

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **25 February 2022**

TRIAL CHAMBER VIII

Before:

**Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt
Judge Maria del Socorro Flores Liera**

SITUATION IN THE REPUBLIC OF MALI

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

Public

With 2 confidential, *ex parte*, annexes

Public redacted version of “Twenty-third update report on the updated implementation plan”, submitted on 25 February 2022

Source:

The Trust Fund for Victims

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

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I. BACKGROUND

1. On 12 July 2018, Trial Chamber VIII (“Trial Chamber”) issued a decision on the draft implementation plan (“Decision on the DIP”) wherein it laid down the features of the organisation of the screening process for individual applications for reparations, set 4 March 2020 as the deadline for its completion,¹ and 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.² On 4 March 2019, the Trial Chamber approved the Trust Fund updated implementation plan³ and agreed to the submission of such reports at a bimonthly basis (“Decision on the UIP”).⁴
2. On 15 August 2018, 14 September 2018, 15 October 2018, 14 November 2018, 14 December 2018, 14 January 2019, 14 February 2019, 6 May 2019, 2 July 2019, 4 September 2019, 25 October 2019, 27 December 2019, 20 February 2020, 22 April 2020, 22 June 2020, 26 August 2020, 26 October 2020, 29 December 2020, 1 March 2021, 19 May 2021, 25 August 2021 and 22 November 2021, the Trust Fund filed its

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](#), paras 35-49.

² [Decision on the DIP](#), para. 22.

³ 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](#)

⁴ Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Conf (“Decision on the UIP”) para. 104.

first,⁵ second,⁶ third⁷, fourth⁸, fifth⁹, sixth,¹⁰ seventh,¹¹ eighth,¹² ninth,¹³ tenth,¹⁴ eleventh¹⁵, twelfth,¹⁶ thirteenth,¹⁷ fourteenth,¹⁸ fifteenth,¹⁹ sixteenth,²⁰ seventeenth,²¹ eighteenth,²² nineteenth²³, twentieth²⁴, twenty-first,²⁵ and twenty-second²⁶ update reports, respectively.

⁵ First monthly update report on the implementation plan, 15 August 2018, ICC-01/12-01/15-277-Conf (“First Monthly Report”).

⁶ Second Monthly update report on the implementation plan, 14 September 2018, ICC-01/12-01/15-283-Conf, with two confidential annexes (“Second Monthly Report”).

⁷ Third monthly update report on the updated implementation plan, 15 October 2018, ICC-01/12-01/15-288-Conf.

⁸ Fourth monthly update report on the updated implementation plan, 14 November 2018, ICC-01/12-01/15-299-Conf, with four confidential annexes (“Fourth Monthly Report”).

⁹ Fifth monthly update report on the updated implementation plan including information concerning further details relevant to the Board of Directors’ complement decision, with one confidential annex, 14 December 2018, ICC-01/12-01/15-305-Conf (“Fifth Monthly Report”).

¹⁰ Sixth monthly update report on the updated implementation plan, 14 January 2019, ICC-01/12-01/15-314-Conf.

¹¹ Seventh monthly update report on the updated implementation plan, 14 February 2019, ICC-01/12-01/15-321-Conf.

¹² Eighth update report on the updated implementation plan, 6 May 2019, ICC-01/12-01/15-321-Conf.

¹³ Ninth update report on the updated implementation plan, with one confidential, *ex parte* annex, available to the Trust Fund, 2 July 2019, ICC-01/12-01/15-332-Conf.

¹⁴ Tenth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 4 September 2019, ICC-01/12-01/15-335-Conf-Exp.

¹⁵ Eleventh update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, with one confidential, *ex parte* annex, available to the Legal Representative of Victims and the Registry, 25 October 2019, ICC-01/12-01/15-336-Conf-Exp.

¹⁶ Twelfth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 27 December 2019, ICC-01/12-01/15-340-Conf-Exp.

¹⁷ Thirteen update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 20 February 2020, ICC-01/12-01/15-346-Conf-Exp.

¹⁸ Fourteenth update report on the updated implementation plan and response to LRV Request ICC-01/12-01/15-356-Conf-Red, 22 April 2020, ICC-01/12-01/15-358-Conf-Exp, with four confidential *ex parte* annexes, (“Fourteenth Update Report”).

¹⁹ Fifteenth update report on the updated implementation plan, with three confidential, *ex parte* annexes, 22 June 2020 (notified on 23 June 2020) ICC-01/12-01/15-366-Conf. (Fifteenth Update Report).

²⁰ Sixteenth update report on the updated implementation plan, with thirteen confidential, *ex parte* annexes and one confidential annex, 26 August 2020, ICC-01/12-01/15-371-Conf. (Sixteenth Update Report)

²¹ Seventeenth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, with three confidential, *ex parte* annexes, 26 October 2020, ICC-01/12-01/15-375-Conf-Exp. (Seventeenth Update Report).

²² Eighteenth update report on the updated implementation plan, with 1 confidential, *ex parte* annex available to the LRV and the Registry, 29 December 2020, ICC-01/12-01/15-377-Conf (Eighteenth Update Report).

²³ Nineteenth update report on the updated implementation plan, with 1 confidential, *ex parte* annex available to the LRV and the Registry, 1 March 2021, ICC-01/12-01/15-381-Conf (Eighteenth Update Report).

²⁴ Twentieth update report on the updated implementation plan and request to reclassify as public portions of the case record, with 5 confidential, *ex parte* annexes available to the LRV and the Registry, 19 May 2021, ICC-01/12-01/15-386-Conf (Twentieth Update Report and Request to Reclassify).

²⁵ Twenty-first update report on the updated implementation plan, with 4 confidential, *ex parte* annexes available to the LRV and the Registry, 25 August May 2021, ICC-01/12-01/15-405-Conf (Twenty-first Update Report).

²⁶ Twenty-second update report on the updated implementation plan, with one confidential annex, 25 November 2021, ICC-01/12-01/15-436-Conf.

3. On 17 March 2020, 16 April 2020, 18 May 2020, 19 June 2020, 22 July 2020, 20 August 2020, 17 September 2020, 30 September 2020, 14 October 2020, 4 November 2020, 20 November 2020, 7 December 2020, 28 January 2021, 18 February 2021, 10 March 2021, 19 March 2021, 29 March 2021, 9 April 2021, 21 May 2021, 9 June 2021, 25 June 2021, 22 July 2021, 5 November 2021, 3 February 2022, and 24 February 2022 the Trust Fund notified the LRV and the Defence of 12 positive administrative decisions (first batch), 79 negative administrative decisions (second batch), 82 negative administrative decisions (third batch), 75 negative administrative decisions (fourth batch), 75 negative administrative decisions (fifth batch) 75 negative administrative decisions (sixth batch), 16 negative administrative decisions (seventh batch), 76 positive administrative decisions (eighth batch), 130 positive administrative decisions (ninth batch), four positive administrative decisions (tenth batch), 32 positive administrative decisions (eleventh batch), five positive administrative decisions (twelfth batch), five positive administrative decisions (thirteenth batch), 96 positive administrative decisions (fourteenth batch), five positive administrative decisions (fifteenth batch), 100 positive administrative decisions (sixteenth batch), 163 positive administrative decisions (seventeenth batch), nine positive administrative decisions (eighteenth batch), 18 positive administrative decisions (nineteenth batch), one positive administrative decision (twentieth batch), 151 positive administrative decisions (twenty-first batch), two positive administrative decisions (twenty-second batch), 18 positive administrative decisions (twenty-third batch), 48 positive administrative decisions (twenty-fourth batch), and two positive administrative decisions (twenty-fifth batch). All but two administrative decision adopted in the reporting period have become final.

4. On 23 September 2020, upon a request from the Trust Fund,²⁷ the Trial Chamber issued a decision simplifying considerably the screening process (“Decision on Screening Process”).²⁸

²⁷ Trust Fund’s submission on the amendment of the screening process, 2 September 2020, ICC-01/12-01/15-372-Conf.

²⁸ Decision on the TFV Request for amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf.

5. On 17 February 2021, the Trial Chamber, upon a request from the Trust Fund,²⁹ amended the reporting schedule to three months.³⁰

II. CLASSIFICATION OF THE PRESENT SUBMISSION

6. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report as confidential for the reasons set out in the Trust Fund's previous update reports.³¹ A public redacted version will be filed as soon as feasible.

III. UPDATE REPORT OF 25 FEBRUARY 2022

7. The present report covers the period from 25 November 2021 to date.

A. Individual reparation awards

1. Collection of applications

8. During the reporting period, the Trust Fund did *not* actively continue the collection of applications. As previously reported, the Trust Fund only continues to collect applications emanating from “residual” individuals, i.e. individuals approaching the Trust Fund or the LRV on their own initiative. As reported in the Twenty-second Update Report, as result of the symbolic ceremony held on 30 March 2021 and as a result of the increased pace of payments of individual reparations, a number of individuals initially reluctant to submit an application had approached the Trust Fund for the collection of their applications.

9. Accordingly, the Trust Fund limited its activities to consolidating the applications collected from a group of individuals residing in the desert surrounding Timbuktu, who had expressed their willingness to fill out applications. Upon receipt of the applications, the Trust Fund noted that a number of them were incomplete and organised for the consolidation of the applications so that only complete applications are transmitted to the LRV.

²⁹ Request to submit update reports on the implementation of reparations every three months, 10 February 2021, ICC-01/12-01/15-379.

³⁰ Decision on the Request from the Trust Fund for Victims to Submit Update Reports Every Three Months, ICC-01/12-01/15-380.

³¹ *See* First Monthly Report, para. 3; Second Monthly Report, para. 8.

10. The Trust Fund continues to receive requests to submit individual application forms and, unless otherwise ordered, it intends to continue enabling applicants to submit them.

11. In the Decision on the UIP of 4 March 2019, the Trial Chamber determined that the period of implementation of reparations was three years, therefore ending on 4 March 2022. In the same decision, the Trial Chamber had ruled that extending the period of implementation of the individual reparations would require the Trial Chamber's approval – as opposed to collective and symbolic reparations that can be extended at the Trust Fund's discretion.³² In this respect, the Trust Fund recalls that the symbolic reparations were implemented through the symbolic ceremony held on 30 March 2021 and that the Trust Fund continues activities in relation to this ceremony. The Trust Fund extends the implementation of the collective reparations for the duration of the projects as currently foreseen based on the applicable contractual and financial framework.

12. Bearing in mind the ongoing difficult security situation and for the reasons set out in this report, the Trust Fund respectfully requests to be permitted to continue implementing individual reparations in accordance with the approach applied so far. i.e. it will continue to award the individual reparations to the beneficiaries, to issue eligibility decisions and notify them to the beneficiaries and to collect applications in the way described in paragraph 8. If this is accepted by the Trial Chamber, the LRV will accordingly continue consolidating applications. The Trust Fund wishes to point out that there are still a number of victims who are currently residing outside of Mali, whom the LRV intends to approach. In addition and in line with the passive approach of the Trust Fund, should beneficiaries come forward, the Trust Fund will give them the possibility to submit their application. The Trust Fund believes that this approach is not prejudicial to any of the parties involved and has no adverse effect whatsoever. On the contrary, it permits ensuring the fairness of the overall reparations process and the continuously growing acceptance and ownership of the community. Indeed, based on the Trust Fund's experience relevant to the symbolic ceremony, the Trust Fund expects that as a result of the unfolding of collective reparations (e.g. the launching of the economic resilience facility), some beneficiaries who were more difficult to reach might come forward. The Trust Fund will report to the Trial Chamber upon completion of the implementation of

³² Decision on the Updated Implementation Plan, 4 March 2019, ICC-01/12-01/15-324-Conf, para. 21 and footnote 53.

individual reparations, which will take place at the latest at the completion of the collective reparations.

2. Administrative decisions

13. During the reporting period, 50 eligibility decisions (all positive) were issued by the Trust Fund.

14. On 22 October 2021, the Trust Fund received from the Victims Participation and Reparation Section (“VPRS”) a total of 19 applications (17th transmission of applications), including those of applicants a/11180/21 and a/11182/21. On 5 November 2021, the Trust Fund adopted 18 positive administrative decisions on eligibility as its 23rd batch of decisions, finding that application a/11182/21 required clarification. In accordance with the Chamber’s decision of 23 September 2020,³³ the LRV was requested to submit the relevant information.³⁴

15. On 8 November 2021, the LRV filed a request informing the Chamber of the death of applicants a/11180/21 and a/11182/21 and requesting that a family member of each of the deceased applicants be authorised to resume the action brought by said applicants (the “November 2021 Request”).³⁵ On 21 December 2021, the Chamber granted the request (“December 2021 Decision”).³⁶

16. On 19 January 2022, the Trust Fund for Victims received from VPRS a total of 49 applications (18th transmission of applications). Two applications required additional information from the LRV before a decision can be taken; in accordance with the Chamber’s decision of 23 September 2020,³⁷ the Trust Fund addressed the LRV accordingly.³⁸ Of those applications, the Board of Directors of the TFV adopted 47 positive eligibility decisions as part of this 24th batch of decisions.

17. Concerning the resumption of the actions brought by applicants a/11180/21 and a/11182/21, the Trust Fund recalls that it has already rendered a positive eligibility

³³ Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf, para. 4.

³⁴ Email from the Trust Fund to the LRV on 4 November 2021, at 18:11.

³⁵ Demande de reprise d’actions introduites par les victimes a/11180/21 and a/11182/21, 8 November 2021, ICC-01/12-01/15-433.

³⁶ Decision on the Request of the Legal Representative of Victims for Resumption of Action for Deceased Victims a/11180/21 and a/11182/21, 21 December 2021, ICC-01/12-01/15-437.

³⁷ Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf, para. 4.

³⁸ Email from the Trust Fund to the LRV on 1 February 2022, at 14:54.

decision regarding a/11180/21 as part of its 23rd batch of decisions of 5 November 2021,³⁹ i.e. before the LRV filed the November 2021 Request. The Trust Fund further notes that the person mandated by the family members of applicant a/11180/21 to resume action, and authorised by the Chamber to do so and to receive the reparations award, has received said award in compliance with the expedited procedure for resumption of actions approved by the Chamber in its December 2021 Decision.⁴⁰ The Board of Directors of the TFV adopted accordingly one positive eligibility decision regarding applicant a/11182/82 as part of the 24th batch of decision.

18. On 9 February 2022, the LRV provided the requested documents⁴¹ concerning the two remaining applications emanating from 18th transmission by VPRS of 19 January 2022 for which the TFV has requested consolidation to the LRV. On 24 February 2022, the Board of Directors of the Trust Fund adopted two decisions as its 25th batch of decisions.

Twenty-fourth batch (48 positive decisions: 47 decisions of the eighteenth transmission, and one decision on the action resumed concerning one application from the seventeenth transmission).

19. *Date of collection:* all 48 applications corresponding to the 48 positive decisions were collected by a TFV's intermediary. One was collected in February 2020, while the others were collected between May and November 2021.

20. *Sex and age:* of the 48 decisions, 29 decisions relate to female applicants, two of whom are minors. 19 decisions relate to male applicants, two of whom are minors.

21. *Type of claim and value of the award:* 47 applicants were found eligible for reparations for the moral harm suffered. 45 of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]; the remaining two were found to be direct descendants of two Saints; the amount awarded to each of them is [REDACTED]. One applicant was found eligible for reparations for the economic harm suffered; he had been a mason for a mausoleum and had two family members involved in this activity; however, one of the two family members involved already received a

³⁹ TFV/MAH/2021-0511-13.

⁴⁰ Decision on the Request of the Legal Representative of Victims for Resumption of Action for Deceased Victims a/11180/21 and a/11182/21, 21 December 2021, ICC-01/12-01/15-437, in particular paras 4 and 9. See also TFV Twenty-second Update Report on the Updated Implementation Plan, 25 November 2021, ICC-01/12-01/15-436-Conf, para. 22.

⁴¹ Email from the LRV to the TFV on 9 February 2022, at 14:37.

reparations award for the economic harm he suffered himself; therefore, the amount awarded is [REDACTED]. The overall amount awarded to the 48 beneficiaries is [REDACTED]; the disbursement to be done in Francs CFA.

22. *Protected Building*: of the 48 decisions, seven decisions relate to the Ahmed Fulane mausoleum, one relates to the Sheikh Abdoul Kassim Attouaty mausoleum, one relates to the Sheikh Mouhamad El Mikki mausoleum, 37 relate to the Sidi Yahia mosque, while two relate to both the Ahmed Fulane mausoleum and the Sidi Yahia mosque.

23. The 48 individual eligibility decisions constituting the twenty-fourth batch of administrative decisions are appended as Annex 1 to this Report.

Twenty-fifth batch (2 positive decisions of the eighteenth transmission).

24. *Date of collection*: the two applications corresponding to the two positive administrative decisions were collected by a TFV's intermediary in November 2021. *Sex and age*: the two decisions relate to two minor female applicants. *Type of claim and value of the award*: the two applicants were found eligible for reparations for the moral harm suffered; they were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the two beneficiaries is [REDACTED]; the disbursement will be done in Francs CFA. *Protected Building*: the two decisions relate to the Sidi Yahia mosque.

25. The 2 individual eligibility decisions constituting the twenty-fifth batch of administrative decisions will become final on 14 March 2022. They are nonetheless appended as Annex 2 to this Report.

3. Notification of positive decisions, disbursement of the individual reparation awards and their modalities

26. As reported in the Twenty-second Update Report, the Trust Fund continued the disbursement of individual reparations awards.

27. During the reporting period, the Trust Fund disbursed funds to 50 beneficiaries. Accordingly, out of a total number of 870 beneficiaries, 824 received their award by 25 November 2021.

28. The Trust Fund will proceed swiftly to the disbursement of the remaining awards. For the time being, the economic sanctions imposed on Mali, including the financial

sanctions on international transactions have not affected the ability of the Trust Fund to proceed transferring funds to Mali. The Trust Fund will keep the Trial Chamber apprised of any change to this situation.

B. Collective reparation awards

29. During the reporting period, progress has been made in relation to the implementation of collective reparations.

30. With regard to the **collective reparations for economic harm**, specifically the Economic Resilience Facility (“ERF”), the Trust Fund and its implementing partners worked at framing the market survey in accordance with the approved implementation plan. The Trust Fund aims at ensuring that the notion of reparative value is translated into possible economic actions. Immediately upon selection of the consultancy firm in charge of the market survey, a comprehensive inception meeting was organised with all relevant actors and supported by an economic expert contracted by the Trust Fund.

31. After this meeting, the consultancy firm started data collection in Timbuktu and the market study produced its first results. The Trust Fund is monitoring very closely the progress made by way of weekly situation reports (SITREP), meetings, comments and instructions directed at the firm. Concretely, consultations with over 20 community focus groups were conducted in Timbuktu to gather comprehensive and contemporaneous data on the economic harm suffered as well as on opportunities existing in 2022. The focus groups were constituted building on the work already effectuated in the context of the collective reparations for moral harm and the organisation of committees for that purpose. By way of example, 129 individuals, 54% of which were women, participated in the data collection consultations conducted during the third week of February 2022. Additional separate meetings with women were organised to ensure that they can express their concerns freely and in a safe atmosphere.

32. These consultations aim at allowing the community to identify and agree on the economic harm related to the destruction of the mausoleums. During the consultations, the community is given a forum to express and propose reparative measures of economic nature. This also permits the Trust Fund and its implementing partner to redirect the collective thought process when measures falling outside the ERF are proposed. In terms of the content of the consultations, the Trust Fund ensures that the consultations are conducted in a semi-structured manner, that is enabling free discussions on the one hand

while making clear that the expected ERF is a reparative measure for the crime of the destruction of the mausoleums on the other hand. For instance, when it comes to proposing measures, semi-guided questions are asked such as “1. What is the proposed measure”; “2. What is the link between this measure and the harm caused by the crime”; “3. What are the expected direct and indirect benefits and how is it contributing to repair the harm caused”. When measures falling clearly outside the scope of the ERF are proposed questions such as “4. Would the proposed measure be necessary if the mausoleums had not been destroyed” are asked.

33. In sum, the ongoing market survey is progressively permitting accurate data collection to allow for a fine-tuning of the design of the services offered. It is also an opportunity to increase the community knowledge of the upcoming measures as well as their endorsement and acceptance.

34. With regard to the **collective reparations for psychological harm**, the four committees in Timbuktu (Sarakeina and Hammabangou (Committee I), Badjindé and Djingareyber (Committee II), Abaradjou and Sankoré (Committee III) and Bellaferandi and Kabara (Committee IV)) continued working and the Bamako committee started its activities.

35. In order to strengthen the restorative agency of all stakeholders,⁴² the Trust Fund, together with its implementing partner, keeps ensuring that all relevant members of the community of Timbuktu are involved such as the families of the mausoleums, beneficiaries of individual reparations, imams, cadis, resource persons identified and trained by the partners, the chiefs of neighbourhood, religious leaders, young people and women (as part of dedicated committees), the mason corporation, touristic guides etc. This innovative approach is proving beneficial to the extent that so far, it has enabled all components of the community to feel represented and have a forum of expression on the appropriate form of memorialisation.

36. In short, the Trust Fund is pleased to report that the first year of activities proved very successful. The highly participatory approach allowed for an anchoring of the project in the community. As reported in the Twenty-second Update Report, the partner initially faced resistance due to the non-inclusion of an important mausoleum into the charges. As a result of the partner’s engagement at all levels of the community and their explanations

⁴² Updated Implementation Plan, [ICC-01/12-01/15-291-Red3](#), paras 9 and 162.

of the reason of such exclusion, this obstacle was overcome and the adhesion to the work of the committees secured. Important efforts continue to ensure the participation of women. Women are represented in all established committees. Additionally, female-only sub-committees have been established to establish a space, in which women and girls feel confident to express their opinions. During the reporting period, members of the committees and sub-committees benefitted from training to align their role with the implementation plan. In relation to the psychological support, community workers have been identified. [REDACTED].

37. As a result, the contract with the implementing partner was extended, as planned. The second year of activity will be dedicated to identifying the memorialisation measure, if any and to identifying potential beneficiaries for psychological support. Indeed, for the time being, identification of those beneficiaries has proven difficult. It is the Trust Fund's expectation that with the launching of the collective economic reparations, more beneficiaries for psychological support will be identified.

38. With regard to the **reparations for the Protected Buildings**, the Trust Fund and UNESCO signed a contract on 25 November 2021 and the first instalment was disbursed at the end of December. Since then, immediately at the completion of the winter recess, in accordance with its procedure and in consultation with the Trust Fund, UNESCO has started making all required internal arrangements to permit the launching of the project. [REDACTED].

C. Symbolic reparation awards

39. Following the symbolic ceremony ordered as reparation awards to respectively the Malian and the international community, the Trust Fund has organised a number of follow-up activities – funded outside the liability amount – to achieve a greater reach and longer-lasting impact of the symbolic ceremony and thereby of the symbolic reparation awards as a whole. These additional activities are necessary in order for the measure ordered by the Trial Chamber to reach its full effect and to be fully implemented. In particular, the Trust Fund has been producing a movie on the role of the mausoleums in the Timbuktu society and has started organising screening sessions, followed by debate in relation to the importance of the mausoleums. The movie was first shown in December 2021 during the Assembly of States Parties' side event and was then displayed during a movie festival in Timbuktu that took place in February 2022. The Trust Fund will

continue using it to generate debate and interest around the mausoleums thereby contributing to achieving satisfaction of those affected by the destructions throughout Mali and the world. The Trust Fund is currently in the process of selecting an implementing partner to organise a *campagne itinérante* during which movies will be projected throughout Mali and debates organised around this topic.

D. Funding

40. On 3 January 2022, the Trust Fund signed an agreement with the government of Canada securing 4 million Canadian dollars for an assistance programme in Mali and the implementation of reparations in the *Al Mahdi* case. The Trust Fund recalls that while the amount of liability was set to 2.7 million EUR, and that the complete funding for this amount has now been secured with the Canadian contribution, additional funding is necessary to incur programme support costs, *i.e.* the indirect costs arising for the implementing partner for running the implementation programme and those arising for the Trust Fund during the implementation of individual reparations. The Trust Fund is continuing its fundraising efforts to ensure adequate resources are available to cover these costs.

41. As part of its contractual obligations towards Canada – and compliant with the Reparations Order –⁴³ the Trust Fund is currently working on increasing its technical expertise on gender mainstreaming and social inclusion. The Trust Fund has directly implemented individual reparations in a manner that permitted that women are provided with a real opportunity to come forward. The collective reparations for moral harm are implemented in a manner that has provided safe space for women to engage. The need to come up with an overall comprehensive strategy on gender mainstreaming and social inclusion has been specifically identified in relation to the implementation of the ERF. This activity will start with a diagnostic on the inclusion of gender aspects in the implementation of the reparations and should result in the design of an operational plan with concrete measures that ensure that women have access to reparations in the same way as men. To reach this objective, the Trust Fund is training the implementing partners, reinforcing their capacity in this regard and accompanying them on the implementation of the reparations in a gender-inclusive manner.

⁴³ Reparations Order, [ICC-01/12-01/15-236](#), para. 105.

42. Additionally, the Trust Fund is working on strengthening its performance monitoring framework, with a view to be able to track the progress and results of the implementation of the reparations awards. The Trust Fund is currently working on designing a comprehensive strategy – capitalising on the existing performance plans used by the Trust Fund – adapted to the *Al Mahdi* reparations. Specific to the *Al Mahdi* case is the fact that the Trial Chamber ruled that each of the measure reinforces the other measures.⁴⁴ This has proven an operational reality. For instance, individual reparations permitted a deep penetration of the community which had a direct and visible impact on the acceptance of the collective reparations for moral harm. Thus, one of the adjustment that the Trust Fund is currently applying to its performance plan is the fact that indicators must be designed to monitor the indirect effects of certain measures on other measures. Upon design of the indicators, the Trust Fund will train its partners and reinforce their capacities so that the overall effect on reparations can be measured and ultimately reported.

CONCLUSION

43. The Trust Fund respectfully requests the Trial Chamber to take note of the present report and to approve the request to continue with the implementation of individual reparations. The Trust Fund stands ready to provide clarification on any information provided in the present submission or on any other issue affecting the implementation phase of reparations in the present case.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
Dated this 25 February 2022

At The Hague, The Netherlands

⁴⁴ Reparations Order, [ICC-01/12-01/15-236](#), para. 139.