



Original: **French**

No.: ICC-01/12-01/18
Date: 07 February 2025

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Miatta Maria Samba
Judge Erdenebalsuren Damdin

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
THE PROSECUTOR *v.* AL HASSAN AG ABDOUL AZIZ AG MOHAMED
AG MAHMOUD**

Public Document

**Observations of the Victims in Burkina Faso/Niger following the Withdrawal of
the Notice of Appeal against the Judgment Convicting Mr Al Hassan
Article 68(3): the Court may Obtain the Views and Concerns of the Victims at any
Appropriate Stage when their Interests are at Stake**

Source: Mr Mayombo Kassongo, Legal Representative of Victims

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

☒ Office of the Prosecutor

☒ Counsel for the Defence
D28

☒ Legal Representatives of Victims
V43

☐ Legal Representatives of Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants for
Participation/Reparations

☐ Office of Public Counsel for Victims

☐ Office of Public Counsel for the
Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. Background

1. Mr Kassongo requested and obtained a mission to travel to the tri-border area, where the countless victims of the 2012 jihadi occupation are located.
2. The victims consulted, 150 persons in total, heard the solution jointly proposed by the Office of the Prosecutor and the Defence for Mr Al Hassan – to withdraw the Notice of Appeal – and took it as a psychological shock.
3. For the victims of war crimes and destruction of protected buildings, the disappointment is immense. They are confused and feel revictimized because their status was the basis of the persecution perpetrated by Mr Al Hassan and his group; they wonder how they can return home and resume worshipping their ancestors.
4. Most of them are large families and were expecting to receive justice.
5. The victims from Timbuktu who are living scattered across the tri-border area expressed a great deal of concern.
6. They are afraid that the persecution may resume with Mr Al Hassan's release which is looming on the horizon.
7. The victims of persecution and other inhumane acts have numerous expectations regarding the nature of the reparations.
8. They hope for a reparations plan commensurate to their suffering as expressed in terms of mental, economic and material harm.

II. Submissions: Legal Representative's proposal to remedy the revictimization

9. The abandonment of the appeal has left the victims utterly despondent.
10. The LRV proposes that the Chamber initiate a harm assessment phase for victims who are to be part of the reparations phase.
11. The LRV would make proposed lists for the Trust Fund concerning victims he has met.
12. The Chamber could give permission, through inclusive reparations criteria, for certain categories of victim not to be excluded from individual and collective reparations, so as to avoid a tendency towards revictimization and certain frustration.
13. The Chamber could encourage the bodies involved in the proceedings to work together in applying the screening of candidates for reparations.
14. Lastly, the LRV recommends that the Court introduce urgent measures for the most destitute people to be reintegrated into the social fabric of their Timbuktu community.

III. Conclusion

15. At this appropriate stage of the proceedings, the victims need to make contact with the LRV for information and to ease their suffering in terms of anxiety and procedural solutions now that there is no longer a trial.
16. The LRV is the interface between the Court's work and the victims, who feel abandoned.
17. An enhancement of the terms of engagement of the LRV (as regards resources and time worked) seems necessary in order to enable the various categories of victim

to continue feeling the impact of the International Criminal Court's work on the ground.

Respectfully,
Without prejudice,

[signed]

Mr Mayombo Kassongo, Legal Representative of Victims

Dated this 07 February 2025

At Kinshasa, Democratic Republic of the Congo