

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/15
Date: 29 January 2025

TRIAL CHAMBER II

Before: Judge María del Socorro Flores Liera, Presiding Judge
Judge Kimberly Prost
Judge Nicolas Guillou

SITUATION IN THE REPUBLIC OF MALI

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

Public Document

**Thirty-fourth update report on the updated implementation plan, with
confidential, ex parte, Annex 1, available to the Trust Fund for Victims only**

Source: The Trust Fund for Victims

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

- | | |
|---|--|
| ☐ The Office of the Prosecutor | ☐ Counsel for the Defence |
| ☐ Legal Representatives of the Victims | ☐ Legal Representatives of the Applicants |
| ☐ Unrepresented Victims | ☐ Unrepresented Applicants (Participation/Reparation) |
| ☐ The Office of Public Counsel for Victims | ☐ The Office of Public Counsel for the Defence |
| ☐ States' Representatives | ☐ Amicus Curiae |

REGISTRY

- | | |
|--|---|
| Registrar
M. Zavala Giler, Osvaldo | ☐ Counsel Support Section |
| ☐ Victims and Witnesses Unit | ☐ Detention Section |
| ☐ Victims Participation and Reparations Section | ☒ Other
Trust Fund for Victims |

I. BACKGROUND

1. The Trust Fund for Victims hereby submits its Thirty-fourth Update Report following Trial Chamber VIII's ("Trial Chamber" or "Chamber") decision of 4 March 2019 approving the Updated Implementation Plan ("Decision on the UIP") submitted by the Trust Fund for Victims ("TFV"),¹ and the Decision on the Request of the Trust Fund for Victims to Submit Update Reports Every Three Months.² On 29 October 2024, the TFV submitted its Thirty-third update report on implementation ("Thirty-third Update Report").³

2. The present report covers the period from 30 October 2024 to 29 January 2025 and is structured as follows: the TFV reports first, on residual issues arising in relation to individual reparations (Part III); second, on the implementation of collective reparations (Part IV); and finally, on supportive activities conducted during the reporting period (Part V).

II. CLASSIFICATION OF THE PRESENT SUBMISSION

3. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the TFV has classified annex 1 to this report as confidential, *ex parte*, available to the Trust Fund for Victims only, as it contains sensitive identifying information related to individual victims or to individuals associated with the Court.

III. INDIVIDUAL REPARATIONS

4. The TFV recalls that the process of awarding individual reparations concluded in June 2024,⁴ with 1,689 beneficiaries found eligible for reparations, of which four beneficiaries could not be located and therefore paid. The funds to guarantee payment of their award has been set aside and the attempts to locate them have been ongoing without success throughout the previous and current reporting periods.⁵ As reported in the Thirty-second Update Report, by 29 July 2024, the 1,685 other beneficiaries had received their individual awards.⁶

5. In addition to this, as reported in the Thirty-third Update Report, two issues of a residual character arose.

¹ 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").

² Decision on the Request of the Trust Fund for Victims to Submit Update Reports Every Three Months, 17 February 2021, [ICC-01/12-01/15-380](#), disposition.

³ Thirty-third update report on the updated implementation plan, with annexes A and B, 29 October 2024, [ICC-01/12-01/15-477](#) ("Thirty-third Update Report").

⁴ Thirty-second update report on the updated implementation plan, 29 April 2024, [ICC-01/12-015-474-Conf-Exp](#), ("Thirty-second Update Report"), para. 32 *et seq.*

⁵ Thirty-second Update Report, para. 40; Thirty-third Update Report, para. 16.

⁶ Thirty-second Update Report, para. 40.

6. First, the TFV proceeded on 20 November 2024 with the issuing of administrative decisions for the two individuals whose situation was reported in the Thirty-third Update Report of 29 October 2024.⁷ The two beneficiaries received their respective award on 4 December 2024. The administrative decisions are attached to the present TFV Update Report.

7. Accordingly, a total of 1,691 beneficiaries have been found eligible for reparations and a total of 1,687 beneficiaries have received an individual reparations award.

8. Second, the TFV proceeded on 4 December 2024 to inform one victim that they had received due to a technical error a lower amount than due to them. The victim was paid the remainder of the reparations award on the same day.⁸

IV. COLLECTIVE REPARATIONS

9. The collective reparations ordered by the Trial Chamber for the benefit of the community of Timbuktu are organised around three modalities: (i) collective reparations for the moral harm suffered; (ii) collective reparations for the indirect economic harm suffered; and (iii) collective reparations in the form of a mechanism for the protection and maintenance of the Protected Buildings.

10. Throughout 2024, the TFV significantly advanced in the implementation of collective reparations in this case. Progress includes, in October 2024, the inauguration of the Louha memorial and the handover to the Timbuktu community of several collective reparations measures, including the fencing walls of the Cheick Sidi El Moctar El Kounti and Sidi Mahamoud cemeteries and the mausoleum of Cheick Mohamed Mahamoud Ben Cheick Al Arawani.

11. In the reporting period and following the reallocation of the remainder of the individual reparations envelope, the TFV focused on the implementation of the Economic Resilience Facility by taking programmatic, contractual and financial measures to operationalise the additional collective reparation measures identified within the confines of the approved Updated Draft Implementation Plan.

12. The reallocation of new funds required negotiation and amendment of the contracts with the three implementing partners, CFOGRAD, CIDEAL and UNESCO. Upon positive recommendation of an increased budget by the Registry's Procurement Review Committee on 4 November 2024, the TFV extended the contract with CFOGRAD and is finalising the renewal

⁷ See Thirty-third Update Report, para. 18.

⁸ See Thirty-third Update Report, para. 19.

of the contracts with CIDEAL and UNESCO. Once the contracts are issued, the TFV will be in a position to implement the additional measures in cooperation with the implementing partners.

A. COLLECTIVE REPARATIONS FOR MORAL HARM SUFFERED BY THE TIMBUKTU COMMUNITY

13. Collective reparations for moral harm consist of several measures, the general aim of which is to alleviate the moral suffering endured by the community of Timbuktu due to the destruction of the Protected Buildings. Collective reparations for moral harm are implemented with CFOGRAD, a Timbuktu-based organisation selected by the TFV as implementing partner.

1. Memorialisation

a. Background

14. In accordance with the Trial Chamber's Decision on the UIP, the TFV implements a memorialisation measure whose purpose is, in application of the principle of restorative agency, to empower the community to debate and discuss whether memorialisation measures would adequately alleviate the moral harm suffered, and if so, to determine, design and implement the types of measures that would be appropriate.⁹

15. In this spirit and to ensure a locally-driven memorialisation process, the TFV facilitated the setting up of five memorialisation committees: four in Timbuktu relevant to the Sarakeina and Hammabangou neighbourhoods (Committee I), the Badjindé and Djingareyber neighbourhoods (Committee II), the Abaradjou and Sankoré neighbourhoods (Committee III), and the Bellaferandi and Kabara neighbourhoods (Committee IV), and one memorialisation committee in Bamako (Committee V).¹⁰ Sub-committees have been established to ensure the participation of different groups of the community, including women and children. Lastly, a "supra-committee" (referred to as "Municipal Committee") was established under the patronage of the mayor to provide a forum of exchange and anchor the process at the level of the local authorities.

16. As previously reported,¹¹ after a thorough consultation process, the Municipal Committee had selected, on the basis of set criteria, a memorialisation measure composed of: (i) the erection of a memorialisation monument, or memorial, in the form of a Walaha, entitled

⁹ Decision on the UIP, paras 97 and 111. See also the Updated Draft Implementation plan, 2 November 2018, [ICC-01/12-01/15-291-Conf-Exp](#), paras 160-166.

¹⁰ These committees aim to provide a space to conduct community discussions as to the crime that occurred, its impacts, and whether or not it should be memorialised and, if so, how.

¹¹ Twenty-eighth Update Report, 6 June 2023, ICC-01/12-01/15-465, para. 19.

“Louha” to be erected on the Diamane Hana square; and (ii) the construction of an additional room in the municipal museum of Timbuktu.

17. The latest reporting period was marked by the inauguration and handover to the Timbuktu community of the Louha memorial on 3 October 2024 in the presence of national and local authorities, the TFV and a large representation of the Timbuktu community. The monument was widely applauded by the local population, and, in local media, received praise and visibility.

18. In addition to this, the construction of the additional room of the municipal museum was finalised in May 2024. The additional room has not yet been inaugurated due to the need to first design the permanent exhibition related to the mausoleum.

19. Additionally, in June 2024, as part of the reallocation of the remainder of individual reparations funds, additional proposed measures to address the moral harm were identified by the communities and the TFV, including the need for a related memorialisation measure for Kabara to mitigate the perceived feeling of exclusion of the population of Kabara in the context of the reparations implemented in this case. In the previous report, the TFV took preparedness steps – programmatic, procurement and contractual ones - to amend the contract of CFOGRAD accordingly.

b. Progress made during the reporting period

20. *Completion of the works and inauguration of the Louha* – As previously reported, on 8 May 2024, the construction work of the Louha monument and of the exhibition room to the municipal museum of Timbuktu were completed. The handover of the Louha monument and were provisionally handed over to the community of Timbuktu took place on 3 October 2024 on the Diamane Hana public square during an official inauguration ceremony presided over by the Governor of the Region of Timbuktu in the presence of the Mayor of Timbuktu.

21. *Impact of the Louha on the local population* – As soon as it was inaugurated, the Louha became part of Timbuktu residents’ lives. The process that led to the choice of the Louha was hailed by a researcher who said that this memorial was the only one to have been created through a participatory process.¹² The TFV’s implementing partner CFOGRAD reported to the TFV that the public square in Diamane Hana, where the Louha memorial is located, has become an attractive place where different age groups, especially young men and women, visit the monument to contemplate the memorial, get information from the signpost, or take a

¹² Post available at https://www.facebook.com/story.php?story_fbid=pfbid02w8rYSUmMncXuQraGH8ZSxKsB8o2DsGtupj8ZZrd9uuKcWM1UCLUymgrL4fNv44oGI&id=100021936041960&sfnsn=wa&mibextid=6aamW6&_rdr

photograph as a souvenir. These visitors include both locals and visitors such as those who travelled to Timbuktu in December 2024 for the *Vivre ensemble* festival. The photo of the building also featured on social media and on the cover of a book entitled ‘Hounde Hemei, Une ame explorée’ by Balobo Bilal Yattara, published on 11 November 2024. The book focuses on all the cultural and spiritual values that have contributed to the renown of the cosmopolitan city of Timbuktu since its foundation. The choice of the image of the Louha monument in the heart of Timbuktu as the cover illustrates the commemorative significance of the building.

22. Despite an agreement signed between CFOGRAD, the commemorative municipal committee and the city hall of Timbuktu on 3 October granting the responsibility for maintaining the Louha to the municipality, CFOGRAD seized the TFV to further determine with the local authorities the terms and conditions for the management and upkeep of the Louha monument. The TFV has proposed to put the issue on the agenda of the next steering committee set up by the Minister of Crafts, Culture, Hotel Industry and Tourism of Mali at the request of the TFV in order to inform and associate the key stakeholders of the progress in relation to the implementation of the collective reparation programme, which is scheduled for mid-March 2025.¹³

23. *Research and discussion about the permanent exhibition room on the mausolea* – During the reporting period, the TFV initiated discussions with experts, CFOGRAD and the director of the Timbuktu museum to understand the opportunities of the exhibition (availability of remnants of the destroyed mausoleums, availability of photographic and videographic materials, commitment of the families to support the exhibition, etc.) as well as the limitations (limited size of the room, lack of storage space, limited number of museum visitors, frequent power cuts making it virtually impossible to plan for a virtual part of the exhibition, the limited funds available for this reparation measure).

24. The exhibition's target audience was also discussed: while the focus is mainly on the Timbuktu community, and in particular the younger generation, in order to pass on the value and role of the mausoleums in the lives of the Timbuktu people, the fact that these buildings are listed as World Heritage Sites opens the opportunity to reach a potentially wider target audience not limited to the local community.

25. During a meeting with the museum's director, the fact that the museum has no legal personality was identified as an obstacle to the sustainability of the measure. This point has also been put on the agenda for the next steering committee meeting. It was also decided to consult

¹³ See para. 71 *infra*.

the community of Timbuktu and the research and selection commission for the museum's exhibits set up on 13 March 2024 about the scope and the target audience of the exhibition.

26. *Evaluation visit to the main building of the Timbuktu municipal museum* – As part of the additional collective measures prioritised in June 2024, the Timbuktu community praised the need to rehabilitate the other parts of municipal museum of Timbuktu. On 18 November 2024, an assessment was conducted to further establish the needs: a building technician of CFOGRAD conducted an evaluation of the main building of the Timbuktu municipal museum. The aim of this exercise was to identify better the types of work that could be carried out within the allocated financial envelope composed of the remaining sum that had been previously dedicated for individual awards. From an architectural point of view, no part of the old building will be modified or changed. The work will serve to preserve the building so that it can fully perform its current functions on the one hand, and on the other, to protect it from the weather and any other degrading factors. The rehabilitation work on the old museum building will involve the treatment of cracks and patching of holes, restoration of roofing bricks and argamase roasters, schooners, mats and banco, as well as some carpentry work, painting, electricity and plumbing.

27. *Meeting with the Kabara neighbourhood council and leaders* – While Kabara, which is a district of the city of Timbuktu lying at the outskirts of the city, was also particularly affected by the 2012 crisis, its inhabitants have expressed frustration that the mausolea damaged in 2012 located therein were not taken into consideration by the International Criminal Court in both the cases of *Al Mahdi* and *Al Hassan*. As part of the additional measures to be added to the current collective reparations programme, a memorialisation measure to be erected in the sector of Kabara was welcomed by the community of Timbuktu.

28. On 8 December 2024, the TFV visited the Kabara neighbourhood to meet with its representatives and its commemoration committee. The purpose of these exchanges was to discuss the harm suffered by the community of Kabara in relation to the crimes for which Mr Al Mahdi was convicted and thus to understand better the feelings of exclusion voiced by the community due to the distance separating the Kabara district from the Medina and initiate dialogue on a potential commemoration measure to be implemented as part of the additional measures linked to the Louha for the benefit of the community of Kabara. These consultations were held with the aim of presenting the upcoming works, and reinforcing Kabara's participation to the reparations process – similarly to all the other sectors of Timbuktu, and decrease the local community's perception of having been "*forgotten by the Court*". It also

contributes to further anchor the reparation measures throughout Timbuktu and to the resilience of the entire Timbuktu community in the face of the acts of destruction of 2012.

2. Psychological support

29. In accordance with the Decision on the TFV's twenty-seventh and twenty-eighth update reports on the updated implementation plan, the TFV is delivering mental health and psychological support to the members of the Timbuktu community via community-based therapy.¹⁴

30. During the latest two reporting period, 1 **round** of community therapy was organised by community relays in Timbuktu, with the active participation of **25** persons (18 women and 7 men).

31. Further rounds of community therapy are scheduled in the next reporting period.

B. COLLECTIVE REPARATIONS FOR ECONOMIC HARM SUFFERED BY THE TIMBUKTU COMMUNITY

32. Collective reparations for economic harm are channelled through a mechanism referred to as the Economic Resilience Facility ("ERF"). The ERF is an activity that aims at addressing the indirect economic harm caused by the crimes to the community of Timbuktu. The ERF is structured around two components:¹⁵ (i) a Microproject Support Fund that will support a minimum of 46 microprojects devised and presented by local, grassroots organisations based in Timbuktu and Bamako for a maximum amount of XOF 6,500,000 (equivalent of 9,909.19 EUR)¹⁶ to be selected following an inclusive and open process; and (ii) the provision of support to one or more projects conducted by the municipality of Timbuktu, designed to complement the other collective reparations measures implemented by the TFV together with its implementing partners CFOGRAD and UNESCO, to enhance the reparative effect of the programme. The collective reparations for economic harm are implemented with TFV's partner CIDEAL, an organisation based in Timbuktu.

1. ERF component 1: microproject support fund for local and grassroots organisations

¹⁴ Decision on the TFV's twenty-seventh and twenty-eighth update reports on the updated implementation plan, 25 August 2023, [ICC-01/12-01/15-466-Conf-Exp](#) ICC-01/12-01/15-466-Conf-Exp, ("Decision of 25 August 2023"), para. 20.

¹⁵ This structure is the product of the lengthy participatory and inclusive process previously reported, that led to defining the adequate measures and make sure they are endorsed by the community.

¹⁶ Exchange rate applicable on the day of the present report, 29 January 2025, using <https://www.xe.com/currencyconverter/>

33. Concerning the first component of the ERF (the Microproject Support Fund), as a result of an inclusive process carried out in Timbuktu, a mapping of 797 local based organisations, followed by training in project design for a total number of 278 grassroots organisations resulting in the submission of a total of 145 proposals out of which 60 were pre-selected at the neighbourhood level as potential beneficiaries of the ERF, nine proposals were pre-selected for Sankoré, five for Sarekeina, 5 for Kabara, 11 for Abaradjou, 11 for Belafarandi, five for Djingareyber, 11 for Hamabangou, and for Badjindé.

34. This pre-selection was carried out pursuant to pre-established criteria, revolving *inter alia* around criteria such as the need for compliance with the Reparations Order (pre-requisite), as well as quotas per neighbourhood and whether the organisations were women-led.

35. Of the 60 micro-projects, 33% were proposed by consortiums of organisations that comprised a total of 114 organisations. Of these, 92% belonged to the formal economy, 35% were women-led organisations and 27% were youth-led.

36. As per the process set up by the TFV, CIDEAL and the community, a final selection of a total of 42 projects was thereafter made by the municipal committee composed of the mayor of Timbuktu, various representatives of local technical services, including the Cultural Mission, delegates from the eight neighbourhoods of Timbuktu and representatives of the TFV's partners: (i) 23 micro-projects concerned the productive sector with six revolving around agriculture (garden harvesting), nine around transformation (that is the process of transforming agricultural products into consumable goods), four around livestock farming and four around soap making; (ii) two revolved around the protection and maintenance of the cultural heritage; (iii) five concerned the protection of the environment, including the management of water supplies, the sanitation sector and waste recycling; and (iv) twelve concerned social cohesion, including conflict prevention and socio-cultural activities.¹⁷

37. During the last reporting period, on 5 October 2024, the TFV participated in a grant award ceremony in Timbuktu marking the launch of funding for the selected organisations. The period was also marked by the effective instalments to 21 organisations, 11 were served on 5 September 2024 for a total amount of XOF 36,741,810 (equivalent of 56,012.53 EUR)¹⁸ and 10 on 5 October 2024 for a total amount of XOF 37,168,020 (equivalent of 56,662.28 EUR).¹⁹ The same process has been launched in Bamako for the diaspora of the Timbuktu community, with four projects yet to be selected.

¹⁷ See Thirty-second Update Report, para. 71.

¹⁸ Exchange rate applicable on the day of the present report, 29 January 2025, using <https://www.xe.com/currencyconverter/>

¹⁹ *Ibid.*

a. Financing and launching of selected initiatives

38. In the current reporting period, and following the launching of an initial number of 21 initiatives during the previous reporting period, CIDEAL has continued to proceed with the disbursement of the first instalment of 60% of the total amount of the project to an additional series of 20 selected organisations: a first wave of disbursements to 10 organisations for a total amount of XOF 38,431,440 (equivalent of 58,588.35 EUR)²⁰ took place on 10 December 2024 and a second wave to 10 other organisations took place on 27 January 2025, for a total amount of XOF 39,977,100 (equivalent of 60,944.70 EUR).²¹

39. As a result, as of the filing date, all of the 42 micro-projects have benefitted from a first instalment of 60% and have been launched. A majority of the first served organisations have already used the first instalments and look forward to receiving the second instalment to continue their projects.

40. The gradual disbursement of the first instalments to the 42 organisations led to frustrations in the community, given that, while the first organisations were being served, the others had to wait to receive the funds and start their projects. Similarly, the first organisations to be paid finished using their first disbursement before all 42 organisations had been served and indicated the desire to receive the second disbursement to continue their activities.

41. This gradual disbursement to the 42 organisations was due to the need to support each organisation that receives its disbursement, the need to ensure the safety of the teams and beneficiary organisations by limiting the circulation of funds, and, finally, the funding available from the TFV at CIDEAL.

42. Such frustrations on the part of the community was also shared with the TFV through the TFV feedback mechanism. The TFV and CIDEAL have met to review the disbursement situation and schedule the next instalments. CIDEAL was not in position to disburse the second instalment to the first served organisations until all the 42 organisations received their first instalment. CIDEAL is currently verifying the accounting documents of each of the organisations to validate the use of the first disbursement of 60% before the second instalment is paid out.

43. Throughout the reparations programme, CIDEAL provides the organisations with both financial and technical support and monitors the implementation of the local initiatives.

²⁰ *Ibid.*

²¹ *Ibid.*

44. While in Timbuktu in December 2024, in addition to the six projects the TFV had already visited during its previous mission in September 2024, the TFV visited four projects in Kabara, Sans fil, Abaradjou and Sankoré. The TFV was able to engage with members of the organisations and discuss the activities carried out since the launch. During these discussions, satisfaction and a desire to move more quickly with the remaining instalments emerged. The TFV has noted the community approach of each of projects and the commitment of members to participate in activities.

b. Evaluation of the eligibility of Bamako-based organisations

45. It is recalled²² that pursuant to the Reparations Order and Decision on the UIP, the same measures as in Timbuktu must be taken in Bamako. As previously reported, 19 organisations had been mapped, 13 of which were considered eligible. Of these 13 organisations, 11 belong to the formal economy and two to the informal economy.

46. During the current reporting period, a training session for the 13 pre-selected organisations including 26 staff members, on how to set up projects took place on 21 and 22 January 2025 in the presence of the Bamako commemoration and selection committee. The organisations are expected to submit their proposals by 7 February 2025. The training of the selection committee is being organised, similarly to the ones that have taken place in Timbuktu with each of the selection committees.

2. ERF component 2: provision of support to the Timbuktu Municipality to complement collective reparation measures

47. Concerning the second component of the ERF, which refers to the provision of support to a project conducted by the municipality of Timbuktu, designed to complement the other collective reparations measures, the TFV recalls that, following the identification of needs in terms of projects by the members of the committee in consultation with the members of the local council, with the support of agents from the government's technical services, a list of six proposed projects was drawn up on 2 February 2024, all based on the municipality's socio-economic development plan:²³ The urban community of Timbuktu had prepared a technical file for each of these proposals.

²² Thirty-second Update Report, para. 74.

²³ The six projects are: (i) drilling of a well in Haribono; (ii) the rehabilitation and the construction of sewage tanks in Sarakeina; (iii) the planting of trees in other cemeteries; (iv) the organisations of "hygiene days" with women organisations (v) the drilling of a well in Tillimaze; and (vi) the drilling of a well in the peace garden.

48. The implementing partner also incorporated an expert following a call for tenders in order to provide the municipality with technical support to redefine their proposals and come up with a detailed budget before a selection could be done amongst the proposed projects.

49. In the current reporting period, technical support was provided to the town hall to review the proposed macro-projects. Thanks to this technical support, the municipality reformulated and budgeted three projects. It became clear that the available budget could not support six projects. The choice made by the city hall aimed at improving the environment of protected buildings and thus the living conditions of the community with three macro-projects: development of the area around the Idje Thina Sarey, Cheihk Sidi Elwafi and Diamane Hanane cemeteries (next to the Louha memorial), which are subject to uncontrolled occupation; sanitation into the different sectors of Timbuktu; treatment of domestic wastewater on the eastern side of the city of Timbuktu.

50. The project pertaining to the treatment of domestic wastewater on the eastern side of the city of Timbuktu was finalised. It relates to the construction of twelve catch basins for wastewater from the eastern side of the city of Timbuktu. An agreement was signed between CIDEAL and the town hall and a first instalment of 50% of the XOF 54,240,000 (equivalent of 82,688.35 EUR)²⁴ budget will be disbursed to the municipality once the instalment procedure is agreed between the stakeholders.

C. PROTECTION AND MAINTENANCE OF THE PROTECTED BUILDINGS

51. Reparations in the form of protection and maintenance of the Protected Buildings are executed in partnership with UNESCO and consist of a series of measures, namely: (i) capacity-strengthening of the masons corporation,; (ii) reconstruction of the Al Arawani mausoleum ; (iii) capacity strengthening of the Cultural Mission ²⁵; (iv) planting of trees and hedges to strengthen protection of mausoleums from environmental pressure; (v) lightning improvements around certain protected buildings which has already been completed; (vi) reconstruction of the walls of certain cemeteries ; and (viii) the set-up of a maintenance fund for the protected buildings (discussions ongoing).

52. The three first measures and the sixth one have been completed in previous reporting period, while the fourth and the fifth have been finalised this quarter. Without mentioning the

²⁴ Exchange rate applicable on the day of the present report, 29 January 2025, using <https://www.xe.com/currencyconverter/>

²⁵ Decision of 25 August 2023, para. 14.

additional measures, UNESCO remains with the eighth measure to be fully operationalised. Progress on outstanding areas made during the reporting period is detailed below.

1.Planting of trees and hedges to strengthen the protection of mausoleums from environmental pressure

53. This measure concerns the planting of trees and hedges around the four mausoleums of Sidi Mahamoud Ben Omar Mohamed Acquit, Trois Saints, Alpha Moya, and Cheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti. Considering that works are being carried out on the walls of the Sidi Mahamoud and Cheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabir Al Kounti mausolea, the planting of trees has been organised to be carried out in two stages.

54. The TFV recalls that the first phase of planting trees around the Alpha Moya and Trois Saints cemeteries, carried out with the support of the Association pour le Développement en Zone Aride (ADAZ), a local NGO in Timbuktu, has been already previously completed with the staking, installation of posts and fixing of barbed wire, the installation of water supplies, and a series of other improvements, as described in the Thirty-third Update Report.²⁶ The technical handover took place during the Trust Fund's mission to Timbuktu on 4 October 2024.

55. During the reporting period, the Trust Fund and UNESCO completed the planting of trees and hedges as well as the installation of the overall protection system and water supply for watering the plants, and the maintenance and security of the two cemeteries, Sidi Mahmoud and Cheick Sidi el Moctar El Kounti.

56. On the recommendation of the communities and technical services, three types of plant were chosen. These were Neem (for the plants), Acacia Senegal (white gum) and Lawsonia inermis (henna) to be used as living hedges. A total of 972 hedges and 243 trees were planted and protected around the Sidi Mahamoud cemetery. At the Cheick Sidi El Moctar El Kounti cemetery, 344 hedgerows and 86 trees were planted. On the recommendation of the head of the mausoleum, Mr Cheick Sidi El Moctar, the planting was carried out inside the El Kounti cemetery.

57. Arrangements were made to protect and maintain the plantations: As for the water supply, eight additional standpipes have been added in the immediate vicinity of the two cemeteries, in collaboration with the Societe Malienne de Gestion d'Eau potable. To protect the plants and hedges, and in partnership with the Regional Water and Forestry Directorate, the

²⁶ See Thirty-third Update Report, para. 61.

mesh of the fencing wall and the barbed wire of the overall protection system have been reinforced to minimise access by animals.

58. To guarantee the security and upkeep of the plantations, three guards/labourers (2 for Cheick Sidi El Moutar El Kounti and 1 for Sidi Mahamoud) have been recruited on a temporary basis to monitor the sites, maintain the plants and water regularly. These measures are designed to ensure that the trees receive the care they need to flourish. Recruitment was carried out in collaboration with the local communities, in particular the heads of the neighbourhoods concerned, in order to ensure the involvement of the communities in the measures taken, to ensure the continuity and sustainability of the actions undertaken, but also to promote the restorative value of this action.

59. The technical handover of the planting work for these two cemeteries took place on 22 December 2022 in the presence of the Director of Entreprise Mama Touré, the Regional Director of Water and Forests, the neighbourhood chiefs and representatives of the families responsible for the mausoleums. Community meetings were organised by UNESCO to discuss the implementation of the measure and the difficulties encountered: Occupation of the immediate vicinity of the cemeteries by individuals engaged in lucrative activities (trade, car and motorbike washing, metal carpentry, etc.); Insanitary conditions (rubbish dumps and sewage) in the immediate vicinity of the cemetery fences; Animals (goats) roaming around the cemeteries, damaging the plantations, etc.; and breaches in the boundary walls of the two cemeteries. At the end of these meetings, the communities decided to entrust the monitoring of the results of the tree and hedge planting around the Alpha Moya and Trois Saints cemeteries to the development committees of these two districts (Sareikeina and Djingareyber) at the end of the ADAZ contract. These committees will monitor the caretakers in their caretaking and watering work, as well as paying their monthly salaries.

60. This reparation measure is now 100% complete.

2. Lighting improvement

61. The TFV recalls²⁷ that in accordance with the Trial Chamber's endorsement²⁸ of the TFV's proposal to expand the scope of the lighting-improvement measure to include four additional Protected Buildings,²⁹ following a recruitment process, a contract was signed with a company that has been tasked, under the supervision of UNESCO and TFV, to: (i) install 30

²⁷ Thirty-second Update Report, para. 86.

²⁸ Decision of 25 August 2023, para. 23.

²⁹ The Protected Buildings in question are three mausoleums of the Three Saints Cemetery (the Cheikh Mouhamad El Mikki mausoleum, the Cheikh Abdoul Kassim Attouaty mausoleum and the Cheikh Sidi Ahmed Ben Amar Arragadi mausoleum) and the Alpha Moya mausoleum.

solar street lights around the ten Protected Buildings; (ii) design a feasible maintenance plan; (iii) train the maintenance team (four individuals); and (iv) organise an outreach campaign on the installation. During the last quarter of 2024, the activities focused on the finalisation of the installation work of streetlights and solar floodlights around the ten protected buildings in Timbuktu. On 7 October 2024, the technical handover for the supply and installation of solar photovoltaic streetlamps around ten protected buildings in Timbuktu took place (mausoleums and mosques).

62. During the last quarter, the TFV and UNESCO focused on the finalisation of this measure: on 22 December 2024, works were completed with a total of 33 streetlights and 14 solar floodlights installed on 34 masts/poles in six sites including 4 cemeteries (Alpha Moya, Sidi Mahamoud, Cheick Sidi El Moctar Al Kounti, and Trois Saints) and 2 mosques (Djingareyber and Sidi Yahia).

63. From 19 to 20 December 2024, UNESCO trained a team of 5 people (4 electricians and a mason) designated by the community of Timbuktu to ensure the maintenance of the installed solar streetlamps. This training aims at setting up a transfer of skills at the end of the company's maintenance contract which ends in December 2025. Technical support to the communities through this team will continue for a period of one year (12 months) in the monitoring and maintenance of the installations.

3. Maintenance fund for the Protected Buildings

64. This measure aims at enabling preventive maintenance of the ten protected buildings concerned by the Reparations Order, keeping them in a satisfactory state of conservation, limiting the risks of deterioration and enabling the community to take ownership of maintenance and perpetuate a living tradition associated with maintenance work on protected buildings.

65. As described in the Twenty-second Update Report,³⁰ the operationalisation of the measures remains complex due *inter alia* to: (i) the relative reluctance of the stakeholders involved to designate their representative; and (ii) the delays created by the search for a consensus concerning the appropriate measure.

66. Following the meeting of 5 October 2024 conveyed by the TFV and UNESCO as reported in the previous report, the representatives of the stakeholders concerned (mosque management committees, mausoleum managers, corporation of traditional masons, technical services and civil society) are working on the setting up of the committee for the management of the fund

³⁰ Thirty-second Update Report, para. 97.

for the maintenance of protected buildings in Timbuktu and the appointment of various members.

67. It was previously agreed that the fund would be lodged in a bank account created for that purpose, and will be placed under the administrative and technical management of the above-mentioned management committee. During the Timbuktu mission, the TFV and the delegation met with the committee which took the commitment to draft internal regulations to specify eligibility criteria for the maintenance fund, procedures for accessing and using resources, and control tools. Draft rules of procedure will be discussed during the next reporting

V. SUPPORTIVE ACTIVITIES

68. During the reporting period, including the Timbuktu and Bamako missions, in addition to the other activities detailed above, the TFV also conducted a number of supportive activities revolving around several issues: (i) scheduling the next steering committee; (ii) convening and participating to the regional commission of coordination and monitoring of the collective reparations; (iii) an information and awareness campaign in the context of protected buildings protection and maintenance; (iv) the feedback mechanism set up in the context of the reparations programme; (v) capacity building efforts for implementing partners in PSEAH; (vi) activities relating to the production and screening of documentaries on the mausoleums and the Timbuktu community; and (vii) a joint mission to Timbuktu in the context of the *Al Hassan* case.

A. STEERING COMMITTEE

69. A steering committee was set up on 23 May 2022 by the Minister of Crafts, Culture, Hotel Industry and Tourism at the request of the TFV in order to inform and associate the key stakeholders of the progress in relation to the implementation of the collective reparation programme and coordinate with other initiatives.³¹ Two sessions were held in December 2023 and July 2024. During the previous reporting period, the Minister of Culture committed to convening a session of the steering committee during the first quarter of 2025. Following a cabinet reshuffle on 21 November 2024, a new minister has been appointed to head the Ministry of Crafts, Culture, Hotel Industry and Tourism. The TFV has liaised with the Minister to introduce the reparations programme and request the scheduling of the third session of the steering committee for the second part of March 2025.

³¹ See *e.g.* Thirty-second Update Report, para. 100.

B. REGIONAL COMMISSION OF COORDINATION AND MONITORING OF THE *AL MAHDI* COLLECTIVE REPARATIONS

70. The regional commission of coordination and monitoring of the *Al Mahdi* collective reparations was set up in July 2022 at the launch of the operational phase of the collective reparations.

71. During the reporting period, the TFV met with the Governorate and requested it to convey and preside a session of the regional commission on 8 December 2024. In addition to this, a screening of the TFV's short film on the *Al Mahdi* reparations took place, which gathered positive feedback from the members of the commission.

C. INFORMATION AND AWARENESS CAMPAIGN IN THE CONTEXT OF PROTECTED BUILDINGS PROTECTION AND MAINTENANCE

72. During the implementation of reparations in the form of protection and maintenance of the Protected Buildings as executed in partnership with UNESCO, an information and awareness campaign for the Timbuktu community was conducted on the appropriation of this measure in order to ensure its sustainability.

D. FEEDBACK MECHANISM

73. Taking into account the limited access to Timbuktu and the very large target of the collective reparation measures, the TFV put in place a feedback mechanism, launched on 23 April 2024.³² The aim of this feedback mechanism has been to facilitate the communication between the community of Timbuktu and the TFV. It consists of a telephone hotline widely promoted amongst the individuals and organisations interacting with the reparations programme. The number is reachable every working day all day. Individuals merely need to dial the number and are thereafter called back.

74. The number is attended by a TFV resource person as a first responder who has been selected based on set criteria, such as the absence of any conflict of interest, understanding of the reparations programme, ability to communicate in multiple languages, including local languages, and their ability to communicate with victims. The TFV trained the first responder.

75. The procedure for managing calls has been set out in the Thirty-first Update Report.³³

³² Thirty-first Update Report, 29 April 2024, [ICC-01/12-01/15-474-Conf-Exp](#) ("Thirty-first Update Report"), paras 94-96.

³³ Thirty-first Update Report, paras 94-96.

76. During the reporting period, a total of fourteen calls were received. Thirteen of these related to the *Al Hassan* case and were referred to the VPRS. Only one call related to the collective reparations in the *Al Mahdi* case, in particular the Economic Resilience Facility mentioned above in para. 31 *et seq.*

77. The TFV considers the feedback mechanism as an increasingly useful tool for taking the pulse of the population on major issues in the context of the implementation of the reparations programme. It helps in addressing situations immediately and not merely when the TFV reaches Timbuktu. The number is now well known in Timbuktu and displayed in the locations of the ERF projects.

E. CAPACITY BUILDING FOR IMPLEMENTING PARTNERS IN PROTECTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (PSEAH)

78. In accordance with the principle of zero tolerance of gender-based violence at the International Criminal Court, the TFV has taken steps to further disseminate this commitment. The TFV trained its implementing partners in Protection from Sexual Exploitation, Abuse and Harassment (PSEAH) in partnership with a UN agency in two stages: a session on 19 November 2024 was held in Bamako and another session on 7 December 2024 in Timbuktu. The relevant gender focal points and all the teams of the three implementing partners (CFOGRAD, CIDEAL, UNESCO) were present at the training. The training enabled more than 30 participants to understand the nuances between the notions of sexual exploitation, abuse and harassment, to strengthen their understanding of gender-based violence and to appreciate the added value of accountability mechanisms.

F. PRODUCTION AND SCREENING OF DOCUMENTARIES ON THE MAUSOLEUMS AND THE TIMBUKTU COMMUNITY

79. Following its mission to Timbuktu in October 2024, the TFV produced a 13:35 minutes short film on the progress of the various reparations measures and the outlook for the remainder of the *Al Mahdi* reparations programme. The film highlights the various key players in charge of implementing collective reparations, thereby underscoring the extent to which the project is anchored in the community. It also includes footage from the inauguration ceremony of the Louha Monument, the handover ceremonies of the buildings to the Timbuktu community and the project visits carried out during the TFV's mission in October 2024. This short film represents an audiovisual tool enhancing the visibility and the understanding around the *Al*

Mahdi Reparations Programme. It was shown for the first time at a recent TFV Board meeting held between 28 November and 3 December 2024, prior to the sessions on Mali.

80. Between 26 November and 17 December 2024, Ciné Droit Libre, in collaboration with the TFV, organised five screenings of the short film produced by the TFV, in addition to the film “Alwalidji” by Malian director Kaourou Magassa. The film “Alwalidji” or “The Mausoleums”, highlights the golden age and plural links between the mausoleums and the Timbuktu community. Both films were screened together in order to highlight the place and value of the mausoleums within the Timbuktu community and the way in which the Court and the TFV are contributing towards repairing the damage caused by their destruction.

81. In line with the objective of raising awareness about the case of *Al Mahdi* and encouraging discussions on the restorative value of the measures underway, the screenings took place in several towns in Mali and Bamako. These film screenings, part of the traveling campaign initiated by the TFV and implemented by Ciné Droit Libre, aim to inform and raise awareness among the people of Mali about the reparations process linked to the *Ahmad Al Faqi Al Mahdi* case through the organisation of 30 screening sessions followed by debates. All in all, 20 of the 30 screenings planned have been carried out in 11 towns in Mali in 2023, and 10 in Bamako in 2024. During the reporting period, screenings and debates were held with: (i) architects and students, (ii) displaced women (part of Avocats Sans Frontières Canada's JUPAX transitional justice project), (iii) staff of the UNESCO office in Bamako, (iv) students of the Faculty of Public Law, and (v) members of the TFV's assistance mandate implementing partner P15 consortium, which is composed of nine organisations. Screenings were followed by discussions and thematic panels pertaining to the *Al Mahdi* case and the culture of Timbuktu. By way of example, the session organised by the Malian Order of Architects, one of whose members has trained masons in facility rehabilitation, was followed by a panel discussion between architects and students on the importance of preserving tangible and intangible heritage, on appropriate and durable coatings, and on the recommended techniques.

G. MISSION CONDUCTED IN THE CONTEXT OF THE *AL HASSAN* CASE

82. In December 2024, the TFV co-organised a joint mission with the Registry (VPRS) and Legal Representative of Victims Maître Fidel Luvengika Nsita, which amongst the terms of reference also sought to follow up on the *Al Mahdi* reparations processes and achievements, support the ongoing implementation of the collective measures, and further strengthen the TFV's cooperation with local authorities, civil society and the community. On this occasion, the TFV was able to take stock of the implementation of the programme, listen to any

difficulties and/or expectations of the community and to continue the wide dissemination of the telephone number of the TFV's feedback mechanism for the *Al Mahdi* reparations implementation.

83. The TFV also observed during the mission that the Timbuktu community was well aware and informed of the distinctive criminal responsibilities of Mr Al Hassan and Mr Al Mahdi, and clearly distinguished the two cases before the International Criminal Court.

VI. CONCLUSION

84. The TFV respectfully requests the Trial Chamber to take note of the present report.



Deborah Ruiz Verduzco
Executive Director of the Trust Fund for Victims,

Dated this 29th January 2025

At The Hague, The Netherlands