

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 November 2018**

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*

CONFIDENTIAL

**Fourth monthly update report on the updated implementation plan
with four confidential annexes**

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

Counsel Support Section

Mr Peter Lewis

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 and 15 October 2018, respectively, the Trust Fund filed its first,³ second⁴ and third⁵ monthly update reports. The Defence submitted observations on the third monthly update report on 5 November 2018.⁶

3. On 26 October 2018, the Trust Fund filed the draft application form, together with the legal criteria to be applied throughout the process (“26 October Submission”).⁷ The LRV responded on 7 November 2018 (“LRV Observations”).⁸

4. On 2 November 2018, the Trust Fund filed the UIP.⁹

5. On 13 November 2018, the VPRS filed its fourth report on applications received for individual reparations.¹⁰

6. The Trust Fund hereby submits its fourth monthly update report. During the reporting period, activities in the field and in The Hague have revolved around the

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, ICC-01/12-01/15-288-Conf (“Third Monthly Report”).

⁶ *Observations de la Défense sur le troisième rapport mensuel ICC-01/12-01/15-288-Conf du Fonds au profit des victimes*, 5 November 2018, ICC-01/12-01/15-292-Conf.

⁷ Trust Fund for Victims’ submission of draft application form, 26 October 2018, ICC-01/12-01/15-289-Conf, with four confidential annexes.

⁸ *Observations du Représentant légal sur la soumission du projet de formulaire de demande de réparation et de ses annexes par le Fonds au profit des victimes*, 7 November 2018, ICC-01/12-01/15-294-Conf.

⁹ Updated Implementation Plan, ICC-01/12-01/15-291-Conf-Exp. A confidential version was notified on 7 November 2018 (ICC-01/12-01/15-291-Conf-Red).

¹⁰ Registry, “Fourth Registry Report on Applications for Individual Reparations”, 13 November 2018, ICC-01/12-01/15-298.

finalisation of the UIP, which required, in the field, an intensification of activities to secure some agreements under discussion and, in The Hague, the finalisation of certain aspects related to the individual awards. Other activities connected to the UIP, but not appearing therein (e.g. follow-up consultations on the application form), are described in the present report.

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 as confidential in line with the reasoning for its previous update reports.¹¹ No information is deemed necessary to redact from the parties.¹²

III. UPDATE REPORT OF 14 NOVEMBER 2018

A. Field activities – Progress on Collective Reparations, Preparation of Outreach Campaign and Collaboration with Malian authorities

8. During the period covered by this report, the Associate Field Programme Officer temporarily based in Bamako (“AFPO”) held meetings with various organisations – national and international – and local service providers with expertise in areas relevant to the implementation of foreseeable collective reparations concerning the Protected Buildings, as well as economic and moral harm. In the second half of October, high level meetings took place [REDACTED]

[REDACTED]. The Trust Fund is preparing an invitation for expressions of interest to pre-qualify potentially eligible service providers for selected parts of the collective reparations measures. The pre-qualified organisations will be provided with a request for proposals, once a final scope of work is established on the basis of the eventually approved UIP.

9. As a follow-up to the submission of the UIP, the AFPO, together with one legal staff member present in Bamako during week 46, are holding meetings [REDACTED]

¹¹ First Monthly Report, para. 3; Second Monthly Report, para. 8; and Third Monthly Report, para. 13.

¹² [Decision on Draft Implementation Plan](#), para. 22.

[REDACTED]

[REDACTED].

B. Activities in The Hague – Screening Process

10. During the reporting period, activities revolved around the preparation of the application form, the template for supporting documents and the definition of legal criteria to be applied throughout the screening process, which culminated in the 26 October Submission. The Trust Fund wishes to express its gratitude to VPRS and the LRV for the continued communication and cooperation ahead of the preparation of this submission.

11. Since the 26 October Submission, a few developments have occurred. First, the Trust Fund obtained the French translation of the draft form and [REDACTED]. They are appended to the present report,¹³ with minor modifications to the draft form appearing in colour.¹⁴

12. Second, the Trust Fund had constructive exchanges with VPRS during which VPRS sought concrete clarifications on several issues.¹⁵ While these clarifications were initially given orally, the Trust Fund takes the opportunity to put them on the record for the complete information of the parties and the Trial Chamber.

a) Beneficiaries of reparations for economic harm

13. As described in detail in the 26 October Submission, the Trust Fund will award individual reparations for economic harm to those fulfilling the exclusive link requirement. [REDACTED]

[REDACTED]

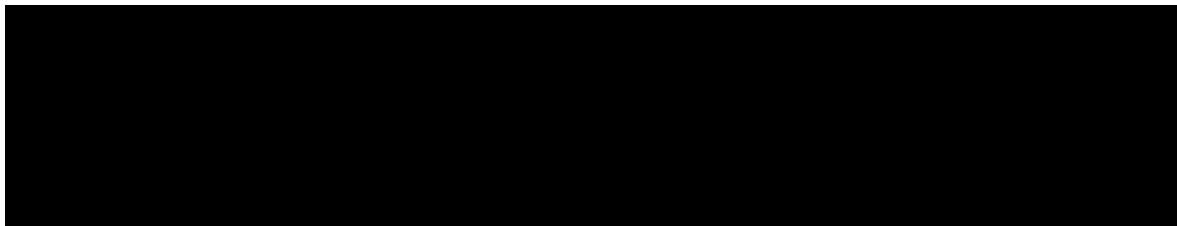
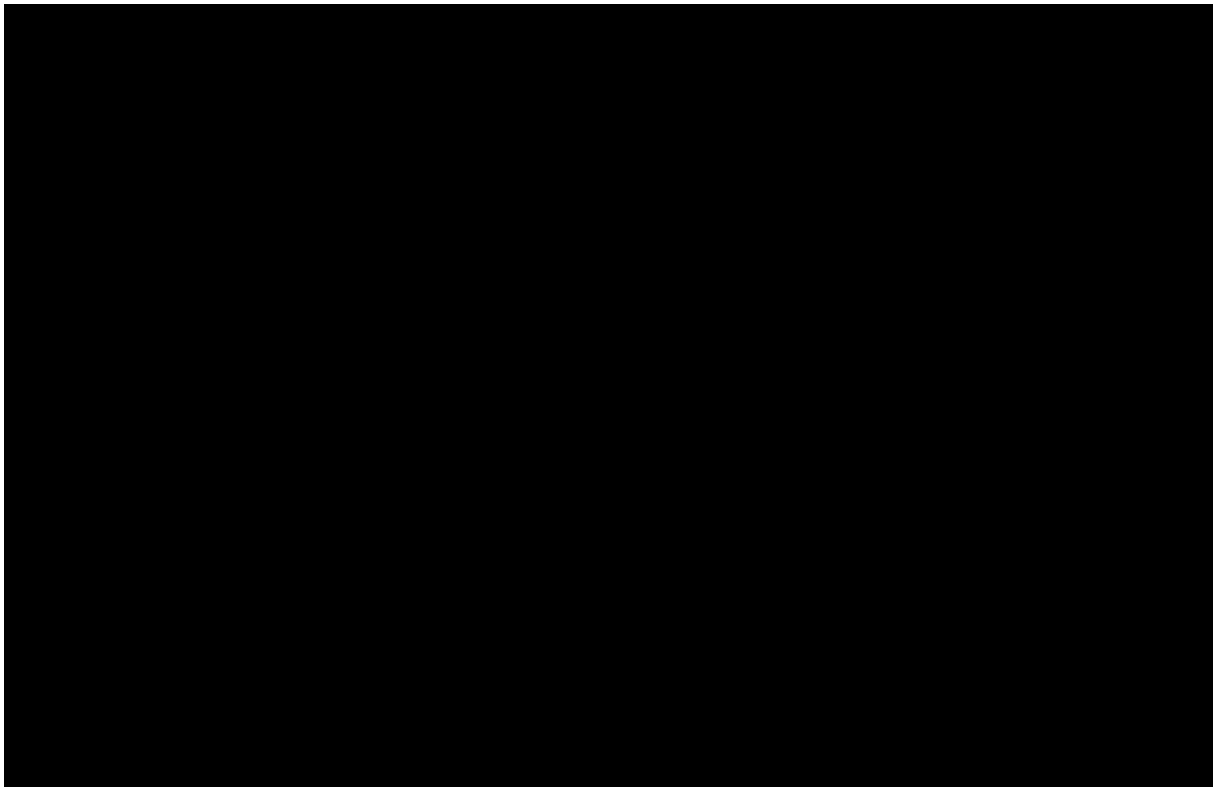
¹³ Annex 1 is the French translation of the form and annex 2 is the French translation of the *attestation d'activité et de revenu*.

¹⁴ For instance, the Trust Fund has included the LRV suggestion to clarify question 4.2 by adding “*au titre du prejudice économique*”.

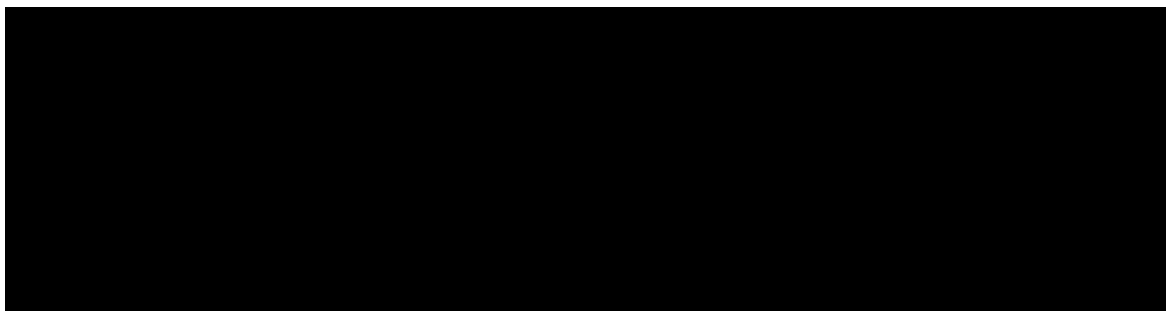
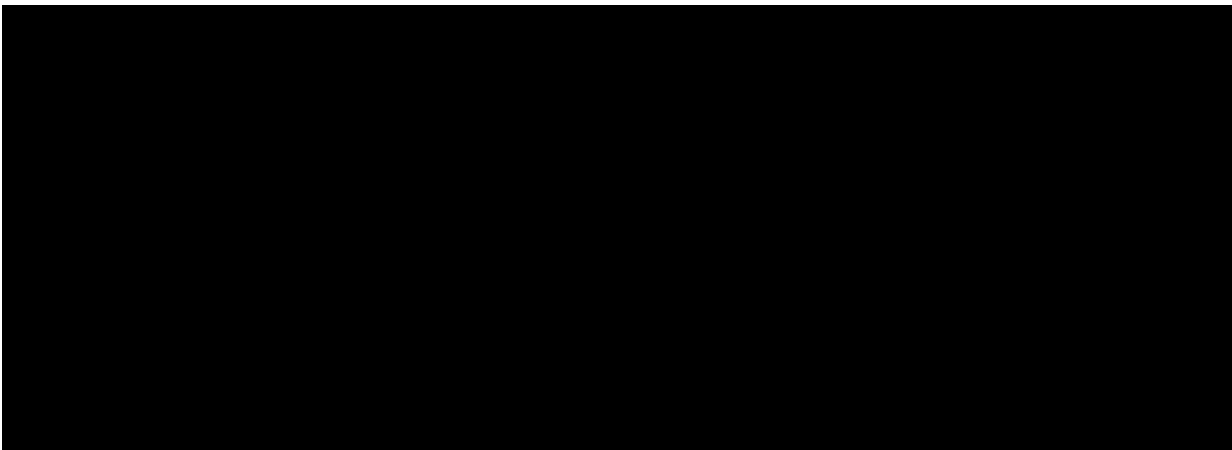
¹⁵ Email sent from VPRS to the Trust Fund on 12 November 2018 at 15:42.

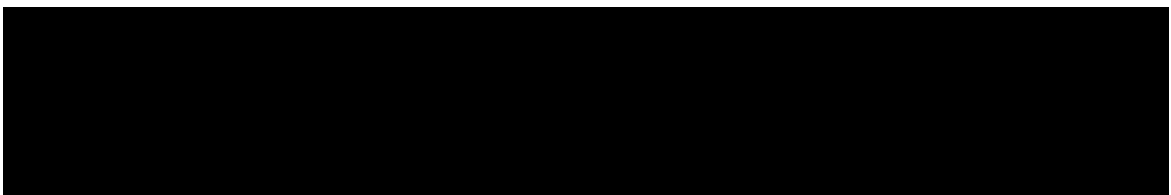
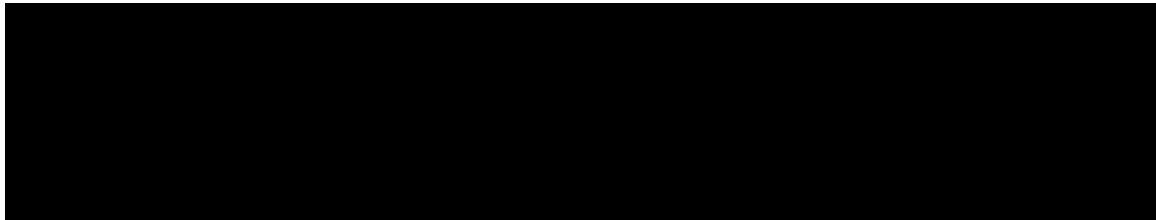
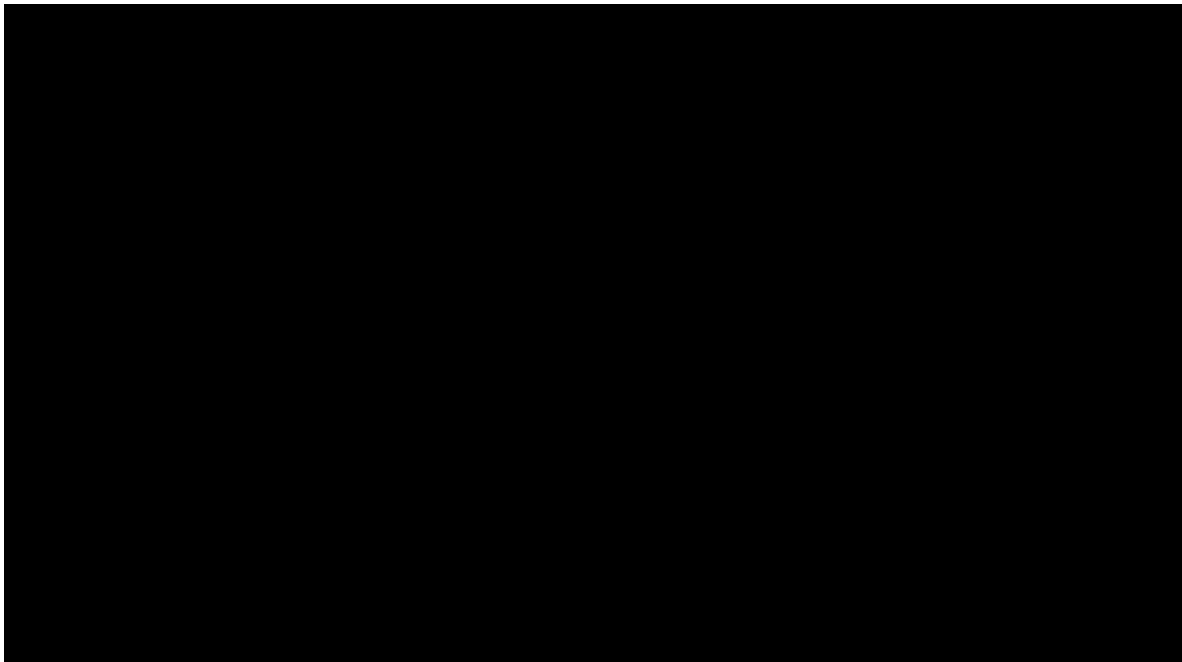
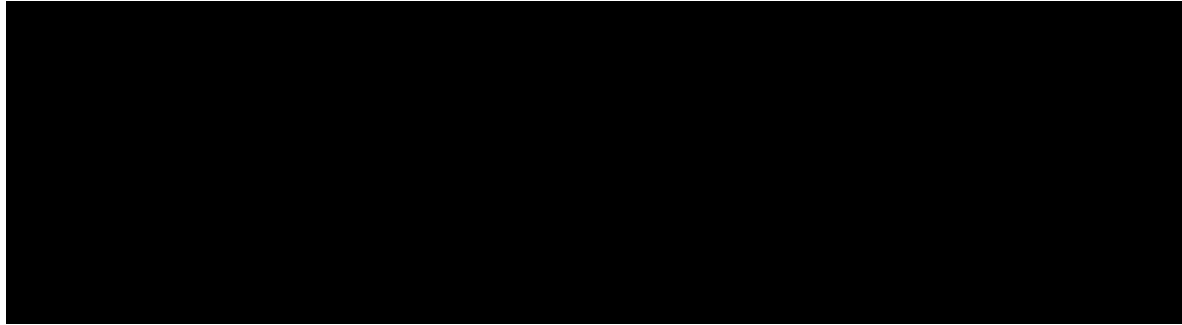
¹⁶ [REDACTED].

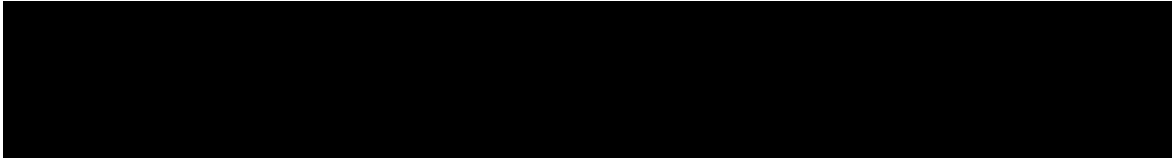
¹⁷ [REDACTED].



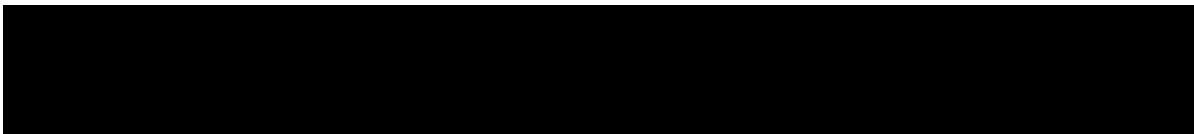
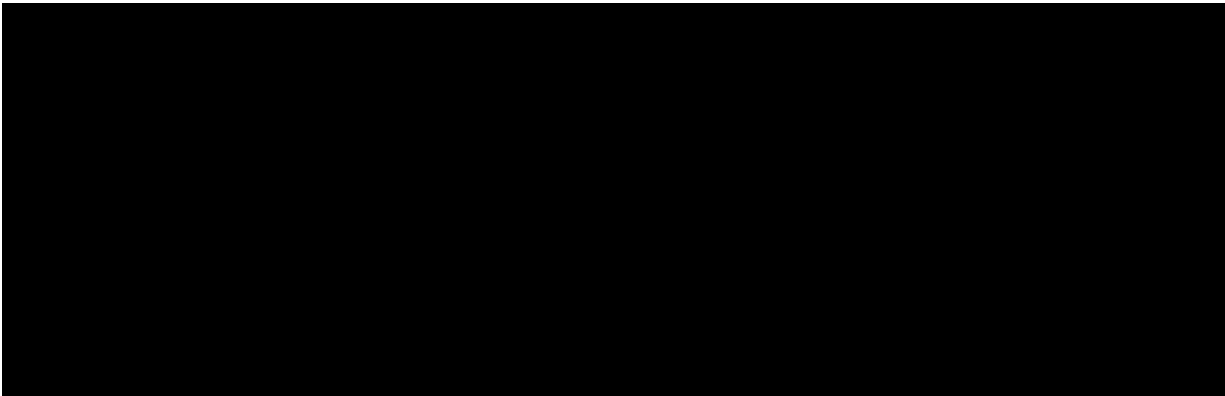
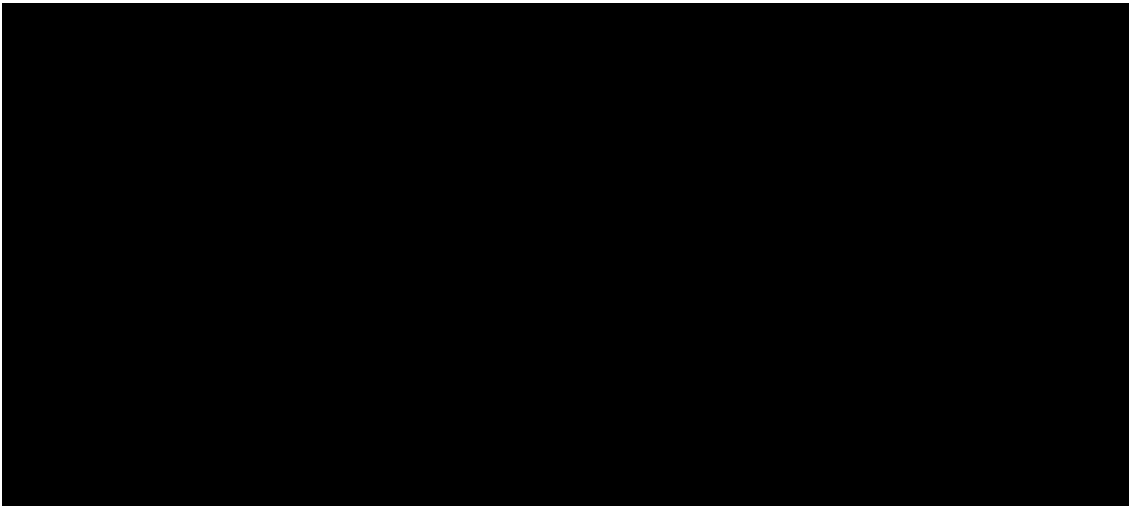
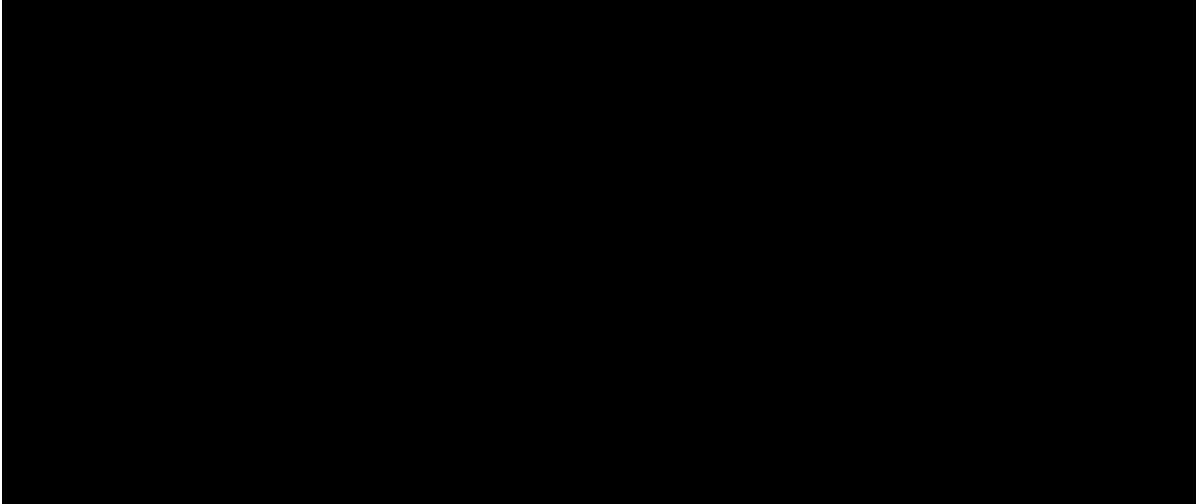
b) Beneficiaries of reparations for moral harm







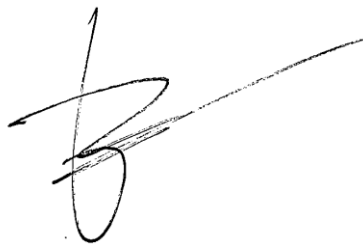
c) Administration of evidence






IV. CONCLUSION

23. 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 November 2018
At The Hague, The Netherlands