

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **21 April 2020**

TRIAL CHAMBER VIII

Before: Judge Raul C. Pangalangan, Single Judge

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF *THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI*

Public

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

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Fatou Bensouda
James Stewart
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Counsel for the Defence

Mohamed Aouini

Legal Representative of Victims

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

Others

Trust Fund for Victims

REGISTRY

Registrar

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Others

Judge Raul C. Pangalangan, acting as Single Judge on behalf of Trial Chamber VIII of the International Criminal Court, issues the following ‘Decision on the LRV Request for Resumption of Action for Deceased Victim a/20519/19’, in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Articles 68 and 75 of the Rome Statute.

1. On 17 August 2017, the Chamber issued its reparations order,¹ which was in part amended by the Appeals Chamber on 8 March 2018.²
2. On 3 April 2020, the Legal Representative of the Victims (the ‘LRV’) filed a request announcing the death of reparations applicant a/20519/19 and asking that a family member succeed the victim for purposes of the reparations award (the ‘Request’).³ The Request specifies that the Trust Fund for Victims already issued a positive decision on the victim’s individual reparations application,⁴ and asks that the designated successor can benefit from the reparations award accorded to the victim.⁵ Attached to the Request the LRV also provides supporting material to establish that: (i) a/20519/19 died; (ii) the person proposed as successor is a family relation to a/20519/19; and (iii) a/20519/19’s family designated the person to resume the action initiated by a/20519/19 before the Court.⁶ The LRV further asks that the designated successor receive the same protective measures.⁷ No submissions in response were received.
3. The Single Judge recalls that previously an application for resumption of action was granted when the three conditions of showing death of the victim, kinship of the proposed successor, and authorisation by the family were shown.⁸
4. In the instant case, the situation concerns an individual to whom an individual reparations award has already been granted, and the question of whether, after the death of the victim, a family member can take over as beneficiary of this award. In the view of the Single Judge, the entitlement to the reparations award granted to the victim is not

¹ Reparations Order, ICC-01/12-01/15-236.

² Judgment on the appeal of the victims against the “Reparations Order”, ICC-01/12-01/15-259-Red2.

³ Demande de reprise d’action introduite par la victime a/20519/19, ICC-01/12-01/15-355, with confidential *ex parte* annex.

⁴ Request, ICC-01/12-01/15-355, para. 5.

⁵ Request, ICC-01/12-01/15-355, para. 6.

⁶ Request, Annex, ICC-01/12-01/15-355-Conf-Exp-Anx.

⁷ Request, ICC-01/12-01/15-355, para. 8.

⁸ See Decision on LRV Request for Resumption of Action of Deceased Victim a/35084/16, 2 June 2017, ICC-01/12-01/15-223.

terminated by the victim's death. Therefore, if the conditions mentioned above are met, a designated family member is eligible to become beneficiary of the reparations award.⁹

5. Considering the above, and given the reasons and supporting material put forward by the LRV, the Single Judge considers that the designated successor can become the beneficiary of the reparations award, under the same conditions as the initial applicant. Therefore, the Request is granted.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request.

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



Judge Raul C. Pangalangan, Single Judge

Dated 21 April 2020

At The Hague, The Netherlands

⁹ The same approach was taken in a different case: *see* Trial Chamber II, *Prosecutor v. Germain Katanga*, Décision relative aux demandes de reprise d'instance introduites par des proches des victimes décédées a/0281/08 et a/25049/16, 21 March 2018, ICC-01/04-01/07-3782-Conf, para. 9.