

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **7 July 2021**

TRIAL CHAMBER VIII

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Bertram Schmitt
Judge María del Socorro Flores Liera

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 Legal Representative of Victims for Resumption of
Action for Deceased Victims a/10283/21 and a/10293/21**

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

The Office of the Prosecutor

Karim A. A. Khan
James Stewart
Gilles Dutertre

Counsel for the Defence

Mohamed Aouini

Legal Representative of Victims

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

Others

Trust Fund for Victims

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Others

TRIAL CHAMBER VIII of the International Criminal Court hereby issues the following ‘Decision on the Request of the Legal Representative of Victims for Resumption of Action for Deceased Victims a/10283/21 and a/10293/21’, in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Articles 68 and 75 of the Rome Statute.

1. On 17 August 2017, the Chamber issued its reparations order,¹ which was in part amended by the Appeals Chamber on 8 March 2018.²
2. On 11 March 2021, the Legal Representative of the Victims (the ‘LRV’) filed a request announcing the death of reparations applicants a/10283/21 and a/10293/21, and asking that family members succeed the victims for purposes of their applications for individual reparations (the ‘Request’).³ The Request indicates that the administrative decisions on the applications by the Trust Fund for Victims remain pending at the time of the Request,⁴ and asks that the designated successor can eventually benefit from any reparations award which may be accorded.⁵ Attached to the Request, the LRV provides supporting material to establish that: (i) victims a/10283/21 and a/10293/21 died; (ii) the persons proposed as successors are family relations to victims a/10283/21 and a/10293/21, respectively; and (iii) that the families of victims a/10283/21 and a/10293/21, respectively, designated the persons to resume actions initiated by victims a/10283/21 and a/10293/21, respectively, before the Court.⁶ The LRV further asks that the designated successors receive the same protective measures.⁷ No submissions in response were received.
3. In its 20th update report, the Trust Fund for Victims specified that the administrative decisions on the two initial applications for individual reparations remain pending.⁸

¹ Reparations Order, ICC-01/12-01/15-236.

² Judgment on the appeal of the victims against the “Reparations Order”, ICC-01/12-01/15-259-Red2.

³ Demande de reprise d’action introduite par les victimes a/10283/21 et a/10293/21, ICC-01/12-01/15-382, with confidential, *ex parte* annexes A and B.

⁴ Request, ICC-01/12-01/15-382, paras 2-3.

⁵ Request, ICC-01/12-01/15-382, para. 7.

⁶ Request, ICC-01/12-01/15-382, para. 6; Annex A, ICC-01/12-01/15-382-Conf-Exp-AnxA; Annex B, ICC-01/12-01/15-382-Conf-Exp-AnxB.

⁷ Request, ICC-01/12-01/15-382, para. 8.

⁸ Twentieth update report on the updated implementation plan and request to reclassify as public portions of the case record, 19 May 2021, ICC-01/12-01/15-386-Conf, para. 14.

4. The Chamber recalls that previously an application for resumption of action was granted when the three conditions of showing death of the victim, kinship of the proposed successor, and authorisation by the family were shown.⁹
5. In the instant case, the request concerns two individuals who filed applications for individual reparations regarding which the administrative decisions by the Trust Fund for Victims remain pending, and the question of whether, after the death of the victims, family members can take over their actions initiated before the Court.
6. The Chamber considers that, in a similar vein to a designated family member potentially being eligible to become beneficiary of a reparations award already granted,¹⁰ family members may also resume the actions initiated by their deceased relatives regarding which an administrative decision is still pending. This is without prejudice to the eventual outcome of the administrative decision to be issued by the Trust Fund for Victims.
7. Considering the above, and given the reasons and supporting material put forward by the LRV, the Chamber is of the view that the designated successors of a/10283/21 and a/10293/21, respectively, may continue the actions initiated by their deceased family members, under the same conditions as the initial applicants. Therefore, the Request is granted.

⁹ See Decision on LRV Request for Resumption of Action of Deceased Victim a/35084/16, 2 June 2017, ICC-01/12-01/15-223.

¹⁰ See Decision on the LRV Request for Resumption of Action for Deceased Victim a/20519/19, 21 April 2020, ICC-01/12-01/15-357, para. 4.

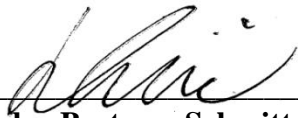
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the Request.

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



Judge Antoine Kesia-Mbe Mindua, Presiding Judge



Judge Bertram Schmitt



Judge María del Socorro Flores Liera

Dated 7 July 2021

At The Hague, The Netherlands