

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/18

Date: 21 July 2026

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

**OPCV response to the Registry's observations on outreach, identification and
eligibility process for reparations (ICC-01/12-01/18-2789-Red, 24 June 2026)**

Source: Office of Public Counsel for Victims

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I. INTRODUCTION

1. Counsel at the Office of Public Counsel for Victims (the “Counsel” or the “OPCV”)¹ submits his observations on the Registry submissions on outreach, identification and eligibility process for reparations (the “Registry Submissions”).²

2. As regards the collective community-based component of the reparations, Counsel supports the Registry’s proposal to defer the verification of the identity document and residency to the later stage, namely of the Trust Fund for Victims’ (the “TFV”) design and implementation of the programme.

3. As regards the individualised component of the collective reparations, Counsel posits that it must be carried out by either the Registry or the TFV at a much later point in time, namely when the TFV will already be implementing collective-community based reparations and referring possible eligible victims for an additional evaluation.

II. PROCEDURAL BACKGROUND

4. On 26 June 2024, Trial Chamber X (the “Chamber”) convicted Mr Al Hassan for war crimes and crimes against humanity.³ On 20 November 2024, the Chamber sentenced him to 10 years of imprisonment.⁴

¹ See the “Decision on the LRV’s submission on a potential conflict of interest” (Trial Chamber X), [No. ICC-01/12-01/18-2728-Conf](#) disposition, 5 June 2025. A public redacted version [No. ICC-01/12-01/18-2728-Red](#) was filed the same day.

² See the “Registry submissions on outreach, identification and eligibility process for reparations”, [No. ICC-01/12-01/18-2789-Conf-Exp](#), 23 June 2026 (notified on 1 July 2026). A public redacted version [No. ICC-01/12-01/18-2789-Red](#) was filed on 24 June 2026 (the “Registry Submissions”).

³ See the “Trial Judgment” (Trial Chamber X), with three public annexes, [No. ICC-01/12-01/18-2594-Conf](#), 26 June 2024. A public redacted version [No. ICC-01/12-01/18-2594-Red](#) was filed the same day.

⁴ See the “Sentencing Decision” (Trial Chamber X), [No. ICC-01/12-01/18-2662](#), 20 November 2024.

5. On 23 July 2025, the Panel of Judges appointed for the review concerning reduction of sentence, issued its decision reducing Mr Al Hassan's sentence by 12 months, and setting the date for completion of his sentence to 28 March 2027.⁵

6. On 17 September 2025, the Chamber held a hearing on reparations.⁶

7. On 28 April 2026, the Chamber issued its Reparations Order,⁷ directing, *inter alia*, the Registry to submit, by 23 June 2026, observations on outreach, identification and eligibility process for reparations, and the parties and the TFV to respond thereto by 21 July 2026.⁸

8. On 28 and 29 May 2026, the OPCV,⁹ the legal representatives of victims¹⁰ and the defence for Mr Al Hassan¹¹ submitted notices of appeal against parts of the Reparations Order.

9. On 23 June 2026, the Registry filed the Registry Submissions.¹²

⁵ See the "Decision on the review concerning reduction of sentence of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud" (Three Judges of the Appeals Chamber appointed for the review concerning Reduction of Sentence"), [No. ICC-01/12-01/18-2743-Conf](#), 23 July 2025. A public redacted version [No. ICC-01/12-01/18-2743-Red](#) was filed the same day.

⁶ See the "Order on the conduct of the reparations hearing" (Trial Chamber X), [No. ICC-01/12-01/18-2742](#), 16 July 2025.

⁷ See the "Reparations Order" (Trial Chamber X), [No. ICC-01/12-01/15-2872](#), 28 April 2026.

⁸ *Ibid.*, disposition. See also, para. 257.

⁹ See the "OPCV Notice of Appeal against the Reparations Order", [No. ICC-01/12-01/18-2786](#), 29 May 2026 (the "OPCV Notice of Appeal").

¹⁰ See the "Acte d'appel des Représentants légaux des victimes de l'Ordonnance de réparations rendue par la Chambre de première instance X", [No. ICC-01/12-01/18-2785](#), 29 May 2026.

¹¹ See the "Defence Notice of Appeal Against the Reparations Order", [No. ICC-01/12-01/18-2784](#), 28 May 2026.

¹² See the Registry Submissions, *supra* note 2.

III. OBSERVATIONS

10. Counsel welcomes the considerable efforts deployed by the Registry to proceed with identification of eligible victims swiftly and makes the limited following observations.

11. Counsel recalls that the Chamber organised the upcoming reparations around two pillars: (i) first, the collective community based reparations for all victims of the crimes for which Mr Al Hassan was convicted (the “first component”);¹³ and (ii) second, a limited individualised component in the form of physical and psychological rehabilitation for the 49 direct victims named in the judgment as well as similarly situated victims of persecution, if warranted (the “second component”).¹⁴ As regards victims eligible under the first component, the Chamber clarified that “*any person who can demonstrate that he or she was present or residing in the city of Timbuktu during the temporal scope of the crime of persecution is considered to be a direct victim of the crime of persecution*”¹⁵ and encouraged the TFV to design the reparations projects for these victims “*in close consultation with the victims*”.¹⁶

12. Accordingly, it is Counsel’s understanding that the Registry has been virtually carrying out a census of the population of Timbuktu to determine whether someone can be eligible to the first component of the programme.¹⁷ In light of the magnitude of the anticipated exercise, Counsel takes no issue with – and in fact strongly supports – the Registry’s proposal to defer the verification of the identity document and residency

¹³ See the Reparations Order, *supra* note 7, paras. 184-185 and 228.

¹⁴ *Ibid.*, paras. 184-185, 195 and 228.

¹⁵ *Ibid.*, para. 252.

¹⁶ *Ibid.*, paras 204-205.

¹⁷ With the important caveat that the proofs of residency and identity were not collected (see the Registry Submissions, *supra* note 2, para. 12). In this regard, Counsel recalls that an official census was conducted shortly before the temporal scope of the case and that the Registry relied on it in its submissions on reparations (see the “Redacted version of the Registry Submissions on Reparations”, [No. ICC-01/12-01/18-2733-Red](#), 16 June 2026, para. 6).

to the later stage, namely of the TFV's design and implementation of the programme.¹⁸ Proceeding differently would inevitably unduly raise expectations of ten of thousands of individuals who would be approached at this point of time for the purpose of establishing their identity and residency in Timbuktu with no yet clear prospect of the implementation of reparative measures.

13. The Registry's proposal is also consistent with the objective of the first component (the community-based reparations) that is to "*reach large number of victims in a less resource intensive manner*".¹⁹

14. Turning to the eligibility evaluation carried out for the second component, that is the limited individualised component in the form of physical and psychological rehabilitation for the 49 direct victims named in the judgment as well as similarly situated victims of persecution, Counsel makes two observations.

15. First, concerning the timing of the eligibility exercise proposed by the Registry, Counsel understands that the Registry intends to carry out a census of the population of Timbuktu, to detect those potentially eligible to the second component and share their identity to the TFV.²⁰

¹⁸ See the Registry Submissions, *supra* note 2, paras. 12 and 34-35. Counsel understands that the evaluation of the eligibility was carried out *prima facie* (*Ibid.*, para. 12) and that an evaluation on the reparations standard of balance of probabilities would then need to take place.

¹⁹ See the "Reparations Order" (Trial Chamber IX), [No. ICC-02/04-01/15-2074](#), 28 February 2024, (the "Ongwen Reparations Order"), para. 572. Collective community-based reparations refer to both the group that will receive reparations and the mode in which reparations will be delivered. In the present case, the mode of delivery will be known upon receipt of the draft implementation by the Trust Fund for Victims but it will inevitably consist in collective community-based reparations that will benefit the group, as defined by the Trial Chamber. The group is defined by the Trial Chamber as "any person who can demonstrate that he or she was present or residing in the city of Timbuktu during the temporal scope of the crime of persecution". This situation differs from the situation in the *Ongwen* and *Ntaganda* case. In the *Ongwen* case, eligibility exercise was limited to determine individuals eligible for additional symbolic measure of individual cash payment. In fact, in that case, Trial Chamber IX explicitly specified that "*no individual application will be needed in order to determine eligibility of victims for the collective community reparations*" (See the *Ongwen* Reparations Order, paras 575 and. 812 (a)). In the *Ntaganda* case, the eligibility exercise was necessary as the bulk of the reparations was collective with individualised component (See the "Reparations Order" (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021).

²⁰ See the Registry Submissions, *supra* note 2, paras. 27 and 37.

16. In the present case, the Reparations Order **does not** envisage to repair the material harm suffered by the victims of Counts 1-6 and 14 and similarly situated but is limited to repairing **the physical and psychological** harm.²¹ Thus, to be repaired through rehabilitation, as ordered by the Chamber, physical or moral damage **need to persist and continue to exist at the time of implementation**. The situation would be different if the Chamber had ordered compensation (in which case a formal eligibility mechanism would serve of identifying victim who would ultimately receive said compensation) or rehabilitation for the material harm caused (in which case it would have made sense to identify those who would ultimately benefit from the reparations, see *infra* para. 18 in this respect).

17. In the present case however, already identifying individuals who would benefit from the second component at this stage, while it is unknown for now what measures would be possible to implement and in which timeframe, serves no purpose and solely risks raising expectations and expending court resources. Counsel posits that the evaluation of the eligibility must be carried out by either the Registry or the TFV at a much later point in time, that is when the TFV will already be implementing collective-community based reparations and referring possible eligible victims for an additional evaluation.

18. Additionally, the issue of the reparations for economic harm is currently under appeal and should the OPCV appeal be successful,²² it is likely to result in expanding the pool of eligible victims and would require the Registry to go back to all applications already evaluated to determine whether the victims also suffered from economic harm. In that sense, this also pleads for proceeding to the evaluation of the eligibility at a later point in time.

²¹ See the Reparations Order, *supra* note 7, para. 184.

²² See the OPCV Notice of Appeal, *supra* note 9, paras. 20-23.

19. Second, Counsel draws the Chamber's attention to the figures provided by the Registry: the Chamber estimated that 65,202 individuals²³ are victims of the crime of persecution and that amongst them approximately 15% (that is 9,677 individuals) are "similarly situated" that the 49 and thereby eligible for the second component reparations.²⁴

20. The Registry indicates that it reviewed information concerning a sample of 18,702 victims (that is less than a third of the estimated total number) and that within this group as many as 8,298 (that is 44%) would tentatively be eligible for the second component.

21. It is therefore to be expected that upon review of the totality of potentially eligible victims, the number of individuals similarly situated than the 49 would be around 29,125.

22. Lastly, Counsel is mindful of the challenging situation on the ground. Counsel has noted the Registry's proposal on the way they intend to operate.²⁵ In light of the nature of the activities to be carried out at present, Counsel invites the Registry to consider focussing on resources available locally, such as notably reliable intermediaries already present on the ground.

²³ See the Reparations Order, *supra* note 7, para. 14.

²⁴ *Ibid.*, para. 226.

²⁵ See the Registry Submissions, *supra* note 2, para. 18.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'Dmytro Suprun', followed by a period.

Dmytro Suprun
Counsel

Dated this 21st day of July 2026
At The Hague, The Netherlands