

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **15 August 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*

Confidential

**Trust Fund for Victims' response to the Legal Representative for Victims' further
request for extension of time, (ICC-01/12-01/15-452-Conf), 9 August 2022**

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
Mr Karim A. A. Khan QC

Counsel for the Defence
Mr Mohamed Aouini

Legal Representatives of Victims
Mr Mayombo Kassongo

Trust Fund for Victims
Mr Pieter de Baan

REGISTRY

Registrar

Mr Peter Lewis

Victims and Witnesses Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other (Country Office)

Mr Nouhoum Sangaré

I. BACKGROUND

1. On 25 February 2022, the Trust Fund filed its twenty-third update report on the implementation of reparations in the *Al Mahdi* case (“Twenty-Third Update Report”).¹
2. On 5 April 2022, the Trial Chamber issued a decision on the Twenty-Third Report, directing the Trust Fund to: (i) “commence with the implementation of the collective reparations in the shortest time possible and provide the Chamber [...] with detailed information regarding the future planned activities for the implementation of collective reparations and a concrete timeline for the completion of all reparations ordered in the case” (“Query 1”);² (ii) together with the LRV “conclude the collection of all remaining applications for individual reparations, at the latest, within four weeks from the notification of the present Decision” (“Query 2”);³ (iii) “complete the implementation of individual awards, at the latest, within four months from the notification of the present Decision” (“Query 3”).⁴
3. On 14 April 2022, upon a request from the LRV (the “LRVs First Request”),⁵ the Trial Chamber extended the deadline for completion of collection of individual reparations applications and payment of individual reparations to 15 August 2022 (for the LRV and Trust Fund) and 14 November 2022 (for the Trust Fund), respectively (the “Decision on the LRV’s First Request”).⁶
4. On 25 May 2022, the Trust Fund submitted its twenty-fourth update report on the implementation of reparations in the *Al Mahdi* case (“Twenty-Fourth Update Report”).⁷

¹ Twenty-third update report on the updated implementation plan, with two confidential annexes, 25 February 2022, ICC-01/12-01/15-438-Conf.

² Decision on the TFV’s Twenty-third update report on the updated implementation plan, ICC-01/12-01/15-439-Conf, para. 11 (“Decision”).

³ Decision, ICC-01/12-01/15-439-Conf, para. 15.

⁴ Decision, ICC-01/12-01/15-439-Conf, para. 18.

⁵ Corrigendum de “*Demande urgente d’extension de délai suivant* ‘Decision on the TFV’s Twenty-third update report on the updated implementation plan (ICC-01/12-01/15-439-Conf)’, ICC-01/12-01/15-440-Conf” du 7 avril 2022, 8 April 2020, ICC-01/12-01/15-440-Conf-Corr. On 13 April 2022, the Trust Fund responded to the request (Trust Fund for Victims’ response to the Legal Representative for Victims’ request for extension of time , ICC-01/12-01/15-441-Red).

⁶ Decision on the LRV’s Urgent Request for an extension of the time limit pursuant to ‘Decision on the TFV’s Twenty-third update report on the updated implementation plan (ICC-01/12-01/15-439-Conf)’, ICC-01/12-01/15-443-Conf.

⁷ Twenty-fourth update report on the updated implementation plan, with two confidential annexes, 25 May 2022, ICC-01/12-01/15-447-Conf.

5. On 9 August 2022, the LRV submitted a new request to extend the time limit set by the Trial Chamber for completion of collection of individual reparations applications (the “LRVs Second Request”).⁸

II. CLASSIFICATION OF THE PRESENT SUBMISSION

6. Pursuant to regulation 23 *bis* (2) of the Regulations of the Court, the Trust Fund has classified this report as confidential as it responds to a filing bearing the same classification. A public redacted version will be filed in due course.

III. SUBMISSIONS

7. To start with, the Trust Fund wishes to recall its preliminary submissions on the distribution of labour between the Trust Fund and the LRV detailed in its response to the LRV’s previous request for extension of deadline for completion of collection of individual reparations applications,⁹ and summarised in the Decision on the LRV’s First Request.¹⁰

8. The Trust Fund recalls that the Trial Chamber extended the deadline for completion of collection of individual reparations applications to 15 August 2022. The Trust Fund understands that the LRV does not request an extension of this deadline for completion of collection of individual reparations applications.¹¹ The LRV indicates that he has finished with the collection of applications.

9. Rather, the LRV requests, on an exceptional basis, a two month extension of time to consolidate collected applications and submit them fully. The Trust Fund recalls that the Trial Chamber extended the deadline for completion of payment of individual reparations to 14 November 2022. This is why, further to the Trial Chamber ruling on deadlines for collection of individual reparations applications and payment of individual reparations, the Trust Fund has informed the LRV that the latest date he could proceed to

⁸ Demande de prorogation de délai suivant « Decision on the LRV’s Urgent Request for an extension of the time limit pursuant to ‘Decision on the TFV’s Twenty-third update report on the updated implementation plan’ ICC-01/12-01/15-443”, 9 August 2022, ICC-01/12-01/15-452-Conf.

⁹ Trust Fund for Victims’ response to the Legal Representative for Victims’ request for extension of time, 13 April 2022, ICC-01/12-01/15-441-Red, paras 10-14.

¹⁰ Decision on the LRV’s Urgent Request for an extension of the time limit pursuant to ‘Decision on the TFV’s Twenty-third update report on the updated implementation plan (ICC-01/12-01/15-439-Conf)’, ICC-01/12-01/15-443-Conf, paras 7-8.

¹¹ LRVs Second Request, paras 23, 31 and 32.

submission of applications collected before 15 August 2022, without impacting the possibility for the Trust Fund to respect its deadline for payment of individual reparations, is 9 September 2022.¹² In drawing this conclusion, the Trust Fund has considered that this would give enough time to the VPRS to proceed with any transmission to the Trust Fund, and for the Trust Fund to issue final eligibility decisions, notify the victims, and make the necessary arrangements for the payment of individual reparations before the deadline set by the Trial Chamber.¹³

10. The Trust Fund believes it necessary to ensure that victims whose applications have been collected are in a position to submit complete applications. Therefore, the Trust Fund does not oppose the LRV's request. The Trust Fund remains ready to proceed without delay to payments of individual reparations each time a victim eligibility status is final.

11. Were the Trial Chamber to consider giving a two month extension deadline to the LRV to proceed to the consolidation of applications collected starting from 15 August 2022, the Trust Fund underlines that the timeline leading to the issuance of a final victim eligibility decision¹⁴ would make it nearly impossible for it to pay individual reparations before 14 November, despite its readiness.

12. Therefore the Trust Fund would expect the Trial Chamber to consider the consequences from any extension provided to the LRV by varying the deadline for payment of individual reparations by the Trust Fund to the same extent. However, the Trust Fund underlines once more that such fixed deadlines may require exceptions, such as those arising from any unexpected circumstances (such as e.g., additional future effects of ECOWAS sanctions on Mali, which render traveling and money transfer into the country much more cumbersome and lengthy already).

¹² E-mail from the Trust Fund for Victims to the LRV of 29 June 2022, at 16.18.

¹³ See Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-394 (The VPRS receives, and registers, reparations applications from the LRV and transmits them to TFV and LRV no later than 30 days after receipt. The TFV issues its administrative decisions within 15 days of the transmission by the VPRS. Should the TFV require additional information from the LRV, the 15 day time limit will run as from receipt of that additional information; The administrative decision is considered preliminary for 15 days, period within which the LRV and Defence may make submissions to the TFV, via email. If no submissions are received by expiry of that time limit, the preliminary administrative decision is considered final and can be challenged through a request for review to the Chamber. If submissions are received, the TFV issues its final decision within a further 15 days. The final administrative decision can be challenged through a request for review to the Chamber)

¹⁴ *Ibid.*

13. The Trust Fund incorporates by reference its prior submissions on additional potential beneficiaries.¹⁵

CONCLUSION

For the foregoing reasons, the Trust Fund respectfully requests the Trial Chamber to:

- (i) take note of its observations regarding the Request;
- (ii) set the date of completion of the individual reparations proportionally to the extension of time provided for the consolidation and submission of new applications by the LRV.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
Dated this 15 August 2022

At The Hague, The Netherlands

¹⁵ Trust Fund for Victims' response to the Legal Representative for Victims' request for extension of time, 13 April 2022, ICC-01/12-01/15-441-Red, paras 24-27.