

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date of original: **22 April 2020**

Date: **16 May 2022**

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 "Fourteen update report on
the updated implementation plan and response to LRV Request
ICC-01/15-01/15-Conf-Red" , submitted on
22 April 2020, ICC-01/12-01/15-358-Conf-Exp**

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

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Mayombo Kassongo

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**Office of Public Counsel for
Victims**

Office of Public Counsel for the Defence

States' Representatives

REGISTRY

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Mr Peter Lewis

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Mr Nouhoum Sangaré

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I. BACKGROUND

1. On 12 July 2018, Trial Chamber VIII (“Trial Chamber”) issued a decision on the draft implementation plan (“Decision on the DIP”) wherein it laid down the features of the organisation of the screening process for individual applications for reparations, set out 4 March 2020 as the deadline for its completion,¹ and directed the Trust Fund for Victims (“Trust Fund”) to submit monthly update reports in relation to the Trust Fund’s progress during the reparations implementation stage of the present case.² On 4 March 2019, the Trial Chamber approved the Trust Fund updated implementation plan³ and agreed to space the submission of such reports to a bimonthly basis (“Decision on the UIP”).⁴
2. On 15 August 2018, 14 September 2018, 15 October 2018, 14 November 2018, 14 December 2018, 14 January 2019, 14 February 2019, 6 May 2019, 2 July 2019, 4 September 2019, and 25 October 2019, 27 December 2019 and 20 February 2020, the Trust Fund filed its first,⁵ second,⁶ third⁷, fourth⁸, fifth⁹, sixth,¹⁰ seventh,¹¹ eighth,¹² ninth,¹³ tenth,¹⁴ eleventh¹⁵, twelfth¹⁶ and thirteenth¹⁷ update reports, respectively.

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](#), paras 35-49.

² [Decision on the DIP](#), para. 22.

³ 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). A public redacted version was filed on 22 November 2018, *see* Public redacted version of “Updated Implementation Plan”, submitted on 22 November 2018, ICC-01/12-01/15-291-Conf-Exp”, [ICC-01/12-01/15-291-Red2](#); and Lesser public redacted version of “Updated Implementation Plan” submitted on 2 November 2018 ICC-01/12-01/15-291-Conf-Exp, 14 October 2019, [ICC-01/12-01/15-291-Red3](#)

⁴ Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Conf (“Decision on the UIP”) para. 104.

⁵ First monthly update report on the implementation plan, 15 August 2018, ICC-01/12-01/15-277-Conf (“First Monthly Report”).

⁶ 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”).

⁷ Third monthly update report on the updated implementation plan, 15 October 2018, ICC-01/12-01/15-288-Conf.

⁸ Fourth monthly update report on the updated implementation plan, 14 November 2018, ICC-01/12-01/15-299-Conf, with four confidential annexes (“Fourth Monthly Report”).

⁹ Fifth monthly update report on the updated implementation plan including information concerning further details relevant to the Board of Directors’ complement decision, with one confidential annex, 14 December 2018, ICC-01/12-01/15-305-Conf (“Fifth Monthly Report”).

¹⁰ Sixth monthly update report on the updated implementation plan, 14 January 2019, ICC-01/12-01/15-314-Conf.

¹¹ Seventh monthly update report on the updated implementation plan, 14 February 2019, ICC-01/12-01/15-321-Conf.

¹² Eighth update report on the updated implementation plan, 6 May 2019, ICC-01/12-01/15-321-Conf.

¹³ Ninth update report on the updated implementation plan, with one confidential, *ex parte* annex, available to the Trust Fund, 2 July 2019, ICC-01/12-01/15-332-Conf.

3. On 24 February 2020, upon a request for the Trust Fund and the Legal Representative of Victims (“LRV”),¹⁸ the Trial Chamber extended the reparations application deadline to 4 May 2020 and announced its expectation to issue any and all individual reparations reviews by early March 2021.¹⁹
4. On 28 February 2020, ruling on a request from the Office of the Prosecutor (“Prosecution”),²⁰ the Trial Chamber issued a decision directing the Prosecution to inform the LRV and the Trust Fund prior to seeking to obtain an application of applicants in the present case for the purpose of its disclosure obligations in *Al Hassan*.²¹ To date no such scenario has occurred.
5. On 4 March 2020, the LRV filed observations in relation to the Thirteenth Update Report (“LRV Observations to the Thirteenth Update Report”).²²
6. On 21 April 2020, the Trial Chamber granted a request from the LRV²³ for resumption of action of victim a/20519/19.²⁴

¹⁴ Tenth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 4 September 2019, ICC-01/12-01/15-335-Conf-Exp.

¹⁵ Eleventh update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, with one confidential, *ex parte* annex, available to the Legal Representative of Victims and the Registry, 25 October 2019, ICC-01/12-01/15-336-Conf-Exp.

¹⁶ Twelfth update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 27 December 2019, ICC-01/12-01/15-340-Conf-Exp (“Twelfth Update Report”).

¹⁷ Thirteen update report on the updated implementation plan, confidential *ex parte* available to the Legal Representative of Victims and the Registry, 20 February 2020, ICC-01/12-01/15-346-Conf-Exp (“Thirteenth Update Report”).

¹⁸ Email sent by the Trust Fund to the Trial Chamber on 20 February 2020 at 8.40 pm (“20 February 2020 Email”).

¹⁹ Decision on Joint Request for Extension of Reparations Application Deadline, 24 February 2020, ICC-01/12-01/15-348-Conf.

²⁰ Prosecution’s Request regarding applications for individual reparations, 20 February 2020, ICC-01/12-01/15-345. On, the Trust Fund responded to the request, seeking an amendment to the procedure proposed (Trust Fund’s response to the “Prosecution’s Request regarding applications for individual reparations” (ICC-01/12-01/15-345), 25 February 2020, 01/12-01/15-349-Conf. A public redacted version was filed on 25 March 2020).

²¹ Decision on Prosecution’s Request for Provision of Certain Individual Reparations Applications, 28 February 2020, ICC-01/12-01/15-350.

²² *Observations du Représentant légal des victimes quant au « Thirteenth update report on the updated implementation plan » déposé par le Fonds au profit des victimes le 20 février 2020*, ICC-01/12-01/15-351-Conf.

²³ *Demande de reprise d'action introduite par la victime a/20519/19*, ICC-01/12-01/15-355, with confidential *ex parte* annex.

²⁴ Decision on the LRV Request for Resumption of Action for Deceased Victim a/20519/19.

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 *ex parte* as it contains identifying information related to the potential beneficiaries as well as details concerning Trust Fund's and LRV's joint missions to Timbuktu. A confidential redacted version, justified by the reasons set out in the Trust Fund's previous update reports, is filed simultaneously.²⁵ A public redacted version will be filed as soon as feasible.

III. PRELIMINARY MATTERS

A. LRV Observations on the Thirteenth Update Report

8. On 4 March 2020, the LRV submitted the LRV Observations on the Thirteenth Update Report, disputing the accuracy of paragraphs 39,²⁶ 40²⁷ [REDACTED]²⁸ of the Thirteenth Update Report.

9. In the absence of specific relief sought, the Trust Fund elected to not respond. However, in the present context of its bi-mensual reporting obligations, the Trust Fund merely wishes to clarify that it maintains in full the statements made in the Thirteenth Update Report.²⁹

²⁵ See First Monthly Report, para. 3; Second Monthly Report, para. 8.

²⁶ LRV Observations to the Thirteenth Update Report, paras 11-14.

²⁷ LRV Observations to the Thirteenth Update Report, paras 15-16.

²⁸ LRV Observations to the Thirteenth Update Report, paras 17-18 and 20-21.

²⁹ [REDACTED]


B. LRV Request for Extension of Time

10. On 25 March 2020, the Trust Fund and the LRV sent a joint email to the Trial Chamber notifying it of the impacts of the COVID-19 pandemic on the implementation of reparations, in particular on the completion of the victim verification (screening) process in (“25 March Email”).³⁰ The Trust Fund and the LRV informed the Trial Chamber that a formal request for extension of time to complete the screening process would be submitted as soon as there was more clarity on the evolution of the conditions necessary for the work to resume, that is (i) lifting of travel bans; (ii) lifting on restrictions on gathering; and (iii) lifting on restrictions on activities imposed by MINUSMA for the purpose of the mission to Timbuktu. Unfortunately, while the 4 May deadline is looming large, none of the three above mentioned circumstances have evolved to shed clarity over when changes could occur.

11. As a result, on 15 April 2020, the LRV submitted a formal request, seeking an eight-week extension of time as soon as the three conditions are present.³¹

12. On 17 April 2020, the Trial Chamber directed the parties and participants to submit their observations thereon by 24 April 2020.³²

13. For the reasons set out in the 25 March Email and in the joint request for extension of time submitted on 20 February 2020 (appended as annex 1),³³ the Trust Fund supports the LRV’s request for extension of time. The Trust Fund also believes that, in addition to the six weeks that could not be used to complete the screening, two additional weeks are necessary. This is so because two weeks are the bare minimum required to organise a mission to Bamako, and four weeks are required to organise a mission to Timbuktu (essential to the completion of the screening process) as per the memorandum of understanding between the Court and MINUSMA.


³⁰ Email sent on 25 March 2020 at 8.53 am. A redacted version was sent to the Defence simultaneously (email sent on 25 March 2020 at 09.04 am).

³¹ *Requête en vue d'une extension du délai fixé pour le dépôt des demandes de réparation*, ICC-01/12-01/15-356-Conf-Exp.

³² Email from Trial Chamber VIII on 17 April 2010 at 10:02.

³³ Annex 1.

IV. UPDATE REPORT OF 21 APRIL 2020

14. The present report covers the period from 21 February 2020 onwards up to date.

15. The Trust Fund is pleased to report the progresses made during the reporting period as developed below.

A. Preliminary remarks about the impacts of the COVID-19 pandemic on the implementation of the reparations awards

16. On 9 March 2020, the Court's [REDACTED] [REDACTED] [REDACTED] limited with immediate effect and without exception the official mission to essential travels only.

17. On 17 March 2020, the Malian authorities announced closure of their borders and the limitation of any gathering as of 19 March 2020.³⁴ Additionally, during the second half of March, [REDACTED] limited its activities, including the restriction of aerial transportation to only [REDACTED] staff and, later, solely for emergencies.

18. As a result of these restrictions, on 18 March 2020, the Trust Fund evacuated the staff member on mission in Mali. In addition, and despite numerous efforts to organise it, the Trust Fund had to cancel the mission to Timbuktu which was supposed to take place between [REDACTED] [REDACTED] April 2020.

19. While the impact of COVID-19 on the implementation of reparations in the *Al Mahdi* case is widespread, the Trust Fund identified and is currently carrying out a number of measures to mitigate it. Details are reported below in relation to each specific reparations award. The Trust Fund will continue keeping the Trial Chamber apprised of the impact of the pandemic on its field operations.

B. Individual reparations awards

20. During the reporting period the Trust Fund (i) continued the identification of potentially eligible victims within the parameters described in the Email of 20 February 2020;³⁵ (ii) collected additional 148 forms (including 45 via its intermediary); (iii) issued all eligibility decisions for the first and second batches of victims and received

³⁴ *Communiqué de la session extraordinaire du conseil supérieur de la défense nationale du 17 mars 2020.*

³⁵ *See Footnote 18 above and annex 1.*

the Victims Participation and Reparations Section (“VPRS”) preliminary assessments for the third batch; and (iv) made significant progress in relation to the modalities for the disbursement of cash payments.

1. Identification of potential beneficiaries

21. In relation to the identification of victims, the Trust Fund is pleased to report that, in spite of the difficulties reported in the Thirteenth Update Report, it could finally identify the descendants of the Sidi Mahmoud Ben Omar Aquit mausoleum and that the joint collection of forms started in Bamako.

22. Regarding the descendants of the Sidi Yahia Mosque, as also reported in the Thirteenth Update report, the hesitation [REDACTED] [REDACTED] to engage in the process delayed the process of identification of potential beneficiaries. The Trust Fund is currently contacting [REDACTED] [REDACTED] [REDACTED] to ensure information about the reparation process is properly disseminated within the groups of potential beneficiaries so that each of them is given the tools to decide on whether or not to submit an application. To do so, the Trust Fund operating mindful of the importance of avoiding conflicts within family members while ensuring victims’ right to have access to reparation.

23. Lastly, in relation to the other mausoleums for which many victims had already been identified and their applications collected, the Trust Fund has started meeting residual pools of victims in Bamako during the first half of March. As expected, liaising with these residual groups led to further identification of beneficiaries, in particular in respect of the Alpha Moya mausoleum. These individuals have been contacted and their applications will be collected as soon as the situation so permits.

2. Collection of applications

24. During the reporting period, the Trust Fund and the LRV jointly collected applications in both Bamako and Timbuktu.

25. In Bamako, the Trust Fund and the LRV had scheduled meetings with potential eligible victims to be carried out on 18, 19, 20, 22, 23 and 24 March and expected to

collect at least 140 applications therein.³⁶ All meetings, except the 18 March one which was partially maintained, had to be cancelled due to the restrictions reported above. Potential beneficiaries raised concerns that they could not submit their applications by the 4 May deadline. The Trust Fund informed all potential beneficiaries invited for an interview about the rationale behind the cancellation of the meetings and maintains regular contact with them to keep them updated of the procedure.

26. In Timbuktu, around 150 applications have not been collected as a result of the cancellation of the [REDACTED] April mission. The Trust Fund engages continuously with [REDACTED] community leaders on the phone to keep them updated of the procedure and reassure them that the Trust Fund continues to work, even if remotely and at a necessarily considerably slower pace.

27. On 24 March³⁷ and 6 April 2020,³⁸ the Trust Fund and the LRV agreed on a number of mitigation measures to ensure as far as possible the continuation of the collection of applications in Timbuktu and elsewhere.

28. In Timbuktu, the Trust Fund and the LRV rely more heavily on the Trust Fund's intermediaries to collect a portion of these applications. This is particularly true in relation to applications from descendants of the [REDACTED] [REDACTED] mausoleum. Accordingly, during the reporting period, a total of 45 applications could be collected in Timbuktu and transmitted to the LRV on 22 April 2020.³⁹

29. For the other localities within Mali where the Trust Fund identified potential eligible victims, such as Gao and Mopti, the Trust Fund is currently identifying mitigation measures to enable their collection and has identified new intermediaries. They have been selected based on the following criteria: (i) experience in dealing with victims of international crimes; (ii) ability to understand the judiciary context of the collect to be undertaken; (iii) capacity to work autonomously; (iv) currently based or present in the localities where the applications have to be collected; (v) literate; (vi) fluent in Songhai and French; (vii) strong awareness of issues related to confidentiality and security of victims. Due to the current COVID-19 context, the training of the intermediaries is being done remotely over several days. For the first assignments, the

³⁶ The number of applications collected per day can vary a lot, depending notably on whether the applicants encountered are also acting on behalf of others, (most commonly their minor children) and depending upon the number of individuals they are acting for.

³⁷ Email sent on 24 March 2020 at 3.40 pm.

³⁸ Email sent on 6 April 2020 at 10.11 am.

³⁹ Email sent on 22 April at 2:25.

Trust Fund intends to give only specific limited tasks to the intermediaries and evaluate their work.

30. For the victims living abroad, the Trust Fund and the LRV agreed on a two-pronged approach: (i) for those potential eligible victims living in Niger and in Burkina Faso, applications will be collected by the LRV only; (ii) for those residing outside Burkina Faso and Niger, the Trust Fund will engage with them on the phone.

3. Administrative decisions

31. The Trust Fund is pleased to inform the Chamber that during the reporting period 91 decisions have been issued by the Trust Fund corresponding to a first batch of 12 applications, and a second of 79.⁴⁰

32. By way of background, the Trust Fund recalls that the Trial Chamber set forth the procedure in the Decision in the DIP⁴¹ and amended the notification pace of the administrative decisions in the Decision of the UIP.⁴² Throughout the process, the Trust Fund has reported the progress made in relation to the screening by way of its update reports.

33. In accordance with the Trial Chamber's instructions,⁴³ the Trust Fund notified the Defence, the LRV and VPRS of its eligibility decisions within 15 days of receiving the latter's Final Recommendation. This took place on 17 March for the first batch of applications,⁴⁴ containing 12 dossiers; and on 16 April for the second batch of applications,⁴⁵ containing 79 dossiers.

34. The first batch resulted in 12 positive decisions. As required in the procedure set in the Decision on the DIP,⁴⁶ the Trust Fund appends the list of positive findings in

⁴⁰ As opposed to what was announced in the 25 March 2020 Email on the impact of COVID-19 pandemic (that administrative decisions in relation to the second batch would not be issued within the 15 days deadline set forth in the Decision on the DIP), the Trust Fund succeeded in issuing all decisions within the set deadline.

⁴¹ Decision on the DIP, para. 29 *et seq.*

⁴² Decision on the UIP, footnote 128 and para. 116.

⁴³ Decision on the DIP, para. 45.

⁴⁴ On 3 March 2020, VPRS notified the Trust Fund of its first 12 Final Recommendations.

⁴⁵ On 1 April 2020, VPRS notified its Final Recommendation in relation to the 79 applications corresponding to the second batch.

⁴⁶ Decision on the DIP, para. 46.

Annex 2.⁴⁷ The Trust Fund wishes to report the following statistics to the Trial Chamber:

35. *Time considerations*: seven positive decisions concern clients of the LRV dating back to 2016 and 2017, that is application collected by the LRV only, without any involvement of the Trust Fund.⁴⁸

36. *Gender*: 11 decisions relate to men and one to a woman.

37. *Type of claim and values of the awards*: eight victims were found eligible for moral harm, two for economic harm, and two for both moral and economic harm. Consequently, the lowest amount to be awarded is of EUR [REDACTED], and the highest of EUR [REDACTED]. The overall sum that the TFV will disburse to these victims is EUR [REDACTED] and it will be disbursed in Franc CFA.

38. As to the second batch of applications, on 2 March 2020, the VPRS transmitted negative Preliminary Recommendations in relation to the 79 applications composing the second batch. The LRV did not make any observation in this regard within the 15-day deadline set forth in the Decision on the DIP. On 1 April 2020, the VPRS transmitted 79 negative Final Recommendations to the Trust Fund.

39. On 16 April 2020, the Trust Fund notified the LRV and the Defence of its administrative decisions in this regard. All 79 decisions are appended in Annex 3, as per the Decision on the DIP.⁴⁹

40. The Trust Fund remarks that many of the consolidated applications of the second batch contained *attestation de residence* as some of the applicants originated from outside Timbuktu –for example from Gao or Bamako.⁵⁰ The Trust Fund wishes to

⁴⁷ The annex contains information related to deceased victim a/20519/19 whose successor will become the beneficiary of the award, *as per* the Decision on the LRV Request for Resumption of Action for Deceased Victim a/20519/19.

⁴⁸ This stands in contrast to the LRV allegation that “[TRANSLATION] it appears that all application reparations that would not be jointly submitted with the Trust Fund will be rejected” (*see* LRV Observations to the Thirteenth Update Report, para. 22).

⁴⁹ Decision on the DIP, para. 46. *See also*, Trial Chamber VIII Direction in Relation to Joint Inquiry from VPRS and TFV, sent by way of email on 14 January 2020 at 1:26pm in which the Trial Chamber specified the minimum requirements for the notification: “By ‘all relevant materials’, the Chamber considers this to mean at least those materials specified in the DIP Decision procedure, (i.e. from the VPRS Preliminary Assessment to the TFV’s decision [...]).” As the present notification is the first one, the Trust Fund has deemed appropriate to also append the applications for the complete information of the Trial Chamber. Further, the VPRS Final Recommendation are transmitted as such in Annex 4.

⁵⁰ *See e.g.* Decision TFV/MAH/2020-1603-1 concerning applicant [REDACTED]; TFV/MAH/2020-1604-5 concerning applicant [REDACTED]. This stands in contrast to the LRV’s allegation that: “[TRANSLATION] the Legal Representative did not present files emanating from victims coming from Gao or Kidal” (*see* LRV Observations to the Thirteenth Update Report, para. 13).

note that it did not assess such *attestation de residence* as the place of birth or residence of an applicant is immaterial to the decision of eligibility.

41. As to the third batch, on 2 April 2020, the VPRS transmitted 82 negative Preliminary Recommendations in relation to 82 applications composing the third batch. The Trust Fund has not been informed of any observation submitted by the LRV during the 15-day period available to him.

42. Lastly, the Trust Fund wishes to report to the Trial Chamber that on 17, 24 March and 14 April 2020, it initiated discussions with the LRV about the notification's modalities of the eligibility decisions.⁵¹ The Trust Fund acknowledges that the notification of decisions, including to those victims whose applications was collected jointly, cannot take place without the LRV and in any event surely not without his consent, and is therefore awaiting for his instructions. However, the Trust Fund submits that, in the context of COVID-19, notifications could take place by phone so that victims can be informed promptly of the outcome of their applications.

4. Modalities of the disbursement of cash payments

43. As a preliminary matter, the Trust Fund wishes to recall that prior to launching any activities in the field, the Trust Fund is required to abide by the Financial Rules and Regulations, that is in practice, to implement and comply with the procurement processes. This is also valid when a project is in fact a reparations award, that is implemented as a result of a Trial Chamber's decision.

44. As reported in the Thirteenth Update Report,⁵² relying on rules 110.17 (iii) and (vii) and 110.18 (a) of the Financial Rules and Regulations, the Trust Fund requested [REDACTED] to approve a sole sourcing procedure whereby the Trust Fund would be allowed to engage with a mobile-transfer company selected by a United Nations agency, namely [REDACTED]. Sole Sourcing procedures can be authorised in specific instances and present the advantage to considerably shortening the otherwise lengthy time required to select a partner when a competitive process is conducted.

45. On 20 February 2020, the [REDACTED] accepted to engage with [REDACTED] through a sole sourcing procedure.

⁵¹ Emails sent on 17 March 2020 at 16:47 on 24 March 2020 at 00:23 and on 14 April 2020 at 18:10.

⁵² Thirteenth Update Report, paras 61-64.

46. On 26 February 2020, the RPU issued a formal request inviting [REDACTED] to submit a proposal for the disbursement of the individual awards. On 24 March 2020, [REDACTED] submitted its proposal. On 16 April 2020, having requested and obtained (on 9 April 2020) supplementary documents from [REDACTED], the established review committee composed of three Trust Fund staff members completed their review of the proposal and recommended its approval.

47. On 13 March 2020, the Trust Fund met with [REDACTED] in Bamako to explain the mandate of the ICC and the Trust Fund, the *Al Mahdi* Reparations Order as well as the pertinent scope of work. Issues related to confidentiality, monitoring, oversight, customer services and technicalities of the payment were discussed.

48. The Trust Fund currently expects the Procurement Review Committee to meet in May and decide on the final approval of the project. The Registry Legal Office will then be in a position to issue the contract. The Trust Fund will be in a position to pay the first financial compensation by the end of May 2020, should the notification of the victims happen beforehand.

49. The Trust Fund is currently setting up a monitoring mechanism to assess the quality of [REDACTED] services and the satisfaction of the victims. Questionnaires are being developed for both eligible and non-eligible beneficiaries.

C. Collective reparations

50. In respect of collective reparations, the Trust Fund has made significant progress in relation to: (i) the review of the UNESCO proposal for the award of rehabilitation and maintenance of the Protected Buildings; and (ii) the selection of the implementing partners for the symbolic reparations and for moral harm, as well as for the Economic Resilience Facility.

1. Review of the UNESCO proposal for the rehabilitation and maintenance of the Protected Buildings

51. [REDACTED]
[REDACTED]
[REDACTED].⁵³

⁵³ Thirteenth Update Report, paras 66-69.

[REDACTED]

54. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

55. [REDACTED]

[REDACTED]

[REDACTED]

56. The Trust Fund has reviewed the updated proposal and is currently preparing the technical evaluation report to be shared shortly with the [REDACTED]. In application of the applicable Financial Rules and Regulations, the proposal will be presented to the Procurement Review Committee for final approval. [REDACTED]

[REDACTED]

2. Selection of the implementing partners for the symbolic reparations and for moral harm and the Economic Resilience Facility

57. In respect of the two other collective awards, concerning the psychological support mechanisms⁵⁵ and the Economic Resilience Facility (“ERF”), on 18 February 2020, the Trust Fund, [REDACTED] issued request for proposals in relation to both awards to the seven and five respective pre-selected vendors.⁵⁶

58. On 10 and 11 March 2020, the Trust Fund organised a proposal development workshop in Bamako attended by all the eligible vendors selected from the expression of interest stage.⁵⁷ The Trust Fund provided the necessary guidance for the development of the proposal and responded to all questions asked by the vendors. The vendors

⁵⁵ As reported in the Eleventh Update Report, para. 29 and Twelfth Update Report, footnote 22, due to their interdependence with the measures ordered in respect of psychological support, the memorialisation measures have been encompassed in the same Expression of Interest.

⁵⁶ See Eleventh Update Report, para. 29.

⁵⁷ [REDACTED]

expressed their satisfaction about the content of workshop and stated to have gained a better understanding of the reparations proceedings and the legal and programmatic parameters of the awarded reparations. A number of vendors raised concerns about the security context in Timbuktu, the allocation of expenses between direct and indirect costs and their capacities to set up and manage the ERF. Lastly, vendors requested additional time to design and submit their proposal.

59. On 5 April 2020, having received an extension of time of two weeks to submit their proposal, the vendors, [REDACTED] [REDACTED] submitted their proposals. Three vendors out of five submitted a proposal in connection to the ERF. Two vendors out of seven submitted a proposal in connection to the psychological support mechanism. The Trust Fund has reviewed the proposals through the two technical committees set up for this purpose and is currently preparing the report for the RPU.

D. Symbolic reparations

60. With regard to the organisation of the ceremony, the Trust Fund wishes to recall that, as reported in the Thirteen Update Report, an inter-ministerial meeting was scheduled the week of 9 to 13 March 2020 to discuss the modalities and specific date of the ceremony. As a result of other competing priorities of the government, the meeting was first postponed to the end of March and then postponed until further notice as a result of the COVID-19 related restrictions.

61. On 31 March 2020, the Trust Fund liaised with the Ministry of Foreign Affairs and International Cooperation and reiterated its commitment to organise the ceremony as soon as the COVID-19 context allows for it, provided the first disbursements of individual awards have taken place. It appears however that it is not realistic anymore to envisage holding the ceremony around the end of June, as planned.

E. Human Resources and Fundraising

62. As to the human resources available, all staff members of the Mali are currently working remotely as a result of the COVID-19 pandemic. The recruitment of an Associate Programme Officer based in Bamako is on-going with the support of the Human Resources Section. [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

63. As to the fundraising efforts, the Trust Fund wishes to report that it keeps on deploying efforts to secure additional funding. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CONCLUSION

64. The Trust Fund respectfully requests the Trial Chamber to take note of the present report. The Trust Fund stands ready to further clarify any information provided in this document, 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 22 April 2020
At The Hague, The Netherlands