

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/15
Date: 29 September 2016

TRIAL CHAMBER VIII

Before: Judge Raul C. Pangalangan, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt

SITUATION IN THE REPUBLIC OF MALI

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

Public

Reparations Phase Calendar

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

Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Gilles Dutertre

Counsel for the Defence

Mr Mohamed Aouini
Mr Jean-Louis Gilissen

Legal Representatives of Victims

Mr Mayombo Kassongo

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**Office of Public Counsel for
Victims**

Office of Public Counsel for the Defence

States' Representatives

Competent authorities of the
Republic of Mali

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Others

Trust Fund for Victims

TRIAL CHAMBER VIII ('Chamber') of the International Criminal Court ('Court') issues the following Reparations Phase Calendar, in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Article 75 of the Rome Statute ('Statute'), Rules 94, 97(2) and 103 of the Rules of Procedure and Evidence ('Rules') and Regulations 24 *bis*, 34 and 44 of the Regulations of the Court ('Regulations').

1. On 27 September 2016, the Chamber convicted Mr Al Mahdi of the war crime of intentionally attacking protected objects under Article 8(2)(e)(iv) of the Statute and indicated that reparations would be addressed in due course.¹
2. In order to facilitate the fair and expeditious conduct of the reparations phase of the proceedings, the Chamber sets the following calendar:²
 - (i) Noting Rule 97(2) of the Rules and Regulation 44 of the Regulations, the Registry, in consultation with the parties³ and the Office of the Prosecutor ('Prosecution') as appropriate, is to identify one or more experts with expertise in the following matters: (a) the importance of international cultural heritage generally and the harm to the international community caused by its destruction; (b) the scope of the damage caused, including monetary value, to the ten mausoleums and mosques at issue in the case and (c) the scope of the economic and moral harm suffered, including monetary value, to persons or organisations as a result of the crimes committed. This is to be done by way of a formal filing due **28 October 2016**.
 - (ii) The parties and Prosecution may file any responses to the Registry's expert identifications by **4 November 2016**. Following these

¹ Judgment and Sentence, ICC-01/12-01/15-171, page 49.

² All deadlines are at 16:00 on the day specified.

³ For purposes of reparations proceedings, the parties are understood as the Defence and Legal Representative of Victims.

submissions, the Chamber will decide which experts, if any, it will appoint to assist its determinations during the reparations phase.

- (iii) The parties, Prosecution, Registry, Trust Fund for Victims and Malian authorities are invited to make general submissions of up to 50 pages on the reparations proceedings in this case by **2 December 2016**. Any applications pursuant to Rule 103 of the Rules to file similar submissions must be filed by **21 October 2016**.
- (iv) Any applications for reparations must be filed by **16 December 2016**.⁴ It is emphasised that the application deadline is without prejudice to whether or how these applications will be ultimately considered by the Chamber.
- (v) Any Chamber appointed expert reports must be sent to the Chamber and parties by **11 January 2017**. By this same deadline, the parties are to have disclosed any additional information they wish for the Chamber to consider in its reparations order. This additional information must be clearly identified in formal filings due on the deadline indicated.
- (vi) The parties have a further 50 pages to file submissions on the reports/information presented, submissions of other participants and any other last arguments they wish for the Chamber to consider before rendering its reparations order. These final submissions must be filed by **10 February 2017**.

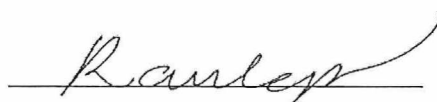
⁴ Following the approach of Trial Chamber II, the Chamber will not rule on the ‘participation’ of any reparations applicants - they may participate during the reparations phase simply by virtue of filing their applications. *The Prosecutor v. Germain Katanga*, Corrigendum to the “Order relating to the submission of the Legal Representative of Victims”, 8 March 2016, ICC-01/04-01/07-3653-Corr-tENG, para. 12.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

DIRECTS that the reparations phase of this case will be conducted in accordance with the calendar above; and

INVITES interested organisations to request leave to make submissions by 21 October 2016, in accordance with paragraph 2(iii) above.

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



Judge Raul C. Pangalangan, Presiding Judge



Judge Antoine Kesia-Mbe Mindua



Judge Bertram Schmitt

Dated 29 September 2016

At The Hague, The Netherlands