

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **18 August 2022**

**TRIAL CHAMBER VIII**

**Before:** Judge Antoine Kesia-Mbe Mindua, Presiding Judge  
Judge Bertram Schmitt  
Judge Socorro Flores Liera

**SITUATION IN THE REPUBLIC OF MALI**

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

**Confidential**

**Decision on the LRV's Request for an extension of the time limit**

**To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:****The Office of the Prosecutor**  
Mr Karim A. A. Khan**Counsel for the Defence**  
Mr Mohamed Aouini**Legal Representative of Victims**  
Mr Mayombo Kassongo**Legal Representatives of Applicants****Unrepresented Victims****Unrepresented Applicants for  
Participation/Reparation****The Office of Public Counsel for  
Victims****The Office of Public Counsel for the Defence****States Representatives****Trust Fund for Victims**  
Mr Pieter de Baan**REGISTRY**

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**Registrar**  
Mr Peter Lewis**Counsel Support Section****Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations  
Section**  
Mr Philipp Ambach**Others**

**Trial Chamber VIII** of the International Criminal Court, in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (the ‘*Al Mahdi* case’), having regard to regulation 35 of the Regulations of the Court (‘Regulations’), issues this Decision on the LRV’s Urgent Request for an extension of the time limit (the ‘Decision’).

## I. PROCEDURAL HISTORY

1. On 14 April 2022, the Chamber issued a Decision on an LRV’s urgent request for an extension of the time limit, *inter alia*: i) extending the deadline for the Legal Representative of Victims (‘LRV’) to conclude the collection of applications for individual reparations in Niger and Burkina Faso, until 15 August 2022; and ii) directing the Trust Fund for Victims (‘TFV’) to complete the implementation of individual awards by 14 November 2022, at the latest.<sup>1</sup>
2. On 8 August 2022, the LRV submitted another request, asking the Chamber for a two-month extension of the deadline to conclude the consolidation of applications for individual reparations (‘Request’).<sup>2</sup>
3. Following the Chamber’s instructions,<sup>3</sup> on 15 August 2022, the TFV submitted its response to the Request (‘Response’).<sup>4</sup> On 17 August 2022, the Defence also provided its response.<sup>5</sup>

## II. SUBMISSIONS AND ANALYSIS

4. In its Request, the LRV submits that since April 2022, he has engaged his best efforts to abide by the deadline set by the Chamber to conclude the collection of applications for individual reparations.<sup>6</sup> Notably, as the LRV submits, he has carried out various missions to Burkina Faso, Senegal, and Mali, in order to carry out a final identification and to collect applications from victims displaced to these countries.<sup>7</sup>

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<sup>1</sup> 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)’, (‘14 April 2022 Decision’) 14 April 2022, ICC-01/12-01/15-443-Conf.

<sup>2</sup> 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” (‘Request’), 8 August 2022, ICC-01/12-01/15-452-Conf, para. 32.

<sup>3</sup> E-mail from the Chamber’s Legal Officer, 9 August 2022, at 17:48 hrs.

<sup>4</sup> 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 (‘Response’), 15 August 2022, ICC-01/12-01/15-453-Conf.

<sup>5</sup> E-mail to the Chamber’s Legal Officer, 17 August 2022, at 11:19 hrs.

<sup>6</sup> Request, ICC-01/12-01/15-452-Conf, paras 14-15.

<sup>7</sup> Request, ICC-01/12-01/15-452-Conf, para. 16.

5. Regarding the victims displaced to Niger, the LRV explains that he could not carry out a mission in Niger, as the Registry informed that they ‘have not received any confirmation from the relevant authorities that the privileges and immunities in relation to [the] mission have been granted’.<sup>8</sup> As the LRV submits, despite the lack of response by the authorities in Niger, he was nonetheless able to identify victims and collect their applications via his local network,<sup>9</sup> however, the consolidation of these applications is yet to be completed.<sup>10</sup> Regarding the victims displaced to Senegal, the LRV explains that he is currently finalising their identification and collection of applications, which will be completed within the deadline,<sup>11</sup> however, additional time is required for consolidation.<sup>12</sup> The LRV stresses that without consolidation, reparations for this last batch of applications cannot become effective.<sup>13</sup>

6. In addition, the LRV submits that he has recently carried out a mission to Bamako in relation to the launch of economic resilience facility, following which the TFV sent him a few dozen applications from victims, which are yet to be consolidated.<sup>14</sup> The LRV further submits that in order to consolidate the applications, it must adapt to the availability of the TFV.<sup>15</sup> Finally, the LRV explains that challenges relating to the communications on the field due to connection problems in Mali have hindered his work and that of his team.<sup>16</sup> In light of the above, the LRV requests, on an exceptional basis, a two-month extension of the deadline, to enable him to finalise the consolidation of the applications he recently collected.<sup>17</sup>

7. In its Response, the TFV recalls its preliminary submissions in relation to the distribution of labour agreed with the LRV,<sup>18</sup> and the deadline set by the Chamber for the TFV to complete the payment of individual reparations.<sup>19</sup> The TFV submits that it has accordingly informed the LRV that the latest date he could submit applications collected before 15 August 2022, without impacting the possibility for the TFV to respect its deadline for payment of individual reparations, is 9 September 2022.<sup>20</sup> As the TFV explains, this deadline would give

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<sup>8</sup> Request, ICC-01/12-01/15-452-Conf, para. 17.

<sup>9</sup> Request, ICC-01/12-01/15-452-Conf, paras 17-19.

<sup>10</sup> Request, ICC-01/12-01/15-452-Conf, para. 20.

<sup>11</sup> Request, ICC-01/12-01/15-452-Conf, para. 21.

<sup>12</sup> Request, ICC-01/12-01/15-452-Conf, para. 21.

<sup>13</sup> Request, ICC-01/12-01/15-452-Conf, para. 22.

<sup>14</sup> Request, ICC-01/12-01/15-452-Conf, paras 24-25.

<sup>15</sup> Request, ICC-01/12-01/15-452-Conf, para. 29.

<sup>16</sup> Request, ICC-01/12-01/15-452-Conf, para. 28.

<sup>17</sup> Request, ICC-01/12-01/15-452-Conf, paras 23, 31-32.

<sup>18</sup> Response, ICC-01/12-01/15-453-Conf, para. 7.

<sup>19</sup> Response, ICC-01/12-01/15-453-Conf, para. 9.

<sup>20</sup> Response, ICC-01/12-01/15-453-Conf, para. 9.

time to the VPRS to transmit applications for reparations to the TFV, and for the TFV 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 Chamber.<sup>21</sup>

8. The TFV submits that it considers necessary that the victims whose applications have been collected are in a position to submit complete applications, and consequently, submits that it does not oppose the LRV Request.<sup>22</sup> However, the TFV argues that, if the Chamber decides to grant the Request, it should similarly extend the deadline set for the TFV to finalise the payment of individual reparations.<sup>23</sup> The TFV also underlines that these deadlines may require exceptions, such as those arising from any unexpected circumstances.<sup>24</sup>

9. The Chamber notes that, pursuant to regulation 35(2) of the Regulations, it may extend or reduce a time limit if good cause is shown, and, where appropriate, after having given the participants an opportunity to be heard. In the past, this and other chambers of the Court have considered, *inter alia*, that factors such as difficulties in organising field missions are good causes to extend a time limit.<sup>25</sup>

10. The Chamber welcomes the LRV's efforts to identify and collect applications for individual reparations of the displaced victims residing in Burkina Faso, Senegal, and Niger, despite the challenges reported.<sup>26</sup> Similarly, the Chamber welcomes the collection of new applications for individual reparations in Mali, following the launch of the economic resilience facility.<sup>27</sup>

11. The Chamber understands from the Request that the LRV has finalised the collection of all applications for individual reparations,<sup>28</sup> and notes that the main reason why the LRV requests the extension of the deadline is to consolidate all the applications he has recently collected or received from the TFV.<sup>29</sup> The Chamber also notes the LRV submission whereby

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<sup>21</sup> Response, ICC-01/12-01/15-453-Conf, para. 9.

<sup>22</sup> Response, ICC-01/12-01/15-453-Conf, para. 10.

<sup>23</sup> Response, ICC-01/12-01/15-453-Conf, paras 11-12.

<sup>24</sup> Response, ICC-01/12-01/15-453-Conf, para. 12.

<sup>25</sup> *See, for instance*, Decision on the LRV Request for Extension of Time to Submit Individual Reparations Applications, ICC-01/12-01/15-359-Conf, para. 14; Trial Chamber II, *Prosecutor v. Thomas Lubanga Dyilo*, Decision on the request of the Trust Fund for Victims for an extension of the time limit for the submission of the first batch of files of potential victims, 29 March 2016, [ICC-01/04-01/06-3205](#), paras 2, 4; Trial Chamber IX, *Prosecutor v. Dominic Ongwen*, Decision on requests for extension of time, 19 July Extension 2021, [ICC-02/04-01/15-1865](#), para. 10.

<sup>26</sup> Response, ICC-01/12-01/15-453-Conf, paras 16-19, 26.

<sup>27</sup> Request, ICC-01/12-01/15-452-Conf, paras 24-25.

<sup>28</sup> *See also*, Response, ICC-01/12-01/15-453-Conf, para. 8.

<sup>29</sup> Request, ICC-01/12-01/15-452-Conf, paras 25, 31.

the victims whose applications the LRV recently collected will not be able to benefit from reparations if their applications are not consolidated.<sup>30</sup> The TFV agrees with this claim and does not oppose the Request.<sup>31</sup> Similarly, the Defence submits that it does not oppose the extension of deadlines for the LRV and the TFV, and that it does not intend to submit observations.<sup>32</sup>

12. In these circumstances, the Chamber finds that ‘good cause’ to extend the time limits has been shown. Accordingly, the Chamber extends the time limit by two months, i.e., to 15 October 2022, allowing the LRV to consolidate, with the assistance of the TFV if necessary,<sup>33</sup> the applications for individual reparations recently. Additionally, in accordance with the Chamber’s previous instructions,<sup>34</sup> the LRV is urged to finalise the consolidation of all applications for individual reparations previously in his possession by the same deadline.

13. In light of the extension granted above, the Chamber also extends the deadline for the TFV to complete the implementation of individual reparations until 14 January 2023.

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<sup>30</sup> Request, ICC-01/12-01/15-452-Conf, para. 22.

<sup>31</sup> Response, ICC-01/12-01/15-453-Conf, para. 10.

<sup>32</sup> E-mail to the Chamber’s Legal Officer, 17 August 2022, at 11:19 hrs.

<sup>33</sup> See 14 April 2022 Decision, ICC-01/12-01/15-443-Conf, para. 13.

<sup>34</sup> 14 April 2022 Decision, ICC-01/12-01/15-443-Conf, paras 12-13.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,**

**GRANTS** the Request;

**EXTENDS** the deadline for the LRV to conclude the consolidation of all applications for individual reparations in his possession, until 15 October 2022; and

**DIRECTS** the TFV to complete the implementation of individual awards by 14 January 2023, at the latest.

Done in both English and French, the English version being authoritative.



**Judge Antoine Kesia-Mbe Mindua**  
**Presiding Judge**



**Judge Bertram Schmitt**



**Judge Socorro Flores Liera**

Dated this Thursday, 18 August 2022

At The Hague, The Netherlands