

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/12-01/15  
Date: 29 September 2016

**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**

**Reparations Phase Calendar**

To be notified in accordance with Regulation 31 of the Regulations of the Court to:

**Office of the Prosecutor**

Ms Fatou Bensouda  
Mr James Stewart  
Mr Gilles Dutertre

**Counsel for the Defence**

Mr Mohamed Aouini  
Mr Jean-Louis Gilissen

**Legal Representatives of Victims**

Mr Mayombo Kassongo

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**Office of Public Counsel for  
Victims**

**Office of Public Counsel for the Defence**

**States' Representatives**

Competent authorities of the  
Republic of Mali

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Isabelle Guibal

**Others**

Trust Fund for Victims

**TRIAL CHAMBER VIII** ('Chamber') of the International Criminal Court ('Court') issues the following Reparations Phase Calendar, in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Article 75 of the Rome Statute ('Statute'), Rules 94, 97(2) and 103 of the Rules of Procedure and Evidence ('Rules') and Regulations 24 *bis*, 34 and 44 of the Regulations of the Court ('Regulations').

1. On 27 September 2016, the Chamber convicted Mr Al Mahdi of the war crime of intentionally attacking protected objects under Article 8(2)(e)(iv) of the Statute and indicated that reparations would be addressed in due course.<sup>1</sup>
2. In order to facilitate the fair and expeditious conduct of the reparations phase of the proceedings, the Chamber sets the following calendar:<sup>2</sup>
  - (i) Noting Rule 97(2) of the Rules and Regulation 44 of the Regulations, the Registry, in consultation with the parties<sup>3</sup> and the Office of the Prosecutor ('Prosecution') as appropriate, is to identify one or more experts with expertise in the following matters: (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. This is to be done by way of a formal filing due **28 October 2016**.
  - (ii) The parties and Prosecution may file any responses to the Registry's expert identifications by **4 November 2016**. Following these

<sup>1</sup> Judgment and Sentence, ICC-01/12-01/15-171, page 49.

<sup>2</sup> All deadlines are at 16:00 on the day specified.

<sup>3</sup> For purposes of reparations proceedings, the parties are understood as the Defence and Legal Representative of Victims.

submissions, the Chamber will decide which experts, if any, it will appoint to assist its determinations during the reparations phase.

- (iii) The parties, Prosecution, Registry, Trust Fund for Victims and Malian authorities are invited to make general submissions of up to 50 pages on the reparations proceedings in this case by **2 December 2016**. Any applications pursuant to Rule 103 of the Rules to file similar submissions must be filed by **21 October 2016**.
- (iv) Any applications for reparations must be filed by **16 December 2016**.<sup>4</sup> It is emphasised that the application deadline is without prejudice to whether or how these applications will be ultimately considered by the Chamber.
- (v) Any Chamber appointed expert reports must be sent to the Chamber and parties by **11 January 2017**. By this same deadline, the parties are to have disclosed any additional information they wish for the Chamber to consider in its reparations order. This additional information must be clearly identified in formal filings due on the deadline indicated.
- (vi) The parties have a further 50 pages to file submissions on the reports/information presented, submissions of other participants and any other last arguments they wish for the Chamber to consider before rendering its reparations order. These final submissions must be filed by **10 February 2017**.

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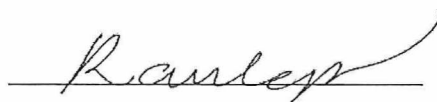
<sup>4</sup> Following the approach of Trial Chamber II, the Chamber will not rule on the ‘participation’ of any reparations applicants - they may participate during the reparations phase simply by virtue of filing their applications. *The Prosecutor v. Germain Katanga*, Corrigendum to the “Order relating to the submission of the Legal Representative of Victims”, 8 March 2016, ICC-01/04-01/07-3653-Corr-tENG, para. 12.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**DIRECTS** that the reparations phase of this case will be conducted in accordance with the calendar above; and

**INVITES** interested organisations to request leave to make submissions by 21 October 2016, in accordance with paragraph 2(iii) above.

Done in both English and French, the English version being authoritative.



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



**Judge Antoine Kesia-Mbe Mindua**



**Judge Bertram Schmitt**

Dated 29 September 2016

At The Hague, The Netherlands