relevance within the Timbuktu context. Discussions included examining possible economic recovery programming, possible programming to redress the moral harm to the community of Timbuktu, and the operational and security work environment that would influence the implementation of projects. Among the organizations consulted included:

[REDACTED],
[REDACTED] and
[REDACTED].

- d. In a separate meeting, the Trust Fund met with [REDACTED] operating in Timbuktu, they included: [REDACTED]. The meeting afforded an opportunity to the Trust Fund to provide information and clarification concerning the implementation and possible funding aspects of the reparations order and to discuss the feasibility and relevance of different community based economic and moral redress programmatic options.
- e. The Trust Fund was able to observe and better appreciate the work environment and the local security context in which the implementation of the reparations awards would occur.

9. In Bamako, the Trust Fund conducted further engagements with senior representatives of key Ministries concerning the development of the draft implementation plan, including in the areas of Solidarity and Humanitarian Action, Justice, Culture, National Reconciliation, Security, the Grand Mediator, and the Commission for Truth, Justice, and Reconciliation.

10. The Ministry of Justice clarified to the Trust Fund that a formal approach concerning the ceremony and receipt of the €1 symbolic award to the Government of Mali should be made through the Ministry of Foreign Affairs. The Trust Fund intends to follow up with a Note Verbale to the Ministry of Foreign Affairs in this regard.

11. The Trust Fund also met with relevant [REDACTED] in individual meetings, namely with [REDACTED]. The topic of discussion in these meetings pertained to the programmatic intentions of the relevant [REDACTED] in Timbuktu, their immediate plans for the next 1-2 years, their observations on reparation awards, expectations and assessments regarding the possible voluntary return of internally displaced and refugee populations, and their respective security assessments that may influence the work of the international community.

12. The meeting with UNESCO in Bamako was attended by [REDACTED]
[REDACTED]. Discussions included [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

III. Next Steps Following the Mission

13. In light of the outcomes and insights resulting from the Trust Fund's most recent mission to Bamako and Timbuktu, Mali, the Trust Fund considers it necessary and appropriate to conduct an additional mission to Timbuktu for several days in early March 2018. The first visit to Timbuktu was instrumental in exploring the implementation landscape and laying the foundation for stakeholder participation and support. The major conclusion of the visit is that a next visit is required to conduct a profound and more detailed assessment of the scope and nature of the activities to be proposed in the draft implementation plan. This will require further discussions with religious and community leaders. Most importantly, the Trust Fund needs to meet with the [REDACTED] from each of the respective protected

buildings in Timbuktu. An additional meeting would be organized with the [REDACTED] of Timbuktu.

14. The Trust Fund recalls that another thirty day period will be required to announce and obtain approval for the mission from to the relevant authorities and agencies, and to obtain the requisite security clearances allowing the Trust Fund to revisit Mali, including Timbuktu. As a result, consultation of (additional) stakeholders and potential victims in Timbuktu is currently planned to resume from early March 2018 onwards.

15. The Trust Fund will furthermore need to liaise with the Legal Representative for Victims when preparing a subsequent mission to Timbuktu intent on meeting the [REDACTED] because of the potentiality that victims may be found to be amongst those groups of persons.

FOR THE FOREGOING REASONS

The Trust Fund for Victims respectfully submits this progress report on the outcomes and insights resulting from a field mission conducted in regard of the development of a Draft Implementation Plan for reparations in the present case.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 8 February 2018
At The Hague, The Netherlands