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No.: ICC-01/12-01/15  
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**TRIAL CHAMBER VIII**

**Before:** Judge Raul C. Pangalangan, Presiding Judge  
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**

**With Confidential Annex I and Confidential *EX PARTE* Annex II, only available  
to the Legal Representative of Victims**

**Fifth Registry Report on Applications for Individual Reparations**

Source: Registry

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

to:

**Office of the Prosecutor**

Ms Fatou Bensouda, Prosecutor

**Counsel for the Defence**

Mr Mohamed Aouini

**Legal Representative of Victims**

Mr Mayombo Kassongo

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**Office of Public Counsel for Victims**

**Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Section**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Trust Fund for Victims**

Mr Pieter de Baan

## I. Introduction

1. Pursuant to the instruction of Trial Chamber VIII (“Chamber”) to begin forthwith the review of applications already in the record of the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (“Case”) and of applications received before the approval by the Chamber of the new reparations form in accordance with the procedures set out in its Decision on Trust Fund For Victims’ Draft Implementation Plan for Reparations (“Decision on the DIP”)<sup>1</sup>, the Victims Participation and Reparations Section (“VPRS”) submits its fifth report on applications for individual reparations.

## II. Procedural History

2. On 12 July 2018, the Chamber issued its Decision on the DIP by which it *inter alia* held that applicants whose applications are already in the record of the Case are not required to fill in a new form, but that they should “merely provide any missing information, as requested by the VPRS and with the assistance of the LRV.”<sup>2</sup> Similarly, the Chamber held that “applications received before the approval of the new form by the Chamber will be processed as such.”<sup>3</sup>
3. On 10 August, 10 September, 10 October and 13 November 2018, the Registry filed its first,<sup>4</sup> second,<sup>5</sup> third<sup>6</sup> and fourth<sup>7</sup> reports on applications for individual

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<sup>1</sup> Trial Chamber VIII, “Decision on Trust Fund for Victims’ Draft Implementation Plan for Reparations”, dated 12 July 2018 and registered on 13 July 2018, ICC-01/12-01/15-273-Conf, para. 31. A public redacted version was filed on the same date: ICC-01/12-01/15-273-Red.

<sup>2</sup> *Ibid.*, para. 31.

<sup>3</sup> *Id.*

<sup>4</sup> Registry, “First Registry Report on Applications for Individual Reparations”, 10 August 2018, ICC-01/12-01/15-275.

<sup>5</sup> Registry, “Corrigendum of ‘Second Registry Report on Applications for Individual Reparations’, ICC-01/12-01/15-282, 10 September 2018”, dated 10 September 2018 and registered on 11 September 2018, ICC-01/12-01/15-282-Corr.

<sup>6</sup> Registry, “Third Registry Report on Applications for Individual Reparations”, 10 October 2018, ICC-01/12-01/15-287.

<sup>7</sup> Registry, “Fourth Registry Report on Applications for Individual Reparations”, 13 November 2018, ICC-01/12-01/15-298.

reparations (“Registry Reports”) covering: (i) the total of the 139 application forms for reparations already in the record of the Case;<sup>8</sup> and (ii) 141 applications out of the 271 application forms for reparations received by the VPRS after the deadline of 16 December 2016 for the transmission of reparations forms to the Chamber,<sup>9</sup> and thus not transmitted in the record of the Case. The VPRS reviewed these 280 applications in accordance with the screening criteria established in the Decision on the DIP. Said criteria were detailed and updated, when necessary, in the respective Annexes I to the Registry Reports<sup>10</sup> (“VPRS screening criteria”).

4. On 26 October 2018, the Trust Fund for Victims (“TFV”) submitted a draft application form (“26 October 2018 Submission”), as directed by the Chamber,<sup>11</sup> and provided, in annexes, its proposed models of attestations to be used as supporting documents as well as its proposed legal criteria to be applied throughout the screening process.<sup>12</sup>
5. On 7 November 2018, the Legal Representative of Victims (“LRV”) submitted his confidential observations on the 26 October 2018 Submission.<sup>13</sup>
6. On 14 November 2018, the TFV filed its Fourth Monthly Update Report on the updated implementation plan (“TFV Fourth Update Report”), which contained,

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<sup>8</sup> Trial Chamber VIII, “Reparations Order”, 17 August 2017, ICC-01/12-01/15-236, para. 5.

<sup>9</sup> Trial Chamber VIII, “Reparations Phase Calendar”, 29 September 2016, ICC-01/12-01/15-172, para. 2 (iv).

<sup>10</sup> Registry, Annex I to the First Registry Report on Applications for Individual Reparations, 10 August 2018, ICC-01/12-01/15-275-Conf-AnxI; Registry, Annex I to the Second Registry Report on Applications for Individual Reparations, 10 September 2018, ICC-01/12-01/15-282-Conf-AnxI; Registry, Annex I to the Third Registry Report on Applications for Individual Reparations, 10 October 2018, ICC-01/12-01/15-287-Conf-AnxI; Registry, Annex I to the Fourth Registry Report on Applications for Individual Reparations, 13 November 2018, ICC-01/12-01/15-298-Conf-AnxI.

<sup>11</sup> Trial Chamber VIII, “Public redacted version of ‘Decision on Trust Fund for Victims’ Draft Implementation Plan for Reparations’, 12 July 2018”, dated 12 July 2018 and registered on 13 July 2018, ICC-01/12-01/15-273-Red, para. 30.

<sup>12</sup> Trust Fund for Victims, “Trust Fund for Victims’ submission of draft application form”, 26 October 2018, ICC-01/12-01/15-289-Conf. A Public redacted version was filed on 30 October 2018, ICC-01/12-01/15-289-Red.

<sup>13</sup> Legal Representative of Victims, “Observations du Représentant légal sur la soumission du projet de formulaire de demande de réparation et de ses annexes par le Fonds au profit des victimes”, 7 November 2018, ICC-01/12-01/15-294-Conf.

*inter alia*, clarifications on certain issues and an updated version of the draft application form (“New Application Form”).<sup>14</sup>

7. On 21 November 2018, the Chamber issued a decision adopting the New Application Form for use during the implementation of reparations, subject to changes related to the question of non-disclosure of the victim’s identities to the Defence.<sup>15</sup>
8. On 14 December 2018, the TFV filed its Fifth Monthly Update Report.<sup>16</sup>

### III. Classification

9. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), Annex I to the present filing is classified as confidential since it contains detailed information on how the Registry assesses applications of potential beneficiaries of individual reparations which is not available to the public. Annex II is classified as confidential *ex parte*, only available to the Legal Representative of Victims, because it contains confidential information that may lead to the identification of victims who applied for reparations.

### IV. Applicable Law

10. The Registry submits the present filing in accordance with articles 68(1) and 75 of the Rome Statute, rules 85, 94 and 98 of the Rules of Procedure and Evidence, regulation 88 of the RoC and regulations 110 and 118(2) of the Regulations of the Registry.

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<sup>14</sup> Trust Fund for Victims, “Trust Fund's fourth monthly update report on the updated implementation plan”, 14 November 2018, ICC-01/12-01/15-299-Conf.

<sup>15</sup> Trial Chamber VIII, “Decision on TFV Submission of Draft Application Form”, 21 November 2018, ICC-01/12-01/15-301.

<sup>16</sup> Trust Fund for Victims, “Fifth monthly update report on the updated implementation plan including information concerning further details relevant to the Board of Directors’ complement decision”, 14 December 2018, ICC-01/12-01/15-305-Conf and its annex. A Public redacted version was filed on 17 December 2018 and registered on 18 December 2018, ICC-01/12-01/15-305-Red.

## V. Submissions

### a. Applications covered by the present report

11. In accordance with the Chamber's order in the Decision on the DIP,<sup>17</sup> the VPRS finalised the review of a further 130 forms<sup>18</sup> (out of the total of 271 applications received after the 16 December 2016 deadline) in accordance with the VPRS screening criteria,<sup>19</sup> with a view to identifying any and all complete applications for which it might already issue positive or negative preliminary assessments, as per paragraphs 40 and 41 of the Decision on the DIP. An updated summary of the VPRS screening criteria applied is submitted as confidential Annex I to the present filing.<sup>20</sup> The table identifying all missing information or clarifications needed for the applications reviewed is transmitted as confidential *ex parte* Annex II to the present document, only available to the LRV.
12. To date, VPRS concluded that none of the forms reviewed contain all the information necessary for the VPRS to issue either a positive or a negative preliminary assessment.

### b. Guidelines on how to fill in the form

13. As previously reported, the VPRS stands ready to provide feedback to the TFV on the draft guidelines they intend to prepare on how to fill-in the new application form for individual reparations.

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<sup>17</sup> Decision on the DIP, para. 31.

<sup>18</sup> Two applications forms were assessed as falling outside the scope of the Case, and are therefore not included in Annex II.

<sup>19</sup> The VPRS has adapted the screening criteria it previously applied for the assessment of the applications in the context of the first four Registry Reports in light of the TFV 26 October 2018 Submission and the TFV Fourth Update Report.

<sup>20</sup> All updated information is marked in **bold type**.

**c. Further VPRS filings**

14. With the current Report, the VPRS has concluded the review of all application forms for reparations received by the VPRS after the deadline for transmission of reparations forms to the Chamber. Simultaneously, the VPRS continues to provide the LRV periodically with detailed lists and descriptions of missing information to complete relevant application forms.
15. The VPRS informed the Chamber in its previous reports that it will start implementing the screening process established in the Decision on the DIP<sup>21</sup> within the deadlines imposed by the Chamber as soon as it would receive the missing information and/or clarifications of unclear information requested of the LRV in its review exercise of existing applications, or new forms for reparations. To date, the VPRS has not yet received any supplementary information or new forms. It understands that the LRV is actively engaged in producing relevant information in due course.

  
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Marc Dubuisson, Director of the Division of Judicial Services

On behalf of

Peter Lewis, Registrar

Dated this 20 December 2018

At The Hague, The Netherlands

<sup>21</sup> Decision on the DIP, paras. 36-44.