

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 14 July 2017

TRIAL CHAMBER VIII

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

SITUATION IN THE REPUBLIC OF MALI

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

Public

**Public redacted version of “Prosecution’s Observations on Identification of
Experts on Reparations”, 8 December 2016, ICC-01/12-01/15-195-Conf**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart

Counsel for the Defence

Mr Mohamed Aouini

Legal Representatives of the Victims

Mr Mayombo Kassongo

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other

Trust Fund for Victims

Introduction

1. On 29 September 2016, Trial Chamber VIII instructed the Registry to identify one or more experts with expertise on three specific issues relating to reparations,¹ and invited the Parties and the Prosecution to submit observations on the identification of experts.²
2. Bearing in mind its limited role as a participant in reparations proceedings,³ the Prosecution hereby submits brief observations on the list of 20 candidates identified by the Registry as meeting the requirements.⁴
3. This filing is being submitted confidentially in order to protect the identity of the proposed experts until such time as one (or more) is formally appointed by the Chamber and considering the security issues in Mali.

Submissions

4. The areas of expertise specified by the Chamber were the following: (a) the importance of international cultural heritage generally and the harm to the international community caused by its destruction; (b) the scope of the damage caused, including monetary value, to the ten mausoleums and mosques at issue in the case; and (c) the scope of the economic and moral harm suffered, including monetary value, to persons or organisations as a result of the crimes committed.⁵
5. Based on the information submitted by the short-listed candidates, only a limited number of the candidates appear to have the expertise relevant to (b) and (c). Among those candidates, [REDACTED] appears to have the most extensive and specific experience [REDACTED]. His knowledge would be of assistance in

¹ ICC-01/12-01/15-172, para. 2(i).

² ICC-01/12-01/15-172, para. 2(ii); ICC-01/12-01/15-177, para. 4.

³ The Prosecution is not a party in reparations proceedings. See ICC-01/12-01/15-172, fn. 3. See also ICC-01/04-01/07-3532, para. 10 and ICC-01/04-01/06-3179, paras. 5-6.

⁴ Email from Assistant Legal Officer at the Victims Participation and Reparations Section, dated 23 November 2016 at 15:37.

⁵ ICC-01/12-01/15-172, para. 2(i).

assessing the scope of damage caused to the destroyed buildings and the harm suffered by persons or organisations as a result of their destruction. In the event of his appointment as an expert for this case, appropriate measures should be taken [REDACTED].

6. With respect to the expertise relevant to (a), [REDACTED] does appear to have the most relevant experience.

Conclusion

7. The Prosecution notes that there appears to be no candidate who has the expertise relating to all the three specified areas. The Prosecution accordingly suggests that it may be appropriate to appoint a combination of experts relating to the different specific areas, namely, [REDACTED].



Fatou Bensouda, Prosecutor

Dated this 14th day of July 2017

At The Hague, The Netherlands