

ANNEX

Public

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14/02/2025

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

**Application by Dr Jean-Benoît Falisse and Dr Simeon Koroma for leave to submit
observations pursuant to Article 75(3) of the Statute and Rule 103 of the Rules**

Source: Dr Jean-Benoît Falisse and Dr Simeon Koroma, The University of
Edinburgh

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ 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

M. Zavala Giler, Osvaldo

☒ Counsel Support Section

☒ Victims and Witnesses Unit

☒ Detention Section

☒ Victims Participation and
Reparations Section

☒ Other

1. On the 26th of June 2024, Trial Chamber X found Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud guilty of war crimes and crimes against humanity committed between 2 April 2012 and 29 January 2013 in Timbuktu, northern Mali, controlled at that time by the armed groups Ansar Dine and Al-Qaida in Islamic Maghreb.¹
2. On 10 December 2024, Trial Chamber X issued an order for Submissions on Reparations, giving instructions and deadlines to the Prosecution, the Legal representatives of victims, the Defence, the Registry, the Trust Fund for Victims and the Republic of Mali for various submissions on reparations to victims.²
3. Dr Jean-Benoît Falisse, senior lecturer and co-director of the Centre of African Studies at the University of Edinburgh and Dr Simeon Koroma, lecturer at the same centre, request leave to file a joint submission on these reparations-related issues identified by the Chamber.
4. Dr Jean-Benoît Falisse is a social scientist with substantial research experience on fragile and conflict-affected states, Dr Simeon Koroma is a legal anthropologist with past professional experience with the Special Court for Sierra Leone. They work at the Centre of African Studies, one of Europe's leading interdisciplinary research and teaching institutes focussing on Africa. The Centre is part of the publicly funded School of Social and Political Science at the University of Edinburgh, United Kingdom.
5. In 2022-2024, Dr Falisse and Dr Koroma led a team of researchers commissioned by the Trust Fund for Victims to independently evaluate the reparations implemented in three cases: *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*,³ *The Prosecutor v. Thomas Lubanga Dyilo*,⁴ and *The Prosecutor v. Ahmad Al Faqi Al*

¹ Trial Judgment, ICC-01/12-01/18-2594-Red (confidential version filed on the same day, ICC-01/12-01/18-2594-Conf).

² ICC-01/12-01/18-2666

³ ICC-01/04-01/07

⁴ ICC-01/04-01/06

Mahdi.⁵ The team also evaluated the activities falling under the Trust Fund for Victims' assistance mandate in Uganda. The Lubanga, Al Mahdi, and Uganda reports are currently with the Trust Fund for Victims. The report on the Katanga reparations was made public on 2 December 2024 as Annex C of the Final report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims.⁶ It was presented in a side session (*Evaluating the Impact of the Katanga Reparations*) at the Twenty-third session of the Assembly of States Parties.

6. On 30 January 2025,⁷ Trial Chamber II acknowledged the report on the Katanga reparations, stating that "The Chamber welcomes the Evaluation Report conducted by the University of Edinburgh as a valuable resource for assessing both the effectiveness of the reparations implementation and its impact on the lives of the victims. The Chamber considers that the report provides insights into the implementation process which may be useful for ongoing and future reparations programmes". The evaluations led by Dr Falisse and Dr Koroma were the first to be concerned with the actual outcomes and consequences of reparation programmes ordered by the ICC.
7. In addition to evaluating the TFV reparation programmes, Dr Falisse and Dr Koroma have developed a research agenda on the consequences of reparation programmes, a field that is currently under-studied.⁸ As part of this Agenda, they organised an international workshop in Edinburgh on 18 January 2025, funded by the UK's Economic and Social Research Council (ESRC). This workshop convened key stakeholders involved in the study and implementation of reparations, including the

⁵ ICC-01/12-01/15

⁶ ICC-01/04-01/07-3934

⁷ ICC-01/04-01/07-3935

⁸ Sperfeldt, Christoph. 2022. *Practices of Reparations in International Criminal Justice*. Cambridge University Press. Torpey, John. 2006. *Making Whole What Has Been Smashed: On Reparations Politics*. Harvard University Press.

United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

8. We respectfully submit that Dr Falisse and Dr Koroma have relevant experience and expertise pertaining to the issues with which Trial Chamber X is confronted. Our collaborative submission will draw upon the experience and knowledge of both the ICC reparations and reparation debates more broadly to inform appropriate reparations measures in the *Al Hassan* case. As per the directions issued by the Chamber,⁹ our submission would address the types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Al Hassan was convicted, as well as considerations about victims or groups of victims who may require prioritisation in the reparations process.

The image shows two handwritten signatures in blue ink. The signature on the left is for Jean-Benoît Falisse, and the signature on the right is for Simeon Koroma. Both signatures are stylized and written in a cursive-like manner.

Jean-Benoît Falisse and Simeon Koroma

Dated this 14/02/2025

At Edinburgh, United Kingdom

⁹ ICC-01/12-01/18-2666