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

With 21 confidential annexes

List of Proposed Experts Pursuant to Trial Chamber VIII's Decisions ICC-01/12-01/15-172 of 19 September 2016 and ICC-01/12-01/15-177 of 21 October 2016

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the****Court to:*****Office of the Prosecutor**

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I. Introduction

1. The Registry hereby submits a list of proposed experts (“List”) relevant to reparations in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (“Case”) as well as the related applicants’ documents pursuant to Trial Chamber VIII’s (“Chamber”) instruction in its “Reparations Phase Calendar” (“Calendar”).¹

II. Procedural History

2. 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 Rome Statute (“Statute”) and indicated that reparations would be addressed in due course.²
3. On 29 September 2016, the Chamber issued the Calendar, instructing the Registry to identify, in consultation with the parties and the Office of the Prosecutor (“Prosecution”) as appropriate, “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.” Accordingly, the Chamber ordered the Registry to submit the List by 28 October 2016.³

¹ Trial Chamber VIII, “Reparations Phase Calendar”, 29 September 2016, ICC-01/12-01/15-172, para. 2 (i).

² Trial Chamber VIII, “Judgment and Sentence”, 27 September 2016, ICC-01/12-01/15-171, p. 49.

³ Trial Chamber VIII, “Reparations Phase Calendar”, 29 September 2016, ICC-01/12-01/15-172, para. 2 (i).

4. On 21 October 2016, upon Registry's request,⁴ the Chamber granted an extension of time until 9 December 2016 to submit the List ("Partly Amended Calendar").⁵

III. Classification

5. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the 21 Annexes to the present submission are classified as confidential because they contain private contact details and other personal information on the expert applicants, some of whom expressed the wish to benefit from protective measures.

IV. Applicable Law

6. The Registry submits the List in light of rule 97(2) of the Rules of Procedure and Evidence, regulation 44 of the Regulations of the Court ("RoC"), and in accordance with the Calendar and the Partly Amended Calendar.

V. Submissions

7. The Registry followed the steps detailed below, in consultation with the parties and the Prosecution as appropriate, in order to identify experts in the relevant matters as requested by the Chamber in the Calendar:⁶

- (1) The Registry prepared a draft call for expressions of interest ("Call") in both working languages of the Court, i.e. English and French;
- (2) Before having the Call advertised, on 13 October 2016, the Registry sent an email to the parties and the Prosecution informing them of the prepared Call and of the Registry's intent to contact them again following receipt of

⁴ "Request for an Extension of Time to Identify Experts", 18 October 2016, ICC-01/12-01/15-174, para. 6.

⁵ Trial Chamber VIII, "Decision on Registry Request for Extension of Time to Identify Experts and Partly Amending the Reparations Phase Calendar", 21 October 2016, ICC-01/12-01/15-177, para. 4.

⁶ Trial Chamber VIII, "Reparations Phase Calendar", 29 September 2016, ICC-01/12-01/15-172, para. 2 (i).

any applications. There was no reaction from the parties or the Prosecution following this communication;

- (3) The deadline for the submission of expert applications was set on 11 November 2016, as within three weeks starting from the posting of the Call on the Court's website;
- (4) The Call was further disseminated through different channels. This included dissemination through the Public Information and Outreach Section's mailing list, letters to specific organizations and newspapers as well as *notes verbales* to various Embassies. In addition, the Call was publicised on the Court Human Resources Section's social media network.⁷ Finally, the Call was sent to specific focal persons at various universities.⁸
- (5) The Registry received altogether 35 applications; these were sent to an external consultant for a first assessment on whether the candidates meet the basic requirements mentioned in the Call. Where necessary, the Registry made the follow-up with some of the applicants in order for them to complete their applications;
- (6) The external consultant assessed that 20 applications out of 35 meet the basic requirements of the Call.⁹ Once the Chamber decides on the appointment of expert(s), this first assessment will be followed by a check of the prior criminal record as part of the final assessment required for the inclusion of the experts on the List of Experts pursuant to regulation 44 of the Regulations ;

⁷ Linked-in with about 15,000 followers; Facebook with about 15,000 followers; Google+ with about 8,000 followers; and Twitter with about 11,000 followers.

⁸ The Call was sent to 77 focal persons within 40 universities mainly located in African, European and Middle East countries.

⁹ See the List in Annex I.

- (7) On 23 November 2016, the Registry sent the List to the parties and the Prosecution. It also prepared and distributed encrypted CDs with the applicants' documents.¹⁰
8. The Registry would also like to inform the Chamber of the budgetary impact of the designation of experts in the Case, depending on the number of experts to be appointed by the Chamber, and on the exact modalities of intervention which the Chamber may wish to establish for each expert. The Registry also draws the Chamber's attention that some applicants may wish that protective measures apply.
9. The Registry hereby submits:
- Annex I: Confidential Registry's List of Proposed Experts; and
 - Annexes II to XXI: Confidential Applications and Attached Documents of each of the 20 Proposed Experts.



Marc Dubuisson, Director, Division of Judicial Services,
per delegation of Herman von Hebel, Registrar

Dated this 9 December 2016

At The Hague, The Netherlands

¹⁰ The Legal Representative on of the Victims in the Case picked up the CD on 23 November 2016; the Prosecution picked up the CD on 24 November 2016 and the Defence picked up the CD on 1 December 2016.