

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **10 May 2017**

TRIAL CHAMBER VIII

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

SITUATION IN THE REPUBLIC OF MALI
IN THE CASE OF
THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI

Public redacted version of “Request for an extension of time”, 10 May 2017

Source:

The Trust Fund for Victims

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

The Office of the Prosecutor

Ms Fatou Bensouda
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Mr Gilles Dutertre

Counsel for the Defence

Mr Mohamed Aouini
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Legal Representative of Victims

Mr Mayombo Kassongo

**The Office of Public Counsel for
Victims**

States Representatives

REGISTRY

Registrar

Mr Herman von Hebel

Victims and Witnesses Unit

Victims Participation and Reparations Section

Mr Philipp Ambach

1. Pursuant to regulation 35 (1) of the Regulations of the Court, the Trust Fund for Victims (hereinafter “Trust Fund”) respectfully requests an extension of the time limit for the submission of its final submissions as set in Trial Chamber VIII’s “Decision Granting an Extension of Time for Filing of Experts’ Report and Amending Reparations Calendar” (hereinafter “Trial Chamber” and “Final Reparations Submissions”, respectively). The Trust Fund respectfully requests that the deadline for the filing of its Final Reparations Submissions be extended to 16 June 2017.

I. Background

2. On 29 September 2016, the Trial Chamber issued its “Reparations Phase Calendar”,¹ setting, *inter alia*, 10 February 2017 as the deadline for any final submissions by the parties and participants prior to the Trial Chamber rendering its order for reparations.²

3. On 9 March 2017, following a request from the experts tasked with preparing reports in the proceedings,³ the Trial Chamber issued an order⁴ varying the reparations calendar by extending the date for the filing of the expert reports to 28 April 2017 and the final submissions of the parties and participants, including the Trust Fund, to 26 May 2017.⁵

4. On 4 May 2017, following an order from the Trial Chamber,⁶ the Trust Fund was notified of the expert reports by the Registry.⁷

II. Classification of the present filing

5. The Trust Fund has classified the present filing confidential, *ex parte* pursuant to regulation 23 *bis* (1) of the Regulations of the Court due to the fact that some of the information contained herein relates to confidential and sensitive activities relevant to other cases before the Court to which the parties and participants in the present case are not a part

¹ ICC-01/12-01/15-172 (“Reparations Phase Calendar”).

² Reparations Phase Calendar, para. 2 (vi).

³ ICC-01/12-01/15-205.

⁴ Public redacted version of ‘Decision Granting an Extension of Time for Filing of Experts’ Report and Amending Reparations Calendar’, 9 March 2017, ICC-01/12-01/15-206-Red.

⁵ ICC-01/12-01/15-206-Red, para. 6.

⁶ Communicated via email by the Trial Chamber on 4 May 2017 at 13:22.

⁷ See Email communication from Court Management-Court Records, received on 4 May 2017 at 14:19.

of and which equally cannot be shared publicly at this time. A public redacted version will be filed simultaneously with the present request.

III. Request for an extension of the time limit

6. The Trust Fund wishes to reiterate its appreciation to the Trial Chamber for giving it the opportunity to make final submissions in these reparations proceedings. The Trust Fund is also mindful of the fact that the Trial Chamber is conducting the reparations proceedings in this case in an expeditious and timely manner. The Trust Fund does not wish in any way to delay the proceedings, but finds itself unfortunately in the position of being unable to meet the present deadline for the filing of its Final Reparations Submissions.

7. With this in mind, the Trust Fund has carefully considered the minimum amount of an extension of time that it would need in order to be able to properly and adequately prepare its Final Submissions. For the reasons that follow, the Trust Fund estimates that a limited extension of approximately 3 weeks, i.e. to 16 June 2017, would permit it enough time to provide submissions responsive to the issues raised in the other submissions received in these proceedings with the aim that its Final Reparations Submissions may be of assistance to the Trial Chamber, in particular in relation to issues that may be relevant to the implementation stage of the proceedings (post-order for reparations).

8. First, the Trust Fund would call to the Trial Chamber's attention that, on 24 March 2017, Trial Chamber II issued its order for reparations in the *Katanga* case.⁸ The Trial Chamber has tasked the Trust Fund with preparing a draft implementation plan of that order by 27 June 2017.⁹ [REDACTED]

⁸ « Ordonnance de réparation en vertu de l'article 75 du Statut », ICC-01/04-01/07-3728 (« *Katanga* Reparations Order »).

⁹ *Katanga* Reparations Order, pp. 129-130.

¹⁰ [REDACTED]

[REDACTED]

9. Given the timetable of three months to prepare the draft implementation plan, the Trust Fund’s legal and programme staff has had to devote the majority of its time to working on meeting this deadline. [REDACTED]

[REDACTED]

10. [REDACTED]

11. Second, the Trust Fund’s Board of Directors Annual Meeting is scheduled to take place next week from 16-18 May 2017. At the Annual Board Meeting, the Board will consider and take decisions in regard to, *inter alia*: 1) the proposed budget and activities for the 2017-2018 assistance mandate programmes; 2) consideration of expanding the Trust Fund’s assistance mandate activities into new situation countries, including the recently concluded situation assessment with respect to the Ivory Coast; 3) consideration of upcoming orders for reparations in ongoing cases and decisions in relation to this regarding the funding of the reparations reserve. The preparation and conduct of the Annual Meeting has required and continues to require the full attention of the Trust Fund’s available staff resources.

11 [REDACTED]

12. [REDACTED]

13. Finally, The Trust Fund wishes to respectfully call to the Trial Chamber's attention the fact that all submissions made before the Court by the Secretariat staff are submitted on behalf of its Board of Directors. This means that the preparation of any submission includes a review and approval process by the Board of Directors before the Trust Fund Secretariat may file any document on its behalf before the Court. Given the circumstance that the members of the Board of Directors are not located at the Court in The Hague and act in a voluntary capacity, the Trust Fund would like to inform the Trial Chamber that, from the receipt of a draft submission prepared by the Secretariat staff, the Board's review and approval process takes at a minimum of five working days under the most expedient of circumstances.

14. Accordingly, the Trust Fund respectfully requests that it be granted a limited extension until 16 June 2017 to submit its Final Reparations Submissions. The Trust Fund submits that good cause exists for the requested extension in light of the high work load in relation to the *Katanga* reparations proceedings, of which the Trust Fund was only recently seized, and preparations for the upcoming Annual Board Meeting, as well as the Trust Fund's internal due diligence procedure of review and approval by the Board of Directors of filings submitted on its behalf. The extension, if granted, will enable the Trust Fund to provide the Trial Chamber with meaningful and well considered final submissions in the *Al Mahdi* reparations proceedings.

FOR THE FOREGOING REASONS

The Board of Directors respectfully submits this request for an extension of the time limit set in the Trial Chamber's "Decision Granting an Extension of Time for Filing of Experts' Report and Amending Reparations Calendar" until 16 June 2017.



Pieter W.I. de Baan
Executive Director of the Secretariat of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 10 May 2017

At The Hague, The Netherlands