



Original: English

No.: ICC-01/12-01/15
Date: 10 October 2018

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

**With Confidential Annex I and Confidential *EX PARTE* Annex II, only available
to the Legal Representative of Victims**

Third Registry Report on Applications for Individual Reparations

Source: Registry

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

to:

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Mr Peter Lewis

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Victims and Witnesses Section

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**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

I. Introduction

1. Pursuant to the instruction of Trial Chamber VIII (“Chamber”) to begin forthwith the review of applications already in the record of the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (“Case”) and of applications received before the approval by the Chamber of the new reparations form in accordance with the procedures set out in its ‘Decision on Trust Fund For Victims’ Draft Implementation Plan for Reparations’ (“Decision on the DIP”)¹, the Victims Participation and Reparations Section (“VPRS”) submits its third report on applications for individual reparations.

II. Procedural History

2. On 12 July 2018, the Chamber issued its Decision on the DIP by which it *inter alia* held that applicants whose applications are already in the record of the Case are not required to fill in a new form, but that they should “merely provide any missing information, as requested by the VPRS and with the assistance of the LRV.”² Similarly, the Chamber held that “applications received before the approval of the new form by the Chamber will be processed as such.”³
3. On 10 August and 10 September 2018, the Registry filed its first and second reports (“First Report”⁴ and “Second Report”,⁵ respectively) on applications for individual reparations covering a total of 97 application forms for reparations out of the 139 forms already in the record of the Case.⁶ The VPRS reviewed the

¹ Trial Chamber VIII, “Decision on Trust Fund for Victims’ Draft Implementation Plan for Reparations”, dated 12 July 2018 and registered on 13 July 2018, ICC-01/12-01/15-273-Conf, para. 31. A public redacted version was filed on the same date: ICC-01/12-01/15-273-Red.

² *Id.*, para. 31.

³ *Ibid.*

⁴ Registry, “First Registry Report on Applications for Individual Reparations”, 10 August 2018, ICC-01/12-01/15-275.

⁵ Registry, “Corrigendum of ‘Second Registry Report on Applications for Individual Reparations’, ICC-01/12-01/15-282, 10 September 2018”, dated 10 September 2018 and registered on 11 September 2018, ICC-01/12-01/15-282-Corr.

⁶ Trial Chamber VIII, “Reparations Order”, 17 August 2017, ICC-01/12-01/15-236, para. 5.

97 applications in accordance with the screening criteria established in the Decision on the DIP. These criteria were detailed in Annex I to the First Report⁷ and updated in Annex I to the Second Report⁸ (“VPRS screening criteria”).

III. Classification

4. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), Annex I to the present filing is classified as confidential since it contains detailed information on how the Registry assesses applications of potential beneficiaries of individual reparations which is not available to the public. Annex II is classified as confidential *ex parte* only available to the Legal Representative of Victims (“LRV”) because it contains confidential information that may lead to the identification of victims who applied for reparations.

IV. Applicable Law

5. The Registry submits the present filing in accordance with articles 68(1) and 75 of the Rome Statute, rules 85, 94 and 98 of the Rules of Procedure and Evidence, regulation 88 of the RoC and regulations 110 and 118(2) of the Regulations of the Registry.

V. Submissions

a. Applications covered by the present report

6. In accordance with the Chamber’s order in the Decision on the DIP,⁹ the VPRS finalized the review of the remaining 42 applications on the record of the Case. In addition, it reviewed the first 42 applications out of the 240 application forms for

⁷ Registry, Annex I to the First Registry Report on Applications for Individual Reparations, ICC-01/12-01/15-275-Conf-AnxI.

⁸ Registry, Annex I to the Second Registry Report on Applications for Individual Reparations, ICC-01/12-01/15-282-Conf-AnxI.

⁹ Decision on the DIP, para. 31.

reparations received by the VPRS after the deadline of 16 December 2016 for the transmission of reparations forms to the Chamber¹⁰ and thus not transmitted in the record of the Case. The review was done in accordance with the VPRS screening criteria, with a view to identifying any and all complete applications for which it might already issue positive or negative preliminary assessments, as per paragraphs 40 and 41 of the Decision on the DIP. An updated summary of the VPRS screening criteria applied is submitted as confidential Annex I to the present filing.¹¹ The table identifying all missing information or clarifications needed for the applications reviewed¹² is transmitted as confidential *ex parte* Annex II to the present document, only available to the LRV.

7. To date, the VPRS concluded that none of the forms reviewed contain all the information necessary for the VPRS to issue either a positive or a negative preliminary assessment.

b. New application form for individual reparations and guidelines on how to fill in the form

8. As previously reported, the VPRS stands ready to provide further help and comments, if any, on any further version of the form that the TFV may prepare based on the comments from the Parties and the VPRS. The Section will also continue to put at the TFV's disposal its substantive and technical expertise on this matter, including by drafting guidelines on how to fill in the form.

¹⁰ Trial Chamber VIII, "Reparations Phase Calendar", 29 September 2016, ICC-01/12-01/15-172, para. 2 (iv).

¹¹ All updated information is marked in **bold type**.

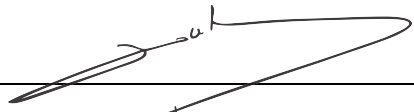
¹² Applications a/35140/16 and a/35144/16, which were previously transmitted in the record of the Case, are not included in this table as they are not applications for individual reparations.

c. Further VPRS filings

9. The VPRS will continue to review the remaining 198 application forms for reparations received by the VPRS after the deadline for transmission of reparations forms to the Chamber and thus never transmitted into the record of the Case.¹³ Simultaneously, the Section continues to provide the LRV periodically with detailed lists and descriptions of missing information to complete relevant application forms.
10. The VPRS will continue submitting filings every 30 days with a view to keeping the Chamber informed of the progress made, unless instructed otherwise by the Chamber.

¹³ Trial Chamber VIII, "Reparations Phase Calendar", 29 September 2016, ICC-01/12-01/15-172, para. 2 (iv).

11. The VPRS informed the Chamber in its previous reports that it will start implementing the screening process established in the Decision on the DIP¹⁴ within the deadlines imposed by the Chamber as soon as it would receive the missing information and/or clarifications of unclear information requested of the LRV in its review exercise of existing applications, or new forms for reparations. To date, the VPRS has not yet received any supplementary information or new forms. It understands that the LRV is actively engaged in producing relevant information in due course.



Marc Dubuisson, Director of the Division of Judicial Services

On behalf of
Peter Lewis, Registrar

Dated this 10 October 2018

At The Hague, The Netherlands

¹⁴ Decision on the DIP, paras. 36-44.