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Court**

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TRIAL CHAMBER X

Before: Judge Kimberly Prost, Presiding Judge
Judge María del Socorro Flores Liera
Judge Keebong Paek

SITUATION IN THE REPUBLIC OF MALI

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

Public Document

**Trust Fund for Victims' Observations relevant to Reparations with Annexes A, D
and E and Confidential Annexes B and C**

Source: Trust Fund for Victims

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

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Al Hassan Defence

☒ **Legal Representatives of the Victims**

Al Hassan Victims

☐ **Legal Representatives of the Applicants**

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Trust Fund for Victims

Public Information and Outreach Section

Table of Contents

I.	Background	3
II.	Classification of the present submission	4
III.	Methodology applied.....	4
IV.	Trial Chamber Query B – Types and Extent of the Harm.....	6
A.	Definitions of select categories of harm.....	6
B.	Concrete Harm Suffered by the Community of Timbuktu and Its Members	8
1.	Harm to the community of Timbuktu as a whole	8
2.	Harm to specific groups within the community	10
3.	Harm to children	11
4.	Specific acts of persecution causing severe and enduring individual harm	12
5.	Conclusion	12
V.	Trial Chamber Query A – Number Of Potential Beneficiaries	13
A.	Victims of the crime of persecution	14
B.	Specific categories of indirect victims of specific crimes	15
VI.	Trial Chamber Query C – Factual Presumptions	16
VII.	Trial Chamber Query D – Types And Modalities Of Reparations.....	17
A.	Contextual information relevant to implementation-related Reparations Principles (including the do no harm principle)	18
B.	Victims’ views on reparations.....	22
1.	Community level reparations:.....	22
2.	Specific reparations for groups	23
3.	Individual level reparations.....	24
4.	Summary	24
C.	Forms of reparation	25
D.	Reparations modalities	26
1.	Reparations to address the harm suffered by the community of Timbuktu and by specific groups within the community of Timbuktu	27
2.	Reparations to address individual harm	29
VIII.	Trial Chamber Query E – Cost Estimates	31
A.	Overview of Cost-Categories and Rationale	31
B.	Collective Reparations Programme for the Community and its members	32
1.	Symbolic, commemoration and satisfaction measures and participative mechanism:	32
2.	Socio-economic measures.....	33
3.	Psychological rehabilitation.....	33
4.	Physical rehabilitation (individual level):	33
C.	Outlook.....	34
IX.	Trial Chamber Query F – Identification Of Eligible Victims	34
X.	Trial Chamber Query G – Prioritisation of Victims	36
XI.	Trial Chamber Query H – Other Reparations	37
XII.	Conclusion.....	38

I. BACKGROUND

1. On 26 June 2024, Trial Chamber X (“Chamber”), by majority, convicted Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (“Mr Al Hassan”) for the commission of three counts of crimes against humanity and five counts of war crimes:¹ the crimes against humanity of torture (count 1 of the charges), other inhumane acts (count 2 of the charges) and persecution on religious grounds (count 13 of the charges), as well the war crimes of torture (count 3 of the charges); cruel treatment (count 4 of the charges); outrages upon personal dignity (count 5 of the charges); passing sentences without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable (count 6 of the charges); and mutilation (count 14 of the charges).²

2. On 20 November 2024, the Chamber sentenced Mr Al Hassan to 10 years of imprisonment.³ Both decisions are final given the discontinuance of the appeals⁴ against the conviction by the Prosecutor and the Defence.⁵

3. The TFV hereby provides its observations (“these Observations”) pursuant to the Order for Submissions on Reparations (“Order”) of 13 December 2024.⁶ All questions raised by the Chamber have been addressed separately, with their order adjusted to prevent redundancy.

II. CLASSIFICATION OF THE PRESENT SUBMISSION

4. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the TFV has classified Annexes B and C of the present submission as confidential, as they consist of preliminary working materials that remain under development and have not yet been incorporated into a finalised or formally adopted study. Premature disclosure of these draft materials may lead to misinterpretation or compromise the integrity of the ongoing analytical process.

III. METHODOLOGY APPLIED

5. In preparing these Observations, the TFV has been guided by its mandate to give visibility to the plight of victims.⁷ To this end, it has sought to convey the insights, experiences, and current situation of the various members of the community of Timbuktu, who were affected

¹ Public redacted version of Trial Judgment, 26 June 2024, [ICC-01/12-01/18-2594-Red](#) (“Conviction Decision”), paras 818-821.

² Conviction Decision, para. 1785.

³ Sentencing Judgment, 20 November 2024, [ICC-01/12-01/18-2662](#) (“Sentencing Decision”), para. 134.

⁴ Defence Notice of Appeal against the Trial Judgment, 18 September 2024, [ICC-01/12-01/18-2648](#); Prosecution notice of appeal, 18 September 2024, [ICC-01/12-01/18-264](#).

⁵ Defence Notice of Discontinuance of Appeal against Trial Judgment rendered by Trial Chamber X on 26 June 2024, 17 December 2024, [ICC-01/12-01/18-2667](#); Prosecution Notice of Discontinuance of its Appeals against the Trial Judgment of Trial Chamber X dated 26 June 2024, 17 December 2024, [ICC-01/12-01/18-2668](#).

⁶ Order for Submissions on Reparations, 13 December 2024, [ICC-01/12-01/18-2666](#) (“Order”), para. 6.

⁷ [Regulations of the Trust Fund for Victims](#), Article 20.

by the crimes for which Mr Al Hassan was convicted, in particular the crime of religious persecution.⁸ To achieve this, the TFV has been guided by the following:

6. *The Reparations Principles* as developed in previous reparations orders by Chambers of the International Criminal Court (see Annex A), in particular those relevant to the need to ensure a victim-centred participative approach in compliance with the principle of do no harm and taking gender and intersectionality aspects into account;

7. *TFV engagement and consultations in Mali with various stakeholders*: Since the issuance of the Order in December 2024, the TFV has engaged with a large number of stakeholders in Timbuktu and Bamako, starting with information sessions with different segments of the Timbuktu community conducted together with the LRV and VPRS and with the support of PIOS. The TFV has consulted national and local authorities, community leaders, various community groups in Timbuktu, hospitals, non-governmental organisations, and victims. The purpose was to preliminarily identify appropriate reparation measures, assess the availability and cost of medical, psychological, economic, and other relevant services, and to determine the conditions under which these measures could be implemented in a manner that both addresses the harm suffered and contributes to the non-repetition of the crimes, while avoiding the creation of new tensions within the community; and

8. *2025 Victims' Voices Study*: With the support of VPRS, the TFV partnered with *Voices That Count*, a collaborative expert network specialising in narrative research, to conduct a participatory study using the SenseMaker narrative inquiry tool, adapted between January and March 2025 in consultation with VPRS and the parties. The SenseMaker study was designed to capture the nature and impact of the harm suffered by the entire Timbuktu community, as well as to provide an indicative assessment of the number of affected individuals.⁹ This gender-sensitive, intersectional, and conflict-aware methodology enabled adult victims and community members to share and interpret their personal experiences. Intermediaries trained in March 2025 collected 805 micro-stories in Timbuktu and Mopti between April and May 2025, focusing exclusively on adults who were above five years of age at the time of the crimes. While the analysis is ongoing, preliminary trends have been established and are shared through these Observations, and participatory workshops are planned for late 2025, with the final report expected in early 2026 ("2025 Victims' Voices Study"). The questionnaire is attached as

⁸ As the 49 victims expressly identified in the Conviction and Sentencing Decisions as victims of specific crimes are either represented by the LRV, or in the process of being contacted by the LRV and the Registry, the TFV does not address the harm suffered by these victims in the present Observations. Instead, it focuses primarily on the broader scope and implications of the crime of persecution (count 13).

⁹ The data collected thus provides a robust foundation for understanding the scale and distribution of harm among the current adult population of Timbuktu. The results of the randomised sample are included below (Section IV).

confidential Annex B, while an excerpt of preliminary results, serving as both a baseline assessment and reference for the present Observations, is included as confidential Annex C.¹⁰

IV. TRIAL CHAMBER QUERY B – TYPES AND EXTENT OF THE HARM

9. The TFV is invited to make submissions on the types and extent of the harm suffered by the victims in this case.¹¹ This is essential to ensure that reparations are awarded exclusively in relation to the harm resulting from the crimes for which Mr Al Hassan was convicted.¹² In this section, the TFV presents the views and concerns of the various stakeholders consulted, including affected individuals, groups, and the wider Timbuktu community. It gives voice to the victims by documenting their accounts of the harm suffered, thereby fulfilling its mandate to make visible the victims' plight and the impact of the crimes in this case. While not referenced in detail, these observations are drawn from the TFV's consultations, as well as data collected through the 2025 Victims' Voices Study as included in Annex C.

A. Definitions of select categories of harm

10. The Reparations Principles recognise harm in its various dimensions, including physical, material, moral, community, and transgenerational harm.¹³ Moral harm is defined broadly to include psychological harm or trauma, mental pain and anguish, emotional distress, psychosocial harm, and loss of a life plan.¹⁴ The TFV notes that the *Al Mahdi* Reparations Principles, the Chamber specifically recognized “moral harm suffered by the community of Timbuktu as a whole” due to the destruction of cultural heritage, which affected the population's identity and dignity.¹⁵

11. The TFV submits that moral harm, while inclusive of various forms of non-material and non-physical suffering, also stands as a distinct category of harm. Unlike psychological harm, which primarily concerns mental or emotional injury, and psychosocial harm, which relates to the social consequences of such suffering, moral harm focuses specifically on the violation of personal or collective dignity, identity, and deeply held beliefs or values – including religious or cultural values.¹⁶ This unique aspect of moral harm distinguishes it as particularly relevant in cases involving religious persecution or destruction of cultural identity.

¹⁰ The *Voices That Count* team ensured that the findings would support both qualitative insights and indicative quantitative assessments to inform reparations planning, including an assessment of the number of affected individuals.

¹¹ Order, para. 6 (i) (b) (footnotes omitted).

¹² *Ongwen* Reparations Order, para. 167.

¹³ *Ibid*, para. 168.

¹⁴ *Ibid*.

¹⁵ *Al Mahdi* Reparations Order, para. 79.

¹⁶ See e.g., D. Gosling *et al.*, “Toward a Spectrum of Moral Harm: A New Paradigm”, *Journal of Ethics in Mental Health* (2019), p 2: “Moral harm may be broadly defined as the pain, anguish, or trauma individuals suffer after

12. Accordingly, in the context of the present case, the TFV proposes to apply the notion of moral harm – inspired by the approach adopted in the *Al Mahdi* case – as a concept distinct from psychological and psychosocial harm. It encompasses the ethical and emotional consequences of public humiliation, the loss of spiritual or cultural integrity, and the broader degradation of dignity suffered by individuals, various groups within the community and the community as a whole.

13. The TFV further notes that in the *Ongwen* Reparations Principles, the Court defined community harm as harm suffered by individuals in their capacity as members of a group, family, or community.¹⁷ The TFV underlines that therefore a community cannot only suffer *e.g.* moral and material harm, but also *community harm as such*, the latter referring to harm to the collective identity, structure, and functioning of the community. Community harm arises where crimes undermine the cohesion, security, cultural continuity, or social structures of a group. It is often structural, cultural, or social in nature and may seriously impair the group's ability to function.

14. Instances of economic harm, such as loss of earnings, opportunity to work, reduced standard of living and socio-economic opportunities, are considered as forms of material harm.¹⁸ However, whereas material harm primarily refers to damage to tangible property – movable or immovable – economic harm encompasses disadvantages affecting a person's financial or livelihood situation.¹⁹ Economic harm may be direct, such as the prohibition of conducting a business, or indirect, for instance where customers avoid a business following the public flogging or detention of its owner. In the present case, similarly to the *Ntaganda* case in which loss of productivity capacity, reduced standard of living and socio-economic opportunities are listed separately to material harm,²⁰ the TFV proposes it is preferable to distinguish harms caused by destruction of the environment and surroundings (*e.g.* damage to tangible property) from economic harm to the individual which may arise otherwise. Thus, in light of the specific circumstances of this case, the TFV proposes to treat such economic harm as conceptually distinct from material harm, while referencing them jointly in these Observations, where appropriate.

experiencing a violation of their value system"; See also *e.g.*, Van der Weele *et al.*, "Moral Trauma, Moral Distress, Moral Injury, and Moral Injury Disorder: Definitions and Assessments", 16 *Psychology for Clinical Settings* (2025): "[Moral injury is] persistent distress that arises from a personal experience that disrupts or threatens (a) one's sense of the goodness of oneself, of others, of institutions, or of what are understood to be higher powers, or (b) one's beliefs or intuitions about right and wrong, or good and evil".

¹⁷ *Ongwen* Reparations Order, para. 168.

¹⁸ *Ibid.*, para. 168.

¹⁹ See *e.g.* *Al Mahdi* Reparations Order, para 83.

²⁰ *Ntaganda* Reparations Order, para. 183.

B. Concrete Harm Suffered by the Community of Timbuktu and Its Members

15. The TFV submits that the crimes for which Mr Al Hassan was convicted caused extensive and diverse harm, both to the **community of Timbuktu as a collective entity**, and its **individual members, as well as to groups of individuals**, with repercussions that continue to this day. The nature of the harm suffered is multifaceted, affecting social structures, economic life, psychological wellbeing, and cultural identity.

1. Harm to the community of Timbuktu as a whole

16. The TFV submits that the community of Timbuktu, as a whole, suffered serious (community) harm, understood as harm to its collective identity, structure, and functioning. The imposition of a restrictive and punitive interpretation of Sharia by Ansar Dine/AQIM undermined the city's historical foundation of religious tolerance and pluralism. This directly attacked the community's spiritual, cultural, and social cohesion, particularly as religious identity was central to its self-understanding. The occupation also gravely damaged the community's social fabric, eroding long-standing community bonds and traditional mutual aid systems (*la cohésion sociale a été bafouée*). It fostered deep suspicion and mistrust within and between ethnic and social groups. A community that once embraced hospitality ceased to welcome strangers, while those identified as victims or former targets of violence have been frequently ostracized and stigmatized, contributing to widespread social fragmentation.

17. The moral harm suffered by the community remains severe.²¹ The public enforcement of rules, along with the global portrayal of Timbuktu as a population that required "correction" for failing to adhere to "proper Islam," inflicted collective humiliation and loss of dignity. The public enforcement of strict rules, combined with the international portrayal of Timbuktu as a population in need of "correction" for failing to adhere to a so-called "true" form of Islam, inflicted profound humiliation and a collective loss of dignity. This externally imposed narrative was both inaccurate and deeply damaging to the community's moral and reputational standing. The ban on organising *Mawlid (Eid Milad un Nabi)*, a major Islamic holiday in Timbuktu, during the occupation period was experienced as a deep affront to the community. As one of the three principal Muslim festivals celebrated in the city, Mawlid played a central role in the spiritual, social, and economic life of its people.

18. In addition, the climate of fear and coercion engendered widespread discrimination and stigmatization. Due to suspicions created about *e.g.* possible collaborators, ethnic tensions – already fragile – intensified under the control of Ansar Dine/AQIM. The legacy of these

²¹ See Annex C, slides 31-36.

divisions has continued beyond the period of direct control, as affected populations remain socially fragmented and marginalized, undermining efforts toward reconciliation and community recovery.

19. The community also suffered significant material and economic harm,²² contributing to its social and moral disintegration. The imposition of Sharia law directly affected economic life by banning certain activities and restricting the operation of many professions. For example, as unmarried men and women were no longer allowed in the same space, tailors – whose clientele was predominantly female – lost much of their income. Affected individuals experienced economic, psychological, psychosocial, and moral harm, much of which persists. Women who continued working were forced to comply with strict dress codes and risked physical violence if, for instance, their veil slipped. Many abandoned their livelihoods as a result. The imposition of Sharia law severely undermined both economic survival and communal identity.

20. The collapse of educational systems and the banning of entire professions, including music, tailoring for women, and traditional cultural practices, severely undermined livelihoods and communal identity. The local economy experienced a profound breakdown: businesses closed, commerce halted, tourism disappeared, and agriculture was disrupted. This economic devastation gave rise to substantial income losses, high unemployment, widespread poverty, and the destruction of property. These economic losses critically weakened communal wellbeing and trust. The resulting loss of income, stability, and interdependence continues to reverberate today, leaving lasting scars on both individual lives and on the collective functioning of the community.²³

21. The psychological harm affecting the individual members of the Timbuktu community has been widespread, with the entire community and certain groups within experiencing enduring trauma.²⁴ Arbitrary arrests, detentions, mutilations, and public floggings – used as warnings – instilled deep collective fear and contributed to mass trauma. In witnessing hand mutilation many fled Timbuktu in fear of facing similar punishment. The psychological impact continues to this day and remains particularly severe among women,²⁵ young people,²⁶ and those who experienced physical abuse.²⁷ Years after the occupation, the population still suffers from high levels of trauma and fear. Reported symptoms include stress, anxiety, persistent fear, nightmares, and panic attacks. In some cases, victims have developed severe mental health

²² See Annex C, slides 31-36.

²³ See Annex C, slide 45.

²⁴ *Ibid.*, slides 31-36, 50.

²⁵ *Ibid.*, slide 33.

²⁶ *Ibid.*, slide 34.

²⁷ *Ibid.*, slide 40.

conditions, including psychological breakdowns and mental illness (commonly referred to as *la folie*). These effects often stem from specific experiences, such as corporal punishment, public humiliation, and witnessing acts of violence.

22. These psychological effects extend to children born after the crimes, reflecting a transgenerational impact on the entire community. To give an example, in schools, children regularly faint when noise levels rise suddenly, which is a sign of persistent hypervigilance and unresolved trauma embedded in daily life.

23. While, today, individuals may superficially claim freedom, the outcome of the TFV's engagement with the community underlines that many live under palpable constraints, avoiding open expression due to fears of abduction, violence, or reprisals, especially when leaving Timbuktu city. For example, victims described self-censorship and isolation (*e.g.*, keeping doors locked), reflecting a climate of pervasive distrust.

24. Although these harms have been suffered by the community as a whole, certain impacts are more pronounced among specific groups within the Timbuktu community, including young people,²⁸ and the Songhai and black Tamashek population.²⁹

2. Harm to specific groups within the community

25. Certain targeted groups within Timbuktu suffered disproportionately under the occupation. Individuals who engaged in professions or practices deemed “un-Islamic” (*e.g.* hairdressers, musicians, tailors, and artists) were subject to arbitrary detention, public flogging, torture, and sexual violence. These actions caused profound physical, psychological, economic, and social harm, particularly as they were often performed publicly and without due process.

26. Women and girls were disproportionately affected.³⁰ Women were forced to abandon their jobs and restrict their public presence. Some were flogged or detained for violating dress codes or behavioural rules. From the 2025 Victims' Voices Study's sample of 655, 36 women suffered from miscarriages or gave birth to children with disabilities, likely linked to the trauma endured during the occupation.³¹ This reflects both direct physical and psychological harm, and strong indicators of transgenerational impact. Young girls, traditionally not required to cover themselves in Timbuktu, were also subjected to physical violence. Despite their age, many were flogged or beaten for their clothing, as confirmed by 2025 Victims' Voices Study's findings.³²

²⁸ *Ibid.*, slides 16-17, 34, 38.

²⁹ *Ibid.*, slide 35.

³⁰ Conviction Decision, paras 1533 and 1542.

³¹ See Annex C, slide 16.

³² *Ibid.*, slides 16-17.

27. Religious minorities,³³ including an estimated 400 Christian families, were forced to flee shortly after the occupation began, as the practice of their religion was prohibited. Their displacement resulted in the destruction and damage of places of worship, significant material harm – including the loss of homes, looting of personal property and businesses – and the collapse of community support structures. While most eventually returned to Timbuktu, they remain traumatised and continue to suffer the moral and economic consequences of persecution. Although the extent of material loss varied, the discriminatory intent and resulting harm were consistent.³⁴

28. Educators and moderate religious leaders also experienced targeted repression. Koranic schools were emptied, leaving teachers without students. Imams were placed under pressure to preach a version of Islam that conflicted with local traditions and spiritual practices. The imposition of religious orthodoxy undermined traditional teachings and caused psychological, psychosocial, moral, and material harm to those who valued Timbuktu's scholarly and religious heritage.³⁵

29. In the education sector, schools were initially closed and later reopened only for boys. Girls were eventually reaccepted, but only on the condition that they wore a veil and studied in separate classrooms from male students. Some parents who could afford it took the risk of sending their children to another town, Ségou, to sit national exams. However, schools there were also closed, and not a single child passed the national exams during the occupation. This systemic disruption of education has had lasting consequences for the socio-professional development of those who were under 18 at the time of the crimes.³⁶

30. Certain professional and economic groups suffered specific harm as their activities were abruptly prohibited with the imposition of Sharia law. Entire professions were banned, including craft and artistic trades such as musicians³⁷ those engaged in the sale of cigarettes and alcohol, and radio broadcasting, among others. Both women and men working in these sectors lost both their livelihoods and their social standing. These individuals experienced economic, psychological, psychosocial, and moral harm, much of which persists to this day.

3. *Harm to children*

³³ Conviction Decision, paras 1529 and 1530.

³⁴ See Annex C, slides 18, 29.

³⁵ *Ibid.*, slides 20-21.

³⁶ See Annex C, slides 15 to 17, 44.

³⁷ Conviction Decision, paras 725, and 1543.

31. The occupation had a particularly damaging effect on those under 18 years of the time of the commission of the crimes.³⁸ Many of those children witnessed public violence, including floggings, and some now suffer from trauma-related conditions,³⁹ such as anxiety and hypersensitivity to noise. The closure of schools and the deterioration of public life robbed many of a sense of safety and a stable future, representing a loss of life plans and psychological harm suffered by the children.⁴⁰

4. Specific acts of persecution causing severe and enduring individual harm

32. The TFV submits that individuals subjected to torture, arbitrary detention, public flogging, and rape during the occupation of Timbuktu by Ansar Dine/AQIM suffered severe and multifaceted harm. Victims of these abuses experienced lasting physical injuries, including chronic pain, hypersensitivity of the skin, and improperly healed fractures, which continue to impair their mobility and daily functioning.⁴¹

33. The moral and psychosocial harm inflicted on these victims includes long-standing stigma and social exclusion. Many were targeted for their professional, religious, or gender identity – such as women in prohibited professions, artists, educators, or members of minority religious communities – and have since been unable to reintegrate into their communities or resume their livelihoods due to continued marginalization. The resulting material harm is substantial, as many lost their sources of income and economic independence. The TFV submits that the suffering of these individuals – who bore the brunt of Ansar Dine/AQIM’s control over Timbuktu – meets not only the legal threshold for recognition as direct victims of the crime of religious persecution, as set out above, but also warrants individual consideration within the reparations framework.

5. Conclusion

34. In sum, the TFV submits that the harm caused by the crime of religious persecution in the present case must be understood in its full complexity and scope. The community of Timbuktu suffered not only collective moral and community harm – through the destruction of its identity, dignity, and cohesion – but also material and economic harm. The repression and systematic exclusion of key sectors, trades, and cultural activities undermined the city’s traditional economy and disrupted livelihoods across the community. These harms, which persist today, have resulted in long-lasting damage to Timbuktu’s social and economic fabric.

³⁸ *Ibid.*, paras 729, 762, 786, 818, 848, 1310, 1313, 1538, 1543, 1647.

³⁹ See Annex C, slides 15-17, 28, 34.

⁴⁰ *Ibid.*, slides 44, 63.

⁴¹ *Ibid.*, slides 40-43.

Ansar Dine/AQIM's control also contributed to a generalised state of fear and suppression within the Timbuktu community, resulting in moral and psychological harm suffered by all its members individually.

35. At the level of specific groups within the community, including women, religious minorities, cultural practitioners, educators, and professionals engaged in prohibited activities or trades, the harm took on targeted and discriminatory forms. These groups experienced compounded economic marginalization, social exclusion, moral, and psychological suffering tied to their identity, profession, or beliefs.

36. At the individual level, persons subjected to direct acts such as public flogging, arbitrary detention, torture, and similar acts endured severe physical, psychological, and moral harm. Many of these individuals continue to suffer from chronic physical ailments, lasting trauma, loss of income, and persistent stigma within their communities.

37. While reparations must remain confined to harms linked to Mr Al Hassan's conviction, the TFV submits that the nature and scope of those harms include interrelated and overlapping individual, group-based, and collective dimensions, as well as inter-generational effects, and should therefore be addressed comprehensively by the Reparations Order.

V. TRIAL CHAMBER QUERY A – NUMBER OF POTENTIAL BENEFICIARIES

38. In response to the Trial Chamber's request for an assessment of the number of potential beneficiaries of reparations,⁴² including direct and indirect victims, the TFV focuses on victims of the crime of persecution and a specific group of indirect victims linked to the direct victims of the other crimes for which the accused was convicted, excluding the crime of persecution.

39. Direct and indirect victims are defined in the Reparations Principles.⁴³ Natural and legal persons are eligible for reparations as direct victims if they can demonstrate, at the relevant standard of proof, that they suffered harm as a result of at least one of the crimes for which Mr Al Hassan was convicted. The *Lubanga* Appeals Chamber Judgment of 3 March 2015 establishes four categories of indirect victims.⁴⁴ The *Ntaganda*⁴⁵ and *Ongwen*⁴⁶ Reparations Orders also include victims of transgenerational harm as a fifth category of indirect victims.

⁴² Order, para. 6 (i) (a) (footnotes omitted).

⁴³ See e.g. *Ntaganda* Reparations Order, para. 108 for a definition of direct victims.

⁴⁴ Annex A to the *Lubanga* Appeals Judgment with Amended Order for Reparations, para. 6 (a).

⁴⁵ *Ntaganda* Reparations Order, paras 182-183. See also para. 73.

⁴⁶ *Ongwen* Reparations Order, e.g. para. 169 *et seq.*, 408 *et seq.*

A. Victims of the crime of persecution

40. The Sentencing Decision identifies the targeted population of the crime of persecution in paragraph 71, thereby referring not only to the entire *population* of Timbuktu, but also to the *members* of the population,⁴⁷ and stipulating *all the related acts* committed during the period of Ansar Dine/AQIM's control of Timbuktu.

41. In line with the *Al Mahdi* Reparations Order, the TFV submits that the community of Timbuktu, as a collective entity, should be recognised as a victim. In that case, the Trial Chamber found that “the community of Timbuktu as a whole suffered harm as a result of the attack on its cultural heritage, which was an essential part of its identity, history, and social fabric. Reparations must therefore reflect both the individual suffering and the collective dimension of the harm”.⁴⁸

42. The current population of Timbuktu is estimated at approximately 72,000, nearly half of whom are children under the age of 18. This results in an average age of 16.8 years. At the time of the events in 2012, the population was approximately 65,202, as reported in the Registry's parallel filing.

43. The TFV notes that the Trial Chamber, in its Conviction Decision, limited the geographical scope of the crime of persecution to the city of Timbuktu.⁴⁹ Individuals who fled the city due to the takeover by Ansar Dine/AQIM also experienced direct harm and fall within the category of direct victims. While the TFV does not have confirmed numbers of such displaced persons, it acknowledges the existence of a Timbuktu diaspora, both within Mali and likely beyond.

44. As the harm was directed at the community as a whole, the TFV submits that all current members of the community should be recognised as victims, including children born after the events who suffer from transgenerational harm. This includes victims of sexual and gender-based violence such as rape, sexual enslavement, and forced marriage. During consultations, community members expressed concern that victims of such crimes might be excluded from reparations. An inclusive approach would ensure that the full extent of the harm is acknowledged and would promote fairness and cohesion within the community.

45. In relation to the diverse harm suffered by the groups and individuals forming the population of Timbuktu today or forming part of the diaspora, the TFV underlines, as set out

⁴⁷ Sentencing Decision, paras 45, 47, 71, 76.

⁴⁸ *Al Mahdi* Reparations Order, para. 54.

⁴⁹ Conviction Decision, paras 1528-1543, 1559-1560, 1562-1565. *See also* Conviction Decision, paras 1-4.

above, that the prohibited groups and other affected groups have experienced different forms of harm at varying intensities.

46. Based on the representative sample from the 2025 Victims' Voices Study (805 participants⁵⁰) and the current estimated number of Timbuktu inhabitants over the age of 18 (36,000), it is estimated that approximately 30,240 people suffered or experienced some form of personal harm as a result of the rules and prohibitions imposed during the period of control by Ansar Dine/AQIM, to which Mr Al Hassan contributed. This represents 84 percent of the adult population, with a 3.5 percent margin of error (ranging between 80.5 and 87.5 percent). This figure does not include those who were five years old or younger during the events, nor those who left Timbuktu and have not returned.⁵¹

47. The 2025 Victims' Voices Study supports both qualitative insights and indicative quantitative assessments. The findings show that among Timbuktu's adult population:

- Approximately 24 percent (8,640 individuals) reported personal harm that continues to severely disrupt their lives;
- 20 percent (7,200 individuals) suffered personal harm with serious and lasting impact;
- 28 percent (10,080 individuals) experienced personal harm that affected their lives but from which they have since recovered;
- 12 percent (4,320 individuals) suffered personal harm that had limited impact; and
- 16 percent (5,760 individuals) indicated that they did not suffer personal harm.⁵²

48. In relation to indirect victims of the crime of persecution, the TFCV also observes that individuals that fled Timbuktu at the time of crimes and still reside outside Timbuktu have been directly affected by the crime of persecution. Such individuals fall within the primary geographical scope for reparations as direct victims of the crime of persecution. The TFCV does not have any indication of numbers of such direct victims of the crime of persecution living outside of Timbuktu city.

B. Specific categories of indirect victims of specific crimes

49. The TFCV recalls that the Reparations Principles in the *Ntaganda* case establish that, in some instances, crimes may irreversibly impact not only direct victims but also those who

⁵⁰ Out of the representative sampling, 655 respondents (equally split between women and men) shared a story about harm they suffered, while 150 participants stated that they had not experienced personal harm during the relevant time period. 56 individuals declined to participate in the study.

⁵¹ See Annex C, slides 9-10.

⁵² See Annex C, slides 10-11.

witnessed the crimes being committed.⁵³ In the *Ntaganda* case, it was decided that these indirect victims would be considered eligible for reparations if their personal harm could be demonstrated pursuant to the required standard of proof.⁵⁴

50. With respect to indirect victims of crimes such as flogging, mistreatment, and the single case of mutilation for which Mr Al Hassan has been convicted, the TFV highlights the psychological effects on those who witnessed these events, including children. The 2025 Victims' Voices Study indicates that the majority of accounts involve violence observed in public, including flogging and whipping.⁵⁵ Some individuals continue to experience psychological effects from witnessing violence, particularly where family members were directly assaulted.

VI. TRIAL CHAMBER QUERY C – FACTUAL PRESUMPTIONS

51. Based on the principles of fairness, efficiency, and victim-centred justice, ICC Trial Chambers have developed a set of factual and evidentiary presumptions for the purposes of reparations. These presumptions are intended to ease the evidentiary burden placed on victims to meet the standard of proof for eligibility, particularly in circumstances where crimes were committed in a coercive and violent context, or where the scale and nature of the violations make individualised proof impractical.

52. Based on the submissions and data before it, including the 2025 Victims' Voices Study and the consultations, the TFV submits that the moral, economic, community, and transgenerational harm suffered by the community of Timbuktu and its members as a whole should be considered presumed and may, accordingly, be found established by the Trial Chamber in the Reparations Order. This is based on the *Al Mahdi* Reparations Order, where the Trial Chamber found that the population of Timbuktu as a whole suffered from moral harm, as a result of the attack on its religious and cultural foundations, its collective dignity, and the social cohesion of its multi-faith and multi-professional society caused by Mr Al Mahdi.⁵⁶ In the same vein, the Trial Chamber also found that the population of Timbuktu as a whole suffered from economic harm because of the crimes for which Mr Al Mahdi was convicted,⁵⁷ insofar as the protected buildings had been targeted because of their prominent community role, resulting

⁵³ See also the category d) of the indirect victim categories developed in the 2015 *Lubanga* Appeals Judgment, *i.e.* "other persons who suffered personal harms as a result of these offences".

⁵⁴ *Ntaganda* Reparations Order, para. 128 and the references contained therein.

⁵⁵ See Annex C, slides 17, 25, 28; see also additionally on slides 11, 13-20 and 22: 15 percent of accounts mention violence against or arrest of a family member; 20 to 30 percent refer to general insecurity, threats, and violence; 10 to 15 percent report no direct harm apart from witnessing serious violence, with many such cases located in Bella Farandi.

⁵⁶ *Al Mahdi* Reparations Order, paras 84-92.

⁵⁷ *Ibid.*, paras 73-83, in particular 76.

in a lingering economic impact for the community.⁵⁸ As to transgenerational harm, although it has, so far, not yet been presumed in the *Ongwen* or *Ntaganda* Reparations Principles,⁵⁹ where individual suffering needed to be shown at the eligibility verification level,⁶⁰ the TFV submits that this may be regarded differently at the community level. Considering, among other facts, documented miscarriages, birth complications, trauma-induced disabilities, and disruption to education among children during and after the period of control by Ansar Dine/AQIM, it can be presumed that the next generation-members of the community of Timbuktu have suffered transgenerational harm.

53. The TFV submits that, for the purpose of establishing membership in the community of Timbuktu, any person should be factually presumed to be such a member if they:

- a) Were born before the end of the control of Ansar Dine/AQIM's control and resided in any of the eight sectors of Timbuktu during the period of control by Ansar Dine/AQIM as determined in the Conviction Decision; or
- b) Currently reside in Timbuktu, provided that their residence is not clearly temporary in nature (*e.g.* a short-term foreign visitor).

54. Beyond this, the TFV respectfully recommends that the Trial Chamber consider adopting presumptions similar to those in the *Ongwen* Reparations Principles, where moral, physical, and material harm was presumed for certain categories of direct victims of the attacks.⁶¹ The TFV considers that similar presumptions may apply to those who were flogged, arbitrarily detained, tortured, and subjected to similar forms of abuse as a consequence of acts underlying the crime of religious persecution. Material or economic harm may be presumed for those who were specifically targeted, such as members of prohibited groups or persons whose professional, religious, or social lives were severely disrupted, even if their group was not explicitly banned, such as religious leaders of moderate Islam, educators, or artists whose ability to operate was curtailed by the imposed system of control and fear.

VII. TRIAL CHAMBER QUERY D – TYPES AND MODALITIES OF REPARATIONS

55. The TFV is invited to submit observations on “the types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Al Hassan was convicted.”⁶² The TFV recalls that the type of reparations award, *i.e.* individual or

⁵⁸ *Ibid.*, para. 75 and references contained therein.

⁵⁹ See *e.g.* *Ntaganda* Reparations Order, paras 73 and 182-183; *Ongwen* Reparations Order, *e.g.* para. 169 *et seq.*, 408 *et seq.* and related Appeals Chamber Judgments.

⁶⁰ *Ntaganda* Reparations Order, para. 182; *Ongwen* Reparations Order, paras 554-555.

⁶¹ *Ongwen* Reparations Order, para. 557.

⁶² Order, para. 6 (i) (d) (footnotes omitted).

collective, is, as established by the Appeals Chamber in the *Lubanga* case, an essential element of an order for reparations under article 75 of the Statute.⁶³

56. The TFV considers that the most appropriate type and modality of reparation awards are those which have the maximum reparative effect while also ensuring long-term outcomes for the beneficiaries and their communities, and which are at the same time feasible to deliver. As such, they will always be identifiable from a harm-based assessment of the current needs and desires of victims, as expressed by themselves, and considering the the circumstances of the case, the crimes that occurred, the harm or injury inflicted, the categories of victims, and the situational context of the victim beneficiary group concerned.

57. With this framework in mind, to answer to the Chamber, the TFV first provides contextual information on the issue of reparations, before conveying the views of victims as collected through its engagement with different stakeholders and the 2025 Victims' Voices Study about reparations, and concluding with its assessment of the appropriate forms and modalities of reparations.

A. Contextual information relevant to implementation-related Reparations Principles (including the do no harm principle)

58. The contextual information set out below must be given central consideration to ensure that reparations do not inadvertently harm the victims and communities they are aimed at and intended to recognise.

59. *Conflict sensitivity*: The TFV consultations and the 2025 Victims' Voices Study reveal profound and persistent forms of harm and challenges facing victims and the broader community in Timbuktu. First, social cohesion has been severely eroded by the crimes, with enduring psychological trauma confirmed through the 2025 Victims' Voices Study.⁶⁴ Reparations should therefore aim to foster collective healing, support community initiatives and rebuild the trust that has been fractured.

60. This fragmentation is compounded by ongoing security fears rooted in the unstable and volatile security situation in and around Timbuktu. The complex attack that took place on 2 June 2025 in Timbuktu, during which the military camp located inside the city and the airport, which is between the city centre and the Kabara district were targeted, highlights the continuing

⁶³ [Lubanga Appeals Judgement with Amended Order for Reparations](#), para. 1.

⁶⁴ See Annex C, slides 47-51.

insecurity in Timbuktu itself and its surroundings.⁶⁵ Armed groups continue to operate in the region, and attempts to regain control over the city have sustained a climate of insecurity.

61. Since the period of control by Ansar Dine/AQIM in 2012/2013, Timbuktu has struggled to re-establish itself as a cultural centre. The aftermath has severely hindered the recovery of key sectors such as tourism, trade and education. Reparations measures must therefore be responsive to the current security context and to the limited economic opportunities available to victims. They should be designed not only to reach victims safely, but also to contribute meaningfully to the peace process. In doing so, they must avoid exacerbating existing tensions or triggering new conflicts. The fragility of the region calls for reparations that actively rebuild social trust, rather than inadvertently reinforce the dynamics that continue to divide communities.

62. This necessity also applies at the religious level, where coexistence between adherents of different religions is already fraught with difficulties. The main religious minority claims to continue to experience difficulties on an ongoing basis (*e.g.* Christian children expelled from Arabic course from schools). The control exerted by Ansar Dine/AQIM appears to have exacerbated these tensions because the group's presence has intensified the marginalisation of religious minorities. Reparations will need to contribute to the peaceful and harmonious coexistence of different faiths.

63. *Confidentiality*: Victims have emphasised the importance of balancing accessibility with discretion in the design of reparations measures. These measures must address material losses while minimising the risk of negative consequences for those who benefit from them. The crimes committed were often accompanied by attacks on victims' dignity, reputation and honour. For example, public floggings carried out in front of family members were used to label individuals as "failed" Muslims. Such acts have left deep and lasting feelings of shame. As some members of Timbuktu have conveyed to the Trust Fund for Victims, this shame may deter certain victims from seeking reparations out of fear of reliving their past humiliation.

64. Measures of reparations should therefore ideally be designed and implemented in a manner that respects confidentiality, is responsive to the victims' lived realities, and does not expose individuals or communities to further harm. Critically, reparations should avoid reinforcing the feelings of shame or re-traumatisation of victims. On the contrary, reparations

⁶⁵ See, *e.g.*, « Mali: ce que l'on sait de plus au lendemain de l'attaque du Jnim à Tombouctou », 3 June 2026, at <https://www.rfi.fr/fr/afrique/20250603-mali-ce-que-l-on-sait-de-plus-au-lendemain-de-l-attaque-du-jnim-%C3%A0-tombouctou>.

can and should contribute to shifting the shame away from the victims and the community of Timbuktu as a whole, allowing them to free themselves from such shame.

65. *Gender*: Gender considerations are crucial in this case. The results of the consultations already highlight certain divergent trends between men and women affected by the crimes, as well as between women and girls.⁶⁶ Twenty-five per cent of women in the representative sample indicated during the study that being a woman would hinder them in their reparations process. The reparations order must ensure that specific measures are put in place to amplify women's voices, facilitate their access to reparations, and ensure that these reparations address their specific harms, as is being done in the context of the *Al Mahdi* reparations programme. The measures should take into account the national context and cultural barriers, and should therefore include strategies to mitigate the risk of rejection of the reparations programme.

66. *Intersectionality*: The results of the 2025 Victims' Voices Study highlight variations in the harm suffered and its extent across various groups. While trends are similar across all groups within the Timbuktu *community*, including those now residing outside the city, substantial differences emerge between men and women,⁶⁷ those who were minors at the time of the events and those who were adults,⁶⁸ those residing in Timbuktu and those living outside the city,⁶⁹ and between communities of origin (within Timbuktu),⁷⁰ and those who belong to a religious minority.⁷¹ All of these factors must be taken into consideration not only to respond adequately to the harm caused, but also to avoid increasing inequalities and tensions.

67. *Participative approach*: Victims, local leaders and civil society groups have actively engaged in the recent TFV consultations, demonstrating a nuanced understanding of the concept of reparations and offering valuable insights into both individual and collective harm. The population of Timbuktu has expressed its willingness to participate in the reparations process,⁷² and has advocated for a participatory approach, similar to that adopted by Trial Chamber VIII in the *Al Mahdi* case⁷⁶ and implemented through the three collective reparations measures by the TFV.

68. *Communication*: Transparent communication will be essential to the success of reparations. The confidentiality around individual reparations awards in the *Al Mahdi* case

⁶⁶ See Annex C, slides 14, 16, 33, 50, 61-63.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, slides 15-17, 28, 34, 38, 44, 50, 63, 66.

⁶⁹ *Ibid.*, slides 22-23, 36, 53, 59, 68, 72.

⁷⁰ *Ibid.*, slides 19, 35, 50, 67.

⁷¹ *Ibid.*, slides 18, 29.

⁷² *Ibid.*, slide 74.

created tensions,⁷³ and participants stressed the need to balance the need for confidentiality while ensuring that clear and prompt information be available to reduce tensions, particularly given differing levels of harm among victim groups. A dedicated budget for communication would help ensure that the process is understood and accepted. The *Al Mahdi* participatory and inclusive reparations process demonstrates that the community is capable of grasping complex reparations concepts when they are presented clearly and inclusively.⁷⁴

69. *Cooperation and complementarity*: National and local authorities have reiterated their willingness to cooperate and have demonstrated an understanding of their important role in supporting an inclusive and participatory approach. In addition, the TFV situates the approach to reparations within the broader national context, in particular Mali's National Policy on Reparations adopted in 2022 ("National Reparations Policy"), which represents a critical framework for advancing reparative justice across the country.⁷⁵ Adopted as part of Mali's transitional justice process, the National Reparations Policy seeks to address human rights violations committed between 1960 and 2019. While the operationalisation of this policy is ongoing, the TFV welcomes this important development, to which it has contributed with input stemming from the *Al Mahdi* reparations implementation over recent years. The TFV strongly supports the implementation of national initiatives, which enhances victims' access to compensation and other reparative measures. Such initiatives requires the ICC and the TFV to ensure coherent and victim-centred outcomes, to realise the principle of no harm, to avoid a possible double reparation for the same harm, and to ensure that ICC reparations contribute to the strengthening of trust in national institutions and thereby reinforcing the rule of law. The publicly available version of the National Reparations Policy is enclosed as Annex D, accompanied by a brief English summary prepared by the TFV.

70. The TFV also underlines that the delivery of reparations for mass atrocities require the support, commitment and action of the state in which the crimes were committed and where the victims reside. The Court's reparation scheme is directed against an individually convicted person, who may contribute financially to reparation measures, pay for them in their entirety, and serve as a source of satisfaction measures, such as offering apologies or participating in symbolic activities. In implementing collective reparations, establishing rehabilitation schemes and using funds from voluntary contributions by States and other donors, the TFV can extend

⁷³ See, e.g., "In Timbuktu, ICC reparations bring mixed feelings", 8 December 2022, at <https://www.justiceinfo.net/en/109963-timbuktu-icc-reparations-mixed-feelings.html>.

⁷⁴ *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Thirty-second update report on the updated implementation plan, including report on finalisation of individual reparations, 29 July 2024, ICC-01/12-01/15-476-Conf ("Al Mahdi Thirty-second update report"), paras 114-126. A public redacted version was notified on 17 May 2025 (ICC-01/12-01/15-476-Red).

⁷⁵ See also Defence Observations on Reparations, 11 June 2025, [ICC-01/12-01/18-2729](#), para. 59.

the reach of these efforts. However, for such measures to succeed, the TFV requires the support of civil society, affected communities, provincial authorities and, most critically, the cooperation of the government itself. In this regard, the TFV recalls as well the general obligations of States to cooperate with the Court as set out in Part 9 of the Statute. The TFV recalls with appreciation the support currently afforded to it by the Government of Mali at national, regional, and local level in the ongoing implementation of each step of the symbolic and collective reparations.⁷⁶

71. At the same time, the magnitude and complexity of the harm suffered in Timbuktu and beyond call for full redress that goes beyond what can be achieved through the Court's mandate alone. Addressing the totality of this harm requires the sustained engagement of international organisations, donors, and other actors whose contributions can complement and strengthen reparation efforts. Their involvement is essential not only to meet victims' rights to effective reparation, but also to contribute to broader peacebuilding and social recovery in the region

B. Victims' views on reparations

1. Community level reparations:

72. Through the 2025 Victims' Voices Study a significant number of victims spoke about the importance of addressing the moral, communal, and economic harm suffered by the broader Timbuktu community. The community emphasised the inextricable link between religion, society, and culture in Timbuktu, as well as the importance of the upcoming restoration programme having a strong symbolic and moral dimension.⁷⁷ The majority of the proposed measures focus primarily on economic recovery and employment generation. These include support for income-generating activities, job creation (particularly for youth), development of microprojects and small businesses, support for women's associations, vocational training and skills development, assistance for agricultural and livestock activities, and the revitalisation of the tourism sector.⁷⁸

73. Victims also stressed the need for measures that enhance security and peace, alongside targeted financial support for those who experienced material loss. In addressing the community's moral harm, victims propose the implementation of sensitisation campaigns and structured intercommunity dialogues aimed at promoting forgiveness, restoring unity, and reviving cultural and social values. To respond to the widespread psychological harm, they

⁷⁶ See *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Trust Fund for Victims' Twentieth update report on the updated implementation plan and request to reclassify as public portions of the case record, 19 May 2021, ICC-01/12-01/15-386-Conf, paras 44-49.

⁷⁷ See Annex C, slides 52, 58-59.

⁷⁸ *Ibid.*, slides 54-56.

recommend finding ways to provide trauma counselling and mental health support, while taking into consideration the role of the marabout and religious leaders – both men and women – in the healing process.⁷⁹

74. In addition, victims advocate for broader measures to strengthen community development and resilience, including the empowerment of women and youth in local decision-making processes. Other proposed interventions include facilitating the return of displaced populations, investment in basic infrastructure, and improvements in local governance structures.

75. Through the engagement of TFV with the community of Timbuktu, concrete proposals for both economic and symbolic measures were triggered. Proposals included expanding farming areas to support livelihoods, particularly given that many victims have come to rely heavily on agriculture following the events of 2012/2013.⁸⁰ Symbolic reparations were also discussed, including the recognition of the *Mawlid* festival as part of Mali's national heritage.

2. *Specific reparations for groups*

76. The community emphasises the need for reparations to address the collective harm suffered by specific groups, such as religious communities, women and girls, musicians, and others targeted for their identity or profession including those involved in Muslim religious activities.⁸¹ The various groups encountered in Timbuktu and Bamako unanimously emphasise that some have suffered more than others, particularly those belonging to banned religions and professions, and that they must receive reparations for the harm they have suffered. The regeneration of affected areas, especially those surrounding the *Mawlid* festivities, could serve as a means to reach and acknowledge the groups specifically targeted.

77. While collective measures should be prioritised as indicated by the community, others – such as musicians – argue that collective measures would not reduce the damage and could even create conflicts between them, as their profession requires the individual replacement of their instruments and equipment destroyed during the occupation.

78. The Christian minority also requires specific reparations. The 2025 Victims' Voices Study highlights the greater economic harm suffered by the Christian minority than the rest of

⁷⁹ See Annex C, slides 52-53, 56.

⁸⁰ 4th session of the steering committee for the coordination and monitoring of the *Al Mahdi* collective reparations, Bamako, 29 May 2025.

⁸¹ See Annex C, slides 20-21, 51.

the population due to the targeted destruction and purposeful damage to their homes, personal property, and work tools.⁸²

3. *Individual level reparations*

79. The 2025 Victims' Voices Study shows that victims predominantly focus on the economic impact of the harm suffered and emphasise the need for measures aimed at improving their individual economic situation.⁸³ Most commonly, victims request socio-economic rehabilitation measures to restart or sustain a business, assistance with income-generating activities, or direct financial assistance. Requests for physical and psychological support follow in frequency, likely in particular by those victims who endured severe and lasting injuries, which continue to affect their daily lives.⁸⁴

80. The consultations revealed that the community acknowledges the differentiated impact of the crimes, recognizing that individuals were affected in varying ways and to different degrees.

4. *Summary*

81. To summarise, victims request that reparations address the harm suffered at the individual, group, and community levels. For them, reparations should benefit the community as a whole, recognising the moral and collective harm endured, while also contributing to the improvement of the economic situation of the community and its members, including through income-generating activities. They request that particular attention should be given to specifically targeted groups and individuals who have suffered gravely, with measures addressing both physical and psychological harm. At the same time, the psychological impact experienced more broadly across the community also requires meaningful and systematic redress. Victims wish that reparations have a strong symbolic and moral dimension in order to respect the religious and social aspects of the harm suffered. Participation of the community in the design and implementation of the reparation measures is for victims crucial to ensuring the reparations' relevance, legitimacy, and effectiveness.

82. The consultations have already provided first insights into possible future measures, including collective measures, which would need to be further developed into a reparations programme upon the issuance of the Reparations Order. The TFV recalls that these measures, similar to those suggested in the Defence Submissions,⁸⁵ are not usually determined by the

⁸² See Annex C, slides 18 and 29.

⁸³ *Ibid.*, slides 60-62, 68, 69.

⁸⁴ *Ibid.*, slides 60-62, 69.

⁸⁵ Defence Observations on Reparations, para. 19.

Reparations Order but form part, upon consultation with the victims, of the draft implementation plan insofar as reparations are ordered through the TFV pursuant to rule 98 (3) of the Rules.

C. Forms of reparation

83. The TFV recalls that in the *Al Mahdi* case, both forms of reparations were ordered – individual reparation awards pursuant to rule 98 (2) of the Rules and collective reparations pursuant to rule 98 (3) of the Rules.⁸⁶ As referenced above, the individual reparation awards, while well received by 1,684 beneficiaries⁸⁷ and implemented without any of them being put at risk, caused tensions during the reparation implementation, partly due to the limited information that the TFV was able to provide about such measures resulting from the confidentiality applied to protect the beneficiaries in an unstable security situation.

84. *Individual awards:* In light of the TFV’s focus on the crime of persecution in these Observations, and taking into account the estimated number of victims identified through the 2025 Victims’ Voices Study, the TFV does not, at this stage, take a position on the appropriateness of individual awards pursuant to rule 98 (1) or 98 (2) of the Rules. The TFV stands ready to express its views at the oral hearing, once it has considered the submissions of the parties and participants.

85. In any case, choosing not to provide individual awards but a collective award does not preclude the possibility of addressing individual harm, which many members of the community of Timbuktu continue to suffer to this day. In this regard, the TFV recalls that the Reparations Principles state that collective reparations, “should address the harm victims suffered on an individual and a collective basis”.⁸⁸

86. *Collective award:* The TFV considers collective reparations, awarded through the TFV under article 75 (2) of the Statute and rule 98 (3), to be the most appropriate form of reparations. This approach would allow the TFV to develop a draft implementation plan in accordance with regulations 54 and 55 of the TFV Regulations. The TFV emphasises that these reparations must reach individuals who suffered harm, not just affected groups or the wider Timbuktu community. Such an approach is in line with the *Lubanga* and *Ntaganda* Reparations Principles, where this was called ‘collective reparations with individualised components’,⁸⁹ but also with

⁸⁶ *Al Mahdi* Reparations Order, disposition.

⁸⁷ *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Thirty-fourth update report on the updated implementation plan, with confidential, *ex parte*, Annex 1, available to the Trust Fund for Victims only, 29 January 2025, ICC-01/12-01/15-478 (“Thirty-fourth update report on the updated implementation plan”).

⁸⁸ *Ongwen* Reparations Order, para. 571, referencing *Ntaganda* and *Katanga* Reparations Principles.

⁸⁹ See *Ntaganda* Reparations Order, paras 186-196.

the *Ongwen* case, the latter in particular combining within collective reparations the modalities of rehabilitation, symbolic and satisfaction measures, which also reach persons at the individual level according to the harm they suffered and the needs they have.⁹⁰ The TFV does not, at this stage, take a position on which model should be adopted, but recommends that the ordered reparations modalities address both collective and individual harm.

D. Reparations modalities

87. The TFV is invited by the Trial Chamber to propose reparations modalities and to assess their appropriateness.

88. The TFV recalls that the *Ongwen* Reparations Principles have further defined and refined the concepts relevant to the different modalities of reparations, as previously defined in the *Ntaganda* Reparations Principles, such as rehabilitation, compensation, restitution, satisfaction, and symbolic measures.⁹¹ In that respect: (1) Rehabilitation is defined as including not only medical and psychological rehabilitation measures, but also measures “aimed at improving the socio-economic conditions of victims, seeking to enable the maximum possible self-sufficiency and to restore, as much as possible, victims’ independence and vocational ability, facilitating their inclusion and participation in society”.⁹² (2) Cash payments are only regarded as compensation when they are “aimed at addressing in a proportionate and appropriate manner the harm inflicted” and should otherwise be regarded as a symbolic measure.⁹³ (3) Measures of satisfaction and guarantees of non-repetition may also form part of reparations, in particular in the context of collective reparations.⁹⁴ The example of the *Ongwen* Reparations Order suggests that the size of the group of victims may have a bearing on the selection of appropriate modalities.⁹⁵ In the case of *Ongwen*, the Trial Chamber decided not to award compensation or restitution due to the large number of victims, instead opting for “collective community-based reparations focused on rehabilitation and symbolic/satisfaction measures” including symbolic payments for all eligible direct and indirect victims.⁹⁶

89. The TFV understands “appropriateness” to include operational feasibility, considering local conditions, including the availability of service providers, social dynamics, access to victims and security. The appropriateness of reparations modalities needs to be assessed in light

⁹⁰ See *Ongwen* Reparations Order, paras 571, 612-638.

⁹¹ *Ntaganda* Reparations Order, paras 78-88.

⁹² *Ongwen* Reparations Order, para. 78.

⁹³ *Ongwen* Reparations Order, para. 78; See also *Ongwen* Appeals Chamber Judgment, para. 155.

⁹⁴ *Ongwen* Reparations Order, para. 78.

⁹⁵ *Ibid.*, para. 612.

⁹⁶ *Ibid.*, paras 613, 614, 621.

of the specific harms suffered by the victims of the crimes at issue, which they aim to remedy as set out above.

1. Reparations to address the harm suffered by the community of Timbuktu and by specific groups within the community of Timbuktu

90. A reference from the Court’s jurisprudence of how to address moral, cultural, and economic community harm is found in the *Al Mahdi* case. There, the Trial Chamber recognised that the destruction of the mausoleums caused “mental pain/anguish and disruption of the culture of the Timbuktu community as a whole.”⁹⁷ In response, the *Al Mahdi* Chamber ordered collective reparations not only in the form of symbolic and commemorative measures, but also to address the indirect economic harm suffered by the community. These reparations provided public recognition of the crimes and contributed to healing communal identity and cohesion.

91. It is particularly important in the current case to address the severe moral and community harm caused by the crime of religious persecution. As set out above, this crime targeted the very identity and fabric of Timbuktu’s society—its culture, spirituality, and communal values. Symbolic measures, public commemorations, and other satisfaction measures such as recognition of religious practices and collective memory play a key role in acknowledging this harm. Such measures contribute to validate the experiences of victims, affirm the wrongfulness of the acts committed, and foster dignity, inclusion, and reconciliation. Collective forms of reparation also serve as guarantees of non-repetition, where they publicly reaffirm the right of the community to live according to its beliefs and traditions, free from repression.

92. Beyond cultural and moral harm, the crimes disrupted livelihoods across Timbuktu. The repression affected not only specific groups, such as musicians, artists, and others whose professions were explicitly prohibited, but the community as a whole. Economic life, often closely linked with religious and cultural practices, was significantly constrained. Collective socio-economic measures are therefore vital for restoring community resilience. They must be carefully designed to ensure that benefits reach marginalized groups without reinforcing existing disparities. Initiatives such as support for farming, crafts, or recognition of formerly prohibited celebrations like the *Mawlid* can help restore dignity and material well-being.

93. The TFCV’s experience in implementing collective reparations in the *Al Mahdi* case, a process due to conclude in early 2026, further supports this approach. A key feature of this implementation has been the establishment of participatory mechanisms, involving community

⁹⁷ *Al Mahdi* Reparations Order, para. 90.

members from Timbuktu and its diaspora in Bamako. These mechanisms ensured that the community itself played a central role in designing commemorative activities and economic support initiatives. Such an approach aligns with principles of victim-centredness and transparency, and reinforces community ownership, legitimacy, and sustainability of the measures taken; all of which are key aspects of the Reparations Principles relevant to the implementation of reparations.

94. The present case requires, in addition to interventions for the benefit of the entire community, more targeted responses to address specific groups that experienced distinct harm, including moral, psychological, and economic impacts. Participatory processes will again be critical in determining what forms of support are appropriate and acceptable. This ensures that the design of reparations is inclusive, in line with principles of equality, and rooted in the needs and perspectives of both the broader community and those who were particularly affected.

95. To account for the evolving political and security situation, the specific circumstances of affected groups, and the presence of victims residing outside Timbuktu, flexible approaches are essential to ensure that reparations reach all those who have suffered harm, including members of the diaspora, and that the measures are meaningful within the diverse realities of victims' lives.

96. Restoring cultural practices, memorialising victims, and issuing public recognitions of wrongdoing can all contribute to rebuilding trust and reinforcing the social fabric. Satisfaction measures, such as official apologies or guarantees of non-repetition, may further support communal healing, provided they are developed in consultation with the community to ensure cultural relevance and, insofar as accepted by the victims, resonate as genuine and dignifying. The TFV notes in this context the apology expressed by Mr Al Hassan, as communicated in the Defence Submission. Apologies are, in the view of the TFV, crucial to the healing process of victims. In the TFV's experience, apologies, if acknowledged and accepted by victims during the implementation of reparations, are most effectively integrated as a form of satisfaction into the reparations modalities.

97. Based on the above, and in full alignment with the views of victims and the wider community, the harm suffered by the Timbuktu community may be best addressed through symbolic measures, commemoration and satisfaction measures selected through a participatory process, alongside strong socio-economic rehabilitation efforts that benefit the community through its members. In addition, psychological support accessible to all members of the Timbuktu community should form a key part of the collective measures. These reparation modalities should also extend to specifically targeted or affected groups and their members.

2. Reparations to address individual harm

98. *Physical and psychological rehabilitation:* In addition to addressing collective harm, reparations must also respond meaningfully to the individual harm suffered by victims, particularly the physical and psychological consequences of the crime of persecution. In line with past Reparations Orders, including in *Lubanga* and *Ntaganda*, such support should be at the same time harm- and needs-based.⁹⁸ Consultations with medical professionals in Mali indicate that many victims suffer from chronic physical pain, untreated injuries, or conditions requiring surgical intervention. Psychological harm is similarly significant, with symptoms ranging from trauma-related anxiety and depression to long-term psychosocial effects.

99. To be effective and restorative, the collective reparations should therefore incorporate physical and psychological rehabilitation for individuals as a core component. Clinical care and therapy sessions may be offered where feasible and accepted by the victims, supported by a broader model of support in groups and communities, which is likely resonating best with the local culture. By way of example, engaging religious and community leaders, as well as women leaders, in structured community therapy initiatives can help bridge gaps in formal mental health services and reduce stigma for those seeking support.

100. Nonetheless, addressing individual harm in this context also presents logistical and structural challenges. For certain forms of harm and ongoing consequences, specialised care that is currently unavailable in Timbuktu may be necessary. Access to such services often necessitates travel to Bamako, which raises practical and financial barriers. The local health infrastructure remains extremely limited, with only one traumatologist and two psychologists available, and lacks sufficient capacity for confidential treatment, a priority often expressed by victims. Furthermore, stigma and fear of public exposure may deter victims from seeking services in visible or formal medical settings.

101. Despite these limitations, there is clear potential to expand local capacity through partnerships with international and national non-governmental organisations, as well as international organizations and others already active in the region. In parallel, the development of discreet, mobile, and community-integrated services could be prioritised. These could include mobile care and support, training of local health workers, and dedicated therapeutic spaces overseen by persons of high community trust and moral authority, thereby safeguarding confidentiality and dignity.

⁹⁸ [Lubanga Appeals Judgement with Amended Order for Reparations](#), para. 25; *Ntaganda* Reparations Order, e.g. paras 194-195.

102. It is equally important that the reparation process accounts for the specific harms of victims who no longer reside in Timbuktu.⁹⁹ The effects of the crimes, including persecution and displacement, have dispersed victims geographically. The TFV and the Registry may need to develop appropriate outreach and implementation mechanisms to ensure that victims outside the immediate region are not excluded from the benefits of reparation. This may include mobile services, digital outreach (where feasible), or targeted partnerships with community organisations operating in areas with high concentrations of displaced persons from Timbuktu.

103. In light of these considerations, addressing individual harm through rehabilitative measures remains essential for reparations to be relevant. These interventions must be integrated into a broader, flexible reparations programme that can adapt to needs as they are identified through participatory processes, maintaining alignment with the overarching reparations principles of inclusivity, confidentiality, and victim-centredness.

104. *Socio-economic rehabilitation:* The TFV notes that victims have expressly requested support for their socio-economic activities,¹⁰⁰ which aligns most closely with the modality of socio-economic rehabilitation. As part of the collective measures aimed at addressing the harm suffered by the community of Timbuktu and the harm experienced by members of various targeted groups, socio-economic rehabilitation has been proposed as an appropriate reparations modality. Such collective measures, which can be delivered through various means including cash based support, where appropriate, may also serve to address individual harm and can be incorporated into collective reparations schemes in accordance with Rule 98 (3) of the Rules.

105. The TFV considers that a blended approach, combining collective implementation with targeted individual benefits, best reflects the circumstances of the present case. In addition to physical and psychological care, victims who have suffered the most serious forms of harm, including acts such as flogging and torture, may benefit individually from the socio-economic measures designed at the community and group levels. This would entail that such individuals form a primary category of beneficiaries of socio- economic rehabilitation measures.

106. In sum, addressing individual harm may require a layered approach that utilises collective reparations modalities to provide rehabilitation for individual beneficiaries. These measures should be designed in a participatory manner together with the community of Timbuktu, tailored to the severity and specificity of the harm suffered, and implemented in a way that reflects the lived realities of all victims, both within and beyond Timbuktu.

⁹⁹ See Annex C, slides 22-23, 30, 36, 58, 67.

¹⁰⁰ *Ibid.*, slides 68-70.

107. As a final point, the TFV emphasises that the reparations modalities ordered must be flexible and responsive to local conditions, embedding confidentiality, community consultation, and sustainability at their core. Continued engagement with the community, during the development of the draft implementation plan and beyond, reflecting the participatory approach adopted in the *Al Mahdi* programme, will be essential to maintaining legitimacy and ensuring that reparations will be truly victim-centred.

VIII. TRIAL CHAMBER QUERY E – COST ESTIMATES

108. The TFV is invited to provide concrete estimates as to the costs to repair the harms suffered by the victims in light of the proposed modalities for repairing them, and in particular to clearly indicate the total amount within its cost estimate that would be dedicated to administrative costs.¹⁰¹

109. In view of these Observations that suggest that reparations in this case may be implemented through collective reparations modalities centred on physical, psychological and socio-economic rehabilitation, and symbolic and satisfaction measures, the TFV is in a position to provide indicative cost estimates, as requested by the Chamber, for certain modalities, based on its experience implementing both reparations in the *Al Mahdi* case, as well as from insights from recent consultations.

A. Overview of Cost-Categories and Rationale

110. The TFV's cost estimates for reparations implementation consider all types of expenditures required to deliver meaningful and participatory reparations in the specific context of Timbuktu. These costs include:

(A) Resources for awards that are individual or individualised and that are specifically set by the Chamber;

(B) Resources for reparations ordered by the Chamber and provided as services, benefits, or activities;

(C) Indirect costs or overheads, where necessary and regularly incurred in relation to the provision of A and/or B, are reviewed by the TFV when incurred by implementing partners. These are typically approved within a range of 7 to 20% of the overall cost of providing reparations. For cash award fees, the costs can be as low as 3% but will depend on the provider of the financial services.

¹⁰¹ Order, para. 6 (i) (e) (footnotes omitted).

(D) Programme costs incurred by the TFV that are associated with the implementation of awards and that ensure quality assurance and the realisation of features that align with the Reparations Principles. For instance, liaising with victims, methodology design, communications with stakeholders, gender integration and monitoring and evaluation.

111. For purpose of costing, the TFV points out that, while the *Al Mahdi* Reparations Order was valued at EUR 2.7 million, this amount did not encompass several critical components, including category B costs (e.g. for the participatory mechanism) and the category C indirect costs referred to above. In addition, no costs were allocated for activities essential to the delivery of the symbolic awards, which were granted under category A with a nominal monetary value (EUR 1.00 each to the population of Mali and the international community). In reality, the total cost of implementing the symbolic programme significantly exceeded this nominal amount.¹⁰² These expenses, which were covered by funds raised outside the formal liability amount, underscore that meaningful symbolic measures often require significant logistical and financial input in order to be effectively implemented, accepted by the community, and appropriately disseminated to the targeted victim groups.

112. The TFV submits that costs falling within categories A to C should form part of the reparations liability amount awarded by a Chamber against the convicted person, where the TFV is requested to implement the awards pursuant to rule 98(3) of the Rules. The term “total costs” as used below refers to the combined costs of categories A, B and C. The TFV notes, however, that as these Observations do not propose that awards be provided directly to victims and determined by the Chamber, category A costs would not arise.

B. Collective Reparations Programme for the Community and its members

1. Symbolic, commemoration and satisfaction measures and participative mechanism:

113. Drawing on lessons from the *Al Mahdi* case, the TFV considers that reparations in the *Al Hassan* case may warrant a more extensive set of symbolic and commemorative measures. In *Al Mahdi*, approximately EUR 1.3 million in total costs were allocated to three community-selected commemorative activities, a symbolic ceremony, and the maintenance of protected buildings.¹⁰³ In *Al Hassan*, the crimes appear to have had broad moral and psychological impacts, which, based on preliminary consultations, could benefit from both a participatory mechanism and community-focused interventions aimed at restoring trust and supporting the

¹⁰² The final financial and narrative report on the *Al Mahdi* reparations will be presented upon completion of the reparation programme.

¹⁰³ This figure is a rounded estimate. The final total of costs will be provided in the final financial report of the TFV in the case of *Al Mahdi*, in accordance with regulation 58 of the TFV Regulations.

social fabric. Addressing the moral and collective harm has emerged from consultations as a central concern for the affected population. These types of interventions would also need to reflect the differentiated harms suffered by specific groups, as set out above, including women, artists, and religious minorities. Furthermore, it may be appropriate to extend such measures beyond Timbuktu to reach members of the affected diaspora in Bamako and other parts of Mali. Based on victims' expressed priorities and early assessments, the TFV therefore anticipates that a higher financial allocation may be needed to provide meaningful redress.

2. *Socio-economic measures*

114. The total costs for the Economic Resilience Facility (ERF) in the *Al Mahdi* case amounted to EUR 1.57 million. This facility enabled a wide range of initiatives designed to benefit the community as a whole.¹⁰⁴ It included three macro-projects implemented at the community level and 60 micro-projects delivered through respectively the city hall and grassroots structures selected according to criteria aligned with the purpose of the *Al Mahdi* Reparations Order. The TFV is of the view that a similar model of macro- and micro-projects would be critical in *Al Hassan* to foster sustainable economic empowerment. However, given the broader scope of harm suffered in *Al Hassan*, this approach may need to encompass a greater number of projects. In addition to benefitting the broader community, the reparations programme would aim to support specific individuals through income-generating activities and tailored interventions. Cost estimates will be refined ahead of the September 2025 oral hearing upon consideration of the submissions from the parties and participants.

3. *Psychological rehabilitation*

115. Psychological rehabilitation is needed but it is a particularly sensitive issue in Timbuktu, where many victims are likely to be reluctant to participate in individual one-on-one sessions due to cultural and contextual factors. As it is anticipated that a limited number of victims may choose to engage in such sessions, the TFV expects low uptake of individual psychological counselling. Nevertheless, limited one-on-one services would ideally be made available, and preliminary per-person minimum cost estimates for this component are included in Annex E. The emphasis will instead be on community and group-level interventions, which have greater reach and acceptance. Cost estimates will be refined ahead of the September 2025 oral hearing upon consideration of the submissions of parties and participants.

4. *Physical rehabilitation (individual level):*

¹⁰⁴ See e.g. Thirty-fourth update report on the updated implementation plan, paras 32-50.

116. The TFV has initiated discussions with regional hospital and medical professionals to assess the costs associated with the health sector. However, at this stage, it remains unknown how many individuals will require such services. Accordingly, and for the information of the Chamber, the TFV provides in Annex E initial minimum estimates for these interventions, which may be revised as further information becomes available. The costs are disaggregated, as each course of treatment would be tailored to the specific needs of each victim.

C. Outlook

117. In light of the complex needs of multiple victim groups, including those in the diaspora, the TFV is still in the process of assessing the costs. The TFV underscores that many of these estimates will remain indicative and contingent on submissions from the parties, participants, the Government of Mali, and *amicus curiae*. Accordingly, the TFV respectfully requests leave to present more detailed and updated cost projections during the oral hearing in September 2025.¹⁰⁵

IX. TRIAL CHAMBER QUERY F – IDENTIFICATION OF ELIGIBLE VICTIMS

118. The TFV has been invited to raise any legal and factual issues relevant to the identification of eligible victims.¹⁰⁶

119. The TFV recalls that in the *Al Mahdi* case, an eligibility process was required only for victims who were awarded individual reparations pursuant to rule 98 (2) of the Rules. That process was conducted under the direction of the *Al Mahdi* Trial Chamber and in accordance with regulations 60 to 65 of the TFV Regulations. The TFV and the LRV identified eligible victims, collected their applications and other documentation and assisted in the preparation and consolidation of their dossiers as applicable, and the TFV Board of Directors issued administrative decisions on their eligibility for reparations.¹⁰⁷ The LRV was able to appeal negative decisions before the Trial Chamber within fifteen days from their notification.¹⁰⁸

120. In the context of the eligibility process related to individual awards in the *Al Mahdi* case, the TFV had to assess the eligibility of descendants of the Saints buried in the protected

¹⁰⁵ Order Scheduling a Reparations Hearing, 23 April 2025, [ICC-01/12-01/18-2714](#).

¹⁰⁶ Order, para. 6 (i) (f) (footnotes omitted).

¹⁰⁷ The process was adapted over time. See e.g. *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Twenty-ninth update report on the updated implementation plan including report on the finalisation of individual reparations, 27 October 2023, ICC-01/12-01/15-467-Conf, paras 8-31. A public redacted version was notified on 30 December 2024 ([ICC-01/12-01/15-467-Red](#)); Decision on the TFV's twenty-seventh and twenty-eighth update reports on the updated implementation plan, 23 August 2023, ICC-01/12-01/15-466-Conf, paras 9-14. A public redacted version was notified on 4 December 2023 ([ICC-01/12-01/15-466-Red](#)).

¹⁰⁸ *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Decision on TFV for Victims' Draft Implementation Plan for Reparations, 12 July 2018, ICC-01/12 01/15-273-Conf, para. 47. A public redacted version was notified on the same day ([ICC-01/12-01/15-273-Red](#)).

buildings for reparations. In the absence of official documentation establishing a direct and exclusive connection to the sites, a locally based mechanism was established to support the documentation process. This approach enabled a process rooted in the local community to demonstrate the required connection, thus addressing the absence of formal records.

121. Whether a formal eligibility process is required in the present case will depend on the forms and modalities of reparations ordered by the Trial Chamber, and the scope of victims it recognises in relation to the crimes for which Mr Al Hassan has been convicted.

122. In particular, with respect to the crime of persecution, the question arises as to whether a formal eligibility process is necessary, given the community and its members are considered victims of the crime of persecution.

123. Instead, the key issue arising from these Observations is how to identify the individuals who would benefit from the individualised measures proposed by the TFV under the socio-economic rehabilitation modality. Such individuals could be identified either through a formal eligibility process based on criteria established by the Chamber, or alternatively, during the implementation process. For socio-economic support for instance, in the *Al Mahdi* case, the TFV implemented a participatory process as part of the collective reparations programme to identify groups who would benefit from socio-economic support, including through the 60 micro-projects referenced above.¹⁰⁹ While this model may not directly apply to individuals, similar local anchoring as that applied in the *Al Mahdi* case could be put in place.

124. Consultations conducted by the TFV revealed the absence of public records identifying individuals directly affected by the crime of persecution. However, the ways in which individuals were denied or impeded in their enjoyment of fundamental freedoms were often public and visible. The TFV's consultations indicate that neighbourhood chiefs, religious leaders (men and women), medical professionals, members of the crisis committee, and other respected local figures are in a position to attest who has suffered such harm. A locally based mechanism similar to that established in relation to the *Al Mahdi* reparations programme could thus support the determination, where necessary, of whether an individual qualifies as a victim who suffered particularly severely because of the crime of persecution. The TFV notes, however, that such a process would be more accurately characterised as a selection or prioritisation mechanism among victims, rather than a formal eligibility process.

125. Should the Trial Chamber order a formal eligibility process, in the TFV's view, the Registry is best placed to address factual and legal matters relevant thereto, taking into account

¹⁰⁹ See e.g. Thirty-fourth update report on the updated implementation plan, paras 32-50.

the recent jurisprudence in the *Ntaganda* and *Ongwen* cases,¹¹⁰ where the Registry was tasked with conducting outreach and managing the identification and verification of victims for the purpose of establishing eligibility within the scope of collective reparations awards.¹¹¹ In any case, the TFV is available to collaborate with the Registry, as necessary and appropriate in the development and implementation of an appropriate eligibility mechanism.

X. TRIAL CHAMBER QUERY G – PRIORITISATION OF VICTIMS

126. The TFV has been invited to identify victims or groups of victims who may require prioritisation in the reparations process,¹¹² consistent with prior Reparations Orders. In addition to ensuring that the most vulnerable victims are addressed as a matter of priority, such an approach offers the practical benefit of aligning the implementation pace with the availability of funding and the timeframe required for the adequate execution of reparations programmes.¹¹³

127. The TFV recalls that in the *Al Mahdi* case, the Trial Chamber did not establish a prioritisation scheme among victims, including in the context of individual reparations. It simply ordered that the implementation of individual awards should commence before any other reparations modality. In the present case, there is a category of victims who remain, to this day, among the most severely affected by the crimes, including through ongoing physical, psychological and socio-economic consequences.¹¹⁴ It is also for these victims that a physical, psychological and socio-economic reparations programme has been proposed, specifically designed to address their needs as a priority, though not exclusively. In this context, the TFV considers that there is no need to introduce a separate prioritisation for this group within the broader reparations framework, as their harm is already being directly addressed through targeted and dedicated measures.

128. Furthermore, given the existing infrastructure and trust established under the *Al Mahdi* programme for collective symbolic, commemorative and satisfaction measures, as well as for economic rehabilitation initiatives targeting the community, the TFV may be in a position to initiate similar components of the *Al Hassan* reparations programme, such as engaging with specific commemoration activities, more swiftly than the individual rehabilitation components.

¹¹⁰ *Ongwen* Reparations Order, paras 807, 810; Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, First Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations, 11 August 2023, ICC-01/04-02/06-2860-Conf ("*Ntaganda* First DIP Decision"), paras 179-181, 183-186. A public redacted version was notified on 30 August 2023 ([ICC-01/04-02/06-2860-Red](#)).

¹¹¹ *Ongwen* Reparations Order, paras 809-814; *Ntaganda* First DIP Decision, paras 183-185.

¹¹² Order, para. 6 (i) (g) (footnotes omitted).

¹¹³ See *Ntaganda* Reparations Order, para. 93; see also *Ongwen* Reparations Order, para. 656 *et seq.*

¹¹⁴ See Annex C, slides 10-11.

Accordingly, the TFV respectfully suggests that the Chamber afford it sufficient flexibility to design and implement the programme in a manner that is responsive to the specific context.

129. The TFV further submits that, rather than ordering a fixed sequence of implementation, the Chamber may consider articulating a guiding Reparations Principle. In particular, the Chamber could establish as a Reparations Principle that, insofar as feasible, in implementing reparations the needs of the most vulnerable victims be addressed first, with due regard to gender sensitivity, child sensitivity, and the principle of intersectionality, thus assigning to the implementor the task of operationalising this Reparations Principle.

XI. TRIAL CHAMBER QUERY H – OTHER REPARATIONS

130. The TFV has been invited to indicate whether it is aware of any prior judicial or domestic administrative reparations received by victims of the crimes for which Mr Al Hassan was convicted.¹¹⁵ The TFV notes only that the community of Timbuktu benefited from collective reparations in *Al Mahdi*. However, those reparations addressed harm resulting from a crime under article 8 (2) (e) (iv) of the Statute, concerning the destruction of buildings with protected status, which does not form part of the conviction in *Al Hassan*. In contrast, the reparations in *Al Hassan* focus on harm suffered through the violation of fundamental rights in the context of religious persecution.

131. Should the Chamber determine that any overlap of reparations exists, the relevant guiding principle is the *Ntaganda* Reparations Principle of no-overcompensation. That principle provides that, where the Court applies joint and several liability, “victims shall not be overcompensated for the harm they have suffered.”¹¹⁶ It remains for the Trial Chamber to decide whether the reparations ordered in *Al Hassan* and *Al Mahdi* fall within this framework. The TFV submits that the budgetary assessments set out in Section VII above relate to costs for a programme that remedies harms additional to those remedied by the collective award in *Al Mahdi*.

132. In *Al Mahdi*, victims with a specifically recognised connection to the protected buildings received individual compensation, thereby redressing the harm arising from their destruction. The TFV considers that the reparations modalities proposed in *Al Hassan* address distinct harms and do not overlap with those implemented in *Al Mahdi*.

133. The TFV recalls the adoption of the National Policy on Reparations, under which individuals will be able to access various forms and modalities of reparation for human rights

¹¹⁵ Order, para. 6 (i) (h) (footnotes omitted).

¹¹⁶ *Ntaganda* Reparations Order, paras 99-100.

violations committed between 1960 and 2019. The implementation of a national reparations programme may mean that the *Al Hassan* programme would co-exist with the national programme, and it cannot be excluded that beneficiaries of the *Al Hassan* reparations may also be eligible for measures under the national programme. The TFV will work in coordination with national authorities, in line with the Reparations Order, to support the realisation of victims' rights to access reparation. The TFV also remains available to provide observations at the oral hearing, should issues arise concerning potential scenarios for interaction between the *Al Hassan* programme and a future national reparations programme, subject to the directions of the Chamber.

134. In addition, while the TFV can implement reparations with a victim-centred approach, outside of a national programme for reparations, it is the Government that can ensure the implementation of measures that benefit all the victims of the conflict and that may serve to rehabilitate the affected region as such, such as the building of schools, hospitals, and more generally the infrastructure, are put in place. Similarly, guarantees of non-repetition, an important aspect of reparations, as well as certain measures of satisfaction (inclusion of the account in educational materials) would best be provided by the relevant Government, where necessary with the support of the international community.¹¹⁷

135. The TFV remains committed to maintaining its strong cooperation with the Malian government and to working jointly with the authorities to implement the reparations ordered by the Court in a manner that also supports and encourages the development and implementation of the national reparation programme.

XII. CONCLUSION

136. The TFV respectfully:

- Requests the Trial Chamber to take its observations into account when considering the Reparations Order in this case and affirms its commitments to provide further observations as requested;
- Seeks leave from the Trial Chamber to make oral submissions at the reparations hearing scheduled in the week of 15 September 2025, in particular on the issue of costs but also on other matters, in accordance with any directions provided by the Chamber.

¹¹⁷ UN Basic Principles on Reparations of 2005, paras 22-23.



Deborah Ruiz Brindley

Executive Director of the Trust Fund for Victims

Dated this 16th of June 2025

At The Hague, The Netherlands