



Original: **English**

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

Date of original: **24 February 2020**

Date of submission: **29 October 2025**

TRIAL CHAMBER VIII

Before:

**Judge Raul C. Pangalangan, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt**

SITUATION IN THE REPUBLIC OF MALI

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

Public redacted version of

with Annex A (confidential *ex parte* LRV and TFV only, with confidential redacted version)

Decision on Joint Request for Extension of Reparations Application Deadline

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

Al Mahdi Defence

☒ **Legal Representatives of the Victims**

Al Mahdi Case

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented victims**

☐ **Unrepresented Applicants**

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

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

☒ **Trust Fund for Victims**

☐ **Amicus Curiae**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and
Reparations Section**

☐ **Public Information and Outreach
Section**

TRIAL CHAMBER VIII of the International Criminal Court hereby issues its ‘Decision on Joint Request for Extension of Reparations Application Deadline’ in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Regulation 35 of the Regulations of the Court (the ‘Regulations’).

1. On 17 August 2017, the Chamber issued its order for reparations (the ‘Reparations Order’).¹ The Chamber primarily awarded collective reparations, but individual reparations were accorded to certain victims.²
2. On 4 March 2019, the Chamber formally approved the procedure for the Trust Fund for Victims (the ‘TFV’) to screen applications for individual reparations (the ‘UIP Decision’).³ The Chamber specified that all victims must be identified and all their applications collected within one year (i.e., by 4 March 2020), finding the TFV’s proposal for a two year deadline to be unjustified.⁴
3. On 20 February 2020, the LRV and TFV jointly requested the Chamber to extend this deadline to 4 July 2020 (the ‘Request’).⁵ Due to technical reasons explained in the Request itself, the LRV and TFV were unable to file this formally.⁶ The Chamber accepts the explanation given and, on an exceptional basis, annexes the *ex parte* and confidential redacted versions of the Request to the present decision.⁷
4. Regulation 35(2) of the Regulations, in relevant part, requires that ‘[t]he Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard’.

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

² Reparations Order, ICC-01/12-01/15-236, paras 67, 76-83, 90.

³ Decision on the Updated Implementation Plan from the Trust Fund for Victims, ICC-01/12-01/15-324-Conf (public redacted version notified same day). *See also* Decision on Trust Fund for Victims’ Draft Implementation Plan for Reparations, 12 July 2018, ICC-01/12-01/15-273-Conf (notified 13 July 2018, along with public redacted version) (the ‘DIP Decision’), paras 35-46 (specifying the *modus operandi* for the screening, including the procedural deadlines and the respective roles of the TFV, the parties and the Registry).

⁴ UIP Decision, ICC-01/12-01/15-324-Conf, paras 33-36.

⁵ Emails from the LRV and TFV, 20 February 2020 at 19:40 (*ex parte* LRV and TFV only version) and 19:41 (confidential redacted version).

⁶ Request, Annex A, para. 2.

⁷ The identities of those individuals sending and receiving the emails have been removed. The annexed emails are otherwise as received.

5. Given the intensive field work logistics implicated by the Request and the Defence's limited interest at this point in the proceedings, the Chamber considers it appropriate to resolve the Request without receiving any responses.
6. As for whether good cause exists for the four month extension requested, the LRV and TFV provide the following justifications:
 - Residual pools of victims have been identified in various cities of Mali and neighbouring countries, and actions have already been taken to reach out to these individuals.⁸
 - Already collected applications require consolidation from the LRV (meaning the collection of the required attestation form from a figure of authority).⁹
 - The detrimental impact of leaving aside these individuals who have already been identified would be excessive compared to a limited extension of the application deadline.¹⁰
 - Extending the deadline for a limited period of time does not violate any procedural rights, be it for the Defence or victims having already submitted their claims.¹¹
7. The Chamber considers that these reasons collectively constitute good cause for extending the 4 March 2020 application deadline. However, the Chamber does not consider that a full four month extension is justified.
8. The LRV and TFV understate the detrimental impact of a four month extension on the interests of the victims as a whole. This is because of the interplay between the individual and collective components of the Reparations Order. As the Chamber explained when shortening the TFV's proposed two year application deadline to a single year in the UIP Decision:

As acknowledged by the TFV, the Chamber further notes that the UIP envisages distributing the individual reparations before the end of the three years envisaged for collective reparations. This is because the UIP is designed in a manner such that any individual reparations surplus is reinvested in the collective reparations

⁸ Request, Annex A, paras 6-12.

⁹ Request, Annex A, paras 13-14.

¹⁰ Request, Annex A, paras 15-22.

¹¹ Request, Annex A, paras 23-24.

envelope. Noting that any individual reparations surplus is to be invested in collective reparations, the Chamber considers that a shorter timeframe is necessary to provide clarity as to how money is distributed between individual and collective awards.¹²

9. Accordingly, any application deadline extension impacts the full implementation of the collective programmes envisaged to be the primary part of the reparations award. This dynamic is not lost on individuals encountered by the TFV, as noted in the TFV's latest report to the Chamber on reparations implementation:

The other one, [REDACTED], deplored that applications had to be submitted before the launching of collective reparations. [REDACTED] stated that, by principle, individual reparations are for a limited number of persons leading to the exclusion of the majority, and the frustration of the non-eligible or [REDACTED] expressed it would have been more strategic to first implement collective programmes as this would have eased the acceptance of the individual reparations by the families of the Protected Buildings.¹³

10. This sentiment overstates the situation, as the TFV still makes progress on collective reparations even as the window to receive individual reparations applications remains open.¹⁴ But any local concerns that the availability of collective reparations depend partly on the conclusion of the individual reparations are eminently understandable.
11. Bearing this in mind, the Chamber announces its expectation to issue any and all individual reparations reviews by early March 2021. All those involved in the reparations screening are to organise their work accordingly. Noting the potentially months long procedure from transmission of the preliminary application assessment to

¹² UIP Decision, ICC-01/12-01/15-324-Conf, para. 35 (citations removed).

¹³ Confidential Redacted Version of "Thirteenth update report on the updated implementation plan" submitted on 20 February 2020, 20 February 2020, ICC-01/12-01/15-346-Conf-Red (the 'TFV 13th Implementation Report'). para. 14. [REDACTED]

¹⁴ See TFV 13th Implementation Report, ICC-01/12-01/15-346-Conf-Red, paras 65-73.

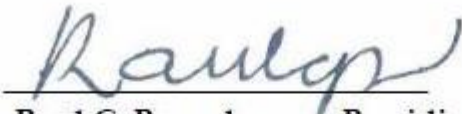
receipt of all judicial review submissions,¹⁵ only so many extensions of time can be accommodated.

12. On balance, the Chamber is satisfied that the prospect of collecting many more applications from eligible victims justifies some additional time. But the Chamber stresses that this process must conclude expeditiously for the greater good of the victim community, and for this reason grants the extension only in part.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

EXTENDS the reparations application deadline to Monday, 4 May 2020.

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


Judge Raul C. Pangalangan, Presiding Judge


Judge Antoine Kesia-Mbe Mindua


Judge Bertram Schmitt

Dated 24 February 2020

At The Hague, The Netherlands

¹⁵ DIP Decision, ICC-01/12-01/15-273-Conf, paras 37-47.