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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**

Confidential

**Trust Fund for Victims' Response to the Registry submissions on outreach,
identification and eligibility process for reparations**

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 Case | ☐ Legal Representatives of the Applicants |
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| ☒ The Office of Public Counsel for Victims | ☐ The Office of Public Counsel for the Defence |
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| ☒ Victims Participation and Reparations Section | ☒ Public Information and Outreach Section |

I. INTRODUCTION

1. The Trust Fund for Victims (“TFV”) notes the Chamber’s instructions that the Registry, through the Victims Participation and Reparations Section (“VPRS”), commence with the identification of potential beneficiaries as soon as possible, and before the approval of the Draft Implementation Plan (“DIP”) and that the Public Information and Outreach Section (“PIOS”) design and conduct, throughout the duration of the administrative eligibility process, the required outreach campaign for the purposes of the reparations order after engaging in consultations with the parties, the TFV, the VPRS, and the OPCV.¹

2. The TFV respectfully submits these observations pursuant to the Chamber’s direction² that the parties and the TFV respond to the Registry’s submissions dated 23 June 2026 concerning the time needed to conduct the eligibility assessment process following the Reparations Order (“Registry Submissions”).³

II. CLASSIFICATION

3. Pursuant to Regulation 23 *bis* (2) of the Regulations of the Court, the TFV has classified this submission as confidential insofar as it references information from a submission that is classified at the same level of confidentiality. A public redacted version will be submitted in due course, or, if applicable, a reclassification of the present submission will be requested.

III. CONTEXT

4. In the present case, the Trial Chamber awarded, pursuant to rule 98(3) of the Rules of Procedure and Evidence, collective reparations comprising community-based rehabilitation measures, together with symbolic and satisfaction measures, complemented by a limited individualised rehabilitation component for victims of crimes other than persecution for which Mr Al Hassan was convicted and victims whose persecution included acts consistent with torture, other inhumane acts, cruel treatment, outrages upon personal dignity, or mutilation and who may have experienced specific physical and psychological harm.⁴ For those individuals of the collective of victims, the Chamber determined that they should benefit – insofar as their

¹ See Reparations Order, 28 April 2026, ICC-01/12-01/18-2782 (“Reparations Order”), disposition.

² *Ibid.*

³ Registry submissions on outreach, identification and eligibility process for reparations, 23 June 2026, ICC-01/12-01/18-2789-Conf-Exp (“Registry Submissions”). A public redacted version was filed on 24 June 2026: [ICC-01/12-01/18-2789-Red](#).

⁴ See Reparations Order, disposition, *see also, e.g.*, paras 187, 202, 228.

harm persists⁵ – from the modality of psychological and physical rehabilitation.⁶ In doing so, the Chamber had regard, *inter alia*, to: (a) the nature and scope of the harm suffered as a result of the crimes for which Mr Al Hassan was convicted; (b) the number of eligible victims constituting the members of the population of the city of Timbuktu, estimated at approximately 65,202 persons; (c) the need for efficient and effective delivery of reparations; and (d) the principle of *do no harm* to the population of Timbuktu.⁷

5. The collective character of the award reflects the nature of much of the harm caused by the crimes for which Mr Al Hassan was convicted. As recognised in the Reparations Order, these crimes affected not only individuals, but also the social fabric, dignity, cultural life, education, livelihoods, and cohesion of the Timbuktu community.⁸ Accordingly, for the purposes of harm relating to the crime of persecution, the Reparations Order identifies the relevant collective, to which the reparations are addressed, as consisting of the members of the population of the city of Timbuktu at the time of the commission of the crimes.⁹

6. Importantly, while the Reparations Order determines the types and modalities of reparations to be implemented, it does not prescribe the detailed content or implementation arrangements for each measure, but accords to the TFV flexibility in the design and implementation of the award. These elements will be developed through the preparation of the DIP, following further consultations by the TFV with the victims, affected communities, Legal Representatives of Victims, VPRS, PIOS, and other relevant stakeholders.

7. To this end, the TFV will continue its consultations with victims and affected communities in preparation for the DIP, building upon and extending the consultation process already undertaken during the judicial reparations phase, including through the SenseMaker study. These consultations will assist in identifying victims' current needs and priorities and in ensuring that the design of the reparations programme remains responsive to the harms suffered by the victims and identified by the Chamber. Upon approval by the TFV's Board of Directors, the DIP will subsequently be submitted to the Chamber for approval in accordance with Regulation 57 of the Regulations of the Trust Fund for Victims.

⁵ See Reparations Order, paras 84, 236 – 237.

⁶ Reparations Order, para. 212.

⁷ Reparations Order, paras 194 – 195.

⁸ Reparations Order, paras 92 – 93, 97, 127, 186.

⁹ Reparations Order, paras 59 – 61.

8. Consequently, at the current moment in time, shortly after the issuance of the Reparations Order, which has since been appealed,¹⁰ the measures that will be implemented under the collective reparations component, and the extent to which any measures will include individualised elements or require individual validation mechanisms, are not yet known. As demonstrated by the implementation of the collective economic reparations programme in the *Al Mahdi* case, such questions may ultimately only be addressed during programme design and implementation, upon the approval of the DIP.¹¹ Moreover, given the collective character of the reparations award, there is no need for these issues to be determined at this stage. With the exception of the limited individualised rehabilitation component, for which the Chamber has already established the relevant criteria, any individualisation of reparations measures properly falls within the reparations implementation phase. It should therefore be addressed through the preparation and approval of the DIP and, where necessary, during its subsequent implementation.

IV. ELIGIBILITY PROCESS FOR THE COLLECTIVE OF VICTIMS

9. In ordering predominantly collective, community-based reparations, the Reparations Order built concretely on the approach developed in the case of *Al Mahdi*, referencing its established models for collective reparations for the benefit of the community of Timbuktu in the interests of efficiency and effectiveness.¹² Following that precedent, the Chamber recognised the population of Timbuktu, estimated at approximately 65,202 persons, as victims eligible for collective reparations, and, drawing on the rationale of the *Al Mahdi* experience, in which community-wide delivery was largely completed by 2025,¹³ favoured collective community-based reparations over an individualised approach.¹⁴ It is against that background, a collective award, modelled on a programme already delivered to the Timbuktu community as a whole, that the question of eligibility falls to be considered.

¹⁰ See Defence Notice Of Appeal Against The Reparations Order (ICC-01/12-01/18-2782), 28 May 2026, [ICC-01/12-01/18-2784](#); OPCV Notice Of Appeal Against The Reparations Order, 29 May 2026, [ICC-01/12-01/18-2786](#).

¹¹ 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. A public redacted version was filed on 30 January 2024: [ICC-01/12-01/15-467-Red](#).

¹² Reparations Order, paras 190 – 193; see also *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Reparation Order, 17 August 2017, [ICC-01/12-01/15-236](#).

¹³ See, e.g., *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Thirty-eighth Update Report on the Updated Implementation Plan, with confidential Annexes A, B and C, 29 January 2026, ICC-01/12-01/15-485. A public redacted version was filed on 16 February 2026: [ICC-01/12-01/15-485-Red](#).

¹⁴ Reparations Order, para. 228.

10. VPRS's submission proceeds on the basis that all members of the population of Timbuktu at the time of the commission of the crimes should be individually found eligible to benefit from reparations. The TFV respectfully submits that an individualised eligibility process for all members of the population of the city of Timbuktu at the time the crimes were committed may not be necessary to the implementation of the Reparations Order. This reflects the position the TFV advanced during the reparations proceedings: in its Observations of 16 June 2025, the TFV proposed that the collective components of the award be implemented through a local community-based approach rather than through a formal eligibility process requiring an assessment of each member of the population of Timbuktu.¹⁵ The present submission builds on that approach.

11. The Trial Chamber in the Reparations Order recognised that the group targeted by the crime of persecution on religious grounds was "the population of Timbuktu in its entirety".¹⁶ It recognised as direct victims, within the meaning of rule 85 of the Rules, each of the members of the population of the city of Timbuktu who were present or residing there during the period of the convicted crimes, namely from early May 2012 to 29 January 2013.¹⁷ For those victims, the Chamber established their moral and community harm on the basis of the general findings of the Order, rather than through individual scrutiny of the harm suffered by each victim.¹⁸ The Chamber established a presumption of victimhood for any person able to demonstrate, on a balance of probabilities, such presence or residence.¹⁹ Ultimately, the Chamber ordered collective community-based reparations focused on rehabilitation and symbolic measures to be implemented for the benefit of the community of Timbuktu.²⁰

12. The community of Timbuktu and its members at the time of the commission of the crimes are accordingly the beneficiaries of the collective reparation measures. The Reparations Order identifies them, pursuant to rule 98(3) of the Rules, as the collective that should benefit from the community-based reparations programme.

13. The question that therefore arises is whether the implementation of the collective reparations ordered by the Chamber requires that each member of the community of Timbuktu

¹⁵ Trust Fund for Victims' Observations relevant to Reparations with Annexes A, D and E and Confidential Annexes B and C, 16 June 2025, ICC-01/12-01/18-2737 ("Observations on reparations"), paras 122 – 124.

¹⁶ Reparations Order, paras 59 – 61.

¹⁷ Reparations Order, para. 61.

¹⁸ Reparations Order, paras 189.

¹⁹ Reparations Order, para. 63.

²⁰ Reparations Order, para. 184, disposition, *see also* paras 228 (rehabilitation, socio-economic and educational support), 219 – 220 (symbolic and satisfaction measures).

first be individually identified and formally found eligible. The TFV respectfully submits that it does not.

14. The Chamber's recognition in the Reparations Order of the population of Timbuktu as victims, its findings as to the harm suffered by that population on the basis of general findings, together with the presumption of victimhood attaching to presence or residence, serve to define the beneficiaries as a collective. They do not require the individual identification and eligibility determination of each of the approximately 65,202 members of that population. Indeed, although an eligibility determination concerns presence and victim status, rather than the extent of harm, the Chamber's decision to establish the population's harm at the collective level, expressly to avoid the herculean task of examining approximately 65,202 individuals,²¹ reflects the collective level at which it chose to operate. The need for an individual eligibility determination of each victim arises where the award attaches an individual benefit to each of them: in the *Ongwen* case, for example, the Chamber ordered a symbolic award payable to each eligible victim, such that individual eligibility had to be established.²² In the present case, by contrast, the award is collective and no individual benefit turns on the determination of each member's eligibility.

15. In the view of the TFV, an eligibility process that focuses on determining the eligibility of approximately 65,202 persons would not serve the interests of the victims in this case nor advance the implementation of the collective reparations programme. The dispersal of much of the population, many now residing outside Timbuktu, and in a significant number of cases outside Mali, would only compound the burden of such an exercise, requiring it to reach individuals across multiple locations and jurisdictions, without any corresponding benefit for a collective award. Such an exercise would in substance amount to a city's population census of a kind that falls to the national authorities rather than to a reparations programme, and directing resources towards administrative verification on that scale, rather than towards the design, adaptation and delivery of the reparative measures themselves, would sit uneasily with the Reparations Order's emphasis on the efficient and effective delivery of reparations.²³ It follows that the time required for any individual eligibility exercise, as estimated by VPRS,²⁴

²¹ Reparations Order, paras 189, 226.

²² *The Prosecutor v. Dominic Ongwen*, Reparations Order, 28 February 2024, ICC-02/04-01/15-2074, *see* paras 621 and 789.

²³ *See* Reparations Order, paras 192 – 193.

²⁴ VPRS's submission, paras 33 – 37 (The Registry indicates it expects, *inter alia*, to complete the eligibility determination for the victims who already completed applications for reparations by the end of 2026; to identify the remaining victims of persecution eligible for the limited individualised component in 2027; and for the victims

need not determine the timeline for the collective components of the award. Since the implementation of the collective measures does not depend upon the prior individual eligibility of each member of the community, those measures can be designed and delivered without awaiting the completion of an exercise of that scale and duration.

16. An exercise of this nature would, moreover, risk harm to the very victims it is intended to serve. Where its purpose is not linked to the delivery of an individual benefit, it may require victims to revisit traumatic experiences and to produce information that, more than a decade after the events, may no longer be available, in order to participate in a procedure whose outcome does not correspond to any individual award. These considerations engage the protection of victims' dignity, privacy, safety, and psychological wellbeing, and the Chamber's emphasis on the principle of *do no harm*.

17. The difficulty is compounded by the nature of the exercise proposed. VPRS has proposed that the TFV be presented with applicants' birth certificates and proof of current residence in Timbuktu, so that the victims concerned might benefit from a presumption of residence during the temporal scope of the crimes.²⁵ This proposal would provide the TFV with an active role in the eligibility process itself, placing upon it the determination of the principal factual element of eligibility – presence in Timbuktu during the relevant period. The TFV respectfully observes that this sits uneasily with the allocation of functions in the reparations process, under which the determination of victims' eligibility is a matter for the Registry.²⁶

18. The TFV recognises that whether an individual finding of eligibility carries independent reparative value, as a form of recognition and an acknowledgement of each victim's harm beyond that already afforded by the Reparations Order, is ultimately a matter for the Chamber. On that question, the TFV expresses no view. It submits only that, beyond this, nothing in the implementation of the award requires the exercise to be undertaken. Requiring one would mark a significant departure from the approach in *Al Mahdi*, where the collective reparations were implemented without an eligibility assessment of the entire population of Timbuktu; and that the recognition in question may in any event be afforded by other means.

19. Such recognition may be afforded through means such as victims' participation in and access to the reparations programme, and symbolic and satisfaction measures such as

not yet identified, to complete the individualised eligibility assessment for all victims in 2028, following the approach used for the 18,702 victims).

²⁵ Registry Observations, para. 35; see also Reparations Order, para. 252.

²⁶ Reparations Order, para. 257.

commemorative ceremonies,²⁷ the building of community structures²⁸, and public acknowledgements of harm, the appropriate form of which may be identified together with victims in the consultations to be undertaken in preparation for the DIP. This consideration is reinforced by the fact that a formal eligibility exercise across a predominantly collective award would, on VPRS's own preliminary assessment,²⁹ be expected to yield negative outcomes for a significant proportion of applicants, including many participating victims, with attendant risks of misunderstanding and community tensions, while providing no individual benefit.

20. The *Al Mahdi* case further illustrates why an exhaustive individual determination is not a precondition to collective implementation. In that case, the Timbuktu community affected by the destruction of the protected cultural and religious buildings for which Mr Al Mahdi was convicted was the beneficiary of collective reparations, yet implementation did not require an individual eligibility determination of every member of that community before reparative measures could commence. Rather, the reparative measures were designed and delivered during implementation, through deliberate, measure-specific processes, well-consulted with the victims. Access to the collective economic component proceeded through an application process open to initiatives anchored in the Timbuktu community and addressing the harms recognised by the Chamber, assessed against agreed criteria – including whether the applicant proposed a viable project linked to the harm suffered and capable of benefitting the community as a whole – through several stages of review by community-based committees applying agreed criteria within a process designed and endorsed by the affected communities, under the supervision and control of the TFCV and its implementing partner.³⁰ Psychological support, by contrast, was provided on the basis of identified need, *i.e.* in particular whether victims suffered from persistent harm, to various members of the community of victims.³¹ This demonstrates

²⁷ See, e.g., *The Prosecutor v. Ahmad Al Mahdi Al Faqi*, Thirty-fifth update report on the updated implementation plan, with Confidential Annexes A, B, C and D, 29 April 2025, ICC-01/12-01/15-480-Conf, para. 92. A public redacted version was filed on 26 June 2025: [ICC-01/12-01/15-480-Red](#).

²⁸ See, e.g., *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Thirty-eighth Update Report on the Updated Implementation Plan, with confidential Annexes A, B and C, 29 January 2026, ICC-01/12-01/15-485, paras 23 *et seq.* A public redacted version was filed on 16 February 2026: [ICC-01/12-01/15-485-Red](#). See also *The Prosecutor v. Thomas Lubanga Dyilo*, Filing regarding symbolic collective reparations projects, 16 September 2016, ICC-01/04-01/06-3223-Conf, para. 29. A public redacted version was filed on 19 September 2016: [ICC-01/04-01/06-3223-Red](#). This proposal was approved in the *Lubanga* Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparations, 21 October 2016, ICC-01/04-01/06-3251, disposition.

²⁹ Registry Submissions, para. 33.

³⁰ *The Prosecutor v. Ahmad Al Mahdi Al Faqi*, Twenty-eighth update report on the updated implementation plan, with 3 confidential *ex parte* annexes only available to the LRV and Registry, 6 June 2023 ICC-01/12-01/15-465-Conf, paras 27-30. A public redacted version was filed on 6 June 2023: [ICC-01/12-01/15-465-Red](#), paras 63-73.

³¹ See, *The Prosecutor v. Ahmad Al Mahdi Al Faqi*, Twenty-fifth update report on the updated implementation plan, with 1 confidential annex and 1 public annex, 25 August 2022, ICC-01/12-01/15-455-Conf, para. 50.

that, within a collective reparations framework, the selection of specific beneficiaries for a specific measure is an implementation function, governed by criteria tailored to the nature and purpose of that measure, and distinct from the recognition of victim status already conferred collectively by the Reparations Order.

21. Consistently with this, the criteria established by the Reparations Order, in particular the requirement of membership of the community of Timbuktu at the time of the commission of the crimes, would continue to guide implementation, while mechanisms for community engagement, consultation and validation would be integrated throughout the reparations implementation phase so that measures respond to the circumstances and priorities of the affected community. The design, sequencing and modalities of the collective rehabilitation measures ordered by the Chamber – socio-economic support, educational support, and psychological rehabilitation³² – will require continued consultation and will be developed through the DIP, and subject to the approval of the Chamber. The TFV will ensure, in particular, that the specific moral and material harm suffered by women and girls, and other groups particularly impacted as a result of persecution is reflected in the design and implementation of the socio-economic rehabilitation initiatives.³³ Where a specific measure requires the identification of individuals, validation may take place at the point of access to that measure, relying where appropriate on participatory, community-based structures and on the information gathered by VPRS and other stakeholders, as applicable.

V. INDIVIDUALISED REHABILITATION COMPONENT

22. The Reparations Order also provides for a limited individualised rehabilitation component. Unlike the collective community-based rehabilitation and symbolic and satisfaction measures discussed above, this component requires an individualised assessment because its purpose is to identify victims whose circumstances and continuing harm require specific rehabilitation support. It concerns victims of crimes other than persecution for which Mr Al Hassan was convicted, as well as victims whose persecution included acts consistent with torture, mutilation, other inhumane acts, cruel treatment, and outrages upon personal dignity, and who experienced physical and psychological harm requiring individualised rehabilitation support.

³² See Reparations Order, para. 228.

³³ See Reparations Order, paras 88–90, 122–123.

23. For this component, the TFV supports the need for an eligibility determination to be carried out, in accordance with the Reparations Order, by the Registry, and specifically VPRS. The TFV recognises the substantial work already undertaken by VPRS in pre-identifying victims who may fall within the scope of the individualised rehabilitation component and the important information collected to date.³⁴ As VPRS explains, its intermediaries identified potential victims, confirmed their identity, and interviewed each individually, with those interviewed able to name further affected members of their families. All information required for a basic *prima facie* assessment under rule 85 was thereby collected, save for proof of identity and residency or presence at the time of the events.³⁵ The identification undertaken to date has accordingly proceeded largely on the basis of the accounts of those contacted, including as to the presence of further individuals whose names were provided. Among the elements that remain outstanding from that work are proof of residency or presence in Timbuktu during the relevant period and, where these are at issue, the qualifying acts. The means of establishing these facts are addressed below.

24. The facts to be established for this component differ according to the category of victim, and it is useful to distinguish three situations. First, for the victims of the crimes other than persecution for which Mr Al Hassan was convicted, no presumption is required at all: the Reparations Order has established their victimhood, their harm and the causal link, such that they need only establish their identity to be eligible. For this category, the eligibility task is correspondingly limited.

25. Second, for victims of persecution who claim individualised rehabilitation on the basis that their persecution included acts consistent with torture, mutilation, other inhumane acts, cruel treatment, or outrages upon personal dignity, the position is different. While their status as victims of persecution is established collectively by the Reparations Order, no presumption attaches to the specific underlying acts. It must therefore be established, in the individual case, that the person suffered such an act, that it caused the relevant harm³⁶ and, insofar as the Chamber considers it relevant, that the harm persists. The TFV observes that establishing that a person suffered such an act in Timbuktu during the relevant period will, in the ordinary

³⁴ See Registry Submissions, para. 13, setting out that 8,298 of the 18,702 preliminarily assessed victims as falling within the scope of the case have preliminarily been recorded as having suffered acts of physical punishment and detention; but see also Annex C to Observations on Reparations (Voices that Count Study), pp 12, 14 that demonstrates the number of victims who were tortured, detained etc.

³⁵ Registry Submissions, para. 12.

³⁶ See Reparations Order, paras 134, 141, 253, which may be read as presuming psychological harm, while physical harm needs to be established.

course, also establish that person's presence at the time; for this category, presence is not a separate matter to be proved, but is subsumed within proof of the qualifying act.

26. Third, the remaining victims of persecution, that is, the other members of the collective, are beneficiaries of the collective components of the award and are not the subject of the individualised rehabilitation component. For them, no individual assessment arises under this component at all; their position is as set out in relation to the collective measures above in Part IV.

27. It follows that the resource-intensive part of the assessment, namely the establishment of the qualifying acts and of any continuing harm, concerns principally the second category. It is in relation to that category that the assessment must determine whether the qualifying acts occurred and, to the extent the Chamber considers it relevant, whether they resulted in continuing physical or psychological consequences requiring individualised support.³⁷ Accordingly, VPRS's assessments may, where appropriate and with due regard to victims' circumstances, be informed by the opinion of qualified medical and psychological professionals. Such assessments may assist in determining the existence and extent of any continuing physical or psychological harm, its relationship to the crimes for which Mr Al Hassan was convicted, and the form of rehabilitation support that is most appropriate. The involvement of such experts would help to ensure that measures are appropriately tailored, minimising unnecessary repetition of traumatic experiences, and adapting engagement to victims' individual circumstances.

28. The precise design of the eligibility-related process for this component falls to be settled through the consultations to be undertaken in the coming months. Without prejudice to the outcome, the TFV considers that a workable and proportionate process can be developed along the following lines.

29. The evidentiary basis that the identification stage must establish for the assessment depends on the category concerned: for victims of crimes other than persecution, identity alone; and for victims of persecution claiming individualised rehabilitation, that the person suffered a qualifying act resulting in physical or psychological harm and, insofar as the Chamber considers it relevant, that the harm persists. In the ordinary course, proof of the act would also establish presence at the relevant time.

³⁷ Reparations Order, para. 257.

30. As to how those facts are to be established, the TFV observes that documentary proof will rarely be available. More than a decade after the events, few victims are likely to hold documents attesting either to their presence in Timbuktu during the relevant period or to the acts they suffered. Documents such as birth certificates or proof of current residence, even where available, evidence a person's birth and present residence rather than presence at the material time, which they can support only by inference. The intentionally low evidentiary threshold established in the Reparations Order reflects this reality: in many instances, a victim's own account may be sufficient where no further evidence is reasonably available. Where the applicable standard is to be meaningfully applied, however, community-based knowledge may, where available, constitute an important source of evidence, since those who formed part of the community at the relevant time are often best placed to attest whether a person was present and, subject to the sensitivities attaching to certain crimes, what they suffered. Reliance on a victim's own account should nonetheless remain available where no other reasonable means of establishing the fact exists. The appropriate evidentiary approach, including any community-based means of attestation, is one to be developed in consultation with the affected community.

31. As to when these steps need to be taken: Whether a person suffered a qualifying act can be addressed at the identification stage of the eligibility process, on the evidentiary basis just described, which may require the establishment of suitable means of attesting to the facts that need to be established for purposes of eligibility. Whether the act has resulted in continuing physical or psychological harm, by contrast, could be established only with the assistance of qualified medical and psychological expertise, which can speak to the existence and likely cause of present harm, and which would itself form part of the rehabilitation programme to be established by the TFV. In that event, the assessment of persistent harm and the delivery of the rehabilitation that responds to it would, in this sense, could be provided through one and the same programme.

32. What the establishment of the act and the assessment of continuing harm have in common is that neither can sensibly be undertaken before the necessary mechanisms are in place. The establishment of the qualifying acts would depend on suitable means of attestation, to be developed and agreed with the community of Timbuktu; the assessment of persistent harm would depend upon medical and psychological experts who may form part of the rehabilitation programme through which that harm is both assessed and addressed. In each case, the eligibility activity and the mechanism on which it depends would ideally be established through consultation before the activity itself can begin.

33. For the same reason, the TFV does not consider it advisable to draw victims into an eligibility process before the measures to which it leads have been designed and put in place. Victims asked to come forward and to revisit their experiences should be able to take informed decisions and to understand, at that point, what the process is for and what it may lead to. Engaging them before the relevant mechanisms and measures exist would risk asking them to participate in a process whose purpose and outcome cannot yet be explained to them, contrary to the careful and victim-centred approach the Chamber has emphasised.

34. The TFV therefore respectfully considers that the appropriate course is to proceed step by step: to undertake the necessary consultations with the community of Timbuktu and relevant stakeholders in the coming months – a process in which the TFV has already engaged and into which it gladly brings VPRS, developing, on that basis, the design of the eligibility-related process for this component, including the respective roles of VPRS and the TFV and any community-based means of establishing the relevant facts, and returning to the Chamber with a developed process at the appropriate stage. Given the close connection between eligibility and implementation for this component, the TFV considers that this process would be most usefully presented to the Chamber in parallel with the submission of the Draft Implementation Plan, so that the eligibility arrangements and the measures they serve are placed before the Chamber as a coherent whole. In practical terms, this means that VPRS's assessment activities for this component would coincide with, rather than precede, the establishment of the relevant rehabilitation programme, and their timing would be determined accordingly.

VI. COOPERATION MATTERS

35. The TFV continues to engage with relevant actors regarding the cooperation arrangements necessary for the effective implementation of reparations. The TFV recognises that successful implementation will require sustained cooperation among the Government of Mali, the Registry, VPRS, PIOS, Legal Representatives of Victims, community structures, and relevant partners operating in the field.

VII. CONCLUSION

36. For the foregoing reasons, the TFV respectfully submits that eligibility-related activities should correspond to the distinct nature of the two components of the Reparations Order, consistently with the flexibility the Reparations Order established and with its objectives of efficiency, effectiveness and the principle of *do no harm*.

37. As the Reparations Order entrusts the eligibility assessment to the Registry, specifically VPRS,³⁸ the TFV will continue to cooperate with the Registry in its consultations with victims and affected communities concerning the eligibility process, while focusing its own efforts on the preparation of the DIP. In the TFV's respectful submission, the design and timing of eligibility-related activities are best determined in light of the outcome of those consultations, rather than being fixed in advance. The TFV remains ready to assist the Chamber and the Registry in whatever manner may be of use as this work is taken forward.



Franziska Eckelmans, Legal Adviser,
on behalf of
Deborah Ruiz Verduzco, Executive Director, Trust Fund for Victims

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

³⁸ Reparations Order, para. 257.