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TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Kimberly Prost

**SITUATION IN THE REPUBLIC OF MALI
IN THE CASE OF
THE PROSECUTOR *v.* AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD**

**Public
With one Confidential Annex
and one Confidential *EX PARTE* Annex, only available to the Registry and the
Common Legal Representatives of Victims**

**Fourteenth Registry Assessment Report on Victim Applications for Participation in
Trial Proceedings**

Source: Registry

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

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I. Introduction

1. For the purpose of organizing victim participation at the trial stage in the case of the *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (“Case”), Trial Chamber X (“Chamber”) ruled in its ‘Decision on the procedure for the admission of victims to participate in trial proceedings’ (“12 March 2020 Decision”) to continue the “ABC approach” for victim admission as applied at the pre-trial stage in the Case, with minor modifications.¹ Following this procedure, the Registry classifies victim applicants into three categories: (a) applicants who clearly qualify as victims in the Case (“Group A”); (b) applicants who clearly do not qualify as victims (“Group B”); and (c) applicants for whom the Registry could not make a clear determination for any reason (“Group C”).² The Chamber ordered the Registry to submit Group C application forms no later than 45 days before the start of trial, and Group A forms no later than 15 days before the start of trial,³ together with reports thereon.⁴
2. On 12 June 2020, the Chamber decided to extend the deadline set by the 12 March 2020 Decision for the final transmission of newly collected victim applications to the end of the Prosecution case on the basis of the current COVID-19 pandemic (“12 June 2020 Decision”). The Chamber instructed the Registry to file any newly collected applications on a rolling basis in periodic

¹ Trial Chamber X, “Decision on the procedure for the admission of victims to participate in proceedings for the purposes of trial”, 12 March 2020, ICC-01/12-01/18-661.

² *Id.*, at paras 19-21; See also Pre-Trial Chamber I, “Decision Establishing the Principles Applicable to Victims’ Applications for Participation”, 24 May 2018, ICC-01/12-01/18-37, para 59 (i).

³ 12 March 2020 Decision, para. 29.

⁴ 12 March 2020 Decision, para. 29. The corresponding reports are transmitted to the parties and the common legal representatives of victims (“CLRs”) (*see id.*, para. 24). The Registry also notes the Chamber’s instruction with respect to Group B applications that “applications assessed by the Registry as being incomplete *and/or falling outside the scope of the concerned case* need not be transmitted to the Chamber”, and that the Registry should inform the Chamber “of any applications rejected on that account” (*see para. 18 in fine*).

intervals and as was previously the case, the Registry's final corresponding reports must be notified within the same deadline.⁵

3. During the trial proceedings to date, the Registry has received a total of 2,539 victim applications⁶ to participate in the Case ("Total Applications Received").⁷ The Registry has assessed all of the Total Applications Received,⁸ out of which 2,196 applications were assessed as complete and falling within the scope of the Case (Group A applications)⁹ (including 249 new applications subject to the present report¹⁰), 130 applications were assessed as complete and falling

⁵ Trial Chamber X, "Decision on request for extension of deadlines for the final transmission of victim applications for participation at trial", 12 June 2020, ICC-01/12-01/18-880, paras 10-14 and Disposition, p. 8.

⁶ This number does not include applications identified as duplicates (i.e. additional form(s) submitted by the same applicant in the same proceedings) when the duplicate is assessed by the Registry as a supporting document to the initial form (e.g. the duplicate displays additional information) thus both documents are registered as a consolidated form (counted once), or when the duplicate displays the exact same content as the initial form (e.g. exact copy); and it does not include two forms submitted by deceased applicants.

⁷ In order to meet the 12 June 2020 Decision's deadline, the Registry set a deadline of 22 November 2021 to its interlocutors, and notably the LRVs, for the transmission of applications to the Registry (e-mail correspondence of the VPRS to the LRVs of 9 November 2021, at 17h48). The Registry notes, that still, between 30 November 2021 and 27 January 2022, the Registry received 132 newly collected applications and between 14 January 2022 and 15 February 2022 it has received supplementary information for applications assessed previously as incomplete.

⁸ The Registry was able to assess all application forms and relevant supplementary information received, including 880 applications of previously participating victims at pre-trial proceedings (see "Registry's Third Assessment Report on Victim Applications for Participation in Trial Proceedings", 29 June 2020, ICC-01/12-01/18-910, para. 23). Among the Total Applications Received, it includes the applications of witness P-0641, P-0636 and witness P-0547 subject to specific Chamber's instructions conveyed to the VPRS respectively by 12 March 2021 Decision, ICC-01/12-01/18-1364, para. 19, and by e-mail correspondence of 22 March 2021, at 11h17 and 26 October 2021 at 17h54.

⁹ See *infra*, paras 22-23. This number includes 826 applications from victims authorised to participate during pre-trial proceedings and who remain within the scope of the confirmed Case. The Registry refers to its previous transmissions of Group A applications (see *infra*, footnote 22) and to the transmission of applications submitted simultaneously on a separate cover and subject to the present report. To date, the Chamber has admitted all Group A applications as participating victims for the purposes of trial proceedings, see *infra*, footnote 25. The Registry notes that the number of 2,196 does not count two consolidated applications re-transmitted as Group A applications to the Chamber (see "Twelfth Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings", 14 December 2021, ICC-01/12-01/18-2070, footnote 7; and the present report, see *infra*, footnote 30).

¹⁰ See *infra*, paras 18-21.

outside the scope of the Case (Group B applications),¹¹ and 213 applications have been assessed as incomplete and requiring supplementary information.¹²

4. The Registry hereby submits its fourteenth report on victim applications for participation in the trial proceedings in the Case which includes:

1) A report on the additional 249 complete applications falling within Group A entailing:

- (i) a brief description of the assessment criteria applied in relation to the 249 applicants who clearly, in the Registry's assessment, qualify as victims in Group A; and
- (ii) a list of the 249 applications falling under Group A ("List") which are transmitted in their original version to the Chamber under separate cover, in accordance with the 12 March 2020 Decision, as Annex I.

2) A consolidated overview of the Total Applications Received in the Case, entailing:

- (i) a brief description of the applications assessed as complete and within the confirmed scope of the Case;
- (ii) a brief description of the applications assessed as falling outside the confirmed scope of the Case and/or assessed as incomplete, accompanied by a list of these applications, as Annex II.

II. Procedural History

5. On 24 May 2018, Pre-Trial Chamber I issued a decision setting out, *inter alia*, the transmission and admission procedure for victim participation at the confirmation hearing in the Case.¹³

¹¹ See *infra*, paras 24-25 and 27.

¹² See *infra*, paras 26-27.

¹³ See *supra*, footnote 2, 24 May 2018 Decision.

6. On 1 July 2019, Pre-Trial Chamber I issued a further decision, authorising 882 victims to participate at the confirmation hearing in the Case (“Participating Victims”).¹⁴
7. On 30 September 2019, Pre-trial Chamber I confirmed the charges of war crimes and crimes against humanity brought against the accused and committed him to trial.¹⁵
8. On 6 January 2020, the Chamber set the start of trial on 14 July 2020.¹⁶
9. On 24 January 2020, the Registry submitted a report informing the Chamber *inter alia* that it had started to review the Participating Victims’ applications in order to assess whether they remain within the scope of the confirmed Case.¹⁷
10. On 12 March 2020, the Chamber issued its decision establishing the procedure for the participation of victims at trial.¹⁸
11. On 23 April 2020, Pre-Trial Chamber I issued a decision modifying the charges confirmed against the accused.¹⁹
12. On 12 June 2020, the Chamber extended the deadline for the final transmission of newly collected victim applications to the end of the Prosecution case.²⁰ The

¹⁴ Pre-Trial Chamber I, « Décision relative à la participation des victimes à la procédure », 1 July 2019, ICC-01/12-01/18-391-Conf-Exp. A public redacted version was filed on the same day (ICC-01/12-01/18-391-Red).

¹⁵ Pre-Trial Chamber I, “Rectificatif à la Décision relative à la confirmation des charges portées contre Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 8 November 2019, ICC-01/12-01/18-461-Conf-Corr. A public redacted version was filed on 13 November 2019 (ICC-01/12-01/18-461-Corr-Red).

¹⁶ Trial Chamber X, “Decision Setting the Commencement Date of the Trial”, 6 January 2020, ICC-01/12-01/18-548, p. 9.

¹⁷ Registry, “Registry Report on the implementation of Trial Chamber X’s Decision of 20 December 2019 (ICC-01/12-01/18-536)”, 24 January 2020, ICC-01/12-01/18-563-Conf-Exp-Anx, para. 6. A confidential redacted version was filed on the same day (ICC-01/12-01/18-563-Conf-Anx-Red) as well as a public redacted version (ICC-01/12-01/18-563-Anx-Red2).

¹⁸ See *supra*, footnote 1, 12 March 2020 Decision.

¹⁹ Pre-Trial Chamber I, “Rectificatif à la Décision portant modification des charges confirmées le 30 septembre 2019 à l’encontre d’Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 1 May 2020, ICC-01/12-01/18-767-Conf-Corr. A public redacted version was filed on 8 May 2020 (ICC-01/12-01/18-767-Corr-Red).

²⁰ See *supra*, footnote 5, 12 June 2020 Decision. Also, on 24 November 2020, the Chamber clarified to the Registry that applications received prior to the Case-specific application process may be transmitted insofar as they are assessed by the Registry as complete and falling within the scope of the Case (“24 November 2020 clarification”), see e-mail correspondence from Trial Chamber to VPRS, on 24

Chamber also ruled that after the expiry of the deadline, the Registry is encouraged to continue collecting (but not to file or transmit) application forms for the purposes of any future reparations proceeding.²¹

13. Between 29 May 2020 and 14 December 2021, the Registry transmitted to the Chamber 1,946 Group A applications through twelve transmissions together with a report thereon,²² informed the Chamber about 47 Group B applications

November 2020, at 10h50; and “Registry Fourth Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 18 December 2020, ICC-01/12-01/18-1216, paras 5-6.

²¹ 12 June 2020 Decision, para. 15.

²² Registry, “Registry First Transmission of Group A Victim Applications for Participation in Trial Proceedings”, dated 24 June 2020 and notified on 25 June 2020, ICC-01/12-01/18-901 (209 Group A applications transmitted), and “Registry’s Second Assessment Report on Victim Applications for Participation in Trial Proceedings”, 24 June 2020, ICC-01/12-01/18-900; “Registry Second Transmission of Group A Victim Applications for Participation in Trial Proceedings”, dated 29 June 2020 and notified on 30 June 2020, ICC-01/12-01/18-913 (888 Group A applications transmitted), and “Registry’s Third Assessment Report on Victim Applications for Participation in Trial Proceedings”, 29 June 2020, ICC-01/12-01/18-910; “Registry Third Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 13 November 2020, ICC-01/12-01/18-1153 (183 Group A applications transmitted), and “Registry’s Fourth Assessment Report on Victim Applications for Participation in Trial Proceedings”, 13 November 2020, ICC-01/12-01/18-1152; “Registry Fourth Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 18 December 2020, ICC-01/12-01/18-1216 (50 Group A applications transmitted), and “Registry’s Fifth Assessment Report on Victim Applications for Participation in Trial Proceedings”, 18 December 2020, ICC-01/12-01/18-1214; “Registry’s Fifth Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 22 January 2021, ICC-01/12-01/18-1259 (70 Group A applications transmitted), and “Registry’s Sixth Assessment Report on Victim Applications for Participation in Trial Proceedings”, 22 January 2021, ICC-01/12-01/18-1260; “Registry’s Sixth Transmission of Group A Victims Applications for Participation in Trial Proceedings”, dated 5 March 2021 and notified on 8 March 2021, ICC-01/12-01/18-1343 (40 Group A applications transmitted), and “Registry’s Seventh Assessment Report on Victim Applications for Participation in Trial Proceedings”, dated 5 March 2021 and notified on 8 March 2021, ICC-01/12-01/18-1342; “Registry’s Seventh Transmission of Group A Victims Applications for Participation in Trial Proceedings”, 19 May 2021, ICC-01/12-01/18-1489 (63 Group A applications transmitted), and “Registry’s Eighth Assessment Report on Victim Applications for Participation in Trial Proceedings”, 19 May 2021, ICC-01/12-01/18-1488; “Registry’s Eighth Transmission of Group A Victim Applications for Participation in Trial Proceedings”, dated 10 June 2021 and notified on 11 June 2021, ICC-01/12-01/18-1510 (51 Group A applications transmitted), and “Registry’s Ninth Assessment Report on Victim Applications for Participation in Trial Proceedings”, dated 10 June 2021 and notified on 11 June 2021, ICC-01/12-01/18-1509; “Ninth Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 27 August 2021, ICC-01/12-01/18-1665 (70 Group A applications transmitted), and “Tenth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 27 August 2021, ICC-01/12-01/18-1666; “Tenth Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 18 October 2021, ICC-01/12-01/18-1816 (203 Group A applications transmitted), and “Eleventh Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 18 October 2021, ICC-01/12-01/18-1817; “Eleventh Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 12 November

assessed as falling outside the scope of the Case and 101 applications assessed as incomplete,²³ and transmitted to the Chamber five Group C applications together with a report thereon.²⁴

14. Between 17 June 2020 and 17 January 2022, the Chamber issued twelve decisions on the admission of victims to participate in trial proceedings, admitting 1,946 applicants as participating victims for the purposes of the trial

2021, ICC-01/12-01/18-1917 (50 Group A applications transmitted), and “Twelfth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 12 November 2021, ICC-01/12-01/18-1918; “Twelfth Registry Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 14 December 2021, ICC-01/12-01/18-2070 (69 Group A applications transmitted and one consolidated application retransmitted with a form newly filled by an individual who has already been authorised to participate in the proceedings) and “Thirteenth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 14 December 2021, ICC-01/12-01/18-2069.

²³ Registry, “Registry’s Third Assessment Report on Victim Applications for Participation in Trial Proceedings”, 29 June 2020, ICC-01/12-01/18-910, and its Annex II providing a list of reference numbers of applications assessed as outside the scope of the case and applications assessed as incomplete (ICC-01/12-01/18-910-Conf-Exp-AnnexII).

²⁴ Registry, “Registry Transmission of Group C Victim Applications for Participation at Trial”, 29 May 2020, ICC-01/12-01/18-834, and “Registry First Assessment Report on Victim Applications for Participation in Trial Proceedings”, 29 May 2020, ICC-01/12-01/18-835. This first report provided also an overview of the preliminary results of the Registry’s review on the Participating Victims’ applications which remain within the scope of the confirmed Case.

proceedings,²⁵ rejecting 47 applications assessed as falling outside the scope of the Case,²⁶ and deferring its ruling as regards the status of one applicant.²⁷

III. Applicable Law

15. The present report is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court (RoC), and regulations 107 to 109 of the Regulations of the Registry.

IV. Classification

16. In accordance with the regulation 23*bis*(1) RoC, Annex I to the present report is classified as confidential and Annex II is classified as confidential *ex parte*, in compliance with paragraphs 18 and 29 of the 12 March 2020 Decision.²⁸

²⁵ Trial Chamber X, “Second decision on the admission of victims to participate in trial proceedings”, 17 June 2020, ICC-01/12-01/18-886-Conf-Exp (“17 June 2020 Decision”). A public redacted version was filed on 23 June 2020 (four Group C applicants have seen their status as participating victims retain for the purposes of the trial proceedings); “Third decision on the admission of victims to participate in trial proceedings”, 10 August 2020, ICC-01/12-01/18-992 (“10 August 2020 Decision”)(1,097 Group A applicants admitted); “Fourth decision on the admission of victims to participate in trial proceedings”, 14 December 2020, ICC-01/12-01/18-1204 (“14 December 2020 Decision”)(183 Group A applicants admitted); “Fifth decision on the admission of victims to participate in trial proceedings”, 29 January 2021, ICC-01/12-01/18-1271 (“29 January 2021 Decision”)(120 Group A applicants admitted); “Sixth Decision on the admission of victims to participate in trial proceedings”, 12 March 2021, ICC-01/12-01/18-1364 (“12 March 2021 Decision”) (40 Group A applicants admitted); “Seventh decision on the admission of victims to participate in trial proceedings”, 21 May 2021, ICC-01/12-01/18-1493 (“21 May 2021 Decision”)(63 Group A applicants admitted); “Eighth decision on the admission of victims to participate in trial proceedings”, 14 June 2021, ICC-01/12-01/18-1512 (“14 June 2021 Decision”) (51 Group A applicants admitted); “Ninth decision on the admission of victims to participate in trial proceedings”, 20 September 2021, ICC-01/12-01/18-1734 (“20 September 2021 Decision”) (70 Group A applicants admitted); “Tenth decision on the admission of victims to participate in trial proceedings”, 22 October 2021, ICC-01/12-01/18-1843 (“22 October 2021 Decision”) (203 Group A applicants admitted); and “Eleventh decision on the admission of victims to participate in trial proceedings”, 17 November 2021, ICC-01/12-01/18-1930 (“17 November 2021 Decision”)(50 Group A applicants admitted); “Twelfth decision on the admission of victims to participate in trial proceedings”, 17 January 2022, ICC-01/12-01/18-2086 (“17 January 2022 Decision”)(69 Group A applicants admitted).

²⁶ See *supra*, footnote 25, 10 August 2020 Decision, Disposition, p. 6.

²⁷ See *supra*, footnote 25, 17 June 2020 Decision, Disposition, p. 10. The Registry notes that the deferred application (under reference a/45265/18) has been re-assessed as falling within Group B applications, see *infra* footnote 46.

²⁸ See *supra*, footnotes 1 and 4, see also footnote 2, 24 May 2018 Decision, para. 59(iii).

V. Submissions

1) Details on the Assessment Criteria and List of Applications Falling within Group A

17. Since its last report, the Registry has assessed 249 additional applications as falling within Group A and which are subject of the present report²⁹ and of a transmission to the Chamber under separate cover.³⁰

18. Applying the criteria set out in the 24 May 2018 Decision³¹ and the 17 June 2020 Decision³² the Registry has assessed 249 applications transmitted within Group A as complete. In conducting its *prima facie* assessment in accordance with paragraph 48 of the 24 May 2018 Decision, the Registry confirms that each of the 249 applicants whose applications have been transmitted in Group A have met the following criteria:

²⁹ It includes applications previously submitted to the Registry but that were assessed as incomplete; additional information were received afterwards, rendering these applications ready for transmission. Among these 249 applications, three are submitted by applicants subject to specific Chamber's instructions (see *supra*, footnote 8); and six under reference a/45274/18, a/11119/21, a/11120/21, a/11121/21, a/11297/7/21 and a/11310/21 have been completed by a video either in local language (with transcription) or in French (without transcription). For the later, the Registry has assessed the videos as providing additional information to the forms and therefore has considered them as supporting document to be transmitted to the Chamber (through Trim container, due to the large size of the video filings) upon Chamber's request (on Registry's previous practice, see "Registry's Fifth Assessment Report on Victim Applications for Participation in Trial Proceedings", 18 December 2020, ICC-01/12-01/18-1214, footnote 30).

³⁰ The Registry notes that in addition to the 249 new applications falling within Group A and transmitted to the Chamber under separate cover, one application under reference a/50680/20 (transmitted previously within Group A on 13 November 2020, ICC-01/12-01/18-1153-Conf-Exp-Anx161, and accepted for participation in the proceedings by the Chamber's 14 December 2020 Decision, ICC-01/12-01/18-1204, para. 11), is re-transmitted under Group A as a consolidated document including the original and new form filled in by victim a/50680/20 for the completeness of the case record. The present transmission replaces the original transmission of application a/50680/20 following Chamber's previous instructions on similar case (see "Thirteenth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings", 14 December 2021, ICC-01/12-01/18-2069, footnote 29).

³¹ See *supra*, footnote 2, 24 May 2018 Decision, para. 46. The Registry notes that in its 12 March 2020 Decision the Chamber highlighted that "[o]n substantive legal issues regarding the definition of victims, [it] refers to the consistent jurisprudence on Rule 85 of the Rules, as set out by the PTC I Single Judge" (12 March 2020 Decision, para. 8).

³² See *supra*, footnote 25, 17 June 2020 Decision.

- i. His or her identity as a natural person is established;³³
- ii. He or she has suffered harm;
- iii. The harm suffered is a result of an incident falling within the temporal, geographic and material scope of the *Al Hassan* case.

19. In relation to point (i), the Registry noted that certain applications³⁴ falling under Group A contain minor discrepancies pertaining to *inter alia* the spelling of the applicants' names.³⁵ In these cases, the Registry took note of Pre-Trial

³³ The Registry notes that four applications (under reference a/45238/18, a/10889/21, a/11295/21 and a/11403/21) have been submitted by an applicant under the age of 18 at the time of the submission of the application for participation in the proceedings. The Registry has analysed these applications in light of the supplementary information received confirming the wish of the victim to participate in the proceedings, expressed after having reached the age of 18 and/or of the elements on the demonstrated maturity of the applicant at the time of the submission of the application (and who since has reached the age of 18). Therefore the Registry considers that these applicants qualify as victims in Group A (see also Registry's Third Assessment Report, 29 June 2020, ICC-01/12-01/18-910, footnote 24).

³⁴ The applications with minor discrepancies include: a/45180/18, a/45203/18, a/45274/18, a/45295/18, a/50327/20, a/50334/20, a/50403/20, a/50413/20, a/50417/20, a/50421/20, a/50424/20, a/50428/20, a/50437/20, a/50440/20, a/10832/21, a/10851/21, a/10985/21, a/11011/21, a/11027/21, a/11030/21, a/11034/21, a/11035/21, a/11048/21, a/11049/21, a/11052/21, a/11056/21, a/11057/21, a/11061/21, a/11070/21, a/11076/21, a/11083/21, a/11094/21, a/11117/21, a/11120/21, a/11121/21, a/11128/21, a/11131/21, a/11143/21, a/11189/21, a/11190/21, a/11191/21, a/11192/21, a/11193/21, a/11194/21, a/11195/21, a/11196/21, a/11197/21, a/11199/21, a/11200/21, a/11201/21, a/11202/21, a/11203/21, a/11204/21, a/11205/21, a/11206/21, a/11207/21, a/11208/21, a/11209/21, a/11210/21, a/11211/21, a/11212/21, a/11213/21, a/11214/21, a/11215/21, a/11216/21, a/11217/21, a/11218/21, a/11220/21, a/11221/21, a/11223/21, a/11224/21, a/11225/21, a/11226/21, a/11228/21, a/11229/21, a/11232/21, a/11233/21, a/11234/21, a/11236/21, a/11237/21, a/11238/21, a/11239/21, a/11240/21, a/11241/21, a/11242/21, a/11243/21, a/11244/21, a/11245/21, a/11246/21, a/11247/21, a/11248/21, a/11250/21, a/11251/21, a/11252/21, a/11253/21, a/11255/21, a/11256/21, a/11258/21, a/11259/21, a/11262/21, a/11264/21, a/11265/21, a/11267/21, a/11273/21, a/11275/21, a/11279/21, a/11280/21, a/11281/21, a/11282/21, a/11283/21, a/11290/21, a/11292/21, a/11295/21, a/11296/21, a/11297/21, a/11298/21, a/11301/21, a/11306/21, a/11308/21, a/11309/21, a/11310/21, a/11313/21, a/11314/21, a/11316/21, a/11318/21, a/11319/21, a/11321/21, a/11322/21, a/11324/21, a/11325/21, a/11326/21, a/11330/21, a/11332/21, a/11335/21, a/11338/21, a/11340/21, a/11341/21, a/11342/21, a/11343/21, a/11347/21, a/11348/21, a/11349/21, a/11350/21, a/11352/21, a/11354/21, a/11356/21, a/11358/21, a/11363/21, a/11364/21, a/11367/21, a/11370/21, a/11375/21, a/11376/21, a/11377/21, a/11380/21, a/11385/21, a/11386/21, a/11387/21, a/11390/21, a/11391/21, a/11392/21, a/11393/21, a/11396/21, a/11400/21, a/11403/21, a/35049/22, a/35050/22, a/35051/22, a/35053/22, a/35055/22, a/35056/22, a/35058/22, a/35066/22 and a/35068/22.

³⁵ The discrepancies identified include: a spelling mistake in the applicant's first name (or second first name) and/or surname in the application form compared to the identification document; a mix up in the applicant's first name and/or surname in the application form compared to the identification document; the applicant's first name or second first name was not written in the application or in the identification document; the applicant's face and/or identity details is slightly obscured and/or blurred

Chamber I's instruction that "a certain degree of flexibility must be shown" and considers that the discrepancies presented in these applications "do not call into question the overall credibility of the information provided by the applicant [...]"³⁶

20. The Registry also notes that of these 249 applications, 241 mention a lawyer who is a member of the court-appointed team of common legal representatives³⁷ as his legal representative, while eight applicants have not appointed any legal representative in their form.³⁸
21. The Registry has provided a table in the Annex I with the list of the applications that fall within Group A.

2) Consolidated Overview of the Total Applications Received

- (i) *Brief description of applications assessed as complete and within the confirmed scope of the Case*

on the identity card due to the poor quality/resolution of the image; the applicant's full date of birth does not appear in the application form and/or appears in the form but is slightly obscured in on the identity card; the applicant's date of birth in the application form differs slightly from that on the applicant's state identity card; the applicant's gender is missing in the application form or differs from that on the applicant's identity card (which is probably due to an inadvertent error as the gender is clearly established in the context of the form and in the identity card); an additional page, continuing the description of the events, is joined to the application form but is not signed or dated.

³⁶ See *supra* footnote 2, 24 May 2018 Decision, para. 50. See also *supra*, footnote 31, Trial Chamber's 12 March 2020 Decision, para. 8.

³⁷ See for the appointment of the CLRs: Pre-Trial Chamber I, "Public redacted version of Decision on Principles Applicable to Victims' Applications for Participation, to Legal Representation of Victims, and to the Manner of Victim Participation in the Proceedings", 20 March 2019, ICC-01/12-01/18-289-Red-tENG-Corr, para. 36.

³⁸ The Registry has confirmed that the applicants, registered under the reference a/50769/20, a/50814/20, a/10717/21, a/10832/21, a/10851/21, a/10889/21, a/35049/22 and a/35069/22, who have not appointed any lawyer in their form, have expressed their acceptance to be represented by the CLRs currently representing victims participating at trial (see Chamber's guidance in 12 March 2020 Decision, para. 39); See also the Chamber's prior rulings on unrepresented applicants in the proceedings in 10 August 2020 Decision, para. 13; 14 December 2020 Decision, para. 14; 29 January 2021 Decision, para. 16; 12 March 2021 Decision, para. 12; 21 May 2021 Decision, para. 8 ; and 14 June 2021 Decision, para. 8; 20 September 2021 Decision, para. 8 ; 22 October 2021 Decision, para. 8 and 17 November 2021 Decision, para. 8.

22. The Registry has assessed 2,196 applications as complete and within the scope of the Case and have transmitted them to the Chamber as Group A applications (including 249 new applications being transmitted simultaneously under a separate cover).³⁹

23. Among these, the Registry notes that 2,195 applications are from individuals⁴⁰ and one is from an organisation. All of the applicants alleged to have suffered personal harm resulting from one or several crimes, including attacks against protected objects, committed in Timbuktu and the region between 7 May 2012 and 28 January 2013.

(ii) *Brief description of applications assessed as falling within Group B applications and/or assessed as incomplete*

24. The Registry has assessed 130 applications as clearly outside the scope of the Case and thus falling within Group B. Among these, 47 applications have already been reported⁴¹ and were as a result rejected by Chamber in its 10

³⁹ See *supra*, para. 3, footnote 9 and footnote 30 with regards to the re-transmission under the same separate cover of the consolidated application (under reference a/50680/20). The Registry also notes that 11 victim applications for participation in the *Al-Hassan* case have been transmitted to the Office of the Prosecutor (“OTP”) in compliance with Trial Chamber X’s Decision of 20 December 2019 (“Decision on the Prosecution request for access to the identity and applications of participating victims and inviting report and submissions on victim application procedure”, 20 December 2019, ICC-01/12-01/18-536, para. 11, b) and the Chamber’s instructions conveyed to the VPRS by e-mail correspondence on 18 December 2020 at 15h47, 9 March 2021 at 11h12, and 22 October 2021 at 17h23; the Registry has also transmitted to the OTP one victim’s application for reparations in the *Al Mahdi* case, in compliance with Trial Chamber VIII’s Order in the *Al-Mahdi* case of 28 February 2020, ICC-01/12-01/15-350; moreover, three victim’s applications for participation in the *Al-Hassan* case have been transmitted by the Registry to the parties, in compliance with the Chamber’s “Decision on LRVs requests to present evidence and views and concerns” issued on 9 December 2021, ICC-01/12-01/18-2063-Red.

⁴⁰ The Registry notes that a large number of applicants (423) has alleged harm as a result of the same incident related to the destruction of a protected object not listed under the protected objects within count 7 but falling under the crime of persecution (count 13).

⁴¹ See *supra*, footnote 23; see also the updated figures in the Registry’s Assessment Reports on Victims Applications (footnote 22).

August 2020 Decision,⁴² while additional 83 applications are reported to the Chamber in the present submission.⁴³

25. These applications have been assessed as falling outside the scope of the confirmed Case due to the fact that either 1) the victims mentioned that the alleged incidents occurred either in April 2012, or in May 2012 but at a specific date *before* 7 May 2012, and/or that the alleged incidents occurred in a location outside the Timbuktu region, therefore before the relevant period and/or outside the relevant geographical area of responsibility of the accused as established in the present Case;⁴⁴ 2) that the victims do not meet the criteria to be considered as victims under the Rule 85 (b) of the Rules of Procedure and Evidence;⁴⁵ or 3) that the victim does not meet the criteria set by the Chamber to be considered as an eyewitness of the crime.⁴⁶

26. In addition, the Registry has assessed 213 applications as incomplete,⁴⁷ pending the receipt of supplementary information.⁴⁸

⁴² See *supra*, footnote 25.

⁴³ The Registry notes that it informed the legal representatives of the victims accordingly by e-mail correspondence of 8 May 2020, at 15h35; 26 May 2020, at 11h41; 29 June 2020, at 16:04; 13 November 2020, at 17h38; 5 March 2021, at 16h41; and 2 August 2021, at 18h56.

⁴⁴ Confirmation of Charges Decision, p. 466. The Registry notes that also the other elements reported in the applications did not allow the Registry to establish *prima facie* and in consideration of the intrinsic coherence of the information provided by the victims, that the personal harm reported by the victims resulted from an incident falling within the temporal, geographic and material parameters of the Case.

⁴⁵ It includes the applications submitted by two organisations (under reference a/45129/18 and a/10394/21).

⁴⁶ It includes a deferred applicant (under reference a/45265/18). Following a request for clarification, the Registry was informed that the applicant was not an eyewitness of at least one incident referred to in the application (e-mail correspondence from the legal representative of the victim to the VPRS on 6 June 2021, at 17h27). On the basis of the complementary information received, the Registry re-assessed this application as falling outside the scope of the Case and following the Chamber's instructions it included this application within Group B (see 17 June 2020 Decision, ICC-01/12-01/18-886-Conf-Exp, para. 16).

⁴⁷ See *supra*, footnote 23; see also the updated figures in the Registry's Assessment Reports on Victims Applications (footnote 22). This updated number includes 89 applications received at pre-trial proceedings, re-assessed in light of the Confirmation of Charges Decision as incomplete for the purpose of the trial proceedings and still pending the receipt of supplementary information and 124 applications received during the trial proceedings with 26 applications identified as potential duplicates under request for clarification.

⁴⁸ The Registry notes that supplementary information has been requested to the respective legal representatives of the applicants through several e-mail correspondences during the proceedings (the

27. The Registry has provided a table in Annex II with the list of additional applications that fall within Group B and an updated list of the applications assessed as incomplete.

28. Following the Chamber's decision on Group C applications, five applications initially assessed as unclear and transmitted within Group C have been allocated either within Group A or Group B.⁴⁹

29. The current proceeding is reaching the end of the Prosecution case⁵⁰ which was set by the Chamber as the deadline for the last transmission of the victim application in trial proceedings in the *Al Hassan* case.⁵¹ In accordance with the

latest requests were sent on 21 December 2021 at 12h30, 18 January 2022 at 16h58, and 21 January 2022 at 13h32). Clarifications which have been requested by the Registry include *inter alia*: missing signature of the applicant in the application form; missing (readable) identification document of the applicant and/or of the person acting on his/her behalf; missing documentation supporting the indirect harm resulting from a crime committed against the applicant's relative; a major discrepancy in the date of birth mentioned in the application form compared to the identification document provided (*i.e.* a 20 year gap); missing explicit consent of the applicant where the application is made by a person acting on behalf of the applicant; missing the name of the applicant in the form and/or the discrepancy on the name of the applicant in the form compared to the identification document provided; the lack of information regarding the personal harm of victims having witnessed crimes perpetrated against individuals who are not their relatives (following the 17 June 2020 Decision); the unclear date of crime alleged by the applicant (following the temporal scope confirmed); the missing or unclear place of crime in the application form; the lack and/or vagueness of the elements provided in relation to the acts alleged compared to the crimes confirmed; the lack and/or vagueness of information regarding the causal link between the crime(s) alleged and the harm suffered by the applicant; and the lack of clarification on the existence of a duplicate (additional victim's application(s) submitted by the same victim in the same proceedings) providing different information compared to the original application already submitted at trial and in some instances already accepted in the proceedings (it includes the duplicates of applications a/45347/18 and a/50095/20 which are still pending further information from the legal representatives of the victims for further Chamber's guidance as per Chamber's e-mail correspondence to the VPRS on 7 December 2021, at 10h29).

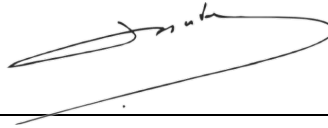
⁴⁹ See *supra*, footnote 25. Pursuant to the 17 June 2020 Decision, four applicants within Group C retain their status as participating victims for the purpose of the trial proceedings, while one deferred applicant (under reference a/45265/18), has been re-assessed as falling within Group B after the receipt of supplementary information (see *supra*, footnote 46).

⁵⁰ See *supra* para. 2 and footnote 5, 12 June 2020 Decision, paras 10-14 and Disposition, p. 8.

⁵¹ See Trial Chamber X, "Decision on LRVs requests to present evidence and views and concerns", 9 December 2021, ICC-01/12-01/18-2063-Conf, para. 49, and its public redacted version 2063-Red, para. 49 mentioning that "as things stands, the closure of the Prosecution case can be expected during the first half of February 2022"; see also Trial Chamber X's updated information on the date of the closure of the Prosecution case to be expected by 19 February 2022 (e-mail correspondence from Trial Chamber X Communications to the Chief of VPRS, on 7 February 2022 at 10h49).

guidance received from the Chamber in its 12 June 2020 Decision and 24 November 2020 clarification, the Registry has transmitted victim applications together with reports thereon on a rolling basis and in regular intervals and respectfully informs the Chamber that this Report constitutes the last report on victim applications in trial proceedings, unless otherwise instructed by the Chamber.

30. As encouraged by the Chamber, after the expiry of the deadline for the final transmission of victim applications at trial, the Registry will continue to collect application forms for the purposes of any future reparations proceedings.⁵²



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 17 February 2022

At The Hague, The Netherlands

⁵² The victim applications for reparations collected will not be filed or transmitted to the Chamber during the trial proceedings, as per Chamber's 12 June 2020 Decision, para. 15.