



Original: **English**

No.: **ICC-01/12-01/15**
Date: **18 October 2016**

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

**Request for an Extension of Time to Identify Experts Pursuant to Regulation 35 of
the Regulations of the Court**

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr James Stewart

Counsel for the Defence

Mr Mohamed Aouini

Mr Jean-Louis Gilissen

Legal Representatives of Victims

Mr 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

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other

I. Introduction

1. On 29 September 2016, Trial Chamber VIII (“Chamber”) issued its Decision setting the Reparations Phase Calendar (“Chamber’s Decision”)¹ in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (“Case”) whereby it instructed the Registry to identify, in consultation with the parties and the Office of the Prosecutor (“Prosecution”) as appropriate, one or more experts with expertise in the following matters: (a) the importance of international cultural heritage generally and the harm to the international community caused by its destruction; (b) the scope of the damage caused, including monetary value, to the ten mausoleums and mosques at issue in the case and (c) the scope of the economic and moral harm suffered, including monetary value, to persons or organisations as a result of the crimes committed (“Experts identification process”).²
2. The Chamber ordered the Registry to report on this issue by 28 October 2016.
3. The Registry hereby submits a request for an extension of time so as to be in the position to adequately implement the Experts identification process.

II. Applicable Law

4. The Registry submits the present request in accordance with regulations 35 and 44 of the Regulations of the Court (“RoC”) and Rule 97(2) of the Rules of Procedure and Evidence.

¹ Trial Chamber VIII, “Reparations Phase Calendar “, dated 29 September 2016, ICC-01/12-01/15-172.

² *Ibid.*, para. 2(i).

III. Submissions


5. In compliance with paragraph 2 (i) of the Chamber's Decision, the Registry has taken a number of steps to implement the Expert identification process within the timeframe set by the Chamber. However, given that certain steps have taken longer than expected, the Registry anticipates that it will require more time to fully and adequately implement such a process and consequently notes that it will not be in a position to submit its filing on the matter by the 28 October 2016 deadline. Immediately following the issuance of the Decision, the Registry initiated an internal consultation process which resulted in a detailed action plan. The Registry's action plan, including the expert identification process, has been prepared in order to facilitate the reparations process in accordance with the Chamber's Decision. In accordance with the Registry's action plan, a draft call for expression of interest was prepared in order to identify one or more experts specialised in the matters set out in the Chamber's Decision ("the Call"). The Call was prepared by the Registry on 11 October 2016 and shared with the parties and the Prosecution on 13 October 2016 in accordance with the Chamber's Decision.
6. On 14 October 2016, the Registry informed the Chamber by way of email³ that given the steps that remain to be taken in order to complete the Experts identification process, it anticipates that it will need more time in order to submit its report on this issue. Those steps include: (i) the translation of the call in relevant languages,⁴ (ii) the wide dissemination of the call, including through the Court website, mainstream newspapers and letters to specific and

³ Email from the Victims Participation and Reparations Section of the Registry to Trial Chamber VIII Communication, dated 14 October 2016, at 16:35.

⁴ The Registry has sent the call for translation to the relevant Registry Section and expects to have it translated by 18 October 2016.

relevant organisations (such as the UNESCO);⁵ (iii) the allotment of sufficient time for candidates to apply (three weeks); (iv) verification by an external consultant of the expert qualification of the candidates for the purpose of shortlisting (one week); (v) Disseminating the names of the shortlisted candidates with the parties and the Prosecution as part of the consultation process contemplated by the Chamber in its Decision (one week); (vi) compiling the observations received from the consulted parties, if any, and informing the Chamber accordingly by way of a filing.

7. For the reasons set out above, the Registry respectfully requests the Chamber to extend the deadline for the submission of this filing to 16 December 2016.



Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, Registrar

Dated this 18 October 2016

At The Hague, The Netherlands

⁵ The Registry anticipates that the Call will be published as soon as the translated versions are prepared which should be by the end of the week ending 21 October 2016.