

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date of original: 25 August 2022

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**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 1 confidential annex and 1 public annex**

**Public redacted version of Twenty-fifth update report on the updated  
implementation plan, ICC-01-/12-01/15-455-Conf, 25 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**

Ms Deborah Ruiz Verduzco

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Victims and Witnesses Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Other (Country Office)**

## I. BACKGROUND

1. On 25 May 2022, the Trust Fund for Victims (“Trust Fund” or “TFV”) filed its twenty-fourth update report on the implementation of reparations in the *Al Mahdi* case (“Twenty-Fourth Update Report”).<sup>1</sup>

2. On 18 August 2022, upon a request from the LRV,<sup>2</sup> Trial Chamber VIII (the “Trial Chamber”) extended the deadline for the LRV to conclude the consolidation of all applications for individual reparations in his possession to 15 October 2022, and for the Trust Fund to complete the implementation of individual awards to 14 January 2023 (“18 August 2022 Decision”).<sup>3</sup>

## II. CLASSIFICATION OF THE PRESENT SUBMISSION

3. 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.<sup>4</sup> A public redacted version will be filed as soon as feasible.

## III. UPDATE REPORT OF 25 AUGUST 2022

4. The present report covers the period from 25 May 2022 to date and is structured as follows: (i) the cover filing sets out relevant developments in relation to the implementation of reparations; (ii) Annex 1 (confidential *ex parte*) contains the positive administrative decisions issued during the reporting period (50 in total, in three batches notified on 17 June, 29 July, and 4 August, respectively); and, (iii) Annex 2 (public) includes the Timbuktu Region Governor’s decision to establish a Regional Coordination and Monitoring Commission (“*Commission Régionale de Coordination et de Suivi*”) on the implementation of collective reparations of 5 July 2022, and the relevant TFV Press Release.

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<sup>1</sup> Twenty-fourth update report on the updated implementation plan, with two confidential annexes, 25 May 2022, ICC-01/12-01/15-447-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)”, 8 August 2022, ICC-01/12-01/15-452-Conf. On 15 August 2022, the Trust Fund responded to the request (Trust Fund for Victims’ response to the Legal Representative for Victims’ further request for extension of time, 15 August 2022, ICC-01/12-01/15-453-Conf).

<sup>3</sup> Decision on the LRV’s Request for an extension of the time limit, 18 August 2022, ICC-01/12-01/15-454-Conf.

<sup>4</sup> See First monthly update report on the implementation plan, 15 August 2018, ICC-01/12-01/15-277-Conf, para. 3; Second Monthly update report on the implementation plan, 14 September 2018, ICC-01/12-01/15-283-Conf, para. 8.

## A. Individual reparation awards

### 1. Administrative decisions

5. During the reporting period, 50 eligibility decisions (all positive) were issued by the Trust Fund and became final.

*Twenty-seventh batch of 17 June 2022 (four positive administrative decisions on the 14<sup>th</sup> transmission)*

6. On 4 March 2021, the Trust Fund received from the Victims Participation and Reparation Section (“VPRS”) a total of 129 applications (14<sup>th</sup> transmission of applications). On 19 March 2021, the Board of Directors of the Trust Fund (the “Board of Directors”) adopted 100 positive administrative eligibility decisions as its sixteenth batch of decisions, while 27 applications were found to be incomplete or requiring clarification and, in accordance with Trial Chamber VIII’s decision of 23 September 2020,<sup>5</sup> the LRV was requested to submit the missing documents and information.<sup>6</sup> On 25 March 2021, the LRV transmitted the requested documents and information concerning eight of the 27 applications.<sup>7</sup> Thereafter, on 9 April 2021, the Board of Directors adopted nine positive administrative decisions on eligibility as its 18<sup>th</sup> batch of decisions on applications emanating from the 14<sup>th</sup> transmission of applications by the VPRS of 4 March 2021. 18 incomplete applications remain with the LRV for consolidation.

7. Following the transmission on 26 April 2022 to the LRV by the Trust Fund of a recapitulating compilation of all requests for consolidations (43 in total, at the time, covering the period February 2021 – March 2022),<sup>8</sup> on 2 June 2022 the LRV transmitted missing documents concerning five applications arising from VPRS’ 14<sup>th</sup> transmission of 4 March 2021.<sup>9</sup> The documentation concerning one of these five applications warranted further clarifications from the LRV.<sup>10</sup> The Board of Directors adopted **four positive administrative decisions** as its twenty-seventh batch of decisions.

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<sup>5</sup> Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf, para. 4.

<sup>6</sup> Emails from the Trust Fund to the LRV on 18 March 2021, at 9:57, and on 19 March 2021, at 11:12.

<sup>7</sup> Emails from the LRV to the Trust Fund on 25 March 2021, at 12:33 and at 12:34.

<sup>8</sup> Email from the Trust Fund to the LRV on 26 April 2022, at 16:48.

<sup>9</sup> Email from the LRV to the Trust Fund on 2 June 2022, at 17:05.

<sup>10</sup> Email from the Trust Fund to the LRV on 8 June 2022, at 17:13.

8. *Date of collection*: the four applications corresponding to the four positive administrative decisions were collected in February 2020; three of them were collected by the TFV, while one was collected by the LRV.

9. *Sex and age*: three decisions relate to minor female applicants; one relates to an adult female applicant.

10. *Type of claim and value of the award*: the four applicants were found eligible for reparations for the moral harm suffered. One of them was found to be a direct descendant of one Saint; the amount awarded to her is [REDACTED]; three of them were found to be direct descendants of two Saints; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the four beneficiaries is [REDACTED] (disbursed in Francs CFA).

11. *Protected Building*: of the four decisions, one relates to the Bahaber Babadié mausoleum, while three relate to the mausoleums of Sidi Mahamoud Ben Omar Mohamed Aquit and Alpha Moya.

*Twenty-eighth batch of 29 July 2022 (20 positive administrative decisions on the 14<sup>th</sup>, 16<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> transmissions)*

12. On 4 March 2021, the Trust Fund received from VPRS a total of 129 applications (14<sup>th</sup> transmission of applications). On 19 March 2021, the Board of Directors adopted 100 positive eligibility decisions as its 16<sup>th</sup> batch of administrative decisions, while 27 applications were found to be incomplete or requiring clarification. In accordance with Trial Chamber VIII's decision of 23 September 2020,<sup>11</sup> the LRV was requested to submit the missing documents and information.<sup>12</sup> On 16 July 2022, the LRV provided the necessary document and information concerning one of the 27 applications<sup>13</sup> and the Board of Directors adopted **a positive administrative decision** thereon as part of the twenty-eighth batch of decisions.

13. On 10 June 2021, the Trust Fund received from VPRS a total of 160 applications (16<sup>th</sup> transmission of applications). On 25 June 2021, the Board of Directors adopted 151 positive eligibility decisions as its 21<sup>st</sup> batch of administrative decisions, while nine

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<sup>11</sup> Decision on the TFV Request for Amendment of the Screening Process (23 September 2020) ICC-01/12-01/15-374-Conf, para. 4.

<sup>12</sup> Emails from the Trust Fund to the LRV on 18 March 2021, at 9:57, and 19 March 2021, at 11:12.

<sup>13</sup> Email from the LRV to the Trust Fund on 16 July 2022, at 14:02.

applications were found to be incomplete or requiring clarification and, in accordance with Trial Chamber VIII's decision of 23 September 2020,<sup>14</sup> the LRV was requested to submit the missing documents and information.<sup>15</sup> On 18 July 2022, the LRV provided the necessary document concerning one of the nine applications<sup>16</sup> and the Board of Directors adopted **a positive administrative decision** thereon as part of the twenty-eighth batch of decisions.

14. On 15 July 2022, the Trust Fund received from VPRS 18 applications (20<sup>th</sup> transmission of applications). One application required additional information or documentation from the LRV before a decision can be taken; in accordance with the Chamber's decision of 23 September 2020,<sup>17</sup> the Trust Fund addressed the LRV accordingly.<sup>18</sup> Accordingly, the Board of Directors adopted **17 positive administrative decisions** as part of the twenty-eighth batch of decisions.

15. On 18 July 2022, the Trust Fund received from VPRS one application (21<sup>st</sup> transmission of one application). This application concerned the same applicant as an application (a/10576/21), which was transmitted by VPRS to the Trust Fund on 12 March 2021 (as part of the 15<sup>th</sup> transmission of 192 applications) and required additional documentation before a decision could be taken; the Trust Fund had addressed the LRV accordingly,<sup>19</sup> and that application had been pending with him since. The application transmitted by VPRS on 18 July 2022 (a/35136/22) appears complete and the Board of Directors adopted **a positive administrative decision** thereon in relation to the relevant applicant as part of the twenty-eighth batch of decisions.

16. *Date of collection*: all applications emanating from VPRS 20<sup>th</sup> and 21<sup>st</sup> transmissions were collected between March and May 2022 by the LRV and his intermediaries. The two applications emanating from previous transmissions and recently consolidated by the LRV were collected in February and in November 2020 by the Trust Fund.

17. *Sex and age*: of the 20 decisions, seven relate to adult male applicants, while 13 relate to female applicants, two of whom are minors.

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<sup>14</sup> Decision on the TFV Request for Amendment of the Screening Process (23 September 2020) ICC-01/12-01/15-374-Conf, para. 4.

<sup>15</sup> Email from the Trust Fund to the LRV on 23 June 2021, at 15:46.

<sup>16</sup> Email from the LRV to the Trust Fund on 18 July 2022, at 17:33.

<sup>17</sup> Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf, para. 4.

<sup>18</sup> Email from the Trust Fund to the LRV on 28 July 2022, at 11:33.

<sup>19</sup> Email from the Trust Fund to the LRV on 26 March 2021, at 20:15.

18. *Type of claim and value of the award:* the 20 applicants were found eligible for reparations for the moral harm suffered. 19 of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]; one of them was found to be a direct descendant of two Saints; the amount awarded to him is [REDACTED]. The overall amount awarded to the twenty beneficiaries is [REDACTED] (disbursed in Francs CFA).

19. *Protected Building:* of the 20 decisions, one relates to the Ahmed Fulane mausoleum, one relates to the Bahaber Babadié mausoleum, two relate to the Alpha Moya mausoleum, two relate to the Sheikh Mouhamad El Mikki mausoleum, three relate to the Sidi Mahamoud Ben Omar Mohamed Aquit mausoleum, three relate to the Sidi Yahia mosque, four relate to the Sheikh Abdoul Kassim Attouaty mausoleum, and five relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausoleum. One of them relates to both the Alpha Moya mausoleum and the Sidi Yahia mosque.

*Twenty-ninth batch of 4 August 2022 (26 positive administrative decisions on the 22<sup>nd</sup> transmission)*

20. On 22 July 2022, the Trust Fund received from VPRS 30 applications (22<sup>nd</sup> transmission of applications). Four applications required additional information or documentation from the LRV before a decision can be taken; in accordance with the Chamber's decision of 23 September 2020,<sup>20</sup> the Trust Fund addressed the LRV accordingly.<sup>21</sup> The Board of Directors adopted **26 positive administrative decisions**.

21. *Date of collection:* all applications emanating from VPRS 22<sup>nd</sup> transmission were collected in May 2022 by the LRV and his intermediaries.

22. *Sex and age:* of the 26 decisions, 16 relate to adult female applicants, while 10 relate to adult male applicants.

23. *Type of claim and value of the award:* the 26 applicants were found eligible for reparations for the moral harm suffered. All of them were found to be direct descendants

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<sup>20</sup> Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf, para. 4.

<sup>21</sup> Emails from the Trust Fund to the LRV on 29 July 2022, at 18:35, and on 1 August 2022, at 13:04.

of one Saint; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the 26 beneficiaries is [REDACTED] (disbursed in Francs CFA).

24. *Protected Building*: of the 26 decisions, 18 relate to the Sheikh Mouhamad El Mikki mausoleum, five relate to the Sidi Yahia mosque, two relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausoleum, and one relates to the Sheikh Sidi Ahmed Ben Amar Arragadi mausoleum.

## **2. Collection of applications**

25. As set out in previous reports, since mid-December 2020, the Trust Fund has no longer engaged in *active* collection efforts as it considers that sufficient efforts have been deployed to identify beneficiaries and provide them with an opportunity to submit an application. The Trust Fund limited itself to address persons on residual lists communicated to the TFV by its contact persons in Timbuktu.

26. Additionally, the TFV has been contacted by persons willing to submit applications, who were informed about the conclusion of the individual reparation process.

27. During the reporting period, the TFV collected 45 applications through its intermediaries and transmitted them to LRV by email. These 45 applications were collected, as follows:

28. 21 applications were submitted on 29 June by [REDACTED] and who contacted the TFV, which made every effort to enable them to submit the applications ([REDACTED]).

29. During the TFV mission to Timbuktu in July 2022 (as reported below in this Report), information was disseminated by the TFV about the conclusion of the individual reparations process. This message triggered a surge in interest in submitting applications within the Timbuktu community, especially within the families of the descendants. A residual list has thus been communicated to the TFV, including seven applications on 14



July, 12 applications on 18 July, four applications on 27 July, and one application on 1 August 2022.

30. In total, the TFV collected 230 applications through its intermediaries so far and transmitted them to the LRV.

### **3. Consolidation of applications**

31. The Trust Fund focused its efforts on assisting the LRV to finalise the consolidation of applications pending with him. On 26 April 2022, the Trust Fund transmitted to the LRV a recapitulating compilation of all requests for consolidations (43 in total, at the time, covering the period February 2021 – March 2022).<sup>22</sup> Some of these applications have been consolidated during the reporting period. Currently, 37 applications in total are pending with the LRV for consolidation.

### **4. Notification of positive decisions, disbursement of the individual reparation awards and their modalities**

32. The Trust Fund is continuing the notification and payments of individual reparations as described in its previous reports. The system in place is functioning well and provides for timely and efficient disbursement of funds. Accordingly, the Trust Fund takes no issue with the 14 January 2023 deadline for the completion of all payments, provided that all files are received timely.

33. In the reporting period, a total of 15 beneficiaries have received payment of their individual awards, for a total amount of [REDACTED].

34. In order to notify eligible victims and pay them their individual reparation awards, the Trust Fund put special emphasis during the reporting period on tracing

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<sup>22</sup> Email from the Trust Fund to the LRV on 26 April 2022, at 16:48.

beneficiaries who are no longer reachable. Out of 24 unreachable beneficiaries, the TFV managed to trace and contact 11 successfully.

35. The Trust Fund's 27th, 28th and 29th batches of administrative decisions on eligibility, as reported under paragraphs 5 to 24 above, have now become final, and the TFV will proceed with the payment of individual awards in the coming days.

### **5. Symbolic ceremony**

36. During a mission to Timbuktu conducted between 4 and 7 July 2022, the TFV met the descendants, heads of family, women as well as with masons and guardians to monitor the process and inform them about the status of the implementation of individual reparations. The meeting allowed the TFV to ensure that in each family, women and men, had the same information about (i) eligibility, (ii) number of decisions issued, (iii) process of consolidation and reconsolidation, (iv) deadlines set by Chamber (before the 18 August 2022 Decision), and (v) tracing of unreachable beneficiaries. The meeting provided the opportunity to get an insight in the appreciation and satisfaction of victims. It also showed how the individual reparations process anchored the TFV in Timbuktu and allowed for the development of a trustful relationship with individual beneficiaries. Additionally, the TFV stressed the need to transition from the implementation of individual reparations to the implementation of collective reparations, and explained that the beneficiary of the collective reparations is the community of Timbuktu.

37. On 4 July 2022, a ceremony was held on the site of one of the affected mausoleums to solemnly acknowledge the suffering endured by the families, masons and guardians, their role in the reconstruction of the buildings, and in the continuation of the traditions. The ceremony consisted of a *Fatya* - the making of wishes - and underlined the continuity of the community's ancestral practices thanks to the community's resilience, the national intervention and the support of the international community. The symbolic value of this ceremony was highly appreciated by the participants.

### **B. Collective reparation awards**

38. It is recalled that the collective reparations ordered by the Trial Chamber for the benefit of the community of Timbuktu come in three modalities: (i) collective reparations for the economic harm suffered; (ii) collective reparations for the moral harm suffered;

and (iii) collective reparations in the form of a mechanism for the protection and maintenance of the Protected Buildings.

### **1. Launch of collective reparations**

39. While the TFV initiated the process of implementing collective reparations awards in August 2021, no official launch had been organised yet. By May 2022, the TFV was in the position to organise the launch, as the conditions were such that (i) all implementing partners became operational, (ii) the security situation permitted the development of operations, and (iii) the TFV and its invitees could travel to Timbuktu.

40. The launch was held in Timbuktu from 4 to 7 July 2022. The mission delegation was composed of Mr Ibrahim Sorie Yillah, Vice-Chair of the Board of Directors of the TFV, the Chargé d'Affaires and the First Secretary of the Canadian Embassy in Mali and the Second Secretary of the Norwegian Embassy in Mali. The Minister of Handicraft, Culture, Hotel Industry and Tourism of Mali, Mr. Andogoly Guindo, was represented by the Head of [REDACTED] in Timbuktu. The delegation was led by Mr Nouhoum Sangaré, Chief of ICC Country Offices in Mali and Côte d'Ivoire, accompanied by TFV and ICC staff.

41. The launch was jointly organised by the TFV and its implementing partners (CFOGRAD, CIDEAL and UNESCO) under the auspices of the Timbuktu Region Governor. It took place in a public setting at the centre Ahmed Baba, at the heart of Timbuktu, with about 150 participants. The opening speeches, delivered by the mayor of Timbuktu, and ICC and TFV representatives, situated the reparations programme of the *Al Mahdi* case within the efforts by the Malian government, civil society and the international community to provide a satisfactory response to the most serious crimes committed in Mali. The reparations programme was presented in an accessible manner, emphasising the participatory nature of the consultation processes carried out to date within the community of Timbuktu. The different actors involved in the reparations programme - the ICC and TFV, implementing partners, technical and financial partners, local community and the government - were presented. A film produced by the Malian director Kaourou Magassa with the support of the TFV, titled *Al walidji*, was screened and followed by a debate with the audience. The ceremony was closed by an intervention made by the representative of the Governor of the Timbuktu Region, who publically expressed his support to the reparations process.

42. The ceremony took place exactly ten years after the days of the destruction of the protected buildings, i.e. ten years after the crimes were committed. The ceremony itself became a symbol that justice and in particular reparative justice by the ICC are a concrete reality. This was strongly felt and appreciated by the participants.

## **2. Collective reparations for moral harm suffered by the Timbuktu community**

43. With regard to the **collective reparations for psychological harm**, the Trust Fund recalls that they consist of several measures, the general aim of which is to alleviate the moral suffering endured by the community of Timbuktu as the result of the destruction of the protected buildings.

44. The project is implemented with CFOGRAD, a Timbuktu based organisation. Activities effectively started in June 2021. Four memorialisation committees have been set up in Timbuktu (Sarakeina and Hammabangou (Committee I), Badjindé and Djingareyber (Committee II), Abaradjou and Sankoré (Committee III) and Bellaferandi and Kabara (Committee IV) and one in Bamako. They aim at providing a space permitting community discussions as to the crime that occurred, its impacts, whether or not it should be memorialised and if so how. Sub-committees have been established to ensure the largest participation of the different groups of the community, including women, youths and children.

45. In respect of the purpose, establishment and work of the four memorialisation committees, the Trust Fund refers to its previous reports, which also describe the working methods followed by the committees.<sup>23</sup>

46. During the reporting period, the Trust Fund supported Committees III and IV in their activities in order to frame properly the discussions and put a focus on the memorialisation. Debates took place to express ideas of memorialisation and exchange about it. Ideas expressed were consolidated through larger consultation within the committees. Both women and men participated, and general support of the memorialisation process was expressed.

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<sup>23</sup> Twenty-first update report on the updated implementation plan, 25 August 2021, ICC-01/12-01/15-405-Red, para. 30; Twenty-second update report on the updated implementation plan, 25 November 2021, ICC-01/12-01/15-436-Red, paras 25-32; Twenty-third update report on the updated implementation plan, 25 February 2022, ICC-01/12-01/15-438-Red, paras 34-37.

47. Committee II (gathering the sectors of Badjindé and Djingareyber) conducted an activity of cleaning up the surroundings of the Three Saints' Cemetery (*Cimetière des trois saints*). Cleaning and maintenance works were carried out by the youth in order to reinforce the fence of a vegetable garden's perimeter located on the northwest side of the cemetery, and subsequently to obstruct the alley between the cemetery and the camp of the National Guard. This action, decided by the members of the Committee, showed an increased sense of ownership and belonging of the community vis-à-vis the mausoleum. It showed also the commitment of the Committee to implement the plan developed during the previous quarter. Local authorities, including the Regional Directorate of Water and Forests, [REDACTED], the Commander of the National Guard Group, and the Regional Directorate of Penitentiary Administration were officially informed of this action, mainly because of the proximity of the cemetery to a prison and the National Guard camp.

48. In total, about 231 community members participated in the above activities, of whom 124 women and 107 men.

49. In the reporting period, the TFV and CFOGRAD also organised a virtual meeting between the memorialisation committees and two international experts (an academic specialising in memorialisation and commemoration and author of a thesis about commemoration in Rwanda, and an academic specialising in cultural heritage and the usages and customs of the past). Representatives of the committees explained the processes initiated and the actions envisaged sector by sector. Representatives of the committees and the experts discussed ideas and plans, and identified upcoming challenges. Views were shared about the localisation of a potential material commemoration (e.g. on whether to erect a commemorative stele in a sector where there are protected buildings, or instead in a sector that does not have protected buildings). Representatives of the committees underlined the importance of the upcoming phase, pooling the ideas of each committee to select one or more for the benefit of the community. This meeting was the first time that all commemoration committees (the one of Bamako not having participated due to connection issues) met and shared ideas and views on memorialisation.

50. In the continuation of the activities of support to people suffering from after-effects of the trauma suffered in connection with the destruction of the mausoleums, CFOGRAD conducted home visits to follow up on the evolution of the state of health of the identified individuals in need of psychological support. Seven victims benefitted from

these visits, including one man. All of them suffer from anxiety-related disorders, while one has a psychosomatic illness. Additional four victims – all women – were referred to the clinic as their mental health required specific treatments.

### **3. Collective reparations for economic harm suffered by the Timbuktu community**

51. With regard to the **collective reparations for economic harm**, the Trust Fund recalls that they are channelled through the Economic Resilience Facility (“ERF”). Their aim is to address the indirect economic harm caused by the crime to the community of Timbuktu.

52. The project is implemented with the support of CIDEAL. In accordance with the proposal made by the Trust Fund, as approved by the Trial Chamber, a market survey was to be conducted prior to the launching of the ERF. The objective of the market survey was to identify and detail the economic measures to be proposed by the ERF. The survey aimed also at gathering comprehensive information critical to the success of the ERF and taking into account the current security, social, economic and political context. The Trust Fund opted for a highly participatory/consultative approach as well as the need to balance the purely economic and restorative aspects of the future facility.

53. A multi-disciplinary team, including economic experts, was mobilised to conduct the market survey and design the ERF. To achieve their objectives, the Trust Fund with CIDEAL and AMRAD developed a participatory and consultative methodology, placing the Timbuktu community at the heart of the process; indeed, the method of designing and implementing the ERF plays a central role in its ability to generate reparative value perceived as such by its beneficiaries.

54. The market survey started in November 2021. It was structured in three main phases:

55. A first phase of community discussions was conducted from 5 January 2022 to 15 March 2022, and involved 140 participants in 20 focus groups, with 54% of the participants being women. A second phase of additional consultations and individual surveys was conducted from 23 April to 24 May 2022, and involved 64 people, including 32 victims.

56. Thanks to a multidisciplinary approach, these first two phases led to the emergence of (i) hypotheses on the eligibility of beneficiaries, (ii) potential sectors of

intervention, and (iii) the operationalisation and governance modalities of the ERF. The concrete proposals took into account the parameters set by the Reparations Order and the approved implementation plan, and the security, economic, sociological and cultural realities of Timbuktu.

57. A third phase started in June 2022 with a workshop jointly organised by the Trust Fund and CIDEAL on 21 June, which aimed at refining the concrete proposals reached by stakeholders and communicating the conclusions to the Timbuktu community for possible adjustments and validation.

58. The workshop was attended by the Trust Fund's implementing partners in Mali, local civil society members, a representative of the Truth, Justice and Reconciliation Commission of Mali (*Commission Vérité, Justice et Réconciliation*, or CVJR), international and local researchers, as well as staff members of the ICC and TFV, and the LRV. They gathered to exchange views and also conducted a rigorous and collective review of the survey's results. The participants made recommendations on various elements such as the eligibility of beneficiaries, the themes to be addressed by the ERF, and the modalities for its implementation.

59. Following this workshop, on 5 July 2022 the Trust Fund, together with CIDEAL, CFOGRAD and UNESCO organised three meetings in Timbuktu: one with the families, masons and guardians of the mausoleums, one with the community representatives and economic actors of Timbuktu, and one with only women of Timbuktu.

60. The meeting with the families, masons and guardians aimed at presenting the ERF, its purpose and its community dimension. This meeting allowed the Trust Fund to explain the transition from individual to collective reparations and the different beneficiaries of both measures. Women were well represented and expressed their gratitude for being associated and receiving all the information about the ERF.

61. During the meeting with the community representatives and economic actors of Timbuktu, the Trust Fund presented the proposed collective reparations measures for economic harm and explained the community-based consolidation processes. Economic actors, such as touristic guides, shared their satisfaction for being consulted.

62. The meeting with women brought together women from different neighbourhoods of Timbuktu to present them with options for collective reparation measures for the economic harm. This small format facilitated dialogue with and among the women, and the expression of their views and concerns on the proposals. Participants recommended

specific actions in order to ensure that: (i) women's associations are eligible to benefit from the ERF, (ii) the most vulnerable or least visible women have information on the measures, and (iii) their specific needs are taken into consideration at all stage of the process.

63. The Trust Fund and its implementing partners are consolidating the proposals thanks to the recommendations collected during the 21 June workshop and the 5 July meetings. The community validation will be pursued in the coming weeks by the implementing partners.

64. Due to the security constraints, TFV implementing partner faces difficulties in operating in Timbuktu without putting at risk its teams and partners, and the beneficiaries. CIDEAL used to work with a local partner, AMASSA, but decided - in agreement with the Trust Fund – to end the partnership [REDACTED]. CIDEAL, with the guidance of the Trust Fund, is currently working on identifying a new local partner based in Timbuktu and ensuring that implementation continues safely and with quality results.

#### **4. Protection and maintenance of the Protected Buildings**

65. With regard to the **reparations for the Protected Buildings**, the Trust Fund reported<sup>24</sup> that since the signature of the contract with UNESCO on 25 November 2021 and the disbursement of the first instalment at the end of December 2021, UNESCO was engaged with making the internal arrangements necessary to permit the launching of the project. During the reporting period, a project management team was established. This team currently consists of a project coordinator who was recruited in May 2022 to ensure the coordination of the implementation of project activities through operational and administrative monitoring and the evaluation of activities.

66. As part of its engagement with the actors involved in the project, and with a view to launching the project's activities, the UNESCO Office in Bamako organised a field mission to Timbuktu between 3 and 8 June 2022. The mission allowed for bilateral meetings with victims, notably the corporation of traditional masons in charge of the

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<sup>24</sup> Twenty-second update report on the updated implementation plan, 25 November 2021, ICC-01/12-01/15-436-Red, para. 33; Twenty-third update report on the updated implementation plan, 25 February 2022, ICC-01/12-01/15-438-Red, para. 38. On the delay incurred in the signature of the contract as a result of internal difficulties encountered by UNESCO, see Twentieth update report on the updated implementation plan and request to reclassify as public portions of the case record, 19 May 2021, ICC-01/12-01/15-386-Red, paras 40-43; Twenty-first update report on the updated implementation plan, 25 August 2021, ICC-01/12-01/15-405-Red, para. 31.



maintenance of the protected buildings, the management committees of the mosques of Djingareyber and Sidi Yahia, [REDACTED], civil society actors, as well as with representatives of local businesses. During the mission, UNESCO also met local authorities, notably the office of the Timbuktu Region Governor.

*Architectural study for the work on the enclosure walls of two cemeteries housing the mausoleums of two Saints and the Al Arawani mausoleum*

67. UNESCO conducted an architectural study for the reconstruction and rehabilitation of the enclosure walls of two cemeteries housing the mausoleums of the Saints Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti and Sidi Mahamoud Ben Omar Mohamed Aquit, as well as the mausoleum Al Arawani.

68. This study was launched in June 2022 and was carried out by an architect in consultation with main stakeholders in Timbuktu. A study report with technical recommendations and a financial estimate of the costs is currently under review by UNESCO.

*Technical feasibility study for the planting of trees and hedges around cemeteries containing mausoleums of certain Saints*

69. As part of the implementation of this measure, during the reporting period an environmental expert conducted a technical feasibility study for the planting of trees and hedges around the cemeteries housing the mausoleums of certain Saints. The activities will target the following five sites, grouped in four cemeteries: the Sidi Mahamoud Ben Omar Mohamed Aquit mausoleum, the Alpha Moya mausoleum, the Sheikh Sidi el Mokhtar mausoleum, the Al Arawani mausoleum, and the Three Saints' Cemetery.

70. The expert presented an inventory of each site in order to evaluate the needs for plants and their water supply, and to propose an efficient irrigation system in each cemetery.

71. A provisional report with technical recommendations and a financial estimate of costs is currently being reviewed by UNESCO.

*Technical feasibility study for the installation of a solar lighting system around the protected buildings in Timbuktu*

72. As part of the implementation of this measure, an industrial engineer was contracted by UNESCO to carry out a technical feasibility study for the installation of a solar lighting system around the cemeteries housing the mausoleums of the five Saints (Sidi Mahamoud Ben Omar Mohamed Aquit, Sheikh Sidi el Mokthar, Ahmed Fulane, Baber Babadié and Al Arawani) and around the Sidi Yahia mosque.

73. The expert submitted an inventory of each site concerned in order to identify the real needs of intervention for the electrification works in conformity with the values, norms and criteria specific to UNESCO World Heritage sites.

74. A provisional report with technical recommendations and a financial estimate of costs is currently being drafted by the expert.

#### *Capacity Building for the Masons Corporation*

75. Following consultations with the corporation of masons in Timbuktu to identify their needs in terms of training and capacity building, [REDACTED] was contracted to ensure the organisation, in the course of this year, of two of the three planned capacity building workshops for the corporation of masons and other actors involved in the rehabilitation and management of the protected buildings.

76. A first two-day workshop on the challenges of conserving cultural heritage sites for the positive development of the city is scheduled for October 2022. A second three-day workshop for masons (traditional and modern), carpenters and contractors in Timbuktu on construction practices and selections of materials for the safeguard and amelioration of the protected buildings in Timbuktu is planned for December 2022.

#### *Logistical support for [REDACTED]*

77. The capacities of the [REDACTED] have been strengthened through the provision of logistical support, and specifically by two motorcycles and 50 meeting chairs. For reasons of discretion and safety, UNESCO and [REDACTED] opted for a less expensive brand of motorcycles than originally planned.

78. The materials were delivered to [REDACTED] in early August 2022 and [REDACTED] expressed [REDACTED] satisfaction with the measure. An official but discreet ceremony will be organised in the coming months to strengthen the reparative value, as well as the understanding and sense of ownership of this measure.

*Establishment of a support mechanism for the maintenance of protected buildings in Timbuktu*

79. In the reporting period, UNESCO contracted a specialist in heritage and development, who will conduct, in the remaining part of the year, a technical feasibility study on the establishment of a support mechanism for the maintenance of protected buildings in Timbuktu.

80. When in Timbuktu at the beginning of July 2022, the Trust Fund and UNESCO also met the actors responsible for the maintenance and rehabilitation of the protected buildings, namely the political and administrative authorities, the technical services, the religious representatives, the families and the masons, all of whom have a role to play in the preservation and protection of the cultural heritage, including by raising awareness among the citizens of Timbuktu. The discussions addressed the individual reparation measures awarded to the descendants of the main Saints of the mausoleums, the masons and the guardians, as well as the reasons underlying the collective reparation measures as including the protection and maintenance of the protected buildings, with a view to reinforcing their understanding, acceptance, and sense of ownership, and to underling the restorative value of the measures. In this respect, the Trust Fund explained the difference between the cultural heritage restoration scheme, as a collective reparation measure, and other programmes that UNESCO and [REDACTED] usually conduct. The participation of women was significant. Wives and daughters of the masons and guardians expressed their strong appreciation for participating in the meeting, explained their role in the rehabilitation and maintenance process, and reiterated their support to the programme.

### **C. Symbolic reparation awards**

81. As previously reported, the symbolic reparations award ceremony took place in March 2021. During the reporting period, the Trust Fund finalised the open tender process to select the partner in charge of the *campagne itinérante* during which the movies referred to in the Twenty-Third Update Report<sup>25</sup> will be projected throughout Mali and

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<sup>25</sup> Twenty-third update report on the updated implementation plan, 25 February 2022, ICC-01/12-01/15-438-Red, para. 39.

debates organised around this topic. The Trust Fund is currently preparing the contractual documents.

#### **D. Other matters**

82. *Support by national and local authorities* - Between 4 and 7 July 2022 in Timbuktu, the TFV and mission members<sup>26</sup> met the Timbuktu Region Governor, the Interim Authority and the Mayor of Timbuktu. The delegation emphasised the complementarity of the Trust Fund's programme to reparations initiatives undertaken by the Malian government, and in particular to the work carried out by the CVJR.

83. The Timbuktu Region Governor expressed his support for the collective reparations programme. By way of decision number 2022-0147/GRT-CAB of 5 July 2022, annexed to this Report, the Governor established a Regional Coordination and Monitoring Commission on collective reparations in the framework of the Trust Fund for Victims ("the Commission"). The Commission has the mandate to follow up on collective reparation measures developed at the national level by a Steering Committee (*Comité de pilotage*). Key governmental and non-governmental actors are part of the Commission. The support demonstrated through the establishment of the Commission plays a crucial role in supporting the Trust Fund in the implementation of the Reparations Order.

84. In Bamako, the Vice-Chair of the TFV Board of Directors and the Chief of the ICC Country Office in Mali met the President of the CVJR who reiterated the excellent cooperation between the Trust Fund and the CVJR; he also stressed the pioneering role played by the Trust Fund in implementing the first collective reparation programme in the country, and underlined the importance of learning from the Trust Fund's programme.

85. *Visibility* - While in Timbuktu and in Bamako in July 2022, the Trust Fund met journalists to share the status of the implementation of both individual and collective reparations. Journalists covered the July ceremony in Timbuktu. On 7 July 2022, the Vice-Chair of the TFV Board of Directors, the Chief of the ICC Country Office in Mali, and other TFV and ICC staff members met 15 journalists in Bamako. A number of articles were published in the local and national press, including on Mali 24, *Malikilé*, *Le Continent*, *News à Bamako*, *Maliweb*, *L'Essor*, *Le Continent*, *L'Investigateur*, *Panapress*, *Le Sursaut*, *Info matin*.

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<sup>26</sup> See above, para. 42.

86. *Gender mainstreaming* - As part of its contractual obligations towards Canada and compliant with the Reparations Order,<sup>27</sup> during the reporting period, the Trust Fund has finalised its action plan to ensure gender mainstreaming and social inclusion. The action plan has been developed based on the findings of the diagnosis conducted during the previous reporting period.

#### **IV. CONCLUSION**

87. The Trust Fund respectfully requests the Trial Chamber to take note of the present report. 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.



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Deborah Ruiz Verduzco  
Executive Director of the Trust Fund for Victims

Dated this 4 September 2023  
(Date of original: 25 August 2022)

At The Hague, The Netherland

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<sup>27</sup> Reparations Order, [ICC-01/12-01/15-236](#), para. 105.