

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 December 2018**

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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

**Public redacted version of Fifth monthly on the updated implementation plan including information concerning further details relevant to the Board of Directors' complement decision, submitted on 14 December 2018,
ICC-01/12-01/15-305-Conf**

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

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations

Section

Mr Philipp Ambach

I. BACKGROUND

1. On 12 July 2018, Trial Chamber VIII (“Trial Chamber”) issued its decision on the Trust Fund for Victims’ (“Trust Fund”) draft implementation plan in the present case,¹ wherein it directed the 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 monthly update reports. The Defence submitted observations to the latter on 5 December 2018.⁷

3. On 2 November 2018, the Trust Fund filed the UIP.⁸

4. On 21 November 2018, the Trial Chamber adopted the new application form proposed by the Trust Fund, subject to one change.⁹

5. On 30 November 2018, following the government of Mali’s request for an extension of time,¹⁰ the Trial Chamber set 8 January 2019 for the Malian authorities’ observations on the UIP and 15 January 2019 for the parties’ observations thereon.¹¹

6. The Trust Fund hereby submits its fifth monthly update report. During the reporting period, activities in The Hague have revolved around the drafting of the Expression of Interest, and exchanges with both the legal representative of the victims

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](#) (“Decision on Draft Implementation Plan”).

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.

⁷ *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.

⁸ 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).

⁹ Decision on TFV Submission on Draft Application Form, 21 November 2018, ICC-01/12-01/15-301.

¹⁰ Annex to the Transmission of Correspondence from the Malian Authorities, 29 November 2018, ICC-01/12-01/15-302-Conf-Anx.

¹¹ Decision on Malian Authorities’ Request for Extension of Time to Submit Observations on the Updated Implementation Plan, 30 November 2018, ICC-01/12-01/15-303.

(“LRV”) and the Victims Participation and Reparations Section (“VPRS”) concerning upcoming steps. There have also been missions to Mali and Paris for purposes of, respectively, the training of intermediaries and furthering the engagement with UNESCO.

II. CLASSIFICATION OF THE PRESENT SUBMISSION

7. 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.¹² No information is deemed necessary to redact from the parties.¹³ A public redacted version of the information concerning further details relevant to the Board of Director’s Complement Decision will be made available as soon as feasible.

III. UPDATE REPORT OF 14 DECEMBER 2018

8. 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.

9. Specifically, the Trust Fund made progress on the organisation of the outreach campaign and on the identification of new applicants for individual reparations. From 12 to 14 November 2018, the Trust Fund’s Associate Field Programme Officer *de facto* in Mali and one legal staff, [REDACTED]

10. By way of follow up, on 22 November, the Trust Fund met with the LRV to start planning the future outreach campaign to identify new applicants. During this meeting, issues such as the potential date of a joint mission to Bamako, identification of intermediaries and content of their training were discussed. On 11 December 2018, the Trust Fund met with VPRS to address similar topics and discuss a future collaboration.

11. In respect of the improvement of the protection and maintenance of the Protected Buildings and specifically the rehabilitation of cemetery walls, the Executive

¹² First Monthly Report, para. 3; Second Monthly Report, para. 8; and Third Monthly Report, para. 13.

¹³ [Decision on Draft Implementation Plan](#), para. 22.

Director, Board member Mme Doumbia as well as staff from the Trust Fund travelled to UNESCO HQ in Paris on 20 November 2018. Further to a formal engagement with UNESCO [REDACTED], a working level meeting took place to address matters such as joint resource mobilisation efforts to ensure funds for administrative and accompanying costs related to the protection and maintenance part of the UIP. The Trust Fund and UNESCO HQ have further agreed to move forward in formalising the partnership between the two organisations [REDACTED]. A detailed agreement concerning programmatic collaboration will be developed in 2019 [REDACTED].

12. With respect to the EUR 1 symbolic award to UNESCO, the working level meeting also addressed the preparation of the joint Malian-UNESCO ceremony for the symbolic award to take place in Bamako at a date to be determined, and the joint publicity related to such ceremony and resource mobilisation activities.

13. Furthermore, the Trust Fund has examined which of the awards should be implemented by a partner and has drafted an Expression of Interest to this end. This concerns specifically the planting of trees and living hedges as a dune fixation technique around the 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. In respect of economic rehabilitation, the Expression of Interest targets implementing partners capable of setting up the Economic Resilience Facility as described in the UIP. Bidders will be likewise called for the moral rehabilitation programmes.

14. Lastly, upon approval of the application form by the Trial Chamber, the Trust Fund applied the modifications required and shared the new form with the parties and the VPRS.¹⁴ The amended form is attached to the present submission for the Trial Chamber's information.

¹⁴ Email from Trust Fund to VPRS and LRV team on 22 November 2018 at 08:53. On 23 November 2018, the VPRS indicated that they had no comment; the LRV acquiesced.

IV. FURTHER DETAILS RELEVANT TO THE BOARD OF DIRECTORS' COMPLEMENT DECISION

15. The Trust Fund recalls that Norway and the United Kingdom had indicated their intent to contribute to the reparation awards in *Al Mahdi* with NOK 5 million and GBP 25,000, respectively.¹⁵ These pledges were already included in the Board of Directors' decision to allocate EUR 1.35 million towards the *Al Mahdi* complement request notified to the Trial Chamber on 15 August.¹⁶ The Trust Fund wishes to inform the Trial Chamber that it has now effectively received these pledges from both Norway and the United Kingdom.

16. The Trust Fund would like to express its deep gratitude to Norway and the United Kingdom for these donations, and reiterates its commitment to continue working diligently to identify additional donors in order to provide a full complement for the benefit of the victims in *Al Mahdi*.

V. CONCLUSION

17. 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 December 2018
At The Hague, The Netherlands

¹⁵ Corrected version of Draft Implementation Plan for Reparations, with confidential Annex I, 20 April 2018, ICC-01/12-01/15-265-Conf, 30 April 2018, (ICC-01/12-01/15-265-Conf-Corr), para. 35.

¹⁶ First Monthly Report, para.17.