

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date : **14 September 2018**

Submission date : **18 July  
2019**

**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 redacted version**

**Monthly update report on the implementation plan**

**with two confidential annexes**

**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**

Mr Mohamed Aouini

**Legal Representatives of Victims**

Mr Mayombo Kassongo

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for**

**Office of Public Counsel for  
Victims**

**Participation/Reparation**

**States' Representatives**

**Office of Public Counsel for the Defence**

## **REGISTRY**

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**Registrar**

**Counsel Support Section**

Mr Peter Lewis

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

## I. BACKGROUND

1. On 12 July 2018, Trial Chamber VIII (“Trial Chamber”) issued its decision on the Trust Fund for Victims’ (“Trust Fund”) draft implementation plan in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*,<sup>1</sup> wherein it directed the Trust Fund to submit monthly reports, starting on 15 August 2018, concerning the Trust Fund’s progress in relation to preparing an updated draft implementation plan (“Updated Implementation Plan”, or “UIP”). The Trial Chamber specified that each monthly report should contain “concrete information on the actions taken in respect of each of the reparations modalities with timelines, objectives and staffing”.<sup>2</sup>
2. On 9 August 2018, the Trust Fund filed a request for clarification in relation to the Exclusive Link Requirement (“Clarification Request”),<sup>3</sup> which was ultimately rejected by the Trial Chamber on 31 August 2018 (“Decision on Clarification”).<sup>4</sup>
3. On 10 August, the Registry filed its “First Registry Report on Applications for Individual Reparations” with two confidential annexes, the first of which included the criteria for legal assessment of the Victims Participation and Reparations Section (“VPRS”).<sup>5</sup>
4. On 15 August 2018, the Trust Fund filed its first monthly report, including the notification relevant to the Trial Chamber’s complement request pursuant to regulation 56 of the Regulations of the Trust Fund.<sup>6</sup>
5. On 4 September 2018, the Defence filed its observations on the Trust Fund’s first monthly report.<sup>7</sup>
6. On 10 September 2018, the Registry filed its “Second Registry Report on Applications for Individual Reparations”, with a corrigendum and two confidential annexes.<sup>8</sup>
7. The Trust Fund hereby submits its second monthly report.

<sup>1</sup> Public redacted version of “Decision on Trust Fund for Victims’ Draft Implementation Plan for Reparations”, 12 July 2018, [ICC-01/12-01/15-273-Red](#) (“Decision on Draft Implementation Plan”).

<sup>2</sup> [Decision on Draft Implementation Plan](#), para. 22.

<sup>3</sup> Request for clarification of the eligibility criteria for individual reparations awards related to economic harm, 9 August 2018, ICC-01/12-01/15-274-Conf.

<sup>4</sup> Decision on TFV Request for Clarification Regarding Individual Reparations for Economic Harm, 31 August 2018, ICC-01/12-01/15-280 (“Decision on Clarification”).

<sup>5</sup> First Registry Report on Applications for Individual Reparations, 10 August 2018, ICC-01/12-01/15-275.

<sup>6</sup> First monthly update report on the implementation plan, 15 August 2018, ICC-01/12-01/15-277-Conf (“First Report”).

<sup>7</sup> Observations de la Défense sur le rapport mensuel ICC-01/12-01/15-277-Conf du Fonds au profit des victimes, 4 September 2018, ICC-01/12-01/15-281-Conf.

<sup>8</sup> Corrigendum of “Second Registry Report on Applications for Individual Reparations”, 10 September 2018, ICC-01/12-01/15-282.

## II. CLASSIFICATION OF THE PRESENT SUBMISSION

8. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report confidential because it contains information related to field missions, staffing and other potentially identifying information in relation to the planning and implementation of reparations that, given the volatile security situation in Mali, could endanger potential beneficiaries. At this time, no information in the monthly report is deemed necessary to redact from the parties.<sup>9</sup>

## III. UPDATE REPORT OF 14 SEPTEMBER 2018

### Field activities

#### *September 2018 mission*

9. [REDACTED].
10. [REDACTED]. [REDACTED].
11. [REDACTED]. [REDACTED].
12. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].
13. [REDACTED].

#### *Information on upcoming missions*

14. [REDACTED]. [REDACTED].

## IV. ACTIVITIES IN THE HAGUE – SCREENING PROCESS

### *New draft application form*

15. After taking note of the Trial Chamber’s Decision on Clarification, the Trust Fund has focused its attention on the new draft application form for individual reparations.

16. The Trust Fund has finalised a first draft application form for individual reparations which is annexed to this report (“Annex I”).<sup>10</sup> In conformity with the Decision,<sup>11</sup> this first draft is currently under review by the relevant stakeholders, including the LRV, Defence and VPRS.<sup>12</sup>

<sup>9</sup> [Decision on Draft Implementation Plan](#), para. 22.

<sup>10</sup> The Trust Fund would like to reassure the Trial Chamber that the final draft document that would result after the consultations with the stakeholders would undergo proper formatting in order to be presented as a finalized product.

### *Collaboration with VPRS and the LRV*

17. The Trust Fund would like to reiterate its gratitude towards the VPRS for its timely and valuable cooperation. Throughout this past month, both units have been in regular contact for purposes of the new draft application form for individual reparations, and to coordinate action in the field for screening and outreach purposes.<sup>13</sup>

18. Close cooperation has also ensued with the LRV, [REDACTED]. As a way of example, upon his request while on mission, the Trust Fund reviewed and ultimately endorsed three “modèles d’attestation” the LRV had prepared to complement the applications for individual reparations.<sup>14</sup>

[REDACTED]

19. [REDACTED].<sup>15</sup> [REDACTED].

20. [REDACTED].<sup>16</sup> [REDACTED]. [REDACTED]. [REDACTED].

21. [REDACTED]. [REDACTED].<sup>17</sup> [REDACTED]. [REDACTED].<sup>18</sup>

22. [REDACTED]. [REDACTED].

## **V. ORGANISATION OF WORK**

### **A. Staffing**

23. In addition to the core team contributing to the *Al Mahdi* case,<sup>19</sup> the Trust Fund would like to inform the Chamber that it has:

- a. [REDACTED];
- b. [REDACTED];
- c. [REDACTED].

24. [REDACTED].

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<sup>11</sup> [Decision on Draft Implementation Plan](#), para. 30.

<sup>12</sup> This document was communicated to the LRV, Defence and VPRS by email on 5 September 2018.

<sup>13</sup> The Trust Fund is in regular contact with VPRS by email and phone. Most notably, the two sections held a bilateral meeting on 3 September to discuss the new draft application form in depth, and another meeting on 5 September concerning VPRS’ missions in Mali, and the common points relevant for outreach in *Al Mahdi*.

<sup>14</sup> Email exchange of 29 August 2018.

<sup>15</sup> [REDACTED].

<sup>16</sup> [REDACTED].

<sup>17</sup> [REDACTED].

<sup>18</sup> [REDACTED].

<sup>19</sup> [REDACTED].

25. The Trust Fund further foresees to benefit from the contributions by new interns throughout the drafting period.

*Expert consultations*

26. In order to complement currently available in-house expertise, the Trust Fund contacted several professionals of recognised competence in their field (e.g. transitional justice, anthropology, psychology), enquiring about their availability and willingness to respond to some questions concerning certain aspects of the reparations in the present case. Five of the consulted experts have accepted the request and committed to respond by 16 September.

**VI. CONCLUSION**

27. The Trust Fund wishes to inform the Trial Chamber of its commitment to submitting a comprehensive and responsive Updated Implementation Plan by 2 November 2018, in compliance with the Trial Chamber's order. The Trust Fund is furthermore committed to promptly providing any clarification or further information requested in relation to this second monthly update report.



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Pieter W.I. de Baan  
Executive Director, Trust Fund for Victims  
Dated this 18 July 2019  
At The Hague, The Netherlands