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**International
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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
With Public Annexes 1 and 2**

**Response to the "Registry submissions on outreach, identification and eligibility
process for reparations", dated 23 June 2026 (ICC-01/12-01/18-2789-Red)**

Source: [Legal Representatives of Victims]

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☒ **Victims Participation and
Reparations Section**

☒ **Other**
Trust Fund for Victims
**Public Information and Outreach
Section**

I. Introduction

1. The Legal Representatives of Victims (the LRVs) hereby submit their observations on the Public redacted version of “Registry submission on outreach, identification and eligibility process for reparations”, (“the Submissions”) dated 23 June 2026.¹
2. The LRV note that the public version of such filing contains large redaction, specifically on the planned activities and timelines. Such redactions, on which the motivation is equally redacted, apparently relate to information in relation to the planned activities of VPRS, notably on identification.
3. It remains therefore unexplained that no confidential version containing such information had been made available to the parties and specifically to the LRVs and the OPCV.
4. The LRVs note that even if the Chamber has decided to exclude their representation for the administrative phase of the eligibility assessment,² they remain so far seized of their mandate and still have contact with their clients to whom, according to their mandate, they are providing a number of information with respect to the Reparations Order and the subsequent steps such as the TFV’s DIP for which their observations will have to be collected. Furthermore, ahead of the eligibility assessment, a complete and robust process of identification needs to be conducted.³ A number of points addressed below demonstrate that the process would benefit from a transparent communication between VPRS and the parties having the defence of the victims’ interests as sole and unique mandate.

¹ [ICC-01/12-01/18-2789-Red.](#)

² Reparations Order, 28 April 2026, [ICC-01/12-01/18-2782](#), par.257 – point 2.a

³ See [Reparation Order](#), par. 257, point 1.

5. In that context, any coordinated initiative and shared information on identification would only be beneficial to the advancement of the different tasks to be accomplished for the benefit of the victims.
6. The LRVs hope that the below observations and specially the question of identification in neighbouring countries will be taken into account by the Registry in planning their activities at each step of the process of identification described in the Submissions.

II. Procedural Background

7. On 28 April 2026, the Trial Chamber X issued the Reparations Order. With regard to identification and eligibility of victims the instructions are the following:
 - The Registry should design and conduct, throughout the duration of the administrative eligibility process, the required outreach campaign for the purposes of this reparations proceedings, after engaging in consultations with the parties, the TFV, the VPRS, and the OPCV;
 - The Registry should, through the VPRS, - commence with the identification of potential beneficiaries as soon as possible, and before the approval of the DIP;
 - Finally, the Registry should submit its observations on the time needed to conduct the eligibility assessment process by 23 June 2026;
8. The Reparations Order specifies that such observations shall:
 - Include concrete time estimates
 - Distinguish between the time needed to:
 - o conduct outreach activities to identify new victims,
 - o process information and
 - o notify victims of their eligibility.⁴

⁴ [Reparations Order](#), par.257, point 2.c.

9. On 23 June 2026, the Registry filed the confidential *ex parte* version only available to the Trust Fund for Victims of the “Registry submission on outreach, identification and eligibility process for reparations” (ICC-01/12-01/18-2789-Conf-Exp).
10. On 24 June 2026, the Registry filed the Public redacted version of its Submissions. It did not file any confidential version, contrary to its allegation at paragraph 8 of its Submissions.

III. Response to the Registry submissions

11. The LRVs will address below successively the issues of identification of potential beneficiaries and issues of eligibility and its assessment as there are described by the Registry.

A. Issues of identification

12. The Registry sets out its observations on various issues of identification under point (i) *Victim data already collected*, in the following order: (a) Identification of the 49 victims, b) Information on the victims who completed applications for reparation, c) Information on additional victims identified).
13. The Registry also addresses identification issues under point (ii) *Planned activities and timelines* (point ii. C: *Identification and collection of information for new victims not yet identified*)
14. The LVRs will respond on those four points (a. to d.) and develop observations on one additional core issue for a proper and complete identification process which is the identification of victims in the neighbouring countries (e).

a) The 49 victims:

15. The LRVs refer to the Submissions on this point (par. 10).
16. They have already shared their preoccupations as regards the identification of those victims,⁵ notably in the follow up of meetings with a number of them. The LRVs trust that the Registry will proceed with care and take the opportunity to identify the potential indirect victims related to the members of this group of victims.

b) Victims who completed applications for reparation

17. The LRVs take note of the Submissions on this point. They also recall that the Registry rejected a number of victims application forms (being in the scope of the charges) for lack of allegations describing acts of physical punishment (torture, other inhumane acts, cruel treatment, outrage upon personal dignity, mutilation), sentencing without due process or detention, and in the absence of specific complains of "persecution".
18. The LRV's position has always been to defend implicit victimhood of persecution for any victim establishing its presence in the city of Timbuktu for the period of the charges, irrespective of the use by the victim of the term of "persecution" or specific description of its components or underlying acts.
19. Indeed, many victims described facts amounting to persecution without expressly using the term "persecution" or explicitly identifying the fundamental rights infringed by the Islamic Police. Nevertheless, their testimonies recount deprivations of fundamental rights on religious grounds within the meaning of

⁵ [ICC-01/12-01/18-2732-Red](#), para. 132.

Article 7-1-h of the Rome Statute, and the absence of such legal characterisation in their statements does not undermine the nature of the facts reported⁶.

20. The Registry also states in its Submissions on Reparations that it distinguishes between direct and indirect victims of persecution,⁷ which is in fact a distinction that has no justification in the light of the above-mentioned position of the LRVs and confirmed by the Chamber's findings that the entire population of Timbuktu at the time of occupation could claim to be victim of the crime of persecution.⁸
21. The LRVs consider that it would be appropriate for the Registry to review, if it has not already done so, the forms that have been rejected for the reasons set out above. They note that, in their Submissions on Reparations, the Registry repeats a series of figures that are clearly inconsistent with the allegations made in the Submissions. According to the Registry's Submissions on Reparations, out of the 3,219 victims who filed a participation form (3,235 according to the Submissions), only 714 of these victims were admitted as victims of persecution.⁹
22. The LRVs consider that the number of victims falling in the scope of the conviction goes largely above 714. They agree with the Registry that within the group of the victims for which application forms were received, a number of them fall outside of the scope of the charges and then conviction (mainly the geographical scope - see Submissions, paras. 32 and 33). They had at the time pointed out this situation when conducting interviews with victims identified by the Registry. Nevertheless, this group of "out of the scope victims" remains a strong minority of the whole group described here.

⁶ For instance, see the forms of victims a/20336/19 ; a/20106/19 ; a/20339/19 ; a/45639/18.

⁷ Redacted version of the Registry Submission on Reparations, 16 June 2025, [ICC-01/12-01/18-2733-Red](#), par.5.

⁸ The only possible category of indirect victims of persecution would be either the members of the family of direct victims not present in Tombouctou or the victims of transgenerational trauma which are clearly not the groups of victims referred to in the Registry's Submissions on Reparations.

⁹ [ICC-01/12-01/18-2733-Red](#), para. 10. see Reparations Order, para. 236.

23. The LRVs consider that for those who fulfil the geographical and temporal scope of the case, eligibility should be automatically granted. In addition, vulnerable participating victims among this group are uniquely placed to receive expeditious relief.

c) Information on additional victims identified

24. The Registry states that it has identified 18,702 additional victims. Of this group of 18,702 individuals, 8,298 are victims of persecution involving acts of physical harm and detention :

“ (...)18,702 victims of persecution preliminarily assessed by the VPRS as falling within the scope of the Case have been identified. Among them 8,298 have been preliminarily assessed by the VPRS as direct victims of persecution involving acts of physical punishment and detention”.¹⁰

25. These data indicate that out of a group of 18,702 victims of persecution, **44 %** experienced persecution in particular through the commission of the aforementioned acts.
26. Therefore, except for the Registry to establish that it targeted in particular the victims of a group which it knew had a high rate of victims of persecution through acts of physical harm, it must be noted that the Registry's findings contradict the findings of the Chamber, which estimated that 15% (and not 44%) of the victims of persecution had experienced it particularly in connection with the commission of the above-mentioned acts¹¹.

27. The Registry could not claim to have identified 85% of the victims of persecution through the attacks on physical integrity that would exist within the entire population of Timbuktu (i.e. according to the Chamber 65,202¹²), knowing that

¹⁰ [Submissions](#), par. 13.

¹¹ [Reparation Order](#), par. 237.

¹² [Reparation Order](#), par.236

this group of 18,702 victims represents a bit less than 30% of the population of Timbuktu.

28. Again, this would only be possible if the Registry had done a proper pre-identification, within the whole population, of a sample with a high percentage of victims of persecution through attacks on physical integrity. If such is the case, we note that (1) the Registry has not shared the detail of this process and par.12 of the Submission does not at all describe a targeted identification and (2) it does not explain its intentions with the additional victims who will claim to have suffered physical harm during the identification of the remaining group of victims among the population of 65,202 individuals : the Registry cannot reasonably claim that along the process of identification of the remaining victims to identify (roughly 2/3 of the population,) only 1,379 individuals¹³ – or close to that figure- will claim to have suffered physical harm as a result of the crimes.
29. The LRVs submit that, even if the Registry provides information on a very specific and targeted pre-identification process which allowed him to reach in priority to victims of physical harm during the identification process, the information shared by the Registry tends to demonstrate that the estimation of the Chamber on the number of victims of persecution having suffered physical harm is largely below reality and probably closer to the percentage revealed by the Registry's data, i.e. 44%.
30. For the sake of transparency vis-à-vis the victims and avoidance of frustration, the Registry should complete its Submission with additional information on the issues addressed above. The LRVs hope that such clarification will also come along the advancement of the planned activities.

¹³ Corresponding to the difference between the number of such victims as estimated by the Chamber (9,677) and the number of victims already identified by the Registry (8,298).

d) Identification and collection of information for new victims not yet identified

31. In view of the important redactions to the Submissions with regard to planned activities and timeline, the LRV's capacity to make comments are limited.
32. They note the reference to specific tools and available resources as well as the projections in term of number of victims assisted per month.
33. The LRVs can only support proposal or initiatives aiming at identification processes based on lessons learned in other cases, and which would help avoid unnecessary delays.

e) Identification in neighbouring countries

34. In its Reparations Order, Trial Chamber X found it *"appropriate to presume that persons who can demonstrate, to the required standard of proof, that they were present or residing in the city of Timbuktu during the temporal scope of the crime of persecution committed by Mr Al Hassan, that is, from early May 2012 to 29 January 2013, are direct victims of the crime of persecution on religious grounds. **This presumption equally applies to individuals who, having been present in Timbuktu at the time of the crimes, fled the city during the temporal scope**"*.¹⁴
35. Accordingly, any person who establishes that they were present or residing in Timbuktu between early May 2012 and 29 January 2013, **including those who were subsequently forced to flee the city during that period**, is presumed to be a direct victim of the crime of persecution and, as such, eligible for reparations.
36. This approach reflects the reality of the forced displacement caused by the occupation of Timbuktu and the crimes committed against the civilian population.

¹⁴ [Reparation Order](#), par. 63.

It is a well-known fact that numerous residents were compelled to flee their homes as a result of the persecution, violence, and climate of fear imposed by the armed groups, seeking refuge in other parts of Mali or in neighbouring countries, in particular Niger, Mauritania, and Burkina Faso. These population movements were a direct consequence of the crimes at issue in the present proceedings and explain the current geographical dispersion of victims who may be entitled to reparations¹⁵.

37. The LRVs repeatedly drew the attention of the VPRS to the presence of a significant number of potential victims in these neighbouring countries.¹⁶ This information was further corroborated during a mission to Niger carried out by one of the LRVs, in which a member of the VPRS also participated. That mission confirmed the presence of numerous victims falling within the scope of the Reparations Order and highlighted the practical difficulties they face in accessing the reparations process.
38. As noted in their previous submissions, the LRVs have identified several hundred internally displaced persons and refugees in neighbouring countries who may be eligible for reparations. By way of example, they have identified and established contact with 108 victims in Niamey (Niger) and 229 victims in Nouakchott (Mauritania), all of whom fall within the scope of the Reparations Order¹⁷. Some victims may also be located in Ghana and Côte d'Ivoire.
39. These figures, however, represent only a fraction of the potentially eligible victims. Owing to budgetary and security constraints, the LRVs have been unable to conduct other field missions in neighbouring countries in order to continue

¹⁵ UNHCR, [Annual Results Report, Mali](#), 2023 ; ReliefWeb, Mali - [Forced displacement \(DG ECHO partners, media\)](#) (ECHO Daily Flash of 21 February 2025).

¹⁶ [ICC-01/12-01/18-2732-Red](#), par. 138 ; see also email from the former Case manager addressed to VPRS date from 11 September 2024 with the lists annexed.

¹⁷ See Annexes 1 and 2. Please note that referenced numbers are internal to the LRV team.

identifying potential beneficiaries. In particular, these constraints prevented them from carrying out a mission to Mauritania, where a meeting had been scheduled with the Representative of the United Nations High Commissioner for Refugees with a view to facilitating the identification and location of eligible victims.

40. In these circumstances, the figures currently available should be regarded as a minimum rather than a comprehensive estimate of the number of eligible victims residing outside Mali. They nevertheless demonstrate the significant geographical dispersion of victims of the crime of persecution and underscore the need for the reparations process to fully take this reality into account in order to ensure effective access to reparations for all potential beneficiaries.

B. Eligibility determination process:

41. The Registry sets out the eligibility determination process for the four categories of victims (the group of 49, victims having completed application forms, victims already identified, victims still to be identified).¹⁸
42. As for the group of 49 and the victims having filled the forms, the LRVs refer to par.15-23 above.
43. For the 18.702 victims already identified (apparently in Tombouctou only), the Registry's proposes a process of simplified eligibility assessment in which :
- "(...) the victims concerned would be benefiting from a presumption of residency in Timbuktu during the temporal scope of the Case if they present to the TFV, during the intake, an identity document indicating their current residency and place of birth in Timbuktu⁶¹ " [underline added], with footnote 61 redacted.*
44. This proposal is thus supported by a reference that is withheld from the LRVs.

¹⁸ [Submissions](#), par. 31 and f.

45. The LRVs recall that, in line with its conclusions 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, the Chamber considered that, as regards proof of identity *“individuals may use official or unofficial identification documents, or any other mean to credit their identity. In the absence of formal documentation, the Chamber finds that a statement signed by two credible witnesses establishing the identity of the victim and describing the relationship between the victim and any individual acting on their behalf is an acceptable proof of identity”*.
46. In relation to the proof of residency, the Chamber said that *“[it] finds merit in the Registry’s suggestion of the various documents that victims may present to demonstrate their residency. The Chamber also finds merit in the Registry’s proposal that the Chamber relies ‘on circumstantial evidence to demonstrate a sufficient link between the victims and the city of Timbuktu’. The Chamber notes that the demonstration of a sufficient link must still be by the balance of probabilities”*. The Chamber further held that *“As to the victimhood criteria, the Registry proposes to adopt a factual presumption for ‘victims who have a sufficient link with the city of Timbuktu, particularly through residence, [so they] may be presumed to have been present at the time of the crimes for which Mr Al Hassan was convicted’. The TFV also proposes the adoption of a factual presumption of ‘membership to the community of Timbuktu’ to ‘ease the evidentiary burden placed on victims to meet the standard of proof for eligibility’. According to the TFV, any person should be factually presumed to be a member of the community if he or she:*
- a) [was] born before the end 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).”*

47. The LRVs therefore strongly challenge the proposal of VPRS as the information to be provided (current residency in Timbuktu and place of birth in Timbuktu) are presented as cumulative. As such proposal strongly goes against the interests of the victims, they request access to the content of footnote 61 of the Submission or in the alternative ask the Chamber to request from the Registry clarification on the reasons for such cumulative requirement.
48. The LRVs note that, logically, having not addressed identification of internally displaced persons and persons for the victims residing in neighbouring countries, the eligibility process proposed by the Registry does not address those situations.
49. The LRVs content that such eligibility should follow specific rules responding to constraints linked to the status of displaced person or refugee. In those circumstances, the place of birth may be indicative and proof of residency in the city of Tombouctou during the time of the commission of the crimes should be accepted at minima from a statement from two credible witnesses.
50. The LRVs request the Chambre (1) to instruct the Registry to provide indication on the process it intends to follow with those categories of victims and (2) to allow the parties and the TFV to file observations in response.

Respectfully submitted,



Me Seydou Doumbia



Me Fidel Nsita Luvengika



Me Mayombo Kassongo

Legal Representative of Victims

Dated this 20 July 2026

At Bamako, Charleroi, Kinshasa.