

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **23 November 2017**

Appeal Chamber

Before:
Judge Howard Morrison, Presiding Judge
Judge Silvia Fernández de Gurmendi
Judge Sanji Monageng
Judge Christine Van den Wyngaert
Judge Piotr Hofmánski

SITUATION IN THE REPUBLIC OF MALI

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

Public Document

Request for extension of time

Source: **The Trust Fund for Victims**

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

Legal Representative of Victims
Mr Mayombo Kassongo

Counsel for the Defence
Mr Mohamed Aouini

Organisations granted leave to file representations before the Trial Chamber

The Redress Trust

Queen's University Belfast Human Rights Centre

La Fédération internationale des ligues des droits de l'Homme

L'Association malienne des droits de l'Homme

UNESCO

REGISTRY

Registrar
Mr Herman von Hebel

1. Pursuant to regulation 35 (1) of the Regulations of the Court, the Trust Fund for Victims (“Trust Fund” or “TFV”) respectfully requests an extension of the time limit for the submission of observations on the “Brief in support of the Appeal (in part and limited) ICC-01/12-01/15-242-Conf-Exp-Corr filed against the Reparations Order of 17 August 2017 (ICC-01/12-01/15-236) issued by the Trial Chamber VIII” in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*. The Trust Fund respectfully requests that the relevant deadlines be extended to Wednesday, 29 November 2017.

1. BACKGROUND

2. On 27 September 2016, Mr. Ahmad Al Faqi Al Mahdi subsequent to an admission of guilt was convicted as a co-perpetrator by Trial Chamber VIII (hereinafter “Trial Chamber”) of war crimes in attacking protected objects under Articles 8(2)(e)(iv) and 25(3)(a) of the Rome Statute. Mr. Al Mahdi was sentenced to nine years imprisonment.¹

3. On 29 September 2016, the Trial Chamber issued its “Reparations Phase Calendar”,² inviting the parties and participants in the case, including the Trust Fund for Victims (hereinafter: “Trust Fund”) to make “general submissions [...] on the reparations proceedings” in the *Al Mahdi* case.³ The Trial Chamber also invited interested organizations to submit applications to make *amicus curiae* observations⁴ and set out a schedule for the identification and appointment of experts,⁵ as well as setting the deadline for the submission of the expert reports on reparations.⁶

4. On 2 December 2016, the Trust Fund for Victims filed its “Submissions on the reparations proceedings”.⁷

¹ Judgement and Sentence, ICC-01/12-01/15-171

² [ICC-01/12-01/15-172](#) (hereinafter: “Reparations Calendar”).

³ [Reparations Calendar](#), para. 2 (viii).

⁴ [Reparations Calendar](#), para. 2 (iii), p. 5.

⁵ [Reparations Calendar](#), para. 2 (i) - (ii).

⁶ [Reparations Calendar](#), para. 2 (v).

⁷ Submissions on reparations proceedings, ICC-01/12-01/15-187.

5. On 17 August 2017, the Trial Chamber issued a Reparations Order and instructed the Trust Fund to develop and submit a Draft Implementation for Reparation by 16 February 2018 and requested the Board of Directors to consider complementing the EUR 2.7 million for individual, collective, and symbolic awards for reparations.⁸
6. On 18 September 2017, the Legal Representative for Victims (hereinafter “LRV”) filed notice of appeal against the Reparations Order and on 17 October 2017 the LRV submitted a brief in support of his Appeal.⁹
7. On 17 October 2017, the LRV filed his “Brief in support of the Appeal (in part and limited) ICC-01/12-01/15-242-Conf-Exp-Corr filed against the Reparations Order of 17 August 2017 (ICC-01/12-01/15-236) issued by the Trial Chamber VIII” and this was followed on 20 October 2017 by the “Public redacted version of the corrected NOTICE OF APPEAL “in part and limited” against the Reparations Order of 17 August 2017 (paragraphs 81, 83, and 146) pursuant to Appeals Chamber Order ICC-01/12-01/15-240-conf, paragraphs, with Redacted Annexes 1-5, of 6 October 2017, ICC-01/12-01/15-242-Conf-Ex-Corr”.
8. From 17 October through 3 November 2017 the Trust Fund held frequent consultations and mission planning meetings with the Legal Representatives, relevant sections of the Registry and the Field Office regarding the stakeholder consultation mission plan to Bamako and Timbuktu, Mali. (The Timbuktu portion of the mission plan was eventually cancelled due to security concerns raised during the planning meetings.)
9. A joint Trust Fund, Legal Representative for Victims, and Registry mission was conducted in Bamako, Mali from 5-11 November 2017 for stakeholder consultations in relation to the development of the Draft Implementation Plan.
10. The Appeals Chamber on 7 November 2017 invited the Trust Fund to submit observations on the appeals brief of the LRV by 24 November 2017.

⁸ Reparations Order, ICC-01/12-01/15-236

⁹ Appeal Notification, ICC-01/12-01/15-242 and ICC-01/12-01/15-244

II. REQUEST FOR VARIATION OF THE TIME LIMIT

11. For the reasons set out below, the Trust Fund submits that good cause exists for it to be granted a limited time extension until 29 November 2017.

12. Despite best efforts but due to scheduling difficulties and competing work obligations,¹⁰ the Trust Fund was not able to fully appreciate the 7 November request of the Chamber for the Trust Fund to prepare observations of the Appeal Brief of the LRV until completion of the Mali mission. In this regard, the Trust Fund notes that it is requested to provide by 24 November 2017 observations on aspects of the LRV Appeal Brief concerning the Reparations Order.

13. The Trust Fund notes the untimely departure of key staff members on missions this week and their resulting absences and inability to contribute in a timely manner to the drafting and review process.¹¹

14. At the outset, the Trust Fund wishes to underline that it is interested to submit its observations over aspects of the Appeals Brief following its recent stakeholder consultation mission to Bamako, Mali. The Trust Fund would therefore respectfully request that additional time be allotted for a discussion of these matters internally both within the Secretariat and amongst the Board of Directors.

15. The Trust Fund would therefore request an extension of the deadlines currently set for 24 November to 29 November 2017.

16. In conclusion, the Trust Fund respectfully requests that it be granted an extension of the deadlines mentioned above to Wednesday, 29 November 2017 and submits that good cause within the meaning of regulation 35 (1) of the Regulations of the Court exists for the requested extension in light of the reasons set out above.

¹⁰ Key staff members of the Trust Fund's Secretariat, including a Board Member, the Executive Director and acting Legal Adviser, have been on a joint mission to Mali with the Legal Representative and VPRS for the week of 5-11 November with regard to the *Al Mahdi* order for reparations.

¹¹ Key staff members of the Trust Fund's Secretariat are on mission week. The Executive Director is on mission in Addis Ababa at the African Union conclave from 22-24 November and the Associate Legal Officer departed on 23 November for a mission in the Democratic Republic of the Congo in support of Katanga reparations awards.

FOR THE FOREGOING REASONS

The Trust Fund for Victims respectfully submits this request for an extension of time.



Pieter W.I. de Baan
Executive Director of the Secretariat of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 23 November 2017

At The Hague, The Netherlands