

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date of original: **27 October 2023**

Date of redacted version: **30 January 2024**

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 two confidential, *ex parte*, annex, available to the Legal Representative of
Victims only**

**Public redacted version of “Twenty-ninth update report on the updated
implementation plan including report on the finalisation of individual
reparations”, submitted on 27 October 2023, ICC-01/12-01/15-467-Conf**

Source:

The Trust Fund for Victims

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

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I. BACKGROUND

1. The Trust Fund for Victims hereby submits its twenty-ninth update report following Trial Chamber VIII's ("Trial Chamber" or "Chamber") decision of 4 March 2019 approving the Update Implementation Plan submitted by the Trust Fund for Victims ("TFV"),¹ and its report on the finalisation of individual reparations.² The present report covers the period from 7 June 2023 to 27 October 2023 and is structured as follows. First, the changes to the security context and its operational impacts are presented (III), after which the TFV reports on the finalisation of the individual reparations, including by reference to the activities around their finalisation and to an overview of the reparations beneficiaries. The TFV also brings the Chamber's attention to a couple of unresolved matters related to individual reparations (IV). In a subsequent section, the TFV presents its update report on the collective reparations (V). Lastly, a section presents the supportive activities conducted during the reporting period, in particular the TFV's efforts to adapt to the new security and operation situation and the measures deployed to accompany the completion of individual reparations (VI).

II. CLASSIFICATION OF THE PRESENT SUBMISSION

2. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the TFV has classified this report as confidential for the reasons set out in the TFV's previous update reports.³ Specifically, the present report contains identifying information of victims as well as confidential information related to the TFV's present and future operations in the current difficult security context. A public redacted version will be filed as soon as feasible. The annexes are classified confidential, *ex parte*, available to the Legal Representative of Victims only, as they contain identifying information of the victims.

III. SECURITY SITUATION AND OPERATIONAL IMPACTS

3. [REDACTED].

4. [REDACTED].

¹ Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Conf.

² Email from Trial Chamber to TFV on 27 September 2023 at 15:02 sent in response to email from TFV to Trial Chamber on 27 September 2023 at 11:18.

³ 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.

5. [REDACTED]
6. [REDACTED].
7. [REDACTED].

IV. INDIVIDUAL REPARATIONS

8. In the reporting period, and further to the Chamber's decision of 25 August 2023 setting a deadline for the completion of individual reparations,⁴ subsequently extended to 27 October 2023 following the cyber-attack on the ICC infrastructure,⁵ the TFV finalised the implementation of individual reparations.

9. To meet the deadline, the TFV redirected staff capacity to focus on the analysis of the pending files, their consolidation or reconsolidation and the timely payment of awards.

A. FINALISATION OF INDIVIDUAL REPARATIONS

1. Consolidation and reconsolidation of applications

10. It is recalled that since October 2019, the TFV and the Legal Representative for Victims ("LRV") agreed on a distribution of labour according to which the collection of *applications* was organised jointly while the collection of the required *supporting documents* such as attestations of descendance by TFV recognised figures of authorities was carried out by the LRV. This process whereby supporting documents were collected was referred to as *consolidation* and remained the exclusive responsibility of the LRV, in line with the preference that he had expressed.⁶

11. During the verification process conducted by the TFV (that is the legal analysis leading to the issuance of an administrative decision), when an application was found incomplete, rather than issuing a negative decision, supplementary information was requested from the LRV (a process referred to as *reconsolidation*). Throughout the process, the TFV requested supplementary information concerning several files. At the

⁴ Decision on the TFV's twenty-seventh and twenty-eighth update reports on the updated implementation plan, 25 August 2023, ICC-01/12-01/15-466-Conf-Exp, para. 14 ("Decision of 25 August 2023").

⁵ Email from Trial Chamber to TFV on 23 September 2023 at 15:02 sent in response to email from TFV to Trial Chamber on 27 September 2023 at 11:18.

⁶ See Eleventh update report on the updated implementation plan, 25 October 2019. ICC-01/12-01/15-336-Red2, para. 14

time of the Decision of 25 August 2023, 49 of these requests remained unanswered and they form the first category of applications that the TFV had to deal with to finalise the individual reparations.

12. Additionally, in line with the Trial Chamber's decision of 25 August 2023,⁷ on 8 September 2023, the TFV obtained "all information and documentation" that the LRV reported to have in his possession. This documentation comprised 121 application forms, some collected as early as February 2020 as well as a collection of 76 other documents.⁸

13. Of the 121 application forms handed over by the LRV, one had been previously transmitted to the TFV (a/35907/22), and 25 had already received a positive decision.⁹ Therefore, 95 files (several of them collected as early as 2020) received by the LRV required consolidation. They form the second category of applications that the TFV had to deal with to finalise the individual reparations.

14. Between 8 September 2023 and 25 October 2023, the TFV consolidated a total of 121 files, that is 35 of the first category of applications pending for reconsolidation (49) and 88 of the 95 files belonging to the second category (those 121 handed over by the LRV following the Decision of 25 August 2023).

15. To do so, the TFV first carried out an analysis of the files previously in the possession of the LRV to determine the missing information or documents. In most instances a valid proof of identity or an attestation were missing.

16. Then, a TFV legal staff member together with the TFV country programme team endeavoured to contact the victims, with the support of an intermediary, to give them an update on the status of their files and request the missing information. Separately, figures of authorities were contacted and requested to produce attestations if they were in a position to do so. This process was particularly lengthy as for some individuals, a number of details related to their profession, residence, and family trees had to be produced so that they could be recognised by the figure of authority.

⁷ Decision of 25 August 2023, ICC-01/12-01/15-466-Conf-Exp, para. 14.

⁸ On 28 August 2023, one day after the notification of the decision, the TFV convened a meeting with the LRV to clarify what information and documentation would be handed over and how. The LRV announced that 121 applications would be handed over. 120 applications were identified at the hand-over together with a collection of 76 other documents, such as *attestations de filiation* (partly signed), identification documents of victims, 20 documents entitled "notification of negative implied decision by the TFV" and an additional application form previously transmitted (bringing the total number of applications handed over to 121).

⁹ The TFV will liaise with the LRV to determine what course of action he wishes the TFV to follow in respect of the hard copies of their applications.

17. Upon collection of the missing information, applications were handed over to the Registry's Victims Participation and Reparations Section ("VPRS"), which agreed to proceed to the scanning, registration and official transmission of the applications in a swift manner (as opposed to the 30 days otherwise observed).¹⁰

18. In total, 121 applications were successfully (re)consolidated and received a positive decision.

2. Profile of positive administrative decisions issued¹¹

19. To meet the deadline, the TFV set up an urgent procedure to reduce the time elapsed until an administrative decision becomes final. This new process was notified to all parties and the Registry, and approved by the Board of Directors' focal point.¹² No objection was raised. The TFV's special urgent procedure entailed that the Defence would have one full working day (instead of 15 days) to submit observations on the administrative decisions issued by the TFV,¹³ and that the TFV Board of Directors, and in particular the focal point in charge of the administrative decisions in the *Al Mahdi* case, made themselves available for an expedited decision-making process (by receiving draft decisions on a rolling basis). The other parts of the process previously approved by the Trial Chamber remained intact.

20. The Board of Directors of the TFV issued 121 positive administrative decisions in seven batches (41st to 47th batches of decisions), respectively. Specifically, on 14 September 2023, 27 September 2023, 5 October 2023, 16 October 2023, 23 October 2023, 24 October 2023 and 25 October 2023, the TFV issued the 41st, 42nd, 43rd, 44th, 45th, 46th and 47th batches, composed of respectively 11, 12, 50, 34, 9, 4 and 1 decisions.

21. ***Date of collection:*** of the 121 applications which received a positive decision, one was collected in 2019, 87 were collected in 2020 (including as early as February), 7 in 2021 and 25 in 2022, while one has no date of collection but was transmitted to the TFV in 2022.

¹⁰ For files belonging to category 1, that is that were already with the TFV pending reconsolidation, this step was not required.

¹¹ Annex 1 contains the positive administrative decisions.

¹² In particular, the TFV considered that the Decision of 25 August 2023 supersedes the Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374 and the Decision on the Draft Implementation Plan, 12 July 2018, ICC-01/12-01/15-273-Conf.

¹³ See email from TFV to Defence on 6 September 2023 at 18:53.

22. ***Sex and age***: of the 121 applications which received a positive decision, 62 relate to female applicants, 26 of whom are minors and 59 relate to male applicants, 23 of whom are minors.

23. ***Type of claim and value of the award***: one applicant was found eligible for economic and moral harm, one applicant was found eligible for economic harm, all other (119) applicants were found eligible on account of the moral harm suffered, including 13 who were found to be direct descendants of two saints. The overall amount to be awarded to the 121 beneficiaries is EURO [REDACTED] (disbursed in CFA).

24. ***Protected Building***: of the 121 decisions, 27 relate to the Sidi Mahamoud Ben Omar Mohamed Aquit mausoleum, 11 relate to the Sheikh Mohamed Mahmoud Al Arawani, seven relate to the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausoleum, 15 relate to the Alpha Moya mausoleum, 49 to the Sheikh Mouhamad El Mikki mausoleum, six to Sheikh Abdoul Kassim Attouaty mausoleum, six to Sheikh Sidi Ahmed Ben Amar Arragadi mausoleum, three to the Ahmed Fulane mausoleum, 10 to the Bahaber Babédié mausoleum, and nine to the Sidi Yahia mosque. Of them, 11 are double descendants of Sidi Mahamoud Ben Omar Mohamed Aquit and Alpha Moya, two are double descendants of Bahaber Babédié and Alpha Moya, and one is a double descendant of Ahmed Fulane and Sidi Yahia.

Notifications and payments

25. While working on the consolidation and reconsolidation of applications, the TFV simultaneously proceeded to notify the victims of the outcome of their applications by way of individual phone calls, as described in the Nineteenth Update Report,¹⁴ and to issue payments.

26. Of the 121 individuals who received a positive decision, 119 could be notified of their decisions and they received payment of their award. Their last payment was effected on the day of submission of the present report on 27 October 2023.

27. Two individuals remain to be traced and could not be reached within the deadline set by the Trial Chamber.

¹⁴ Nineteenth Update Report, 1 March 2021, ICC-01/12-01/15-381-Conf, paras 34-50.

3. Profile of negative administrative decisions

28. The TFV further issued on 27 October 2023, 21 negative decisions as its 48th batch in order to fully conclude the implementation of the individual reparations process. The LRV has been informed of these negative decision on that day per email.

29. Of the 95 applications handed over by the LRV, seven could not be consolidated within the deadline set by the Trial Chamber. Accordingly, the TFV proceeded to issue negative decisions. Additionally, of the 49 files that were pending for reconsolidation, 14 could not be reconsolidated and also received a negative decision.

30. In accordance with the procedure set by the Trial Chamber, these 21 reasoned negative decisions are appended in full to the present report.¹⁵ The TFV recalls that the LRV has 15 days following their notification to appeal them to the Trial Chamber. Without such appeal, these decisions will become final on 14 November 2023.¹⁶

31. As already stated in relation to the notification of the early negative decisions issued in 2020,¹⁷ the TFV reiterates that it is prepared to provide support to the LRV in notifying the latest batch of negative decisions.

B. OVERVIEW OF REPARATIONS BENEFICIARIES FOR THE ENTIRE INDIVIDUAL REPARATIONS PROGRAMME

32. Given the last decisions and payments have only been effected on the date of this report, a full analysis of relevant key data has not completed, and therefore this section is based on preliminary data findings of the victims who received individual reparations and the overall amount disbursed since the start of the implementation of the individual reparations component.

33. *Administrative decisions on eligibility:* The TFV issued 1,977 administrative decisions, among them 406 negative and 1,571 positive.¹⁸

34. *Date of collection:* of the 1,571 positive decisions, 99% pertain to applications collected after the eligibility criteria were defined by the Trial Chamber. *A contrario*, 75%

¹⁵ Annex 3.

¹⁶ Decision on TFV for Victims' Draft Implementation Plan for Reparations (12 July 2018) ICC-01/12-01/15-273-Conf, para. 47.

¹⁷ See inter alia, minutes of meeting of 4 February 2020; Thirteenth Update Report, ICC-01/12-01/15-346-Conf-Exp, para. 59; Fourteenth Update Report, 22 June 2020, ICC-01/12-01/15-366-Conf para. 39.

¹⁸ Among the positive decisions, 13 pertain to applications which first received a negative decision which was subsequently amended to a positive decision following the provision of additional information.

of the applications which received a negative decision were collected before the criteria were defined.

35. *Sex and age:* of the 1,571 successful applicants, 15% concern minor applicants at the time of the submission of the present report, which reflects the fact that the criteria enabled any individual who was born before the commission of the crime to apply for moral harm suffered. 53% of the successful applicants are women and 47% are men.

36. *Type of claim and value of the award:* 98% percent received reparations on account of the moral harm suffered, while 2% received reparations on account of economic harm and 1% on account of both economic and moral harm suffered. This corresponds to the estimates initially made by the TFV and reflects the large sizes of the families associated with the mausoleums as well as the fact that specific individuals were in charge of the maintenance of the Protected Building and were the guardians of the Protected Buildings (economic harm).

37. *Protected Building:* All Protected Buildings are represented with the Sidi Yehia mosque, the Bahaber Babédié and the. Sidi Mahmoud Ben Omar Mohamed Aquit Mausoleum being the most represented and the Al Arawani Protected Building being the less represented.

38. *Funding:* as requested by the Trial Chamber in its Reparations Order, the TFV complemented the liability of Mr Al Mahdi pursuant to regulation 56 of the Regulations of the Trust Fund for Victims, through voluntary contributions of Canada, Italy, Norway, and the United Kingdom that earmarked their contributions to the *Al Mahdi* case upon invitation of the TFV and through allocations by the Board of Directors of the Trust Fund, including from Germany that had earmarked its contributions to reparations generally.

39. The TFV can preliminarily report that more than [REDACTED] were disbursed for the purpose of the individual reparations. This amount excludes programme support costs and represents only direct costs, i.e. the reparations in and of themselves. A financial report will be provided to the Court once accounts are fully reconciled and closed.

40. As announced in the Updated Implementation Plan,¹⁹ the TFV will reallocate the remainder of the funds to the collective reparations based on a consultative process and completion of the delivery of individual reparations.

¹⁹ Updated Implementation Plan, ICC-01/12-01/15-291-Conf-Exp. A confidential redacted version was notified on 7 November 2018 (ICC-01/12-01/15-291-Conf-Red). A public redacted version was filed on 22 November 2018, *see* Public redacted version of “Updated Implementation Plan”, submitted on 2 November

C. UNRESOLVED MATTERS: APPLICATIONS NOT HANDED OVER TO THE TFV

41. As of 27 October 2023, no applications remain pending for the TFV's decision-making. A limited number of individuals who received a positive decision could not be reached thus far for notification and payment by 27 October 2023. Unless otherwise instructed, the TFV will continue its efforts to locate them and issue their payments.

42. The TFV has actively reached out to many victims over the past weeks. Given the beneficiaries are often part of a bigger family unit, their family members reached out to the TFV, informing them of their personal situation. In the course of the months of September and October, over 100 individuals approached the TFV and indicated that they had submitted an application, but had never received a response as to the outcome.²⁰ The TFV ran checks of these individuals against data in its possession and concluded that the majority of these individuals did fill out an application form, either during the joint collection missions in early 2020 or through the TFV's intermediary, and that the application forms were transferred to the LRV for consolidation.

43. Accordingly, the TFV considers that there are still individuals in this case who submitted applications, which did not reach VPRS and the TFV. The TFV notes that these individuals are in no different position than those whose applications were handed over by the LRV in September 2023, and that the principle of equal treatment would require that they are provided with an opportunity to have their applications reviewed by the TFV. Therefore, the TFV takes this opportunity to draw the attention of the Trial Chamber to this category of "missing applications", *i.e.* individuals who filled in applications and whose file never reached the TFV.

44. The TFV defers to the Trial Chamber to decide whether they continue to have an opportunity to obtain reparations in the case *Al Mahdi*, in particular in light of the do no harm principle, and the misunderstandings this may cause in the communities and extended families. Should the Trial Chamber decide to provide this opportunity to these

2018, ICC-01/12-01/15-291-Conf-Exp", 22 November 2018, [ICC-01/12-01/15-291-Red2. A lesser public redacted version was filed on 14 October 2019 \(ICC-01/12-01/15-291-Red3\).](#)

²⁰ The TFV was also approached by one individual whose application has been transmitted to the TFV and who received a negative decision in September 2020 but who indicated not being aware of the outcome of their application. As the notification of negative decisions was the sole responsibility of the LRV, the TFV has no observations on it.

individuals, the TFV stands ready to establish fresh applications and consolidate these files expeditiously.

V. COLLECTIVE REPARATIONS

45. 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.

A. COLLECTIVE REPARATIONS FOR MORAL HARM SUFFERED BY THE TIMBUKTU COMMUNITY

46. Collective reparations for moral harm consist of several measures, the general aim of which is to alleviate the moral suffering endured by the community of Timbuktu resulting from the destruction of the Protected Buildings. The project is implemented with CFOGRAD, a Timbuktu-based organisation. Activities effectively commenced in June 2021.

1. Memorialisation

47. It is recalled that, in the previous reporting periods, the TFV facilitated the setting up of four memorialisation committees 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. These committees aim to provide a space to conduct 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 participation of different groups of the community, including women and children. Lastly, a “supra-committee” was established under the patronage of the mayor (“municipal committee”) to provide a forum of exchange and anchor the process with the local authorities. As previously reported,²¹ the municipal committee selected, on the basis of objective criteria, a memorialisation measure composed of two

²¹ Twenty-eighth update report on the updated implementation plan, 6 June 2023, ICC-01/12-01/15-465-Conf, para. 19.

components: (i) the erection of a memorialisation monument, or memorial, in the form of a Walaha, and (ii) the construction of an additional room in the Timbuktu museum dedicated to the mausolea. In the reporting period, numerous consultations took place with community members and local authorities as part of initiatives to realise the memorialisation component of the collective reparations.

48. During June, July and August 2023, the following activities were conducted. First, a consultation workshop was held, at which the municipal committee conveyed the community's preferences and recommendations for the form and architecture of both the memorial and museum exhibition hall to the local urban planning technician.

49. In parallel, the memorialisation and municipal committee members decided on the final model for the memorialisation monument - entitled "LOUHA" - together with the aforementioned technician. The proposal for this final model was conceived and chosen taking into account elements from three architectural model proposals constructed by three architects which were displayed at the workshop, in consideration of the technical possibilities.

50. During the subsequent visit of the municipal committee and the technician to the cultural mission of Timbuktu, the building materials to be used to construct the "LOUHA" monument were discussed. At this session, it was decided that the monument would be constructed with primarily local materials, with additional imported materials only insofar as necessary.

51. In addition, a local expert for the technical study of the monument was selected following a procurement process concerning the construction of the monuments and the exhibition hall at the municipal museum with the assistance of Timbuktu authorities.

52. Following the finalisation of the shape and form of the memorialisation monument with the model name "LOUHA", a workshop took place to present the model to the religious leaders of Timbuktu, at which members of the Local Committee recounted the process, explained the reasoning behind the choice of the selected model, and shared the next steps in the memorialisation process.

53. Following previous discussions on suitable locations for the monument, in August 2023, the place "Diamane Hanane" was selected, located in the heart of the city of Timbuktu. A group composed of 6 members of the Local Committee organised five consultation meetings to provide information to and consult with local authorities, including the Timbuktu Governorate, Timbuktu City Hall, the Regional Directorate of

Culture, the Cultural Mission of Timbuktu, the Timbuktu museum, the Abaradjou and Sankoré Neighbourhood Council, the Sidi Mahmoud Association of Abaradjou, the monitoring committee of the actions in the Sankoré district, and local residents living in the vicinity of the monument's site. Noteworthy are in particular the following visits.

54. At the visit to the Timbuktu City Hall on 16 August 2023, the memorialisation measures selected were presented and a letter of request for a building permit was submitted to the mayor of the city.

55. A meeting with the managing director of the Timbuktu museum took place on the content of the exhibition room proposed to display the objects and remains of the destruction of the Protected Buildings, photographs of the destruction, and the rehabilitation process of the Protected Buildings.

56. A meeting to present the memorialisation measures selected was also held with legal and administrative affairs advisor of the Governorate of Timbuktu, who ensured that the required administrative support to implement the measures would be made available.

57. Finally, on 5 September 2023, the neighbourhood council of Abaradjou and Sankoré were consulted and informed about the future construction of the monument given the proposed site of the monument borders both neighbourhoods.

2. Psychological support

58. In the Decision of 25 August 2023, the Chamber endorsed the proposal of CFOGRAD to deliver psychological support to the community via community-based therapy.²²

59. In the reporting period, CFOGRAD also began to deliver psychological support through discussion groups to enable victims to express themselves freely and to share their experiences within a group. 22 beneficiaries, all women, participated in these discussion groups.

60. In addition, the TFV has initiated the use of a technique called integrative community therapy, a tool that allows for a collective response to psychological harm resulting from the most serious crimes with the aim of building resilience at the community level. In the reporting period, six rounds of community therapy were organised in the city of Timbuktu in which 129 individuals, 108 women and 21 men, participated.

²² Decision of 25 August 2023, ICC-01/12-01/15-466-Conf-Exp, para. 20.

B. COLLECTIVE REPARATIONS FOR ECONOMIC HARM SUFFERED BY THE TIMBUKTU COMMUNITY

61. With regard to the collective reparations for economic harm, the TFV recalls that these are channelled through an Economic Resilience Facility (“ERF”), which is an activity that aims to address the indirect economic harm caused by the crimes to the community of Timbuktu. In the previous reporting periods, the content of the specific measures included that constitute in the ERF were identified and further detailed following a participatory and inclusive process, and the support of experts, including economic experts. These measures were validated by the community during the previous reporting periods. The ERF is structured around two components: (i) a Microproject Support Fund that will support a minimum of 46 microprojects devised and presented by local, grassroots organisations based in Timbuktu for a maximum amount of 6,500,000 Francs CFA (XOF) to be selected following an inclusive and open process; and (ii) the provision of support to a project conducted by the municipality of Timbuktu, designed to be complementary to the other collective reparations measures implemented by the TFV together with its implementing partners CFOGRAD and UNESCO, to enhance the reparative effect of the programme.

1. ERF component 1: microproject support fund for local and grassroots organisations

62. Concerning the first component of the ERF (that is the Microproject Support Fund), it is recalled that the eligibility criteria for microprojects applicants and a mapping process of all potentially eligible organisations had been finalised in June 2023.

63. In June 2023, the TFV and its partner organised the publication of this list through the commemoration committees (the committees carrying out the collective reparations for moral harm). At this public meeting organised by the commemoration committee and broadly attended, including by the *chefs de quartiers*, several aims were pursued: first, to foster transparency and enable continuous communication on the status of the implementation of the project through the publication of the list; second, to ensure community ownership as well as local authorities’ support; third, to update or correct information concerning the successful organisations; and, fourth, to explain why a number of organisations were found ineligible.

64. Concerning ineligible organisations, from 11 July to 11 August 2023, the TFV and its partner put in place a mechanism whereby they could receive a reasoned decision and be offered the opportunity to submit supplementary information. This process lasted a month and concluded in August 2023. A first phase consisted in informing unsuccessful organisations, after which they were provided with a window of one month to request feedback on their application. 14 organisations requested feedback. Individual meetings were organised in which the entire grading tools and methodology were presented and explained and the reasons for the unsuccessful applications explained. Of the 14 organisations who indicated that they would like to contest, nine attended these individual feedback sessions while the other five elected not to do so. The unsuccessful organisations were then provided with an opportunity to submit additional documentation. At the completion of this process, of the fourteen organisations, four were ultimately found eligible, all from Hamabangou.

65. At the end of this eligibility process, a total of 278 local organisations were found eligible, *i.e.* 58 in Abaradjou, 35 in Badjinde, 13 in Djingareyber, 40 in Hamabangou, 34 in Sankore, 47 in Sareykeina, 23 in Bellafarandi, and 28 in Kabara. Once the list of eligible organisation was definite, the TFV and its partner met with each organisation, between 14 and 31 August 2023, for them to sign a document (“*la Charte*”) that ensures the organisation’s commitment towards the implementation of a project compliant with the reparations programme.

66. Separately, and in compliance with the Reparations Order, the TFV and its partner have initiated a similar process of mapping of eligible organisations in Bamako, which took place from May to September 2023. It is recalled that a number of eligibility criteria revolved around the potential impact of the organisations on the Timbuktu community. Accordingly, an extra layer of outreach and research was required to ensure a comprehensive mapping of those organisations based in Bamako that would meet these criteria. Ultimately, in the reporting period 17 organisations have finally been mapped and their eligibility is currently under review.

67. Additionally, during the reporting period, a procurement process was launched to identify individuals and organisations to carry out capacity strengthening trainings of the organisations found eligible, in order to ensure that all organisations, including small and informal ones have the necessary capacity and tools to propose a project.

2. ERF component 2: provision of support to Timbuktu Municipality to complement collective reparation measures

68. Concerning the second component of the ERF (that is the provision of support to a project conducted by the municipality of Timbuktu, designed to complement the other collective reparations measures), consultations took place with the municipal council of Timbuktu to determine possible projects falling within the eligibility criteria.²³ A list of six possible projects are under consideration and will be published soon. A technical and budget proposal will be developed for each of these six proposed measures before the project with the most reparative value is selected.

C. PROTECTION AND MAINTENANCE OF THE PROTECTED BUILDING

69. In the Decision of 25 August 2023, the Trial Chamber endorsed the TFV's proposal to expand the scope of the lighting improvement project to include four additional Protected Buildings and to expand the support to the cultural mission.²⁴

70. In the reporting period, UNESCO continued the selection of the implementing partner in charge of the planting of trees.²⁵ Considering the very specific nature of the task, as well as associated tasks such as the "maintenance" of the plants, no organisation applied after the first launch of the procurement process. A new process has been launched with increased advertisement. However, all proposals submitted in response to the tender included substantially higher budget proposals than advertised, indicating that the blockade around Timbuktu has led to increases in the cost of materials. The TFV and UNESCO will work on options to unblock the process.

71. Hand-over of the Sheikh Mohamed Mahmoud Al Arawani Mausoleum – in the previous report, the TFV reported on the ceremony held for the launching of the reconstruction of the *Al Arawani* mausoleum and the finalisation of the construction. The TFV is pleased to report that the construction was completed and that a hand-over ceremony was held in the presence of the family.

²³ The six projects are: (i) drilling of a well in Haribono; (ii) the rehabilitation and the construction of sewage tanks in Sarakeina; (iii) the planting of trees in other cemeteries; (iv) the organisations of "hygiene days" with women organisations (v) the drilling of a well in Tillimaze; and (vi) the drilling of a well in the peace garden.

²⁴ Decision of 25 August 2023, para. 23.

²⁵ Considering the very specific nature of the task, as well as associated tasks such as the "maintenance" of the plants, no organisation applied after the first launch of the procurement process. A new process has been launched with increased advertisement.

72. Further, during the reporting period, the reconstruction of the walls of the Sidi Mahmoud cemetery has started.

73. Lastly, in light of the Chamber's approval of the increased support to the cultural mission, meetings were held to determine how this measure will be rolled out.

VI. SUPPORTIVE ACTIVITIES

A. CONSULTATIONS

74. During the reporting period, the TFV conducted consultations revolving around two issues: (i) the changes in operations required to adjust to the new security and political context; and (ii) the completion of individual reparations.

1. TFV's engagement regarding new security context

75. [REDACTED].

76. [REDACTED].

77. [REDACTED].

78. [REDACTED].

2. Measures accompanying the closure of individual reparations

79. During the reporting period and prior to the Decision of 25 August 2023 on the completion of individual reparations, the TFV pursued a strategy to ensure that the finalisation of individual reparations is properly understood and accepted by the community and not harmful on the continuation of the other reparations measures. This exercise began in March 2023 with the identification of categories of unresolved applications (as reported in the TFV's Twenty-Eighth Report).

80. Subsequently, the TFV engaged in consultations on the proposed appropriate manner to resolve these situations, with a view to present options to the Trial Chamber. Consultations started first with the LRV, and Registry (during the second quarter of 2023). During the reporting period, the TFV extended its consultations to civil society organisations in Timbuktu, in Bamako, as well as to national and international experts.

81. Specifically, at the beginning of September, three of these consultations were held: (i) with the civil society in Bamako; (ii) with national and international experts, including with the United Nations Special Rapporteur on truth, justice and reparations and the United Nations Special Rapporteur on cultural rights), and scholars; and, (iii) a consultation with local and national authorities. The objectives of the consultations were to inform participants of the (provisional) outcome of the individual reparations, answer their questions, and collect their views, when relevant, on the appropriate accompanying closing measures. A total of 59 recommendations were collected with a view to presenting a closure strategy to the Trial Chamber.

82. While the Decision of 25 August 2023 accelerated the completion before these measures could be presented, these recommendations will continue informing the closure of the entire reparations programme once collective reparations have been fully implemented.

83. Recommendations related to the importance of transparency and consultations with victims and communities, mechanisms to realise the ‘do no harm’ principle and implementation of reparations through the TFV while also underlining the need for the TFV to support parallel or national reparation mechanisms when closing reparation implementation. The TFV put in place measure responsive to these recommendations: the closure of the individual reparations has been conducted in a transparent manner and all relevant actors were promptly informed. The efforts and consultations conducted from March 2023 onwards achieved the important goals of preparing and fully informing relevant stakeholders of the closure process, including TFV partners implementing collective reparations and in contact with victims and civil society organisations, TFV contacts in Timbuktu, local authorities, the entity in charge of reparations in Mali, and, where possible, national authorities.

B. GENDER MAINSTREAMING

84. In order to ensure the equal participation of women in the reparation measures, the TFV has continued to implement specific measures to mainstream gender into its initiatives and avoid exacerbating gender-based inequalities already present.

85. During the reporting period, a first stock-taking exercise was conducted in order to determine the progresses made and identify potential gaps and areas of improvement.

C. EXTERNAL EVALUATION

86. An external evaluation of the programme is currently being conducted. A first phase of the process occurred, at which the scope and methodology to be used were defined. A first round of interviews were conducted in Mali (in Timbuktu and Bamako) with selected individuals who took part in the reparations programme.

87. Preliminary results are expected by the end of the year and will be used to reinforce the implementation of the collective reparations measures.

VII. CONCLUSION

The TFV respectfully requests the Trial Chamber to:

- Take note of the finalisation of individual reparations;
- Take note of the issue of missing applications raised at paragraphs 41-43 above;
and
- Take note of the remainder of the report.

The TFV 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.



Deborah Ruiz Verduzco

Executive Director of the Trust Fund for Victims,

Dated this 30th of January 2024

At The Hague, The Netherlands