

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/12-01/15**
Date: **17 February 2021**

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

**Decision on the Request of the Trust Fund for Victims to Submit Update Reports
Every Three Months**

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

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

Others

Trust Fund for Victims

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Others

TRIAL CHAMBER VIII of the International Criminal Court hereby issues its ‘Decision on the Request of the Trust Fund for Victims to Submit Update Reports Every Three Months’ in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Article 75 of the Rome Statute and Regulations 34, 35 and 37 of the Regulations of the Court.

1. In its decision on the Trust Fund for Victims’ (the ‘TFV’) draft implementation plan, the Chamber directed the TFV to submit reports on the progress made during the implementation stage of the reparations proceedings on a monthly basis.¹ Subsequently, the Chamber agreed for the TFV to submit these update reports on a bi-monthly basis.²
2. The TFV now requests to submit its update reports on a quarterly basis, i.e. every three months, starting with the 20th update report due in May,³ with reports to be filed mid-May, mid-August, mid-November, mid-February, etc.⁴ According to the TFV, this would permit aligning its reporting with the reports it receives from its implementing partners, and therefore allow for a ‘more efficient, consolidated and comprehensive reporting’.⁵ The TFV submits that such spacing would not have any adverse impact on the screening process,⁶ while at the same time allowing it to focus ‘its scarce resources on the implementation of reparations’ and ‘continue providing dense and complete reports’.⁷ In addition, the TFV requests that the page limit for such quarterly reports be set at 30 pages, to avoid having to file requests for an extension of page limit before submitting its update reports.⁸
3. The update reports submitted by the TFV on the implementation of reparations serve the important purpose of keeping the Chamber informed of the progress on actions taken in respect of the reparations modalities,⁹ as well as of the progress of the

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 (the ‘DIP Decision’), para. 22.

² Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Red, paras 104, 116.

³ Request to submit update reports on the implementation of reparations every three months, 10 February 2021, ICC-01/12-01/15-379 (the ‘Request’), paras 8, 10 (indicating that the 19th report would be filed within the currently applicable page and time limitations).

⁴ Request, ICC-01/12-01/15-379, para. 5.

⁵ Request, ICC-01/12-01/15-379, para. 5.

⁶ Request, ICC-01/12-01/15-379, para. 6.

⁷ Request, ICC-01/12-01/15-379, para. 7.

⁸ Request, ICC-01/12-01/15-379, para. 9.

⁹ See also DIP Decision, ICC-01/12-01/15-273-Red, para. 22.

screening process and the administrative decisions taken by the TFV on individual reparations applications.¹⁰

4. At the same time, the Chamber takes note of the indication of the TFV that it is now entering into the phase of monitoring the work of its implementing partners,¹¹ and of the progress made with regard to the screening of individual reparations applications.¹² The Chamber considers that in light of the stage of the reparations proceedings and the above, a reporting period on a quarterly basis strikes the appropriate balance between focusing the resources of the TFV and ensuring sufficient oversight by the Chamber over the progress of the implementation phase. Furthermore, the Chamber is of the view that the longer period between the update reports equally justifies setting the page limit for these reports at 30 pages, as requested by the TFV, while noting that the TFV is not required to necessarily fully exhaust this page limit with every report.

¹⁰ See DIP Decision, ICC-01/12-01/15-273-Red, paras 46-47. The Chamber recalls in this regard that in accordance with the amended screening procedure, negative administrative decisions, as opposed to positive ones, are to be notified to the Chamber as soon as they become final in line with the amended screening process, rather than by way of the TFV update report. See Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374-Conf, para. 9.

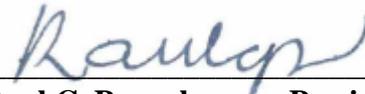
¹¹ Request, ICC-01/12-01/15-379, para. 5.

¹² See Eighteenth update report on the updated implementation plan, 29 December 2020, ICC-01/12-01/15-377-Conf, paras 20-25.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the Request.

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 17 February 2021

At The Hague, The Netherlands