

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **French**

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

Date: **22 February 2022**

**PRE-TRIAL CHAMBER I**

**Before:**

**Judge Péter Kovács, Presiding Judge  
Judge Reine Adélaïde Sophie Alapini-Gansou  
Judge María del Socorro Flores Liera**

**SITUATION IN THE REPUBLIC OF MALI**

**Public Document**

**Decision on the “Notification by the Board of Directors of the Trust Fund for Victims of its decision to undertake specific activities in the Republic of Mali pursuant to regulation 50(a) of the Regulations of the Trust Fund for Victims”**

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

**Office of the Prosecutor**

Mr Karim A. A. Khan

**Office of Public Counsel for the Defence**

Mr Xavier-Jean Keïta

**Office of Public Counsel for Victims**

Ms Paolina Massidda

**Trust Fund for Victims**

Mr Pieter W.I. de Baan

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Other**

Mr Nouhoum Sangaré

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**PRE-TRIAL CHAMBER I** (“Chamber”) of the International Criminal Court (“Court”) issues the following “Decision on the ‘Notification by the Board of Directors of the Trust Fund for Victims of its decision to undertake specific activities in the Republic of Mali pursuant to regulation 50(a) of the Regulations of the Trust Fund for Victims’” (“Notification”).<sup>1</sup>

1. On 1 February 2022, the Board of Directors of the Trust Fund for Victims (“Board of Directors” and “Trust Fund”, respectively) filed the Notification with a public Annex I, proposing a project of specific activities to “offer physical and psychological rehabilitation and material support for the benefit of victims and their families in Mali, in response to serious crimes falling within the jurisdiction of the Court suffered in Mali since January 2012.”<sup>2</sup> The Board of Directors submitted that “the specific activities selected do not pre-determine any issue to be determined by the Court” and “will focus mainly on the crimes committed in the situation in Mali and are unconnected to any investigations or national and international proceedings.”<sup>3</sup>

2. The Chamber notes that, in addition to its mandate set forth in article 79(2) of the Rome Statute (“Statute”) and rule 98(1) to (4) of the Rules of Procedure and Evidence (“Rules”) relating to resources collected pursuant to orders of the Court, the Trust Fund has a further mandate under article 79 of the Statute and rule 98(5) of the Rules to use “other resources [...] for the benefit of victims”. This “assistance mandate” is also regulated by Chapter II of the Regulations of the Trust Fund for Victims.

3. Pursuant to regulation 50(a)(ii) of the Regulations of the Trust Fund, the Chamber is vested with the power to scrutinize the activities and projects proposed by the Trust Fund under Chapter II of the Regulations of the Trust Fund. In so doing, the Chamber must be satisfied that the proposed activities or projects (i) are specific

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<sup>1</sup> Trust Fund for Victims, ICC-01/12-59, 1 February 2022, with public Annex I (ICC-01/12-59-AnxI).

<sup>2</sup> Notification, ICC-01/12-59, para. 2.

<sup>3</sup> Notification, ICC-01/12-59, para. 9.

enough as to enable the Chamber to carry out its analysis, which excludes mere programme outlines or lists of suggested activities to potential implementing partners;<sup>4</sup> and (ii) fulfil the criteria governing the Chamber's scrutiny as laid down in regulation 50(a)(ii) of the Trust Fund Regulations, which provides, *inter alia*, that the Chamber may inform the Board

that a specific activity or project, pursuant to rule 98, sub-rule 5 of the Rules, would pre-determine any issue to be determined by the Court, including jurisdiction pursuant to article 19, admissibility pursuant to articles 17 and 18, or violate the presumption of innocence pursuant to article 66, or be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

4. In this instance, the Chamber notes that project (TFV/MALI/2022/R1/001) and the specific activities proposed by the Board of Directors aim to provide, through a holistic approach, assistance of a reparative value in the Gao and Mopti regions and Bamako District, including, physical and psychological rehabilitation and material support, to victims of the most serious crimes.<sup>5</sup>

5. The Chamber considers that at this stage, and for the purposes of this decision, the information in the Notification and Annex I thereto is sufficiently specific with regard to, *inter alia*, the nature of the proposed activities and their intended objective. Moreover, the Chamber notes that (i) the proposed activities will all be undertaken in relation to a situation for which the Court has already initiated an investigation (the situation in the Republic of Mali); and (ii) the proposed activities appear to be unconnected with national or international proceedings related to the situation in the Republic of Mali. The Chamber therefore finds that the implementation of the

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<sup>4</sup> Pre-Trial Chamber II, "Information to the Trust Fund for Victims on the 'Notification by the Board of Directors in accordance with regulation 50(a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake specified activities in the Central African Republic'", 8 April 2020, ICC-01/05-100, para. 5; Pre-Trial Chamber II, "Information to the Trust Fund for Victims on the 'Notification by the Board of Directors in accordance with regulation 50(a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in the Central African Republic'", 7 October 2020, ICC-01/05-104, para. 6; Pre-Trial Chamber, "Decision on the Submission of the Trust Fund for Victims dated 30 October 2009", 16 November 2009, ICC-01/05-30, para. 4.

<sup>5</sup> ICC-01/12-59-AnxI.

proposed activities does not appear to contravene the requirements set forth in regulation 50(a)(ii) of the Regulations of the Trust Fund.

**FOR THESE REASONS, THE CHAMBER:**

**DECIDES** that the project of specific activities TFV/MALI/2022/R1/001, as detailed in Annex I to the Notification, does not appear *per se* to pre-determine any issue to be determined by the Court, including the determination of jurisdiction and admissibility, to violate the presumption of innocence or to be prejudicial to, or inconsistent with, the rights of the accused and a fair and impartial trial.

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

[signed]

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**Judge Péter Kovács, Presiding Judge**

[signed]

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**Judge Reine Adélaïde Sophie  
Alapini-Gansou**

[signed]

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**Judge María del Socorro  
Flores Liera**

Dated Tuesday, 22 February 2022

At The Hague, (Netherlands)