

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **10 February 2021**

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

**Request to submit update reports on the implementation of reparations every
three months**

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

Legal Representatives of Applicants

Mr Mayombo Kassongo

Unrepresented Victims

Unrepresented Applicants for

Participation/Reparation

Office of Public Counsel for

Office of Public Counsel for the Defence

Victims

States' Representatives

REGISTRY

Registrar

Counsel Support Section

Mr Peter Lewis

Mr Esteban Peralta Losilla

Victims and Witnesses Section

Mr Nigel Verrill

Victims Participation and Reparations

Other (Country Office)

Section

Mr Nouhoum Sangaré

Mr Philipp Ambach

I. BACKGROUND

1. On 12 July 2018, Trial Chamber VIII (“Trial Chamber”) issued a decision on the draft implementation plan wherein it directed the Trust Fund for Victims (“Trust Fund”) to submit monthly update reports in relation to the Trust Fund’s progress during the reparations implementation stage of the present case.¹
2. On 4 March 2019, the Trial Chamber approved the Trust Fund updated implementation plan² and agreed to the submission of such reports at a bimonthly basis (“Decision on the UIP”).³

II. SUBMISSION

3. The Trust Fund appreciates the opportunity to submit update reports to the Trial Chamber on the implementation of the reparations as provided for in regulation 58 of the Regulations of the Trust Fund. In addition to serving the purpose of informing the Trial Chamber, the other parties and participants and the public of the progress of reparations, update reports permit keeping official records and constitute precious material to conduct lessons-learned exercises.
4. For the reasons set out below, the Trust Fund believes that submitting update reports every three months would reach the appropriate balance between ensuring the efficient use of Trust Fund’s resources while permitting the oversight of the Trial Chamber.
5. The Trust Fund now enters into the phase of monitoring the work of its implementing partners. While the Trust Fund monitors the work of the implementing partners and works together with them on a daily basis (to ensure that implementation is conducted properly, in accordance with the Reparations Order and with the Trust Fund’s best practices), it requires from the implementing partners that they submit quarterly

¹ 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](#), para. 22.

² Updated Implementation Plan, ICC-01/12-01/15-291-Conf-Exp. A confidential redacted version was notified on 7 November 2018 (ICC-01/12-01/15-291-Conf-Red). A public redacted version was filed on 22 November 2018, *see* Public redacted version of “Updated Implementation Plan”, submitted on 2 November 2018, ICC-01/12-01/15-291-Conf-Exp”, [ICC-01/12-01/15-291-Red2](#); and Lesser public redacted version of “Updated Implementation Plan” submitted on 2 November 2018 ICC-01/12-01/15-291-Conf-Exp, 14 October 2019, [ICC-01/12-01/15-291-Red3](#).

³ Decision on the UIP, 4 March 2019, ICC-01/12-01/15-324-Conf, para. 104.

reports based on the quarters of a calendar year. Accordingly, aligning the Trust Fund's reporting to the Trial Chamber with the calendar of the implementing partner's reporting to the Trust Fund would permit a more efficient, consolidated and comprehensive reporting. Specifically, reporting mid-May, mid-August, mid-November and mid-February would permit including in the update reports to the Trial Chamber the latest developments in relation to collective reparations.

6. Spacing the submission would not have any adverse impact on the screening process. The Trust Fund proposes that in relation to the notification of administrative decisions on individual reparations applications, the same procedure remains in place, that is that positive decisions be notified by way of annexed list to the update reports and that the deadline to contest negative administrative decisions, if any, remains 15-day from their notification to the Trial Chamber, by way of annex of the decisions to the update report.⁴

7. Such a reporting period would allow the Trust Fund to focus its scarce resources on the implementation of reparations and nevertheless allow it to continue providing dense and complete reports. Should extraordinary events require urgent reporting to the Trial Chamber, the Trust Fund would submit *ad hoc* reports. Similarly, it is understood that the Trial Chamber may request at any time additional information from the Trust Fund.

8. The Trust Fund requests that this quarterly reporting period starts first with the 20th Update Report, which would be due on 18 May 2021.

9. For reasons of administrative and judicial economies, the Trust Fund requests the Trial Chamber that the page limit for the quarterly update reports be set to 30 pages. Considering the lesser frequency of the reports, it is the view of the Trust Fund that such an extension of page limit is prudent to avoid that requests for extension be unnecessarily filed ahead of the filing of the reports.

10. The 19th Update Report will be filed within the currently applicable page and time limitations.

⁴ In the past, the LRV has submitted requests for review of the Trust Fund's decision way ahead of the deadline, in which case the Trust Fund has simply made sure to notify the Trial Chamber of its decisions in its response to the LRV's request.

CONCLUSION

11. The Trust Fund respectfully requests the Trial Chamber grant the present requests, in accordance with paras 5 and 8-9 above.



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 10 February 2021
At The Hague, The Netherlands