

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 March 2017

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

Public redacted version of 'Decision Granting an Extension of Time for Filing of Experts' Report and Amending Reparations Calendar', 9 March 2017

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

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Counsel for the Defence

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Legal Representatives of Victims

Mr Mayombo Kassongo

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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TRIAL CHAMBER VIII ('Chamber') of the International Criminal Court ('Court' or 'ICC') issues the following 'Decision Granting an Extension of Time for Filing of Experts' Report and Amending Reparations Calendar', in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Regulation 35 of the Regulations of the Court ('Regulations').

1. On 29 September 2016, the Chamber issued the Reparations Phase Calendar, setting the date for submission by the Registry of a list of proposed experts on three topics identified by the Chamber as relevant for reparations proceedings in this case, namely: (i) the importance of international cultural heritage generally and the harm to the international community caused by its destruction; (ii) the scope of the damage caused, including monetary value, to the ten mausoleums and mosques at issue in the case; and (iii) the scope of the economic and moral harm suffered, including monetary value, to persons or organisations as a result of the crimes committed.¹
2. On 19 January 2017, the Chamber appointed four experts and instructed them to file their reports by 24 March 2017.²
3. On 6 March 2017, by way of email, the experts requested an extension of time until 28 April 2017 to submit their report(s).³ On 8 March 2017, upon a Single Judge's instruction,⁴ the experts formally filed their request in the record of the case.⁵

¹ ICC-01/12-01/15-172.

² Decision Appointing Reparations Experts and Partly Amending Reparations Calendar, ICC-01/12-01/15-203-Red.

³ Email from Registry to Chamber on 6 March 2017 at 16:59, transmitting experts' request for an extension of time.

⁴ Email from Chamber to Registry on 7 March 2017 at 10:33.

⁵ Transmission of Request from the Reparations Experts for an Extension of Time for the Submission of their Report(s) pursuant to ICC-01/12-01/15-203-Red, ICC-01/12-01/15-205 with one confidential and one public annex ('Request').

4. The experts indicate that additional time is required to: (i) reschedule certain crucial interviews that have been cancelled;⁶ (ii) obtain alternative sources of information due to the cancellation of a mission; (iii) obtain certain documents and analyse them in order to produce an opinion on the damage;⁷ and (iv) draft the report.⁸
5. The Chamber notes that certain interviews and one mission appear to have been cancelled for reasons outside the control of the experts and that some documents of importance are not yet available to the experts. Accordingly, and in order to ensure the submission of a complete report, the Chamber finds that good cause has been shown and grant the extension of time sought.
6. Thus, the Chamber amends the Reparations Phase Calendar as follows:
 - (i) The experts must submit their reports, separately or jointly, to the Chamber and parties by **28 April 2017**. The Chamber clarifies that the deadline for parties to have disclosed any additional information they wish for the Chamber to consider in its reparations order remains **24 March 2017**.
 - (ii) The parties and the Trust Fund for Victims 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 **26 May 2017**.

⁶ Request, ICC-01/12-01/15-205-Anx-Red, para. 1.

⁷ Request, ICC-01/12-01/15-205-Anx-Red, para. 3.

⁸ Email from Registry to Chamber on 6 March 2017 at 16:59, transmitting experts' request for an extension of time.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the request; and

AMENDS the Reparations Calendar, in accordance with paragraph 6 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 9 March 2017

At The Hague, The Netherlands