

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 20 March 2017

**TRIAL CHAMBER VIII**

**Before: Judge Raul C. Pangalangan, Single Judge**

**SITUATION IN THE REPUBLIC OF MALI**

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

**Public**

**Decision on LRV requests for submission of additional reparation applications  
and for an extension of time**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

Mr Gilles Dutertre

**Counsel for the Defence**

Mr Mohamed Aouini

**Legal Representative of Victims**

Mr Mayombo Kassongo

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**

**States Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Others**

**Judge Raul C. Pangalangan**, acting as Single Judge on behalf of Trial Chamber VIII ('Single Judge' and 'Chamber', respectively) of the International Criminal Court issues the following 'Decision on LRV requests for submission of additional reparation applications and for an extension of time', in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Regulation 35 of the Regulations of the Court.

1. On 29 September 2016, the Chamber issued the Reparations Phase Calendar setting: (i) 16 December 2016 as the deadline for submission of applications for reparations; and (ii) 11 January 2017 as the deadline for submission of any information that the parties wish for the Chamber to consider in its reparations order ('Deadline for Submission of Additional Material').<sup>1</sup>
2. On 16 December 2016, the Registry transmitted 135 applications for reparations ('Applications').<sup>2</sup>
3. On 19 January 2017, upon request, the Chamber amended the Reparations Phase Calendar, re-setting the Deadline for Submission of Additional Material to 24 March 2017.<sup>3</sup>
4. On 13 February 2017, the legal representative of victims ('LRV') informed the Chamber that it would conduct a mission in Mali in order to obtain supplementary information related to the 135 Applications.<sup>4</sup>
5. On 24 February 2017, the LRV filed a request seeking the authorisation to file additional applications for reparations obtained during its mission, as well as

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<sup>1</sup> ICC-01/12-01/15-172, paras 2(iv) and (v).

<sup>2</sup> First Transmission and Report on Applications for Reparations, ICC-01/12-01/15-200 and 135 annexes.

<sup>3</sup> Decision Appointing Reparations Experts and Partly Amending Reparations Calendar, ICC-01/12-01/15-203-Conf.

<sup>4</sup> Email from LRV to Chamber on 13 February 2017 at 16:23.

supplementary information related to the 135 Applications ('First Request').<sup>5</sup> The defence team for Mr Al Mahdi ('Defence') did not oppose the request.

6. On 9 March 2017, upon request from the Chamber's appointed experts, the Chamber partly amended the Reparations Phase Calendar. However, the Deadline for Submission of Additional Material was explicitly not changed.<sup>6</sup>
7. On 16 March 2017, the LRV filed a request for extension of time of the Deadline for Submission of Additional Material ('Second Request').<sup>7</sup>
8. The Single Judge notes that the Defence will not suffer any undue prejudice as a result of the filing of a limited number of applications. The Defence will have the opportunity to address the additional applications if it wishes so in its final reparations submissions due by 26 May 2017.<sup>8</sup>
9. However, with respect to extending the deadline to 28 April 2017, the Single Judge notes that the LRV appears to have gone on mission from 15 February to 11 March 2017<sup>9</sup> and to have been in a position to share with his team the materials he obtained during the mission as of 13 March 2017.<sup>10</sup> The LRV and his team accordingly will have almost two weeks to process the supplementary materials obtained. The Single Judge also notes that the LRV, in its email of 13 February 2017 informing the Chamber that it would go on mission, emphasised that any material collected during the mission would be transmitted

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<sup>5</sup> *Requête du Représentant légal des victimes aux fins d'autorisation au dépôt de demandes en réparations additionnelles*, 24 February 2017, ICC-01/12-01/15-204-Conf.

<sup>6</sup> Decision Granting an Extension of Time for Filing of Experts' Report and Amending Reparations Calendar ICC-01/12-01/15-206-Red.

<sup>7</sup> *Requête du Représentant légal des victimes aux fins de prorogation de délai en vertu de la Norme 35 du Règlement de la Cour*, ICC-01/12-01/15-207-Conf.

<sup>8</sup> Decision Granting an Extension of Time for Filing of Experts' Report and Amending Reparations Calendar, 9 March 2017, ICC-01/12-01/15-206-Red.

<sup>9</sup> Second Request, ICC-01/12-01/15-207-Conf, para. 9; First Request, ICC-01/12-01/15-204-Conf, para. 3 The Single Judge notes that the First Request was filed on 24 February 2017, while the mission was still ongoing.

<sup>10</sup> Second Request, ICC-01/12-01/15-207-Conf, para. 12.

by the 24 March 2017 deadline at the latest.<sup>11</sup> Further, in the First Request, whereby the LRV sought leave to submit the additional applications collected,<sup>12</sup> the LRV did not indicate that any extension of time would be necessary.

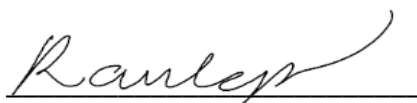
10. Beyond general submissions on the insecurity in Timbuktu, the LRV fails to provide any specific reasons justifying why an extension of time is warranted at this stage. The speculative possibility of obtaining further materials is not sufficient to constitute 'good cause' under Regulation 35(2) of the Regulations. Accordingly, requested extension to 28 April 2017 is rejected.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY**

**DIRECTS** the LRV to file any materials in its possession, including any newly collected reparation applications and supporting documents by 24 March 2017; and

**DIRECTS** the LRV to file public redacted versions of the First Request and the Second Request within 10 days of filing of the present decision.

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



**Judge Raul C. Pangalangan, Single Judge**

Dated 20 March 2017

At The Hague, The Netherlands

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<sup>11</sup> Email from LRV to Chamber on 13 February 2017 at 16:23.

<sup>12</sup> First Request, ICC-01/12-01/15-204-Conf.