

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/12-01/15**
Date: **11 February 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

**Decision on the TFV's Thirty-second, Thirty-third and Thirty-fourth update reports
on the updated implementation plan**

Decision 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**

☐ **The Office of Public Counsel for Victims**

☐ **The Office of Public Counsel for the Defence**

☐ **States' Representatives**

☒ **Trust Fund for Victims**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations Section**

☒ **Public Information and Outreach Section**

Trial Chamber II of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to articles 75 and 79 of the Rome Statute, regulation 58 of the Regulations of the Trust Fund for Victims (the ‘Regulations of the TFV’), and regulation 23*bis* of the Regulations of the Court, issues this ‘Decision on the TFV’s Thirty-second, Thirty-third and Thirty-fourth update reports on the updated implementation plan’.¹

1. On 2 November 2018, the Trust Fund for Victims (the ‘TFV’) filed its Updated Implementation Plan, in which it, *inter alia*, informed the Chamber that any funds not used after the end of the disbursement of individual awards would be reinvested into the collective reparations programme.²
2. On 4 March 2019, the Chamber issued its Decision on the Updated Implementation Plan, in which it, *inter alia*, approved selected projects pertaining to individual, collective, and symbolic reparations³ and acknowledged that ‘any individual reparations surplus is to be invested in collective reparations’.⁴
3. Following the completion of the implementation of individual reparations on 11 June 2024,⁵ the TFV reallocated the remaining funds to the collective reparations programme (the ‘Reallocated Funds’).⁶
4. On 29 July 2024, the TFV filed the Thirty-second update report on the updated implementation plan (the ‘Thirty-second Report’), in which it proposes 14 new projects to be funded using the Reallocated Funds.⁷ Specifically, the TFV proposes: (i) eight projects

¹ In issuing this public decision, the Chamber notes that where it refers to information contained in a filing classified as confidential, the Chamber considers that this information does not warrant a confidential classification.

² Updated Implementation Plan, 2 November 2018, ICC-01/012-01/15-291, lesser public redacted version filed on 2 November 2018, [ICC-01/12-01/15-291-Red4](#), paras 55, 78-79.

³ Decision on the Updated Implementation Plan from the Trust Fund for Victims (‘Decision on the UIP’), 4 March 2019, ICC-01/12-01/15-324-Conf, public redacted version filed on the same date, [ICC-01/12-01/15-324-Red](#), paras 113-114.

⁴ Decision on the UIP, [ICC-01/12-01/15-324-Red](#), paras 33-36.

⁵ See Thirty-second update report on the updated implementation plan (‘Thirty-second Report’), 29 July 2024, ICC-01/12-01/15-476-Conf-Exp (with three confidential *ex parte* annexes, available to the TFV only), para. 111. The Chamber notes the TFV’s submission that it set aside funds to complete individual awards to be paid to four beneficiaries not yet located at that time. Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, paras 43, 111.

⁶ See Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, paras 110-111.

⁷ Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, paras 122-125.

related to the protection and maintenance of the protected buildings;⁸ (ii) one economic project;⁹ and (iii) five projects directly connected with the implementation of collective reparations for moral harm.¹⁰ The TFV submits that it selected these projects following an extensive consultation period that aimed, in part, at ensuring that the proposal fell ‘squarely within the Reparations Order and aimed at addressing one of the harms recognized by the Reparations Order’.¹¹ The TFV further submits that transferring the Reallocated Funds to these projects will ‘strengthen the initial measures and deepen their impact, thereby contributing to the sustainability of the collective reparations’.¹²

5. On 29 October 2024, the TFV filed the Thirty-third update report on the updated implementation plan (the ‘Thirty-third Report’), in which it proposes one additional project to be funded using the Reallocated Funds and aimed at ‘contribut[ing] to more comprehensively addressing the moral harm suffered by the entire community of Timbuktu’.¹³
6. On 29 January 2025, the TFV filed the Thirty-fourth update report on the updated implementation plan (the ‘Thirty-fourth Report’), in which it reports, *inter alia*, on the steps taken in relation to the additional projects to be added to the current collective reparations programme.¹⁴

⁸ These projects consist of: (i) additional reparation of the fences of the cemeteries of Three Saints and Alpha Moya; (ii) the continuation of the capacities’ strengthening of actors in charge of the protection and maintenance of protected buildings in Timbuktu; (iii) outreach of the Timbuktu community about the value of protected buildings; (iv) the installation of information signs near the protected buildings; (v) additional work on the fences of the cemeteries of Sidi Mahmoud and Sidi El Moktar El Kounti cemeteries; (vi) setting up of an irrigation mechanism for the trees planted; (vii) the dwelling for the irrigation system; and (viii) the increase of the material support to the cultural mission of Timbuktu. See Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, para. 125, fn. 31.

⁹ This project consists of ‘increasing the financial envelop of the reparations for economic harm, that is of the [Economic Resilience Facility (‘ERF’)], specifically to support additional microprojects carried by grassroots organisations and strengthen the macro project carried by the City Hall of Timbuktu. This could be implemented by TFV partner CIDEAL in charge of the ERF’. See Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, para. 123.

¹⁰ These projects consist of: (i) the continuation of the community - based therapy; (ii) the building of a “sister” monument to the Louha, in a neighbourhood (Kabara) that has not yet directly benefitted from any measures; (iii) the strengthening of the exhibition on the mausoleum in the newly built exhibition room; (iv) dedicated activities with the touristic guides; and (v) and efforts to rehabilitate the Timbuktu museum. See Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, para. 124, fn. 30.

¹¹ Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, para. 120.

¹² Thirty-second Report, ICC-01/12-01/15-476-Conf-Exp, para. 126.

¹³ This project consists of contributing to the refurbishment of the cultural centre of Ali Farka in Timbuktu that was looted during and after the occupation of Timbuktu. See Thirty-third Report, [ICC-01/12-01/15-477](#), para. 96.

¹⁴ Thirty-fourth update report on the updated implementation plan (with confidential, *ex parte*, Annex 1, available to the TFV only), 29 January 2025, ICC-01/12-01/15-478, paras 11-12, 26-28.

7. The Chamber notes the TFV's extensive consultations with the Timbuktu community regarding how to employ the Reallocated Funds. The Chamber also notes that the 15 'projects' proposed by the TFV are in fact activities that expand and support the specific projects previously approved in the Decision on the UIP.¹⁵ Finding that the said activities are within the scope of the Reparation Order and the Decision on the UIP, the Chamber endorses them.
8. Finally, the Chamber recalls the TFV's submission that the reparations programme will conclude in December 2025.¹⁶ The Chamber reiterates the previous decisions regarding the need for a timely conclusion of the implementation of reparations in this case.¹⁷ In this context, the Chamber instructs the TFV to provide in its next update report: (i) further information as to when the remaining measures are expected to be completed; (ii) whether the TFV expects a closing ceremony or other formalities to take place after December 2025; and (iii) when the Chamber can expect to receive the final narrative and financial report pursuant to regulation 58 of the Regulations of the TFV.

FOR THESE REASONS, THE CHAMBER HEREBY,

ENDORSES the 15 activities proposed in the Thirty-second and Thirty-third Reports;

DIRECTS the TFV to provide the information requested in paragraph 8 in its next update report; and

DIRECTS the TFV to review their submission of the Thirty-second and Thirty-fourth Reports and either file a public redacted version, request the reclassification as public, or justify the need to maintain the current classification, within five days from the notification of the present Decision.

¹⁵ Decision on the UIP, [ICC-01/12-01/15-324-Red](#), para. 113.

¹⁶ Thirty-third Report, [ICC-01/12-01/15-477](#), para. 4.

¹⁷ Decision on the TFV's Twenty-third update report on the updated implementation plan, 13 March 2023, [ICC-01/12-01/15-439](#), para. 10; 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, public redacted version notified on 4 December 2023, [ICC-01/12-01/15-466-Red](#), paras 15-19; Decision on the TFV's twenty-ninth update report on the updated implementation plan including report on the finalisation of individual reparations, 11 December 2023, ICC-01/12-01/15-470-Conf, public redacted version notified on 30 April 2024, [ICC-01/12-01/15-470-Red](#), para. 34.

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



Judge María del Socorro Flores Liera, Presiding Judge



Judge Kimberly Prost



Judge Nicolas Guillou

Dated 11 February 2025

At The Hague, The Netherlands