

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 January 2019**

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*

CONFIDENTIAL

Sixth monthly update report on the updated implementation plan

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

Mr Mohamed Aouini

Legal Representatives of Victims

Mr Mayombo Kassongo

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for

**Office of Public Counsel for
Victims**

Participation/Reparation

States' Representatives

Office of Public Counsel for the Defence

REGISTRY

Registrar

Counsel Support Section

Mr Peter Lewis

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

I. BACKGROUND

1. On 12 July 2018, Trial Chamber issued its decision on the Trust Fund for Victims' draft implementation plan in the present case ("Decision on the DIP"),¹ wherein it directed the Trust Fund for Victims ("Trust Fund") to submit monthly update reports, starting on 15 August 2018, in relation to the Trust Fund's progress in preparing an updated draft implementation plan ("UIP"). The Trial Chamber specified that each monthly update report should contain "concrete information on the actions taken in respect of each of the reparations modalities with timelines, objectives and staffing."²
2. On 15 August 2018, 14 September 2018, 15 October 2018 and 14 November 2018, the Trust Fund filed, respectively, its first,³ second,⁴ third⁵ and fourth⁶ and fifth⁷ monthly update reports. On 20 December, the legal representative of victims ("LRV") submitted public redacted versions of his observations to the second monthly update report, and to the draft individual application form.⁸ On 4 January 2019, the Defence submitted observations to the fifth monthly update report.⁹
3. On 2 November 2018, the Trust Fund filed the UIP.¹⁰

¹ Public redacted version of "Decision on Trust Fund for Victims' Draft Implementation Plan for Reparations", 12 July 2018, [ICC-01/12-01/15-273-Red](#).

² [Decision on Draft Implementation Plan](#), para. 22.

³ First monthly update report on the implementation plan, 15 August 2018, ICC-01/12-01/15-277-Conf ("First Monthly Report").

⁴ Second Monthly Update report on the implementation plan, 14 September 2018, ICC-01/12-01/15-283-Conf, with two confidential annexes ("Second Monthly Report").

⁵ Third monthly update report on the updated implementation plan, 15 October 2018, ICC-01/12-01/15-288-Conf ("Third Monthly Report").

⁶ Trust Fund's fourth monthly update report on the updated implementation plan, 14 November 2018, ICC-01/12-01/15-299-Conf, with four confidential annexes ("Fourth Monthly Report").

⁷ Fifth monthly update report on the updated implementation plan including information concerning further details relevant to the Board of Directors' complement decision, with one confidential annex, 14 December 2018, ICC-01/12-01/15-305-Conf.

⁸ *Version Publique Expurgée - Observations du Représentant légal sur le Second rapport mensuel d'activité du Fonds au profit des victimes et sur le processus de sélection des victimes aux réparations*, 20 December 2018, [ICC-01/12-01/15-284-Red](#) ("PRV of the LRV's Observations on the Second Monthly Report"); *Version Publique Expurgée - Observations du Représentant légal sur la soumission du projet de formulaire de demande de réparation et de ses annexes par le Fonds au profit des victimes*, 20 December 2018, [ICC-01/12-01/15-294-Red](#).

⁹ *Observations de la Défense sur le quatrième rapport mensuel ICC-01/12-01/15-299-Conf du Fonds au profit des victimes*, 5 December 2018, ICC-01/12-01/15-304-Conf.

¹⁰ Updated Implementation Plan, ICC-01/12-01/15-291-Conf-Exp. A confidential redacted version was notified on 7 November 2018 (ICC-01/12-01/15-291-Conf-Red). A public redacted version was filed on 22 November 2018, *see* Public redacted version of "Updated Implementation Plan", submitted on 2 November 2018, ICC-01/12-01/15-291-Conf-Exp", 22 November 2018, [ICC-01/12-01/15-291-Red2](#) ("Public Redacted Version of the UIP").

4. On 21 November 2018, the Trial Chamber adopted the new application form proposed by the Trust Fund, subject to one change.¹¹
5. On 20 December 2018, the Registry submitted its fifth report on applications for individual reparations.¹²
6. On 8 January 2019, the Registry transmitted the observations by the Malian authorities on the UIP.¹³
7. The Trust Fund hereby submits its sixth monthly update report.

II. CLASSIFICATION OF THE PRESENT SUBMISSION

8. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report confidential in line with the reasoning for its previous update reports.¹⁴ No information is deemed necessary to redact from the parties.¹⁵

III. UPDATE REPORT OF 14 JANUARY 2019

9. The Trust Fund takes notes and welcomes the positive observations submitted by the Malian authorities on the UIP.¹⁶
10. Pending the eventual approval of the UIP by the Trial Chamber, the Trust Fund has been making progress on aspects for which advanced planning can occur prior to the issuance of the Trial Chamber's decision.
11. Specifically, in respect of collective reparations, the Trust Fund is in the final preparatory stages of the request for Expressions of Interest for the implementation of collective reparations programmes ("EOI");¹⁷ and planning a mission to the field for different purposes related to the implementation of reparations, including intermediary training.

¹¹ Decision on TFV Submission on Draft Application Form, 21 November 2018, ICC-01/12-01/15-301.

¹² Fifth Registry Report on Applications for Individual Reparations with Confidential Annex I and Confidential *Ex Parte* Annex II, only available to the Legal Representative of Victims, 20 December 2018, ICC-01/12-01/15-308.

¹³ Transmission of Observations from the Malian Authorities on the Updated Implementation Plan with one confidential annex, 8 January 2019, ICC-01/12-01/15-312.

¹⁴ First Monthly Report, para. 3; Second Monthly Report, para. 8; and Third Monthly Report, para. 13.

¹⁵ [Decision on Draft Implementation Plan](#), para. 22.

¹⁶ Transmission of Observations from the Malian Authorities on the Updated Implementation Plan with one confidential annex, 8 January 2019, ICC-01/12-01/15-312.

¹⁷ Fourth Monthly Report, para. 19.

12. With respect to the EOI, once candidates have been pre-qualified, they will be given a detailed scope of work at a later stage under a “Request for Proposals” document. The Trust Fund wishes to inform the Trial Chamber that, for the Request for Proposals to attract meaningful applications, it will need to disclose details about the type of projects sought that are currently confidential.¹⁸ This would refer to information concerning: (i) the planting of trees and hedge as well as the installation of lighting around the Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum; the Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti Mausoleum, the Alpha Moya Mausoleum and the Three Saints Cemeteries and the installation of lighting around the cemeteries that house mausoleums, as well as around the Sidi Yahia Mosque, Sidi Mahamoud, El Mokhtar and the Ahmed Fulani and Bahaber Bababdié mausoleums; (ii) the setting-up of an economic resilience facility operating in both Timbuktu and Bamako; (iii) the psychological support programmes provided by professional psychologists and by the establishment of women and girls’ safe spaces, both in Timbuktu and Bamako; and (iv) the organisation of memorialisation committees aimed at discussing whether, what and how to memorialise the crime committed by Mr Al Faqi Al Mahdi.

13. In respect of individual reparations, the Trust Fund is actively working on developing training guidelines for intermediaries. The Trust Fund appreciates the assistance of the Victims Participation and Reparations Section (“VPRS”) in this regard, which included two meetings held in December 2018. Once the first draft of the training guidelines is finalised, the Trust Fund intends to share it with both VPRS and the LRV for their comments. The training guidelines will focus on the role of the Court and the Trust Fund, the developments in the *Al Mahdi* case leading to reparations, the purpose of reparations with a special emphasis on those that are individual, the role of intermediaries and, mainly, how to use the application form for individual reparations in the presence of potential beneficiaries.

14. In this regard, the Trust Fund would like to make the Trial Chamber aware that such application form is currently confidential. Nevertheless, for the correct discharge of their duties, the application form for individual reparations will need to be shared with intermediaries who, in turn, will need to show it to potential beneficiaries.

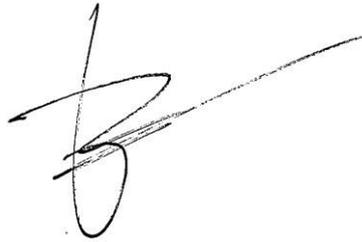
¹⁸ See, for example, [Public Redacted Version of the UIP](#), paras 113-115 and 143-145 with heavily redacted information concerning, respectively, the rehabilitation measures of Al Arawani mausoleum and moral support through psychologists.

Therefore, while still confidential, circles wider than those within the Court will need to have access to the application form. The Trust Fund will instruct intermediaries to treat the form and the information it contains with utmost care.

15. The Trust Fund is also planning a mission in the field to identify potential intermediaries and organise the logistics of the training.

IV. CONCLUSION

16. The Trust Fund stands ready to further appraise the Trial Chamber in relation to the information provided in this monthly report, or any other issue affecting the implementation phase of the present case.



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

Dated this 14 January 2019
At The Hague, The Netherlands