



ICC REPARATIONS AWARD FOR DESTRUCTION OF CULTURAL HERITAGE IN MALI, AN IMPORTANT STEP TO ACKNOWLEDGE AND REMEDY THE HARM CAUSED TO INDIVIDUALS AND COMMUNITIES

London, 17 August 2017 – Today, the International Criminal Court issued its decision on reparations in the Al-Mahdi case, concerning the destruction of 10 mosques and mausoleums in the ancient city of Timbuktu during Mali 2012 conflict.

The Court ordered a combination of individual, collective and symbolic measures of reparation for economic and mental harm suffered by victims and the community of Timbuktu as a whole. It considered that individual victims whose livelihood exclusively depended on the sites are entitled to compensation for economic harm suffered as a result of the destruction of the protected sites, and ordered measures of collective reparation for the community of Timbuktu as a whole. These should aim at rehabilitating the community of Timbuktu and include community-based education, return and resettlement programmes as well as a microcredit system. The Court recognised that the destruction of the sites resulted in mental pain and anguish, and found that the descendants of damaged mausoleums are entitled to compensation for mental harm, while ordering further collective measures of reparation (such as a memorial, commemoration or forgiveness ceremony) for mental harm suffered by the community of Timbuktu.

The Court awarded symbolic compensation of 1 Euro to Mali and to UNESCO for harm to Mali and the international community. It found that Mr Al Madhi is liable for 2.7 million Euro. It requested the Trust Fund for Victims to implement the reparation ordered, and to complement the reparation measures through assistance programmes to be made available to the broader community in Timbuktu. The Trust Fund now has until 16 February 2018 to present the Court with an implementation plan.

The Court requested the Registry to prepare a video excerpt of Mr Al Mahdi's apology during the trial and to make the apology available in different languages on the Court's website and provide victims with a physical copy of the apology if requested.

The case offered the first opportunity for the Court to articulate how property, people and heritage are connected through culture and to identify appropriate measures to address the harm caused to individuals and communities by the destruction of cultural heritage.

Ahmad Al Madhi was sentenced in September 2016 to nine years imprisonment for his role in the destruction of the sites. The mausoleums and mosques destroyed were an integral part of the community's religious and cultural life and all, except for one, had the status of protected UNESCO World Heritage sites, which reflected their special importance to international cultural heritage.

“Although much of the restoration of World Heritage sites around Timbuktu has been completed, reparations are important to acknowledge and remedy the harm caused to those individuals and

communities affected by the destruction,” said Luke Moffett, Queen's University Belfast Human Rights Centre. **“It is equally important that Mr Al Mahdi has been found liable for such reparations.”**

“Although the Al Mahdi case proved the importance of protecting cultural property and deterring those who engaged in its destruction, reparations issued in this case give a new hope that while not all cultural property can be restored, people and culture can rise from the ashes and debris to continue their heritage for future generations,” added Moffett.

“The destruction of the mausoleums and mosques in Timbuktu not only destroyed and damaged physical structures, but caused harm, which rippled out into the community and diminished the link and identity the local community had with such cultural property,” said Carla Ferstman, Director of REDRESS **“Not only were they religious buildings, they had a symbolic and emotional value for the inhabitants, which saw their past, their identity and even their dignity under attack.”**

Now that reparations have been awarded, REDRESS and the Queen’s University of Belfast Human Rights Centre urge the Court to seek the active participation of those individuals and communities affected during the implementation process.

“UNESCO and the Malian government have prioritised community engagement in the reconstruction and rehabilitation of the sites. The ongoing participation of those communities and individuals affected must continue to be a priority during the implementation of the reparations awarded today. Victims must be able to articulate their needs and set their priorities so they remain engaged in the rehabilitation of the sites and do not feel disconnected to them” added Ferstman.

REDRESS and the Queen's University Belfast Human Rights Centre welcome the fact that the Court has awarded individual compensation to victims, as it was the preference of some of the victims participating in proceedings, in addition to collective measures of reparation.

REDRESS and the Queen’s University Belfast Human Rights Centre filed an amicus brief (third-party intervention) during the reparations phase which addressed restorative measures for damaged or destroyed cultural property; the impact of the destruction on affected communities and individual victims, and appropriate measures to address the victims’ psychological, moral and economic harm as a result as well as appropriate apologies and acknowledgements of responsibility.

The joint intervention in the case can be found here: <http://www.redress.org/downloads/161202.pdf>

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