

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **29 October 2024**

**TRIAL CHAMBER II**

**Before:** Judge Maria del Socorro Flores Liera, Presiding Judge  
Judge Kimberly Prost  
Judge Nicolas Guillou

**SITUATION IN THE REPUBLIC OF MALI**

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

**Public**

**Thirty-third update report on the updated implementation plan, with annexes A  
and B**

**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**

**Counsel for the Defence**

**Legal Representatives of Victims**

**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**

**Other**

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## I. BACKGROUND

1. The Trust Fund for Victims hereby submits its Thirty-third Update Report following Trial Chamber VIII's ("Trial Chamber" or "Chamber") decision of 4 March 2019 approving the Updated Implementation Plan ("Decision on the UIP") submitted by the Trust Fund for Victims ("TFV"),<sup>1</sup> and the Decision on the Request of the Trust Fund for Victims to Submit Update Reports Every Three Months.<sup>2</sup>

2. The present report covers the period from 22 July 2024 to 29 October 2024 and it is structured as follows: first, the TFV reports on its mission to Timbuktu and Bamako, Mali, from 2 to 13 October 2024 which was a significant landmark in the implementation of reparations in this case (Part II), before providing further details on residual issues arising in relation to individual reparations (Part III), and on the implementation of collective reparations (Part IV), and finally presenting additional supportive activities conducted during the reporting period (Part V).

3. On 29 July 2024, the TFV submitted its latest Thirty-second update report on implementation ("Thirty-second Update Report").<sup>3</sup> The TFV further refers to the background information on the reparations order and proceedings provided in its Thirty-first update report on implementation.<sup>4</sup>

## II. PRELIMINARY REMARKS ON TFV MISSION OF 2 TO 13 OCTOBER 2024 TO TIMBUKTU AND BAMAKO, MALI

4. From 2 to 13 October 2024,<sup>5</sup> during a mission to Timbuktu and Bamako, Mali, a significant portion of the collective reparations' measures mandated by the ICC in the *Ahmad Al Faqi Al Mahdi case* have been delivered. The Timbuktu leg of the mission was conducted by the TFV jointly with representatives of the Ministry of Foreign Affairs and of International Cooperation (*Ministère des Affaires Étrangères et de la coopération internationale*) and the Ministry of Crafts, Culture, the Hotel Industry and Tourism

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<sup>1</sup> Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, [ICC-01/12-01/15-324-Conf](#) ("Decision on the UIP").

<sup>2</sup> Decision on the Request of the Trust Fund for Victims to Submit Update Reports Every Three Months, 17 February 2021, [ICC-01/12-01/15-380](#), disposition.

<sup>3</sup> Thirty-second update report on the updated implementation plan, 29 April 2024, [ICC-01/12-015-474-Conf-Exp](#).

<sup>4</sup> Thirty-first update report on the updated implementation plan, 29 April 2024, [ICC-01/12-015-474-Conf-Exp](#), paras. 5-7 and Annex 2.

<sup>5</sup> The mission was composed of two sub-parts and took place in Timbuktu, Mali between 2 and 7 October ("the Timbuktu mission"), and in Bamako between 8 to 13 October 2024 ("the Bamako mission").

(*Ministère de l'Artisanat, de la Culture, de l'Industrie hôtelière et du Tourisme*) of Mali, and all three of the TFV's implementing partners. This mission marked the commencement of the final phase of the reparation process, which is set to conclude in December 2025.

5. The measures undertaken during the mission include three aspects related to (i) the memorialisation facility implemented with CFOGRAD, (ii) the heritage rehabilitation facility implemented with UNESCO, (iii) the Economic Resilience Facility implemented with CIDEAL, and (iv) various activities across all three aspects of the collective reparations implemented in this case.

6. In relation to the first aspect, activities undertaken during the mission pertained to the inauguration of the Louha memorial, presided over by the Governor of the region, the mayor of Timbuktu and with a strong mobilization of the community, and the technical handover and visit of the additional room in the municipal museum of Timbuktu that will house the permanent exhibition on the mausolea.

7. In relation to the second aspect, several heritage protection initiatives were conducted during the mission, including the inauguration and handover of the walls of two cemeteries, the inauguration and handover of the rebuilt Al Arawani mausoleum, a visit and technical handover of tree planting around the cemeteries, a visit and technical handover of solar lighting installations around protected sites, the handover of equipment to the Cultural Mission, exchanges with the management committee of the Building Maintenance Fund to define future phases, and a visit to the Ali Farka cultural center to discuss the technical study to be carried out with the city's technical services.

8. In relation to the third aspect, some of the highlights of the mission included a grant award ceremony to 40 local actors, a visit to four Timbuktu-based projects, an additional debriefing on the project selection process as part of the Economic Resilience Facility ("ERF"), and a meeting with the municipal council to establish a timetable and validation process for the macro project.

9. Finally, the mission also comprised consultations with women's organizations to improve their involvement in the reparation process and ensure more effective participation of women in the reparation process, systematic dissemination of the feedback mechanism information, and the holding of a session of the regional commission for coordinating and monitoring collective reparations.

10. These activities marked a major turning point in the programme's implementation: in the next final 15 months, the focus will mainly be put on the ERF and the implementation of new activities prioritised by the community in June/July 2024.

11. Finally, this mission provided an opportunity to organise a religious ceremony with representatives of eligible individual victims in order to officially close the individual reparation process, during which gifts were presented to the TFV and satisfaction was expressed.

12. In terms of communication and visibility, at the end of the Timbuktu mission, a press release<sup>6</sup> was published and a press conference was held by the TFV in Bamako which allowed for a wide dissemination of the achievements of the reparations implemented in the *Al Mahdi* case. Additionally, a series of tweets was also posted with photographs of the mission, and a video on collective reparations including aspects of the mission is currently in production.

13. In terms of security, one incident of note was the firing of several rockets at Timbuktu airport, and other simultaneous security incidents in Mali while the TFV was in Timbuktu. The team was requested to stay in a secured place before the restriction of movement was lifted a few hours later. Despite this security incident, the conditions for the continuation of the activities are in place. This mission was the first one conducted by the TFV since the departure of the MINUSMA and enabled the TFV to establish a *modus operandi* for future missions and programme continuity in this regard.

14. In terms of cooperation, the TFV received substantial support from the national authorities, the regional governor, who represents the state locally, along with the mayor, municipal councillors, traditional and religious leaders, and neighbourhood chiefs. These authorities actively participated in many of the activities and heavily facilitated the mission's progress. They expressed repeated appreciation for the achievements thus far and their strong support for future activities. Upon the TFV's return to Bamako, the Minister of Crafts, Culture, the Hotel Industry and Tourism (*Ministre de l'Artisanat, de la Culture, de l'Industrie hôtelière et du Tourisme*) of Mali welcomed the TFV and, on behalf of both the government and himself, conveyed his satisfaction with the successful

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<sup>6</sup> Al Mahdi Case: ICC Trust Fund for Victims Delivers Collective Reparations to Timbuktu Community, 10 October 2024, available at: <https://www.icc-cpi.int/news/al-mahdi-case-icc-trust-fund-victims-delivers-collective-reparations-timbuktu-community>.

completion of the mission in Timbuktu, the results achieved, and the significance of the reparation program.

15. Details on the mission outcomes are provided in the different subparts of the present report.

### **III. INDIVIDUAL REPARATIONS**

#### **A. Residual matters**

16. The TFV refers to its background submission on the matter in its Thirtieth Update Report<sup>7</sup> and, as already described in its Thirty-second Update Report,<sup>8</sup> recalls that pursuant to the Trial Chamber's Decision on the TFV's Twenty-ninth Update Report ("Decision of 11 December 2023"),<sup>9</sup> the TFV was instructed to conduct, within six months of notification of the Decision of 11 December 2023, a limited and expeditious administrative process of consolidation and determination of applications for individual reparations which have been collected within the deadline, but had not yet been transmitted to the TFV.<sup>10</sup> As reported in the Thirty-second Update Report, this process was concluded within the deadline set by the Trial Chamber. 1,689 beneficiaries were found eligible for reparations, of which four beneficiaries could not be located and therefore paid. The payment of their award has been set aside and the attempts to locate them have been ongoing without success throughout the reporting period.

17. In the reporting period, two issues of a residual character arose.

18. First, following the submission of its Thirty-second Update Report on 29 July 2024, the TFV was contacted by two individuals who indicated that, whilst they had submitted a reparations application to the TFV before the deadline decided by the Trial Chamber, they have never been informed of any positive or negative decision thereon. Upon verification, the TFV established that both of the reparations applications at issue should have resulted in positive administrative decisions, insofar as, although both applicants had submitted a complete application by the deadline, their applications were

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<sup>7</sup> Thirty-first update report on the updated implementation plan, 29 April 2024, [ICC-01/12-015-474-Conf-Exp](#), paras 8-17; See also, Thirtieth update report on the updated implementation plan including report on the finalisation of individual reparations, 29 January 2024, [ICC-01/12-01/15-471-Conf-Exp](#), paras 8-11 and 12-15.

<sup>8</sup> Thirty-second update report, para. 5 *et seq.*

<sup>9</sup> Decision on the TFV's twenty-ninth update report on the updated implementation plan including report on the finalisation of individual reparations, 11 December 2023, [ICC-01/12-01/15-470-Conf](#).

<sup>10</sup> Decision of 11 December 2023, paras 23-24.

not processed in time by the TFV. The TFV considers that both applicants should have been found eligible by the TFV within the six-months deadline set by the Trial Chamber for the conclusion of the eligibility process. Accordingly, unless the Trial Chamber directs otherwise, the TFV will proceed by 15 November 2024 with the issuing of administrative decisions as per usual practice for these two individuals and with their payment. The decisions will be included in the next TFV Update Report, leading to a total of 1,691 beneficiaries found eligible for reparations.

19. Second, following a claim submitted as part of the feedback mechanism set up by the TFV, the TFV discovered that the payment of individual reparations to one victim was incorrect. Upon verification, it was confirmed that due to a technical error, the victim, who had been awarded in the relevant decision of the TFV Board of Directors a higher amount, having suffered economic harm, instead only received the equivalent amount for moral harm. Accordingly, the TFV hereby informs the Trial Chamber that it will inform the victim of the error in the payment and proceed with the payment of the outstanding amount. The TFV confirms that such a payment remains feasible insofar as funds pertaining to individual reparations are still available for this purpose.

#### **B. Symbolic activities marking the completion of the implementation of individual reparations and further information dissemination**

20. In the reporting period, a number of symbolic activities have been carried out by the TFV with the respective communities to mark the completion of the implementation of individual reparations in this case. The mission organised by the TFV between 2 and 13 October 2024 to Timbuktu and Bamako, Mali provided an opportunity to widely inform about the completion of the individual reparations process. The representatives of eligible individual victims, the head of families and the corporation of masons organised a religious ceremony to which they invited the TFV. On this occasion, the representatives of the victims expressed their thanks and satisfaction. In addition to this, two gifts were presented to the TFV, one by the heads of the families, the other by the masons' guild. These gifts - which symbolically mark their acceptance of the reparations - will be sent to The Hague in the view of being exhibit. Female beneficiaries were invited to participate in the ceremony and participated, although such events are usually reserved for men only. This exception was decided based on the eligibility of women to the individual reparation and the TFV's advocacy to have women participating in all reparations processes.

## **IV. COLLECTIVE REPARATIONS**

21. It is recalled that the collective reparations ordered by the Trial Chamber for the benefit of the community of Timbuktu are organised around three modalities: (i) collective reparations for the moral harm suffered; (ii) collective reparations for the indirect 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**

22. 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 due to the destruction of the Protected Buildings. Collective reparations for moral harm are implemented with CFOGRAD, a Timbuktu-based organisation selected by the TFV as implementing partner.

#### **1. Memorialisation**

##### **a. Background**

23. In its Decision on the UIP, the Trial Chamber approved the TFV's proposal to support a memorialisation measure project whose purpose is, in application of the principle of restorative agency, to empower the community to debate and discuss whether memorialisation measures would adequately alleviate the moral harm suffered, and if so, to determine the types of measures that would be appropriate.<sup>11</sup>

24. In this spirit and to ensure a locally-driven memorialisation process, the TFV facilitated the setting up of five memorialisation committees: four in Timbuktu relevant to the Sarakeina and Hammabangou neighbourhoods (Committee I), the Badjindé and Djingareyber neighbourhoods (Committee II), the Abaradjou and Sankoré neighbourhoods (Committee III), and the Bellaferandi and Kabara neighbourhoods (Committee IV), and one memorialisation committee in Bamako (Committee V).<sup>12</sup> Sub-committees have been established to ensure the participation of different groups of the

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<sup>11</sup> Decision on the UIP, paras 97 and 111. See also the Updated Draft Implementation plan, 2 November 2018, [ICC-01/12-01/15-291-Conf-Exp](#), paras 160-166.

<sup>12</sup> 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.



community, including women and children. Lastly, a “supra-committee” (referred to as “Municipal Committee”) was established under the patronage of the mayor to provide a forum of exchange and anchor the process at the level of the local authorities.

25. As previously reported,<sup>13</sup> after a thorough consultation process, the Municipal Committee had selected, on the basis of set criteria, a memorialisation measure composed of: (i) the erection of a memorialisation monument, or memorial, in the form of a *Walaha*, entitled “*Louha*” to be erected on the *Diamane Hana* square; and (ii) the construction of an additional room in the municipal museum of Timbuktu.

**b. Progress made during the reporting period**

26. *Completion of the works* – As previously reported,<sup>14</sup> on 8 May 2024, the construction work of the *Louha* monument and of the exhibition room to the municipal museum of Timbuktu were completed and were provisionally handed over to the community in the presence of the committee in charge of overseeing the work, and the Mayor of the city. Following this, various activities aimed at informing and involving the community took place during the previous reporting period.<sup>15</sup>

27. *Inauguration of the Louha* – An inauguration and hand-over of the *Louha* to the community of Timbuktu took place on 3 October 2024 on the *Diamane Hana* public square where the memorial was erected during an official ceremony presided over by the Governor of the Region of Timbuktu in the presence of the Mayor of Timbuktu. The ceremony involved a significant mobilisation of the local community, which included several notable guests and representatives of all neighbourhoods of Timbuktu and was attended by at least 852 people.

28. A plaque bearing the following words was affixed to the entrance to the building: “Monument erected in reparation for the moral prejudice suffered by the community of Timbuktu as a result of the destruction of nine mausoleums and the door of the *Sidi Yahia* Mosque from June 30 to July 11, 2012, in application of reparation order ICC-01/12-01/15-236 issued on August 17, 2017 by the International Criminal Court”. Following the recommendations of its partner CFOGRAD, the TFV has deemed it necessary not to mention the name of Mr Ahmad Al Faqi Al Mahdi. The inscription of his name could have led to damage to the memorial in the future, given the persistence of the conflict.

<sup>13</sup> Twenty-eighth Update Report, 6 June 2023, ICC-01/12-01/15-465, para. 19.

<sup>14</sup> Thirty-second Update Report, para. 50.

<sup>15</sup> Thirty-second Update Report, para. 54 *et seq.*

29. During the ceremony, the *raison d'être* of the memorial was recalled as well as its signification: the *Louha*, which in Arabic means the Koranic tablet, constitutes a monument to the memory of the victims of crimes committed by Mr Ahmad Al Faqi Al Mahdi. It serves as a place of remembrance of the destruction of the mausolea and symbolises the resilience of the Timbuktu community in the face of the crimes it suffered in 2012. The invitation sent by the Governor to the inauguration of this memorial and photographs thereof can be found in Annexes A and B to the present report.

30. The inauguration provided an opportunity to revisit the case, with a play reproducing a part of the trial and the apology of Mr Ahmad Al Faqi Al Mahdi.

31. An attestation was signed at the end of the ceremony to symbolically show that the memorial has been handed over to the community of Timbuktu.

32. A local researcher indicated in a public statement that the memorial Louha is the fourth monument of such importance in Timbuktu, alongside the Alfarouk monument, the Martyrs monument and the Flame of Peace monument. He praised the process that led to its erection.

33. The TFV further recalls that the erection of this monument is the result of extensive consultations carried out with all eight neighbourhoods of the city and the diaspora in Bamako since August 2021 by the TFV's implementing partner CFOGRAD.

34. *Visit of the museum exhibition room and community therapy rounds* – The TFV recalls that the addition of an exhibition room to the municipal museum of Timbuktu that will house the permanent exhibition on the mausolea in order to preserve tangible and intangible material relating to the mausolea and to bear witness to the role of mausolea in the daily life of the Timbuktu people is one of two commemoration measures selected by the municipal commemoration committee in March 2023. The room was technically handed over in May 2024.<sup>16</sup> The TFV has decided to organise the inauguration of the room at a later stage once the exhibition on the mausolea has been completed. It will contribute to the educational transmission of the city's cultural and religious heritage. During the Timbuktu mission, the TFV visited the museum on 4 October 2024 with the representatives of the two ministries who took part in the mission. This visit also provided an opportunity to discuss the exhibition and the expertise in museography that is

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<sup>16</sup> Thirty-second Update Report, para. 51.

envisaged as part of the residual activities to help develop the exhibition to ensure that it is passed on to future generations.

35. Discussions are still underway to define the terms and conditions for the management and upkeep of the Louha monument, involving the Regional Department of Culture, the committee monitoring actions in the Sankoré district and the Sidi Mahamoud Association in the Abaradjou district, which upkeeps the site where the Louha monument is located. Several maintenance scenarios for the monument are being considered.

36. *Outreach and appropriation of the measures by the community* – During the reporting period, the TFV and its partners continued efforts to ensure the continuous buy-in of the community, putting a particular emphasis on maintaining an open dialogue and keeping the community apprised of the developments.

## 2. Psychological support

37. It is recalled that in the Decision on the TFV’s twenty-seventh and twenty-eighth update reports on the updated implementation plan, the Chamber endorsed the proposal of the TFV to deliver mental health and psychological support to the members of the Timbuktu community via community-based therapy.<sup>17</sup>

38. This approach, recognised by the WHO as being in the public interest, is based on the community and relationships with others, and strengthens resilience at community level. During the reporting period, **25 rounds** of community therapy were organized by community relays in Timbuktu, including one at the municipal museum, with the active participation of **582** people (**438** women and **144** men). The rounds were carried out in various neighbourhoods, with three rounds in Kabara, two in Djingareiber, four in Badjindé, three in Hamabangou, three in Abaradjou, three in Sankoré, three in Sareikeina, three in Belleferandi; one at the municipal museum on the occasion of the mission in presence of TFV and the delegation. To date, CFOGRAD has run 54 community therapy cycles in Timbuktu, involving 1,246 people, of which 953 women and 293 men.

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<sup>17</sup> 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](#), (“Decision of 25 August 2023”), para. 20.

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

39. 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 at addressing the indirect economic harm caused by the crimes to the community of Timbuktu. The ERF is structured around two components:<sup>18</sup> (i) a Microproject Support Fund that will support a minimum of 46 microprojects devised and presented by local, grassroots organisations based in Timbuktu and Bamako 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 one or more projects conducted by the municipality of Timbuktu, designed to complement 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. The collective reparations for economic harm are implemented with TFV’s partner CIDEAL, an organisation based in Timbuktu.

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

40. Concerning the first component of the ERF (that is the Microproject Support Fund), it is recalled that, as a result of an inclusive process carried out in Timbuktu, a mapping of 797 local based organisations, followed by training in project design for a total number of 278 grassroots organisations resulting in the submission of a total of 145 proposals out of which 60 were pre-selected at the neighbourhood level as potential beneficiaries of the ERF, nine proposals were pre-selected for Sankoré, five for Sarekeina, 5 for Kabara, 11 for Abaradjou, 11 for Belafarandi, five for Djingareyber, 11 for Hamabangou, and for Badjindé.

41. It is recalled that this pre-selection was carried out pursuant to pre-established criteria, revolving *inter alia* around criteria such as the need for compliance with the Reparations Order (pre-requisite), as well as quotas per neighbourhood and whether the organisations were women-led.

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<sup>18</sup> This structure is the product of the lengthy participatory and inclusive process previously reported, that led to defining the adequate measures and make sure they are endorsed by the community.

42. Of the 60 micro-projects, 33% were proposed by consortiums of organisations that comprised a total of 114 organisations. Of these, 92% belonged to the formal economy, 35% were women-led organisations and 27% were youth-led.

43. As per the process set up by the TFV, CIDEAL and the community, the final selection of the 42 projects has been with the municipal committee composed of the mayor of Timbuktu, various representatives of local technical services, including the Cultural Mission, delegates from the eight neighbourhoods of Timbuktu and representatives of the TFV's partners. During the previous reporting period, the municipal committee selected 42 projects.

**a. Consolidation of the 42 micro-projects selected by the communal committee**

44. The TFV's review of the proposals selected in the previous reporting period revealed the need to finetune their set objectives and budgets, including to create synergies between them. Accordingly, as anticipated, a final phase of consolidation and validation took place during the previous and the current reporting periods, between 20 June and 15 September 2024, in order to enhance the quality of the different proposals and create synergies depending on their respective sectors. This was organised based on the following sectors of activities: support of the production sector (from 20 June to 15 August), protection and revalorisation of the protected buildings (from 15 July to 15 August), protection of the environment (from 17 July to 15 August) and strengthening of social cohesion (from 24 July to 15 September 2024). As a result of this process, out of the 42 micro-projects that were under review, a final selection of 40 micro-projects divided into specific sectors has been finalised. Two micro-projects are still undergoing additional review.

45. Following this, the list of projects selected was widely publicised through the local committees. Applicants were informed about the selection and/or non-selection of their project. Contracts were then drawn up by the partner and submitted to the project leaders for any comments or areas of uncertainty in the contract before signature. The Mayor of the urban district of Timbuktu also co-signed the subsidy contracts.

46. Accordingly, after their proposals were validated, the first beneficiary organisations benefitted from payments of 60% of the budget of the project of their choice. So far, 17 organisations have already benefitted from such financial support, in

addition to technical support. The other organisations will receive the first instalment during the next reporting period.

47. A debriefing in relation to the project selection process was organised by the TFV and its implementing partners on 5 October 2024 in order to review the process, identify its strengths and weaknesses and draw up recommendations for future reparations programmes. The meeting also provided an opportunity to thank the members of the neighbourhood and local committees for their commitment and participation. It was announced that as part of the reallocation of the remainder of individual reparations, the budget allocated to this reparation modality will be increased to support the 20 projects pre-selected at the neighbourhood level but not at the municipal one – as requested by the Timbuktu community in June during the consultation process.

48. A grant award ceremony for the organisations in charge of the 40 micro-projects that were selected by the selection committee at the municipal level took place on 5 October 2024. The ceremony was attended by the members of the delegation of the TFV's mission, the representative of the Governor, the Mayor, and its implementing partner, CIDEAL, and members of microproject community organisations, communal committee members, administrative, communal and local authorities. More than 800 persons attended the ceremony; a selected local performer - a traditional musical troupe - took to the stage and sang at the opening of the ceremony. At the ceremony, a symbolic certificate was presented to each of the recipient organisations. The ceremony provided an opportunity to recall the methodology that led to the choice of this measure, and the link between these projects and the collective harm suffered, to emphasise the difference with individual reparations, and to officially launch the implementation of this important measure. The emphasis on women's organisations was also recalled.

49. Thereafter, on 6 October 2024, during the delegation's visit to Timbuktu, a tour of four Timbuktu-based organisations implementing projects was organised in order to meet members of the recipient organisations, assess the level of implementation of the microprojects, and gather their views and concerns with a view to improving the implementation of the reparations.

#### **b. Evaluation of the eligibility of Bamako-based organisations**

50. It is recalled<sup>19</sup> that pursuant to the Reparations Order and Decision on the UIP, the same measures as in Timbuktu must be taken in Bamako. As previously reported, 19 organisations had been mapped, 13 of which were considered eligible. Of these 13 organisations, 11 belong to the formal economy and two to the informal economy.

51. During the reporting period, CIDEAL invited the 13 organisations to review and accept the charter that was designed by the TFV and CIDEAL to ensure the organisations are aware of the Reparations Order of 17 August 2017, of the guiding framework of the reparation mechanism for indirect economic loss. This process took place between 22 and 31 August 2024 in the different sectors of Bamako to provide information in relation to the charter before its signature by each eligible organisation.

52. The methodology used consisted initially in sharing information about the signing of the charter with the members of the commemoration and project selection committees. The second step was to meet each organisation individually at its preferred location to enable the ERF team to explain the charter. The TFV's implementing partner CIDEAL met with the heads of the organisations for a presentation and then gave them three days to assess and sign the document.

53. As a result of this process, 13 of the 13 eligible organisations signed the charter, i.e. 100% of eligible organisations.

54. This activity involved a total of 95 participants, including 54 women (56.84%) and 41 men (43.16%)

#### **Numbers of participants**

<b>Identity</b>	<b>Participants</b>		
	<b>Men</b>	<b>Women</b>	<b>Total</b>
Members of selection committees	2	2	4
Members of organisations	39	52	91
<b>Total</b>	<b>41</b>	<b>54</b>	<b>95</b>

55. As a next step, each of the 13 signatories to the charter will send two participants to a training course on how to set up projects.

#### **c. ERF component 2: provision of support to the Timbuktu Municipality to complement collective reparation measures**

<sup>19</sup> Thirty-second Update Report, para. 74.

56. Concerning the second component of the ERF, which refers to the provision of support to a project conducted by the municipality of Timbuktu, designed to complement the other collective reparations measures, following the identification of needs in terms of projects by the members of the committee in consultation with the members of the local council, with the support of agents from the government's technical services, a list of six proposed projects was drawn up, all based on the municipality's socio-economic development plan:<sup>20</sup> (i) a borehole on the Haribono site, (ii) the rehabilitation and construction of septic tanks on the Farrouber road in the Sareikeina neighbourhood, (iii) the planting of trees in some of the city's cemeteries, (iv) the organisation of clean-up days with women's organisations, (v) a borehole for the Tillimaze market garden and (vi) a borehole for the Peace market garden. Each of these projects is included in the Timbuktu Urban Community's development plan. The urban community of Timbuktu had prepared a technical file for each of these proposals.

57. During the review of the project proposals that were submitted, it emerged that there was a need to commission a service provider to help the municipality redefine their proposals and assist them with the design. A call for tenders was therefore launched during the reporting period to recruit a service provider to help prepare these project applications.

58. During the Timbuktu mission, the TFV delegation met with the municipal council and invited them to come up with a schedule in order to finalise the macro projects by December 2025, discuss the validation process and inform about the increase of the budget envelop allocated initially to this specific measure. The council thanked for the additional funds and reiterated the choice of the six above-mentioned macro projects. A detailed plan of action will be shared by the municipal council during the next reporting period.

### **C. PROTECTION AND MAINTENANCE OF THE PROTECTED BUILDINGS**

59. Reparations in the form of protection and maintenance of the Protected Buildings are executed in partnership with UNESCO and consist of a series of measures, namely: (i) capacity-strengthening of the masons corporation, which has already been completed;

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<sup>20</sup> 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.



(ii) reconstruction of the Al Arawani mausoleum, which has already been completed; (iii) capacity strengthening of the Cultural Mission which has been already completed )<sup>21</sup>; (iv) planting of trees and hedges to strengthen protection of mausoleums from environmental pressure; (v) lightning improvements around certain protected buildings; (vi) reconstruction of the walls of certain cemeteries; and (viii) the set-up of a maintenance fund for the protected buildings (discussions ongoing). Progress on outstanding areas made during the reporting period is detailed below.

### **1. Planting of trees and hedges to strengthen the protection of mausoleums from environmental pressure**

60. This measure concerns the planting of trees and hedges around the four mausoleums of Sidi Mahamoud Ben Omar Mohamed Acquit, Trois Saints, Alpha Moya, and Cheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti. Considering that works are being carried out on the walls of the Sidi Mahamoud and Cheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausolea (as reported below), the planting of trees has been organised to be carried out in two stages.

61. The first phase of planting trees around the Alpha Moya and Trois Saints cemeteries, carried out with the support of the Association pour le Développement en Zone Aride (ADAZ), a local NGO in Timbuktu, has been completed with the staking, installation of posts and fixing of barbed wire, as well as the installation of water supplies (four standpipes, including two per cemetery). In August 2024, an additional caretaker/worker was hired on the recommendation of the mausoleum's managers and technical services to support the caretaking and maintenance of trees and hedges for 6 months at the Alpha Moya cemetery. This recruitment was prompted by the increased divagation of animals (goats) in the Alpha Moya cemetery area. The plantation protection system in the two cemeteries has been strengthened by reducing the barbed wire mesh with iron wire and placing sandbags underneath the protection system in the Alpha Moya cemetery. The gaps in the fence wall at the Alpha Moya cemetery, which had been letting animals through, have also been closed with tree branches to provide improved security for the plantations.

62. Given parts of the surroundings of the Alpha Moya Cemetery have been illegally occupied by individuals engaged in commercial activities (trade, car and motorbike

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<sup>21</sup> Decision of 25 August 2023, para. 14.

washing, metal joinery, etc.),<sup>22</sup> the planting of trees has not yet taken place. As previously reported, local authorities have been alerted to this situation and continue to be approached on this issue.

63. The second phase of the works on planting around the Sidi Mahmoud and Cheick Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausolea has started during the reporting period. It is carried out with the support of a local company, hired by UNESCO in July 2024, the Mama Touré company. On 4 August 2024, the launching ceremony for this second phase took place in the presence of the Malian Minister in charge of Culture. Throughout the works, monthly meetings have been scheduled with all relevant stakeholders, including the representatives of the Cultural Mission and chiefs of the adjacent neighbourhoods.

64. During the TFV's mission, on 4 October 2024, a technical reception was held for the first phase of tree and hedge planting works around the cemeteries housing the saints' mausoleums in Timbuktu (Trois Saints and Alpha Moya), as well as a visit to the Sidi Mahmoud and Cheick Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausolea. The aim of these activities was to check that the work carried out complied with the technical specifications.

65. This technical reception, which took place both at the Trois Saints and the Alpha Moya cemeteries, was marked by two highlights: firstly, a guided tour of the planting and solar electrification site to enable participants to appreciate the quality of the work carried out; and secondly, a technical meeting to review the progress of the work with the parties involved (contractors, control and monitoring office, technical services, representatives of the families responsible for the mausoleums, the local youth representative and UNESCO). The meeting was an opportunity for the NGO ADAZ and the EGEMA company to take stock of the work carried out, the difficulties encountered, explain the strategy adopted and outline the prospects for the future, enabling the participants to formulate observations and recommendations.

## **2. Lighting improvement**

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<sup>22</sup> See Thirty-second update Report, para. 83.

66. The TFV recalls<sup>23</sup> that in accordance with the Trial Chamber's endorsement<sup>24</sup> of the TFV's proposal to expand the scope of the lighting-improvement measure to include four additional Protected Buildings,<sup>25</sup> following a recruitment process, a contract was signed with a company that has been tasked, under the supervision of UNESCO and TFV, to: (i) install 30 solar street lights around the ten Protected Buildings; (ii) design a feasible maintenance plan; (iii) train the maintenance team (four individuals); and (iv) organise an outreach campaign on the installation. As part of the UNESCO mission in August 2024, when the Malian Minister in charge of Culture launched the work of installing solar street lights as well as the second phase of the works, a delegation from the UNESCO, led by the country director, visited four cemeteries housing mausoleums of saints, benefiting from protection measures as part of the reparations programme. These were respectively the Alpha Moya, Sidi Mahamoud, Cheick Sidi el Moctar El Kounti and Trois Saints cemeteries. The visits were an opportunity for the delegation to become familiar with certain difficulties on the ground, which have been negatively impacting the project and its results. These included garbage deposits, occupation of the immediate surroundings of cemetery fences, the presence of wastewater, wandering animals (goats), etc. Based on these findings, the UNESCO Representative in Mali made recommendations directed at the consolidation and sustainability of the results obtained. These refer to awareness raising, the involvement of stakeholders (authorities, communities, TFPs, etc.) and the mobilization of resources from other partners with a view to finding urgent and lasting solutions to these problems.

67. In July 2024, Mali General Electricity Entrepreneurship (EGEMA) was hired to conduct the preparation process for the production and installation of ten solar lamps and solar panels for the protected buildings as well as conducting an information campaign on the appropriation of the facilities.

68. On 7 August 2024, UNESCO received the materials and noted that out of the 30 street lamps, 13 met the specifications. UNESCO proposed three different solutions and on 16 August 2024, EGEMA notified that it had undertaken to compensate for the error through 14 additional projectors and provided a guarantee for all the equipment supplied

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<sup>23</sup> Thirty-second Update Report, para. 86.

<sup>24</sup> Decision of 25 August 2023, para. 23.

<sup>25</sup> The Protected Buildings in question are three mausoleums of the Three Saints Cemetery (the Cheikh Mouhamad El Mikki mausoleum, the Cheikh Abdoul Kassim Attouaty mausoleum and the Cheikh Sidi Ahmed Ben Amar Arragadi mausoleum) and the Alpha Moya mausoleum.

for 5 years. Accordingly, the total number of equipment increased from 30 street lamps to 47 and now includes 33 street lamps and 14 projectors as well as additional masts (4 in total).

69. On 6 October 2024, UNESCO held a meeting with managers of the mausoleums to inform the participants about the implementation of these measures and allowed community representatives to distribute the street lights between the beneficiary sites and to propose a team of five people including four electricians and a mason to benefit from training in the maintenance and upkeep of the solar street lights. Installation of the street lights was carried out by locals, finalized and technically received before 10 October 2024.

70. During the Timbuktu mission, the TFV delegation visited the sites and engaged with EGEMA: the issues and progress were discussed.

71. On 9 October 2024, UNESCO organised the technical reception of the solar lighting installation.

### **3. Reconstruction of the walls of the Sidi Mahmoud cemetery and Cheick Sidi El Moctar El Kounti**

72. *Cheick Sidi Mahmoud Ben Omar Mohamed Aquit cemetery* – The TFV recalls<sup>26</sup> that, during the previous reporting period, a month after the work on the Cheick Sidi Mahmoud Ben Omar Mohamed Aquit cemetery was completed, a five-meter long section of the wall (on the north-western side) was damaged by a lorry. Following this, the repair works were completed during the previous reporting period with the support of the TFV and UNESCO in order to ensure that the reparative nature of the measure was not defeated by this accident.

73. *Cheick Sidi El Moctar El Kounti cemetery* – The TFV recalls that reconstruction work on the Cheick Sidi El Moctar El Kounti cemetery was completed during the previous reporting period and a technical handover ceremony took place on 30 April 2024 in the presence, *inter alia*, of the representative of the family, who is responsible for the Cheick Sidi El Moctar El Kounti mausoleum, the Sarakeina neighbourhood chief, the Cultural Mission and municipal representatives.

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<sup>26</sup> Thirty-second Update Report, para. 89.

74. Following this, on 3 October 2024, during the Timbuktu mission, an official hand-over to the communities of Timbuktu, of the rehabilitation and reconstruction work on the enclosure walls (foundation, wall, gates and doors) of the Sidi Mahamoud and Cheikh Sidi El Moctar El Kounti cemeteries of Timbuktu took place. This ceremony was attended by the authorities, the head of the descendants families, female members of the family, the TFV's implementing partners and its technical partners, and had the purpose of transferring the burden of maintenance and care to the communities.

75. Throughout the works (which lasted five months), monthly meetings were held to ensure proper information and endorsement by the community. These meetings were attended by representatives of the chief of the Sarakeina neighbourhood, the representative of the family responsible for the Cheick Sidi El Moctar El Kounti mausoleum, the representative of the urbanism services of the municipality, the representative of the Cultural Mission, the representative of the Head of the UNESCO Office in Mali, and the construction company in charge of the works.

#### **4. Maintenance fund for the Protected Buildings**

76. The TFV recalls that, as described in previous reports,<sup>27</sup> after multiple consultations, the community was of the view that a “maintenance fund” for the Protected Buildings, as approved by the Trial Chamber, was an adequate reparations measure.

77. This measure aims at enabling preventive maintenance of the ten protected buildings concerned by the Reparations Order, keeping them in a satisfactory state of conservation, limiting the risks of deterioration and enabling the community to take ownership of maintenance and perpetuate a living tradition associated with maintenance work on protected buildings.

78. As described in the Twenty-second Update Report,<sup>28</sup> the operationalisation of the measures remains complex due *inter alia* to: (i) the relative reluctance of the stakeholders involved to designate their representative; and (ii) the delays created by the search for a consensus concerning the appropriate measure.

79. During the reporting period, the composition of the management committee, previously composed of five members, has been further refined by the community with

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<sup>27</sup> See, e.g. Thirty-second Update Report, para. 95.

<sup>28</sup> Thirty-second Update Report, para. 97.

the addition of two members, notably an additional member of the masons' guild and an additional representative of the mosque management committees.

80. As a result, the management committee, which includes two female representatives, is currently composed as follows: two members of the masons' guild, two representatives of the mosque management committees, one representative of the families responsible for the mausoleums, one representative of the women masons and one representative of the Timbuktu Heritage Association.

81. It was agreed that the fund would be lodged in a bank account created for that purpose, and will be placed under the administrative and technical management of the above-mentioned management committee. During the Timbuktu mission, the TFV and the delegation met with the committee which took the commitment to draft internal regulations to specify eligibility criteria for the maintenance fund, procedures for accessing and using resources, and control tools. Draft rules of procedure will be discussed during the next reporting period.

#### **5. Logistic support to the Cultural Mission**

82. On 4 August 2024, in Timbuktu, the UNESCO's Representative in Mali officially handed over the materials acquired to the Timbuktu Cultural Mission to strengthening the structure's operational capacities to better support the Timbuktu community in the management of protected buildings. The equipment supplied consisted of two motorcycles, 50 chairs, a cupboard, a colour multifunction printer, a chair/armchair and a table (office of the head of the Cultural Mission).

83. While the TFV delegation was in Timbuktu, the Cultural Mission acknowledged that the logistic support was received and signed the symbolic attestation of receipt in the presence of the representative of the Ministry in charge of culture.

#### **V. ADDITIONAL SUPPORTIVE ACTIVITIES**

84. During the reporting period, including the Timbuktu and Bamako missions, in addition to the other activities detailed above, the TFV also conducted a number of additional supportive activities revolving around three issues: (i) convening of and participating in the steering committee; (ii) the feedback mechanism on the reparations programme; (iii) the decision-making process for the use of the remainder of the funds initially allocated to individual reparations; and (iv) reinforcement of gender and as part

of the projects implemented in relation to reparations ordered in the present case. Each of these activities are detailed below.

#### **A. STEERING COMMITTEE**

85. As described in previous reports,<sup>29</sup> a steering committee was set up on 23 May 2022 by the Minister of Culture at the request of the TFV in order to inform the key stakeholders of the progress in relation to the implementation of the collective reparation programme and coordinate with other initiatives. The two first sessions were organised in December 2023 and July 2024.

86. During the audience that the Minister of Culture granted to the TFV on 9 October 2024, at the end of Bamako mission, the Minister committed to convening a session of the steering committee during the first quarter of 2025.

87. Further to these exchanges, the Minister of Culture has scheduled a steering committee meeting for the first quarter of 2025.

#### **B. FEEDBACK MECHANISM**

88. Taking into account the increasingly volatile security situation in Mali, as well as the fact that the ERF was fully operational and involving multiple members of the Timbuktu community, the TFV had put in place a feedback mechanism, launched on 23 April 2024.<sup>30</sup> The aim of this feedback mechanism is to facilitate the communication between the community of Timbuktu and the TFV. It consists of a telephone hotline widely promoted amongst the individuals and organisations interacting with the reparations programme. The number is reachable every working day all day. Individuals merely need to dial the number and are thereafter called back.

89. The number is attended by a TFV resource person as a first responder who has been selected based on set criteria, such as the absence of any conflict of interest, understanding of the reparations programme, ability to communicate in multiple languages, including local languages, and their ability to communicate with victims. The TFV trained the first responder.

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<sup>29</sup> See *e.g.* Thirty-second Update Report, para. 100.

<sup>30</sup> Twenty-first update report, paras 94-96.

90. The procedure for managing calls has been set out in the Thirty-first Update Report.<sup>31</sup>

91. During the reporting period, a total of twelve calls were received, all except one related to the *Al Mahdi* case. One related to the *Al Hassan* case (which was referred to VPRS). Four calls related to individual reparations, three to the rehabilitation facility, two to the economic resilience facility and two to the memorialisation facility. All calls were of minor importance and were provided with a response: seven out of twelve have been closed, four are being addressed. The mechanism contributes to strengthening the link with the community of Timbuktu and to respond to questions and/or solve issues, such as the ones raised in the part of the present report pertaining to individual reparations. The community also used the number to share their positive appreciation of the reparations.

92. During the mission in Timbuktu mission, the TFV systematically disseminated the information about the existence of the feedback mechanism and the appropriate relevant telephone number. Thereafter, some persons called the number to verify its appropriate functioning.

### **C. REMAINDER OF INDIVIDUAL REPARATIONS FUNDS**

93. The TFV recalls<sup>32</sup> that in the Reparations Order, the Trial Chamber set the amount of liability at EUR 2.7 million and indicated that the TFV is not bound by the intermediate calculations made to reach that figure.<sup>33</sup> Accordingly, the TFV proposed in the Updated Draft Implementation Plan, which has been approved by the Trial Chamber, that unspent funds allocated to individual reparations may be reallocated to collective reparations upon completion of individual reparations.<sup>34</sup> Originally, from the EUR 2.7 million award, EUR 1,000,500 had been allocated to individual reparations and the remainder to collective reparations.

94. As previously reported in the Thirty-second Update Report, the individual reparations were in majority completed by 11 June 2024, with only residual activities remaining to be implemented for a full finalisation. Preliminary financial data indicates that of the EUR 1,000,500 allocated, a total of at least EUR 577,669 will be spent on the

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<sup>31</sup> Twenty-first update report, paras 94-96.

<sup>32</sup> Thirty-second Update Report, para. 101 *et seq.*

<sup>33</sup> Reparations Order, 17 August 2017, ICC-01/12-01/15-236, para. 139.

<sup>34</sup> Updated Implementation Plan, paras 55 and 78.



individual reparations in the *Al Mahdi* case. This calculation includes the funds reserved for the victims whose payment is still outstanding as described above in paragraphs 18 and 19.

95. To determine how best to use the remaining funds for collective reparations, and informed by the financial legal framework, the TFV recalls that it has (i) consulted with TFV partners, the community and the authorities, and (ii) put in place an eligibility and priority review to select the measures to be funded with the balance. The process allowed to identify fourteen additional measures as reported further below.

96. During the reporting period, and following further discussion with the authorities, the community, the implementing partner and thanks to the Timbuktu mission, a fifteenth additional measure was introduced in the package of residual activities to be implemented by December 2025 and funded by the remainder of individual reparation. This activity related to the cultural centre of Ali Farka in Timbuktu that was looted during and after the occupation of Timbuktu. The centre, which is to be completely refurbished, will enable the entire community to come together for cultural events, the first of which will be the Cultural Biennale in June 2025. The consultation showed that the contribution of the reparation programme to the rehabilitation of this site will contribute to more comprehensively addressing the moral harm suffered by the entire community of Timbuktu.

97. The visit to the Ali Farka site on 6 October 2024 by the TFV, UNESCO, the Governor, the Mayor and Representatives of the two Ministries provided an opportunity to understand the scope of the work to be carried out and to discuss with the Governor the content of the support that the TFV could provide within the limits set by the Reparations Order. The discussions enabled agreement to be reached on the main points and the timetable for completion, allowing the TFV to determine the scope of the TFV-financed activity. This will entail conducting a feasibility and budgeting study, as well as making a symbolic contribution to the rehabilitation or equipment of the Al Farka site. Unless otherwise instructed by the Trial Chamber, this fifteenth measure will be implemented by UNESCO.

98. *Contractual circumstances and overall judicial context:* Since August 2023,<sup>35</sup> the TFV has organised its activities in a manner that allows it to finish the implementation of reparations by the end of 2025, barring unexpected circumstances. As previously reported, the TFV has planned to increase the funding available to the three existing partners, given the 15 additionally agreed measures as referred to above, can be carried out as a continuation of their existing portfolios.

99. Accordingly, as indicated in the previous report,<sup>36</sup> the TFV took action to receive the appropriate authorisation to extend the contract and increase the relevant financial envelope in line with the ICC Financial Rules and Regulations..

100. To do so, the TFV seized the ICC Procurement Review Committee with the request of modification of the contracts of CIDEAL, CFOGRAD and UNESCO to allow them to implement the fifteen additional measures within the deadline set by the Chamber. The TFV is currently awaiting the outcome of this process. The TFV will move forward once the decision is communicated.

101. During the mission held in Timbuktu, the TFV organised on 5 October 2024 a meeting with representatives of all the actors who were consulted in June 2024 on this matter. The community expressed its strong appreciation of the process and requested that these additional measures be rapidly implemented. This exchange helped to plan the remaining 15 months until the end of the reparations process and to strengthen the community's commitment to the implementation process.

#### **D. REINFORCEMENT OF GENDER SENSITIVITY**

102. On 5 October 2024, the TFV, during its mission to Timbuktu, organised a consultation workshop for women's organisations and/or organisations promoting women's rights in Timbuktu as part of the implementation of the TFV's Mali gender action plan for victims. The workshop was attended by members of community-based organisations promoting women's rights, members of the communal committee and neighbourhood committee and female staff of implementing partners.

103. The workshop aimed at creating a framework for exchange and capacity-building for women's organisations in favour of gender equality and a gender-specific response to

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<sup>35</sup> 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.](#)

<sup>36</sup> Thirty-second Update Report, para. 101 *et seq.*

reparation issues. It provided an opportunity to get to know the Timbuktu organisations and their areas of intervention, to assess their strengths in terms of gender sensitivity and their needs for reinforcement, and to initiate more systematic collaboration with them.

## VI. CONCLUSION

104. Activities for the forthcoming reporting period are detailed throughout the present submission and include notably residual activities relevant to individual reparations, significant steps to be taken in relation to the ongoing implementation of collective reparations and continuation of efforts relevant to increasing the implementing partner's portfolios with the funds available from individual reparations.

105. The TFV respectfully requests the Trial Chamber to take note of the present report, in particular in respect of the proposed way forward for the two residual applications referred to in paragraphs 18 and 19 and stands ready to provide clarifications 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 29<sup>th</sup> October 2024

The Hague, The Netherlands