

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date of original: 6 March 2023

Date of public redacted version: 4 September 2023

**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 only available to the LRV and VPRS.**

**Public redacted version of Twenty-seventh update report on the updated implementation plan, ICC-01/12-01/15-462-Conf, 6 March 2023**

**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 KC

**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**

## I. BACKGROUND

1. On 27 October 2022, upon a request from the Legal Representative of Victims (“LRV”),<sup>1</sup> Trial Chamber VIII (the “Trial Chamber” or “Chamber”) extended the deadline for the LRV to conclude the consolidation of all applications for individual reparations in his possession to 15 December 2022, and for the Fund for Victims (“Trust Fund” or “TFV”) to complete the implementation of individual awards to 14 March 2023 (“27 October 2022 Decision”).<sup>2</sup>

2. On 25 November 2022, the Trust Fund filed its twenty-sixth update report on the implementation of reparations in the *Al Mahdi* case (“Twenty-Sixth Update Report”).<sup>3</sup>

3. On 22 February 2023, the Trust Fund requested an extension of five days maximum of the deadline for filing its twenty-seventh update, and the Trial Chamber granted it.<sup>4</sup>

## II. CLASSIFICATION OF THE PRESENT SUBMISSION

4. 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>5</sup> A public redacted version will be filed as soon as feasible.

## III. UPDATE REPORT OF 6 MARCH 2023

5. The present report covers the period from 25 November 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* only available to the LRV and VPRS) contains the administrative decisions issued during the reporting period (452 in total, all positive, in seven batches notified on 2 December 2022, 9 December 2022, 13 January 2023, 20 January 2023, 27 January 2023, 7 February 2023, and 15

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<sup>1</sup> *Requête en extension du délai accordé pour terminer les activités de consolidation de dossiers en cours de réparation individuelle*, 12 October 2022, ICC-01/12-01/15-456-Conf. On 17 October 2022, the Trust Fund responded to the request (Trust Fund for Victims’ response to the Legal Representative for Victims’ third request for extension of time, 17 October 2022, ICC-01/12-01/15-457-Conf).

<sup>2</sup> Third Decision on the LRV’s Request for an extension of the time limit, 27 October 2022, ICC-01/12-01/15-459-Conf.

<sup>3</sup> Twenty-sixth update report on the updated implementation plan, with one confidential *ex parte* annex, 25 November 2022, ICC-01/12-01/15-460-Conf.

<sup>4</sup> Email from the Trust Fund to the Trial Chamber on 22 February 2023 at 18:10 (LRV, Defence and VPRS copied) and reply on behalf of the Trial Chamber on 23 February at 10:41.

<sup>5</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.

February 2023, respectively); and (iii) Annex II (confidential *ex parte* only available to the LRV and VPRS).

## A. Individual reparations

### 1. Administrative decisions

6. During the reporting period, the Trust Fund received seven transmissions of applications from the Victims Participation and Reparations Section (“VPRS”) containing 458 applications in total. In addition, a number of applications that had been received earlier but required additional information from the LRV (consolidation) were consolidated by 15 December 2022. The Trust Fund assessed all 458 applications received, as well as the consolidation materials and, as a result, 452 eligibility decisions (all positive) were issued, as reported in paragraphs 7-50 below. All 452 decisions have become final.

*Thirty-fourth batch of 2 December 2022 (14 positive administrative decisions on the 14<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 25<sup>th</sup> transmissions by VPRS)*

7. 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 of the Trust Fund (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 need additional information or documentation before a decision could be taken and, in accordance with Trial Chamber’s decision of 23 September 2020 (“Decision of 23 September 2020”), the LRV was addressed to provide such information.<sup>6</sup> On 17 and 18 November 2022 the LRV provided additional documentation concerning six of these applications,<sup>7</sup> and the Board of Directors adopted **six positive administrative decisions** thereon as part of the thirty-fourth batch of decisions.

8. On 12 March 2021, the Trust Fund received 192 applications from VPRS (15<sup>th</sup> transmission of applications). On 29 March 2022, the Board of Directors of the Trust Fund adopted 163 positive eligibility decisions as its 17<sup>th</sup> batch of decisions, while 27

<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 17 November 2022 at 18:45 and at 18:56, and on 18 November 2022 at 13:10.

applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Trial Chamber's Decision of 23 September 2020, the LRV was addressed to provide such information.<sup>8</sup> On 17 and 22 November 2022, the LRV provided additional documentation concerning four of the 27 applications,<sup>9</sup> and the Board of Directors adopted **four positive administrative decisions** thereon as part of the thirty-fourth batch of decisions.

9. On 18 February 2022, the Trust Fund received 21 applications from VPRS (19<sup>th</sup> transmission of applications). On March 7 2022, the Board of Directors of the Trust Fund adopted 17 positive eligibility decisions as its 26<sup>th</sup> batch of administrative decisions, while four applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Trial Chamber's Decision of 23 September 2020, the LRV was addressed to provide such information.<sup>10</sup> On 21 November 2022, the LRV provided additional documentation concerning one of the four applications,<sup>11</sup> and the Board of Directors adopted **one positive administrative decision** thereon as part of the thirty-fourth batch of decisions.

10. On 25 October 2022, the Trust Fund received 39 applications from VPRS (25<sup>th</sup> transmission of applications). On 8 November 2022, the Board of Directors of the Trust Fund adopted 19 positive eligibility decisions thereon as its 33<sup>rd</sup> batch of administrative decisions, while 20 applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Trial Chamber's Decision of 23 September 2020, the Trust Fund addressed the LRV to provide such information.<sup>12</sup> On 29 November 2022, the LRV provided additional documentation concerning three of the 20 applications,<sup>13</sup> and the Board of Directors adopted **three positive administrative decisions** thereon as part of the thirty-fourth batch of decisions.

11. *Date of collection:* of the 14 complete applications which received a positive decision, 11 were collected in 2020; specifically, ten were collected in February 2020

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<sup>8</sup> Emails from the Trust Fund to the LRV on 26 March 2021, at 14:34 and at 20:15, and 29 March 2021, at 11:43.

<sup>9</sup> Emails from the LRV to the Trust Fund on 17 November 2022 at 19:03 and at 19:07, and on 22 November 2022 at 13:56 and at 15:34.

<sup>10</sup> Emails from the Trust Fund to the LRV on 28 February 2022 at 18:22, and on 3 March 2022 at 21:10.

<sup>11</sup> Email from the LRV to the Trust Fund on 21 November 2022 at 17:28.

<sup>12</sup> Email from the Trust Fund to the LRV on 7 November 2022, at 13:51.

<sup>13</sup> Email from the LRV to the Trust Fund on 29 November 2022 at 13:01.

jointly by the TFV and the LRV, and one was collected in December 2020 by the TFV. Three applications were collected in September 2022 by an intermediary of the LRV.

12. *Sex and age*: of the 14 decisions, eight relate to female applicants, four of whom are minors, and six relate to male applicants, three of whom are minors.

13. *Type of claim and value of the award*: the 14 applicants were found eligible for reparations for the moral harm suffered. Ten of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]. Three of the 14 were found to be direct descendants of two Saints; the amount awarded to them is [REDACTED]. Finally, one applicant was found to be a direct descendant of three Saints; the amount awarded to her is [REDACTED]. The overall amount awarded to the 14 beneficiaries is [REDACTED] (disbursed in Francs CFA).

14. *Protected Building*: of the 14 decisions, five relate to the Sidi Yahia Mosque, four relate to the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum, four relate to the Bahaber Babadié Mausoleum, three relate to the Alpha Moya Mausoleum, one relates to the Sheikh Abdoul Kassim Attouaty Mausoleum, one relates to the Ahmed Fulane Mausoleum, and one relates to the Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum. Two of these decisions relate to the Sidi Mahamoud Ben Omar Mohamed Aquit and Alpha Moya Mausoleums; one decision relates to the Ahmed Fulane Mausoleum and the Sidi Yahia Mosque; and one decision relates to the Sidi Yahia Mosque and the Alpha Moya and Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleums.

*Thirty-fifth batch of 9 December 2022 (51 positive administrative decisions on the 14<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup> and 26<sup>th</sup> transmissions by VPRS)*

15. On 4 March 2021, the Trust Fund received 129 applications from VPRS (14<sup>th</sup> transmission of applications). On 19 March 2021, the Board of Directors of the Trust Fund adopted 100 positive eligibility decisions as its 16<sup>th</sup> batch of administrative decisions, while 27 applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Trial Chamber's Decision of 23 September 2020, the LRV was addressed to provide such

information.<sup>14</sup> On 8 November 2022, the LRV requested the Trust Fund's support for the consolidation of one of the 27 applications;<sup>15</sup> on 24 November 2022, the Trust Fund secured the necessary documentation. The Board of Directors adopted **one positive administrative decision** thereon as part of the thirty-fifth batch of decisions.

16. On 10 June 2021, the Trust Fund received 160 applications from VPRS (16<sup>th</sup> transmission of applications). On 25 June 2021, the Board of Directors of the Trust Fund adopted 151 positive eligibility decisions as its 21<sup>st</sup> batch of administrative decisions, while nine applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Chamber's Decision of 23 September 2020, the LRV was addressed to provide such information.<sup>16</sup> On 8 November 2022, the LRV requested the Trust Fund's support for the consolidation of three of the nine applications;<sup>17</sup> on 24 November 2022, the Trust Fund secured the necessary documentation concerning one application. The Board of Directors adopted **one positive administrative decision** thereon as part of the thirty-fifth batch of decisions.

17. On 1 September 2022, the Trust Fund received 20 applications from VPRS (23<sup>rd</sup> transmission of applications). On 16 September 2022, the Board of Directors of the Trust Fund adopted 15 positive eligibility decisions thereon as its 31<sup>st</sup> batch of administrative decisions, while five applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Chamber's Decision of 23 September 2020, the Trust Fund addressed the LRV to provide such information.<sup>18</sup> On 8 November 2022, the LRV requested the Trust Fund's support for the consolidation of three of the five applications;<sup>19</sup> on 24 November 2022, the Trust Fund secured the necessary documentation for the three applications. The Board of Directors adopted **three positive administrative decisions** thereon as part of the thirty-fifth batch of decisions.

18. On 24 November 2022, the Trust Fund for Victims received 47 applications from VPRS (26<sup>th</sup> transmission of applications). One application required additional documentation before a decision could be taken, and the LRV was informed

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<sup>14</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>15</sup> Email from the LRV to the Trust Fund on 8 November 2022, at 14:04.

<sup>16</sup> Email from the Trust Fund to the LRV on 23 June 2021, at 15:46.

<sup>17</sup> Email from the LRV to the Trust Fund on 8 November 2022, at 14:04.

<sup>18</sup> Email from the Trust Fund to the LRV on 15 September 2022, at 10:41.

<sup>19</sup> Email from the LRV to the Trust Fund on 8 November 2022, at 14:04.

accordingly.<sup>20</sup> The Board of Directors of the Trust Fund adopted **46 positive administrative decisions** thereon as part of the thirty-fifth batch of decisions.

19. *Date of collection:* of the 51 applications which received a positive decision, two were collected by the TFV and LRV in 2020; namely, one was collected in February 2020 and one was collected in December 2020. Three applications were received in July 2022, and 46 in September 2022 by an intermediary of the TFV.

20. *Sex and age:* of the 51 decisions, 29 relate to female applicants, five of whom are minors, and 22 relate to male applicants, two of whom are minors.

21. *Type of claim and value of the award:* the 51 applicants were found eligible for reparations for the moral harm suffered. Forty-nine of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]. Two of the 51 were found to be direct descendants of two Saints; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the 51 beneficiaries is [REDACTED] (disbursed in Francs CFA).

22. *Protected Building:* of the 51 decisions, 15 relate to the Bahaber Babadié Mausoleum, 12 relate to the Ahmed Fulane Mausoleum, 10 relate to the Sidi Yahia Mosque, seven relate to the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum, three relate to the Sheikh Abdoul Kassim Attouaty Mausoleum, three relate to the Sheikh Sidi Ahmed Ben Amar Arragadi Mausoleum, two relate to the Sheikh Mouhamad El Mikki Mausoleum, and one relates to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum. One of these decisions relates both to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti and to Sheikh Sidi Ahmed Ben Amar Arragadi Mausoleums; and another relates both to the Ahmed Fulane Mausoleum and to the Sidi Yahia Mosque.

*Thirty-sixth batch of 13 January 2023 (26 positive administrative decisions on the 13<sup>th</sup>, 14<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> transmissions by VPRS)*

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<sup>20</sup> Email from the Trust Fund to the LRV on 8 December 2022, at 18:44, informing him that the Trust Fund was in the process of trying to secure the necessary documentation.



23. On 3 February 2021, the Trust Fund received 102 applications from VPRS (13<sup>th</sup> transmission of applications). On 18 February 2021, the Board of Directors of the Trust Fund adopted 96 positive eligibility decisions as its 14<sup>th</sup> batch of administrative decisions, while six applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Trial Chamber's Decision of 23 September 2020, the LRV was addressed to provide such information or documentation.<sup>21</sup> Upon the LRV's request for support for the consolidation of certain applications,<sup>22</sup> on 14 December 2022 the Trust Fund secured the necessary information concerning one of them arising from VPRS 13<sup>th</sup> transmission.<sup>23</sup> The Board of Directors of the Trust Fund adopted **one positive administrative decision** thereon as part of the thirty-sixth batch of decisions.

24. On 4 March 2021, the Trust Fund received 129 applications from VPRS (14<sup>th</sup> transmission of applications). On 19 March 2021, the Board of Directors of the Trust Fund adopted 100 positive eligibility decisions as its 16<sup>th</sup> batch of administrative decisions, while 27 applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Trial Chamber's Decision of 23 September 2020, the LRV was addressed to provide such information or documentation.<sup>24</sup> Upon the LRV's request for support for the consolidation of certain applications,<sup>25</sup> on 14 December 2022 the Trust Fund secured the necessary information concerning one of them arising from VPRS 14<sup>th</sup> transmission.<sup>26</sup> The Board of Directors of the Trust Fund adopted **one positive administrative decision** thereon as part of the thirty-sixth batch of decisions.

25. On 24 November 2022, the Trust Fund received 47 applications from VPRS (26<sup>th</sup> transmission of applications). On 9 December 2022, the Board of Directors of the Trust Fund adopted 46 positive eligibility decisions thereon as its 35<sup>th</sup> batch of administrative decisions, while one application was found to need additional documentation before a

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<sup>21</sup> Email from the Trust Fund to the LRV on 16 February 2021, at 13:48, and also, concerning this application, on 29 November 2022, at 18:15.

<sup>22</sup> Email from the LRV to the Trust Fund on 9 December 2022, at 16:25.

<sup>23</sup> Email by the Trust Fund to the LRV on 14 December 2022, at 18:25.

<sup>24</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>25</sup> Email from the LRV to the Trust Fund on 9 December 2022, at 16:25.

<sup>26</sup> Email by the Trust Fund to the LRV on 14 December 2022, at 17:06.

decision could be taken and the LRV was informed accordingly.<sup>27</sup> The Trust Fund secured the necessary documentation;<sup>28</sup> and the Board of Directors of the Trust Fund adopted **one positive administrative decision** thereon as part of the thirty-sixth batch of decisions.

26. On 16 December 2022, the Trust Fund received 33 applications from VPRS (27<sup>th</sup> transmission of applications). Of these 33 applications, nine were instances of double transmission (i.e. the same application had been already transmitted by the LRV to the VPRS, and by the VPRS to the TFV, in the past). The TFV already adopted positive decisions with regard to eight of these nine applications on 6 October 2022 as part of its 32<sup>nd</sup> batch of administrative decisions, while one application required additional documentation before a decision could be taken, and the LRV was addressed to provide such information or documentation;<sup>29</sup> The LRV informed the Trust Fund of the difficulties met in consolidating this application.<sup>30</sup> Moreover, one of the 33 applications was incomplete.<sup>31</sup> Thus, the Board of Directors of the Trust Fund adopted **23 positive administrative decisions** on eligibility thereon as part of the thirty-sixth batch of decisions, including four positive decisions related to applicants who had previously received a negative decision on 16 April 2020 as part of the 2<sup>nd</sup> batch of administrative decisions, and who submitted new applications for reparations as descendants of a different saint.

27. *Date of collection:* of the 26 applications receiving a positive decision, two were collected in 2020; namely, one was collected in February 2020 by the TFV and one was collected in April 2020 by an intermediary of the TFV. Two applications were collected in October 2021, of which one by an intermediary of the TFV. One application was received in September 2022 by an intermediary of the TFV. The remaining twenty-one applications were collected in November 2022 by an intermediary of the LRV.

28. *Sex and age:* of the 26 decisions, 16 relate to female applicants, two of whom are minors, and 10 relate to male applicants, one of whom is a minor.

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<sup>27</sup> Email from the Trust Fund to the LRV on 8 December 2022, at 18:44, informing him that the Trust Fund was in the process of securing the necessary documentation.

<sup>28</sup> Email by the TFV to the LRV on 14 December 2022, at 17:21.

<sup>29</sup> Email from the Trust Fund to the LRV on 3 October 2022, at 19:41.

<sup>30</sup> Email from the LRV to the Trust Fund on 9 December 2022, at 16:25.

<sup>31</sup> A number of applications for individual reparations received by the Trust Fund after the deadline for the conclusion of the consolidation of applications by the LRV, set on 15 December 2022 by the 27 October 2022 Decision, did not contain all the documents or information required to render a decision. As presented in paragraph 66 of this report, the Trust Fund will submit a detailed report on all pending and missing applications once the implementation of individual awards is concluded.

29. *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 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).

30. *Protected Building:* of the 26 decisions, 11 relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum, seven relate to the Alpha Moya Mausoleum, five relate to the Sheikh Sidi Ahmed Ben Amar Arragadi Mausoleum, one relates to the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum, one relates to the Bahaber Babadié Mausoleum, and one relates to the Sidi Yahia Mosque.

*Thirty-seventh batch of 20 January 2023 (58 positive administrative decisions on the 19<sup>th</sup> and 28<sup>th</sup> transmissions by VPRS)*

31. On 18 February 2022, the Trust Fund received 21 applications from VPRS (19<sup>th</sup> transmission of applications). On 7 March 2022, the Board of Directors of the Trust Fund adopted 17 positive eligibility decisions as its 26<sup>th</sup> batch of administrative decisions, while four applications were found to need additional information or documentation before a decision could be taken and, in accordance with the Trial Chamber's Decision of 23 September 2020, the LRV was addressed to provide such information or documentation.<sup>32</sup> On 9 December 2022, the LRV provided additional information concerning one of the four applications.<sup>33</sup> The Board of Directors of the Trust Fund adopted **one positive administrative decision** thereon as part of the thirty-seventh batch of decisions.

32. On 11 January 2023, the Trust Fund received 60 applications from VPRS (28<sup>th</sup> transmission of applications). Three of the 60 applications were incomplete.<sup>34</sup> The Board of Directors of the Trust Fund adopted **57 positive administrative decisions** thereon as part of the thirty-seventh batch of decisions.

33. *Date of collection:* of the 58 applications receiving a positive decision, one was collected in December 2020. The remaining 57 applications were collected or received in

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<sup>32</sup> Emails from the Trust Fund to the LRV on 28 February 2022, at 18:22, and on 3 March 2022, at 21:10.

<sup>33</sup> Email from the LRV to the Trust Fund on 9 December 2022, at 16:25.

<sup>34</sup> See footnote 31, above.

2022, namely, one was collected in August 2022 by the LRV in Senegal; 21 were collected in November 2022 by an intermediary of the LRV, of which four were collected in Niger; 11 were received in November 2022 by intermediaries of the TFV; 18 were collected in December 2022 by an intermediary of the LRV; and six were received in December 2022 by an intermediary of the TFV.

34. *Sex and age:* of the 58 decisions, 26 relate to female applicants, three of whom are minors, and 32 relate to male applicants, three of whom are minors.

35. *Type of claim and value of the award:* the 58 applicants were found eligible for reparations for the moral harm suffered. All of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the 58 beneficiaries is [REDACTED] (disbursed in Francs CFA).

36. *Protected Building:* of the 58 decisions, 25 relate to the Alpha Moya Mausoleum, 16 relate to the Sheikh Sidi Ahmed Ben Amar Arragadi Mausoleum, six relate to the Sheikh Mouhamad El Mikki Mausoleum, four relate to the Sheikh Abdoul Kassim Attouaty Mausoleum, three relate to the Sidi Yahia Mosque, one relates to the Ahmed Fulane Mausoleum, one relates to the Bahaber Babadié Mausoleum, one relates to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum, and one relates to the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum.

*Thirty-eighth batch of 27 January 2023 (70 positive administrative decisions on the 29<sup>th</sup> transmission by VPRS)*

37. On 18 January 2023, the Trust Fund received 70 applications from VPRS (29<sup>th</sup> transmission of applications). All of them were complete. The Board of Directors of the Trust Fund adopted **70 positive administrative decisions** thereon as part of the thirty-eighth batch of decisions.

38. *Date of collection:* the 70 applications were received by intermediaries of the TFV in 2022. Specifically, two applications were received in October 2022 and the remaining 68 applications were received in November 2022.

39. *Sex and age:* of the 70 decisions, 38 relate to female applicants, four of whom are minors, and 32 relate to male applicants, six of whom are minors.

40. *Type of claim and value of the award:* the 70 applicants were found eligible for reparations for the moral harm suffered. All of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the 70 beneficiaries is [REDACTED] (disbursed in Francs CFA).

41. *Protected Building:* of the 70 decisions, 18 relate to the Sheikh Abdoul Kassim Attouaty Mausoleum, 13 relate to the Sidi Yahia Mosque, 10 relate to the Sheikh Sidi Ahmed Ben Amar Arragadi Mausoleum, nine relate to the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum, seven relate to the Sheikh Mouhamad El Mikki Mausoleum, five relate to the Ahmed Fulane Mausoleum, three relate to the Alpha Moya Mausoleum, three relate to the Bahaber Babadié Mausoleum, and two relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum.

*Thirty-ninth batch of 7 February 2023 (99 positive administrative decisions on the 30<sup>th</sup> transmission by VPRS)*

42. On 25 January 2023, the Trust Fund received 100 applications from VPRS (30<sup>th</sup> transmission of applications). One of the 100 applications was incomplete.<sup>35</sup> The Board of Directors of the Trust Fund adopted **99 positive administrative decisions** thereon as part of the thirty-ninth batch of decisions.

43. *Date of collection:* the 100 applications were received in November 2022 by intermediaries of the TFV.

44. *Sex and age:* of the 99 decisions, 66 relate to female applicants, three of whom are minors, and 33 relate to male applicants, one of whom is a minor.

45. *Type of claim and value of the award:* the 99 applicants were found eligible for reparations for the moral harm suffered. All of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the 99 beneficiaries is [REDACTED] (disbursed in Francs CFA).

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<sup>35</sup> See footnote 31, above.

46. *Protected Building*: of the 99 decisions, 34 relate to the Sidi Yahia Mosque, 15 relate to the Sheikh Sidi Ahmed Ben Amar Arragadi Mausoleum, 13 relate to the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum, 10 relate to the Sheikh Mouhamad El Mikki Mausoleum, nine relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum, eight relate to the Ahmed Fulane Mausoleum, seven relate to the Sheikh Abdoul Kassim Attouaty Mausoleum, one relates to the Alpha Moya Mausoleum, one relates to the Bahaber Babadié Mausoleum, and one relates to the Sheikh Mohamed Mahmoud Al Arawani Mausoleum.

*Fortieth batch of 15 February 2023 (134 positive administrative decisions on the 31<sup>st</sup> and 32<sup>nd</sup> transmissions by VPRS)*

47. On 1 February 2023, the Trust Fund received 121 applications from VPRS (31<sup>st</sup> transmission of applications). Seven of the 121 applications were incomplete.<sup>36</sup> The Board of Directors of the Trust Fund adopts **114 positive administrative decisions** thereon.

48. On 8 February 2023, the Trust Fund received 27 applications from VPRS (32<sup>nd</sup> transmission of applications). Of these 27 applications, six were instances of double transmission (i.e. the same application had been already transmitted by the LRV to the VPRS, and by the VPRS to the TFV, in the past); the TFV already adopted positive decisions with regard to all of these applications. Moreover, one of the 27 applications was incomplete.<sup>37</sup> The Board of Directors of the Trust Fund adopted **20 positive administrative decisions** thereon as part of the fortieth batch of decisions, including 10 positive decisions related to the following categories of applicants: seven positive decisions related to applicants who had previously received a negative decision and who submitted a new application for reparations as descendants of a different saint; one positive decision related to an applicant who had previously received a negative decision (2<sup>nd</sup> batch of administrative decisions) since the *attestation de filiation* submitted was not signed by one of the certifying authorities validated by the Trust Fund and who submitted

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<sup>36</sup> See footnote 31, above.

<sup>37</sup> See footnote 31, above.

a new application with the appropriate proof of direct descendance from the same saint; and two positive decisions related to applicants who had previously submitted applications which were found to need additional information before a decision could be taken and who submitted new applications containing the information necessary to adopt a (positive) decision.

49. *Date of collection*: one of the 134 applications receiving a positive decision was collected in May 2022 by an intermediary of the LRV in Niger. One was received in October 2022 by an intermediary of the TFV. One hundred and seven applications were either collected or received in November 2022, of which 12 were collected by an intermediary of the LRV, including one application collected in Niger, and 94 were received by intermediaries of the TFV. Six applications were collected by an intermediary of the LRV in December 2022 and 19 applications were received in the same month by intermediaries of the TFV.

50. *Sex and age*: of the 134 decisions, 76 relate to female applicants, 10 of whom are minors, and 58 relate to male applicants, nine of whom are minors.

51. *Type of claim and value of the award*: the 134 applicants were found eligible for reparations for the moral harm suffered. One hundred and thirty (130) of them were found to be direct descendants of one Saint; the amount awarded to each of them is [REDACTED]. Four of the 134 applicants were found to be direct descendants of two Saints; the amount awarded to each of them is [REDACTED]. The overall amount awarded to the 134 beneficiaries is [REDACTED] (disbursed in Francs CFA).

52. *Protected Building*: of the 134 decisions, 28 relate to the Sidi Yahia Mosque, 24 relate to the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum, 20 relate to the Alpha Moya Mausoleum, 19 relate to the Sheikh Mouhamad El Mikki Mausoleum, 16 relate to the Sheikh Abdoul Kassim Attouaty Mausoleum, 14 relate to the Ahmed Fulane Mausoleum, nine relate to the Sheikh Sidi Ahmed Ben Amar Arragadi Mausoleum, and eight relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum. Two of these decisions relate to both the Sheikh Abdoul Kassim Attouaty Mausoleum and the Sidi Yahia Mosque; and another two relate to both the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum and the Alpha Moya Mausoleum.

## 2. Collection of applications

53. As set out in previous reports, since mid-December 2020, the Trust Fund has no longer engaged in *active* collection efforts. The Trust Fund limited itself to address persons on residual lists progressively communicated to the TFV by its contact persons in Timbuktu or stood ready to receive applications from individuals who were not able or willing to submit an application previously.

54. During the reporting period, the Trust Fund received 202 applications from individuals who were not able or willing to submit an application previously. Before the expiration of the deadline of 15 December 2022, as set by the 27 October 2022 Decision, the Trust Fund transmitted to the LRV a total of 318 applications, i.e. the 202 received during the reporting period, together with a batch of 116 applications received until 24 November 2022.<sup>38</sup> These 318 applications had already been consolidated directly by the Trust Fund.

## 3. Consolidation of applications

55. At the outset, Trust Fund wishes to recall that, in its submission of 17 October 2022 (“17 October 2022 Response”),<sup>39</sup> it offered its direct support to the LRV for the *general* consolidation of all the remaining files that had not yet been consolidated.

56. In the reporting period, the Trust Fund assisted the LRV to consolidate only those applications pending with him for which the support of the TFV was *specifically* requested, as per the approach preferred by the LRV and as presented in his reply to the 17 October 2022 Response.<sup>40</sup> Thus, upon the request from the LRV concerning specific applicants,<sup>41</sup> the Trust Fund secured the necessary documentation concerning eight of the outstanding applications,<sup>42</sup> all of which received a positive decision from the Trust Fund.

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<sup>38</sup> See TFV Twenty-Sixth Update Report, para. 30, where the TFV reported that during the relevant reporting period it had received 168 applications from individuals who were not able or willing to submit an applications previously, and 52 of them were transmitted to the LRV.

<sup>39</sup> Trust Fund for Victims’ response to the Legal Representative for Victims’ third request for extension of time (ICC-01/12-01/15-456-Conf), 17 October 2022, ICC-01/12-01/15-457-Conf, para. 23.

<sup>40</sup> *Mémoire d’appui en réponse « Trust Fund for Victims’ response to the Legal Representative for Victims’ third request for extension of time” en date du 17 octobre 2022 - ICC-01/12-01/15-457, ICC-01/12-01/15-457-Conf, 18 October 2022; see in particular para. 11.*

<sup>41</sup> Emails from the LRV to the Trust Fund on 8 November 2022, at 12:04 (eight requests for support in consolidation), and on 9 December 2022, at 16:25 (indicating 39 applications for which the LRV encountered problems in their consolidating).

<sup>42</sup> Emails from the TFV to the LRV on 24 November 2022, at 13:34; and on 14 December 2022, at 17:06, 17:21 and 18:25.



57. Moreover, following the 27 October 2022 Decision, the LRV transmitted to the Trust Fund documents for the consolidation of 18 applications.<sup>43</sup> The Trust Fund adopted positive decisions on 14 of these applications. The remaining four applications were not validly consolidated (i.e. the consolidation material submitted did not reflect the underlying consolidation requests sent by the TFV) and the LRV was addressed to provide the relevant information.<sup>44</sup>

58. Finally, on 18 November 2022, the LRV reverted to the TFV with consolidation documents related to the 16 applications concerning the Sheikh Mouhamad El Mikki mausoleum for which, as communicated by the TFV to the LRV on 7 November 2022,<sup>45</sup> the *attestations de filiation* provided had not been signed by one of the authorities recognised by the Trust Fund for this specific mausoleum.<sup>46</sup> However, contrary to the assertion by the LRV in his submission to the Trial Chamber of 15 December 2022 that the TFV had not informed the LRV accordingly,<sup>47</sup> on 29 November 2022 the Trust Fund informed the LRV that the documents received did not correspond to any of these 16 applications.<sup>48</sup>

59. Following a first review by the Trust Fund, 37 applications for which a consolidation request was sent to the LRV along the reparations process failed to be consolidated; the issue is further addressed in paras 65 – 66 below.

#### **4. Follow up on application process**

60. Over the past semester, the Trust Fund has been contacted by about 141 victims asserting that although they had submitted an application, they have not yet been informed of the follow up.

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<sup>43</sup> Email from the LRV to the Trust Fund on 17 November at 18:45, 18:56, 19:03 and 19:07, on 18 November at 13:10, on 21 November at 17:28, on 22 November at 13:56 and 15:34, and on 29 November at 13:01.

<sup>44</sup> Email from the Trust Fund to the LRV on 29 November 2022, at 18:15, informing him that 14 of the 18 consolidations were correct, while 4 applications had received an incorrect or incomplete consolidation by the LRV. See para. 58 of this Update Report and footnotes 47 and 48 below.

<sup>45</sup> Email from the Trust Fund to the LRV on 7 November 2022, at 13:51.

<sup>46</sup> Emails from the LRV to the Trust Fund on 18 November 2022, at 13:48 and 13:49.

<sup>47</sup> *Requête aux fins de suivi des consolidations*, ICC-01/12-01/15-461-Conf, 15 December 2022, see paras 14 and 15.

<sup>48</sup> Email from the Trust Fund to the LRV on 29 November 2022, at 18:19. In this regard, the Trust Fund highlights that in its email to the LRV of 29 November 2022 at 18:15, it informed the LRV that “[l]e Fonds vous enverra un courriel de réponse spécifique à vos courriels du 18 novembre à 13 :48 et 13 :49 ” (see also LRV’s *Requête aux fins de suivi des consolidations*, ICC-01/12-01/15-461-Conf, paras 14 and 15); said specific reply email has indeed been sent on 29 November 2022 at 18:19.

61. After verification against its databases of administrative decisions, against pending applications (for consolidation), and applications collected/received and transmitted to the LRV, on 3 October, 24 November and 28 November 2022, the TFV shared three lists comprising a total of 112 persons with the LRV.<sup>49</sup> On 8 November and 5 December 2022, the LRV indicated not having the applications of 97 of these individuals.<sup>50</sup> Upon review of its databases, on 15 December 2022 the TFV informed the LRV that the applications of 51 of the 97 individuals appear to have been jointly collected by the Trust Fund and the LRV team and subsequently transmitted by the former to the latter. Therefore, considering the 15 December 2022 deadline set forth by the Chamber, the Trust Fund urgently facilitated the re-collection of applications from a part of the 51 individuals.<sup>51</sup>

#### **5. Notification of positive decisions and payment of the individual reparation awards**

62. The Trust Fund continues the notification and payment of individual reparations as described in its previous reports. The system in place is functioning well and provides for timely and efficient payment of the awards. The Trust Fund's thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth batches of administrative decisions on eligibility, as reported under paragraphs 5 to 52 above, have become final. The Trust Fund is fully engaged to comply with the deadline for the completion of all payments set by the Chamber for 14 March 2023.

63. In the reporting period, 475 beneficiaries have received payment of their individual awards, for a total of [REDACTED].

64. Moreover, in order to notify eligible victims and pay them their individual reparation awards, the Trust Fund continues to put special emphasis on tracing beneficiaries who could not be reached thus far.

#### **6. Pending applications**

65. The Trust Fund would like to inform the Chamber that there are applications for individual awards which remain pending. These applications can be classified into

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<sup>49</sup> Emails from the Trust Fund to the LRV on 3 October 2022, at 17:43, 24 November 2022 at 15:03 and 28 November 2022 at 11:16.

<sup>50</sup> Emails from the LRV to the Trust Fund on 8 November 2022 at 12, and on 5 December 2022 at 17:01.

<sup>51</sup> Email from the Trust Fund to the LRV on 15 December 2022, at 17:02.

different categories, such as: (1) applications whose consolidation was requested to the LRV, from February 2021 until November 2022, since the Trust Fund found that they needed additional information or documentation before a decision could be taken, in accordance with the Trial Chamber Decision of 23 September 2020, and that were not consolidated;<sup>52</sup> (2) applications transmitted to VPRS and received by the Trust Fund for eligibility assessment after 15 December 2022 (i.e. the deadline for the LRV to conclude the consolidation of all application in his possession), which were incomplete and thus require additional information or documentation before an eligibility decision can be adopted by the Trust Fund;<sup>53</sup> and (3) applications collected or received by the Trust Fund or collected by the Trust Fund together with the LRV and thereupon transmitted (by the Trust Fund) to the LRV for consolidation since February 2020, which were not transmitted back to the Trust Fund by the LRV (through VPRS) for eligibility assessment, thus not having received any eligibility determination by the Trust Fund.<sup>54</sup>

66. In the aftermath of the deadline of 14 March 2023 for the completion of the implementation of individual awards, the Trust Fund will submit to the Trial Chamber a report on the implementation of individual awards which will include detailed information on the number of applications falling under the three categories mentioned in the previous paragraph. In that context, the Trust Fund will also present to the Chamber a proposal how to address the situation of these applicants, as well as the situation of the few beneficiaries who received a positive decision but could not be reached for the payment of the award.

67. Finally, the Trust Fund informs the Chamber that, based on current estimates, it is possible that there will be a surplus in the envelope reserved for individual reparations that will be reallocated to the collective reparations. The report mentioned in the previous

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<sup>52</sup> Following a first review by the Trust Fund, 37 applications appear to fall under this category.

<sup>53</sup> 12 applications fall under this category

<sup>54</sup> The Trust Fund is currently cross-checking its databases, including those relevant to the transmission of dossiers to the LRV. At the current state of the review, a few dozen of applications appear to fall under this category.

paragraph will also address this situation in detail on the basis of the Updated Implementation Plan and the Decision on the Updated Implementation Plan.<sup>55</sup>

## **B. Collective reparations**

68. 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 moral harm suffered; (ii) collective reparations for the economic harm suffered; and (iii) collective reparations in the form of a mechanism for the protection and maintenance of the Protected Buildings.

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

69. With regard to the **collective reparations for moral 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.

70. The project is implemented with CFOGRAD, a Timbuktu-based organisation. Activities effectively started in June 2021. Four memorialisation committees were 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); while one memorialisation committee was set up in Bamako. They aim at providing a space permitting community discussions as to the crime that occurred, its impacts, and 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 and children.

71. In respect of the purpose, establishment and work of the five memorialisation committees, including preliminary proposals presented by each committee, the Trust Fund refers to its previous reports, which also describe the working methods applied.<sup>56</sup>

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<sup>55</sup> Updated Implementation Plan, with two confidential annexes and one confidential *ex parte* annex, available to the Registry, 2 November 2018, ICC-01/12-01/15-291-Conf; Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Conf.

<sup>56</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; Twenty-sixth update report on the updated implementation plan, 25 November 2022, ICC-01/12-01/15-460-Conf, paras 44-49.

72. Considering that a number of individuals originally from Timbuktu live in the city of Bamako, for visibility and accountability purposes, a workshop focusing on memorialisation activities and psychosocial support was organised for the benefit of the committee and sub-committees based in Bamako. The community received information on activities carried out in Timbuktu and the first memorialisation proposals, provided their views on the matter and recommended accelerating the implementation of the memorialisation measures.

73. On 20 December 2022, and following a request of CFOGRAD, the Mayor of the City of Timbuktu issued Decision No. 001/22/CUT/2022 which created a Local Committee that will be responsible for selecting the commemorative measure(s) to be implemented from among those proposed at the commemoration committee level. In addition, depending on the activities that will be carried out by the Local Committee, these preliminary proposals may be reformulated and other new measures may arise during the discussions of the decision-making committee aimed at adopting the final choice of commemorative measures with restorative value.

74. The Local Committee is composed by 17 members, distributed as follows: 15 members from the memorialisation committees,<sup>57</sup> the Mayor of Timbuktu and a representative from the Regional Coordination and Monitoring Commission on Collective Reparations; together with five representatives from technical services, including [REDACTED] and the Regional Directorate for the Advancement of Women; and a representative of the civil society.

75. CFOGRAD organised a capacity building workshop for the members of the Local Committee which focused on their roles and responsibilities, the meaning of the concept of *memorialisation*, and the development of an action plan of activities for memorialisation. In addition, two members of the Local Committee conducted a workshop to present initial proposals for commemoration ideas to the customary and religious authorities of Timbuktu. This activity mobilised eight neighbourhood chiefs, three religious leaders per neighbourhood, one representative of the civil society and one representative of the Timbuktu youth council. During this workshop, the religious leaders who participated expressed positive opinions about their participation in the implementation of the commemoration measure(s) and the 45 workshop participants

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<sup>57</sup> Members from the memorialisation committees were selected as follows: each committee appointed three members, including two female members (an adult woman and a young woman) and a man.

expressed their willingness to spread the spirit of the proposed commemoration ideas to other religious leaders in Timbuktu.

76. In order to comply with the indication by the Chamber regarding the equal participation of men and women in the reparation process, the Trust Fund has focused on reinforcing the leadership skills of the female members of the memorialisation committees and the young women subcommittees. A training session focussing on women's leadership was held for members of the Bamako women's committee and subcommittees. These activities aim to ensure the active participation of women and girls in the consolidation of the commemoration process, as well as allowing women and girls to play a leading role in the valorisation and conservation of the socio-cultural identity of Timbuktu and providing them with tools to influence public decisions for development at the local level and with the capacity to express themselves in public, particularly in the context of the community dialogue for the commemoration.

77. The Trust Fund considers it important to note the methodology for the composition of the member of the Local Committee. If parity was compulsory for the establishment of the memorialisation committees, it appeared not to be feasible at the communal level considering that most of the official and civil servants working at the town hall are men, and that, therefore, this committee would have ended up with women represented at lower levels of influence than men. As parity seemed difficult to achieve, the Trust Fund put in place alternative strategies to increase the number of female participants so as to reach a form of gender balance; as a result, the Local Committee is composed of a majority of female members, and a female member was elected as president of the Local Committee.

78. The methodology for the selection of the memorialisation measures has been consolidated by the Trust Fund so as to be gender sensitive. The Trust Fund has identified that several of the proposed measures carry a risk of aggravating gender inequalities in Timbuktu society. These include measures which would imply a separation of men and women, or even lead to the exclusion of women in accessing some activities; such measures thus risk both conveying unequal or even discriminatory content with regard to women, and being particularly beneficial for men because of the functions they perform.

79. Thus, the Trust Fund in collaboration with CFOGRAD strengthened gender sensitivity to appreciate the choice of measures. CFOGRAD will therefore focus on, and assess the following areas: (i) has this measure been proposed by as many women as

men? (ii) Do women's organisations support this measure? (iii) Does this measure benefit (directly and indirectly) women as much as men? (iv) Can the activities be carried out by men and women together? (v) Are the conditions for an inclusive participation met? (vi) Does this measure induce content or practices that are harmful to equality? (vii) On the other hand, would this measure allow certain power relationships to evolve in favour of gender equality? The questions will guide the Local Committee when deciding on the memorialisation measure.

80. Twelve female victims received psychological care at a private clinic. These victims expressed their satisfaction with the treatment received, and the evolution of their conditions is satisfactory. Additionally, eight beneficiaries, all of whom are minors,<sup>58</sup> benefitted from individual psychological treatment.

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

81. 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 crimes to the community of Timbuktu.

82. The project is implemented with the support of CIDEAL. During the reporting period, CIDEAL, with the help of CFOGRAD, organised a series of workshops with the communities of Timbuktu to present the results of the market survey conducted previously in order to receive the validation, observations and recommendations about the proposed collective measure to address the economic harm. Nine workshops were held between 14 and 27 December 2022 in the eight neighbourhoods that compose the urban municipality of Timbuktu.<sup>59</sup> CIDEAL received the valuable collaboration of the heads of each neighbourhood for the preparation and planning of these meetings. Three hundred and ninety-seven persons participated in these meetings, including 175 women,<sup>60</sup> 31 neighbourhood councillors, 42 religious leaders and notable figures in the community, 11 members of the Masons' Corporation and the President of the Chamber of Commerce.

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<sup>58</sup> These group of beneficiaries include seven girls and one boy.

<sup>59</sup> The dates and places of the meetings were as follows: 14 December 2022 (Bellaferandi), 15 December 2022 (Kabara), 17 December 2022 (Djingareiber), 19 and 20 December 2022 (Abaradjou), 21 December 2022 (Badjindé), 24 December 2022 (Sareykeina), 26 December 2022 (Hamabangou) and 27 December 2022 (Sankoré).

<sup>60</sup> The female participants included female leaders, presidents of associations and young leaders.

CIDEAL shared information on a series of topics with the participants during the workshops, namely: the goals of the collective economic reparations, proposed achievements and axes/measures of the ERF and activities to implement them, eligibility of local organisations to take part in the ERF, expectations expressed by the local population, selection procedures for initiatives expressed by the population, selection committees and criteria for micro-projects, themes of the micro-projects mechanism, eligibility for micro-project expenses, and territorial approach of the support fund. A number of recommendations were collected in addition to those of national and international experts gathered during the workshop organised in June 2022. The proposed measures are currently being consolidated with the above-mentioned recommendations.

83. With the support of CFOGRAD and in view of the joint implementation of the ERF in Timbuktu, CIDEAL recruited a project manager and assembled a team with five supporting staff. The team has been trained about the programme and its capacities strengthened. This training included information on the different activities conducted by CIDEAL for the implementation of the ERF under a plenary reading methodology that allowed the dynamic sharing of comments and exchanges.

84. In addition, meetings were conducted to present the project and the CIDEAL team to the local and administrative authorities. This included meetings with the Mayor of the City of Timbuktu, representatives from the regional government of Timbuktu, the president, vice-president and secretary general of the Regional Council, [REDACTED], and heads of neighbourhoods, council members, members of memorialisation committees, women and young individuals from the eight neighbourhoods of Timbuktu. Meetings were held in the presence of UNESCO and CFOGRAD representatives. The liaison effort included a total of 11 exchanges which reached 58 individuals.

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

85. In the reporting period, the activities presented and categorised in the following paragraphs were carried out.

86. Technical feasibility studies for: (i) the planting of trees and hedges around cemeteries containing mausoleums of certain Saints; (ii) the installation of a solar lighting system around the protected buildings in Timbuktu; and (iii) the work on the enclosure walls of two cemeteries housing the mausoleums of two Saints, and the Al Arawani mausoleum – All the technical feasibility studies have come to conclusion and



provided clear recommendations on how to implement each measure approved by the Chamber. The study concerning point (i), in particular, showed the impossibility of planting outside cemeteries for reasons such as the reality of the terrain. Among other concerns, the absence of a water faucet and outstanding bills are to be noted. Thus, the planting of trees will be carried out inside the cemeteries. The next step for each of these projects is the preparation of the call for tenders to recruit the companies that will carry out each of the pertinent works.

87. Capacity building for the Mason's Corporation – In the context of the sustainable conservation of Protected Buildings in Timbuktu, a second capacity building workshop - organised by the Ministry of Arts, Culture, Hospitality and Tourism through [REDACTED], and the UNESCO Office in Bamako - was held from 13 to 15 December 2022. The main theme of the workshop was “*Improved earthen architecture techniques for the preservation and enhancement of protected buildings in Timbuktu*”, which reached 45 beneficiaries, including: 20 skilled masons (old and young) in Timbuktu, 15 apprentice masons, and 10 women masons. These beneficiaries, in joint forum with experienced architects and cultural heritage preservationists, worked on, *inter alia*, the search for new recipes for sustainable coatings. Experts and traditional masons from Timbuktu pooled their knowledge and know-how of local material. The synergy made it possible to experiment with several coating recipes, some of which were applied to the eight mausoleums involved in the project. As a result of the work conducted by the TFV to ensure gender equality, women were associated and participated in the training and practical session. An objective evaluation of the results of these experiments is planned to be presented during the next workshop to be held in April 2023 with the same stakeholders.

88. Logistical support for [REDACTED] - During the reporting period, the process of logistical and material support to [REDACTED] has continued through the provision of motorbikes (2) and chairs (50).

89. Establishment of a support mechanism for the maintenance of protected buildings in Timbuktu - The establishment of the support mechanism for the maintenance of Timbuktu's Protected Buildings is ongoing. It is a challenging process as the mechanism should be sustainable, in the sense that it should be suitable to prevent the risk of perpetuating the deterioration of the national heritage without requiring continuous external support or financing. During the reporting period, the findings of the technical

feasibility study led by a heritage and development expert were submitted to UNESCO and the Trust Fund for review and discussion. The outcome of the latter, following the advice of UNESCO and its partners, will then be presented to the communities and technical services of Timbuktu.

### **C. Symbolic reparations**

90. The itinerant campaign of diffusion of the symbolic euro award ceremony that took place in March 2021 has been moving forward in February 2023. At the time of writing this report, 10 film screenings have taken place in 9 localities such as Bougouni, Niena, Sikasso, Koutiala, Segou, Kita, Bafoulabe, Kayes and Mopti. Among the categories of participants noted during the various events, the following can be mentioned: students, traditional authorities, chiefs griot, merchants, village chief representative. The event at the Campus de Hommes de Segou was particularly notable for the presence of a greater number of women (143) compared to that of men (25). Debates with the participants followed each film screening, and were focused on capturing the views and concerns of the Malian population with regards to reparation measures being applied in this case. During the next reporting period, the caravan will cover the localities of Gao, Tombouctou and Bamako.

### **D. Other matters**

91. Support by national and local authorities - During the reporting period, CIDEAL held meetings with local and regional authorities to present the Economic Resilience Facility and its implementing team. UNESCO consolidated partnerships initiated during the previous quarter with the government of the Timbuktu region, the Regional Council, the Town Hall and the Local Committee created by the Mayor.

92. Gender mainstreaming – In order to support gender equality and the empowerment of women and girls, the Trust Fund has implemented specific measures to mainstream gender into its initiatives and avoid exacerbating gender-based inequalities already present. This approach has already produced visible and positive impact such as the rules governing the composition of the Local Committee tasked with selecting the commemorative measures to be implemented, which ensured that a majority of its members are women; the election of a female member as president of this committee; the participation of a significant number of women in the workshops organised by CIDEAL

and the involvement of female masons in the training organised in December by UNESCO.

#### **IV. CONCLUSION**

93. The Trust Fund respectfully requests the Trial Chamber to take note of the present report. Furthermore, the Trust Fund seizes the Trial Chamber with the matter presented in the Annex II and respectfully defers to it for any further action. 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: 6 March 2023)

At The Hague, The Netherlands