

ADDRESSING VICTIM'S IDENTIFICATION IN AHMAD ALFAQI AL MAHDI REPARATIONS ORDER: LESSONS FROM INTERNATIONAL CRIMINAL COURT

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Abstract

The trial, convictions and sentences of Ahmad Alfaq Al Mahdi by International Criminal Court (ICC) on lone offence of destructions of mosque in Timbuktu Mali, in 2012 generated a novel and evolving criminal jurisprudence on the protection of cultural properties. The paper revealed that this marked the first time war crime of this nature constitutes principal issue against a perpetrator before the ICC. It was further revealed that this was the first time an Islamist armed group faced war crime charges before the Court. The plea of guilt by Ahmad Mahdi on August 22, 2016 along with the consequential nine years sentences snowballed into a good signal for efficient, expeditious and timeous prosecution of war crimes. The paper argued that the reparations order awarded in favour of Mali as a Nation, the World Community, Timbuktu Community, and several individuals of close affinity with the protected sacred buildings as well as the symbolic Euro awards remained notable improvements in the reparation's regime of ICC. Advancing on the above arguments. The paper adopts doctrinal research method in its analysis by identifying victims who are entitled to reparations in the war crime of destruction of cultural heritage artefacts known to be new and worrisome in international criminal law jurisprudence. The paper concludes with recommendations that the omissions of unborn generations and discriminatory practices against female gender in Mali have adverse effects on the growth of ICL reparations processes. Ultimately, the paper made recommendations that would enhance the reparations regime of the ICC in respect of crimes of attacks on global historic and cultural vestiges.

Keywords: victims, identification, Ahmad Alfaq Al Mahdi, Reparations Order, ICC

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1.0. Introduction

The convictions and sentences of Ahmad AL Faqi Mahdi (Al Mahdi) of Mali by the ICC on offence of destructions of cultural heritage has really generated a novel and legally evolving turnaround in ICL.¹ He was an ardent member of an Islamist non-state armed group that spearheaded the establishment of Sharia Law in Mali, Africa. Al Mahdi was alleged to have closed affinity with founders of Al Qaeda in the Islamic Maghreb (AQim) and Ansar Eddine, who were in control of the sacred City of Timbuktu, Mali in 2012 and however were involved in the destructions of edifice and artefacts of religious and historic importance.²

Al Mahdi who was the leader of a group known as the "Hebe Brigade or Morality Brigade" is a not a stranger in Timbuktu as pronounced during his trial in September 2015. He was a graduate of Teachers Institute in Timbuktu, Mali and worked shortly with the Malian Civil Service.³ His case at the ICC was remarkable as first of its kind that revolved around war crime of international nature arising from attacks directed against holy, religious and historical artefacts or cultural heritage, pursuant to Article 8(2)(e)(iv) of Rome Statute. It should be noted that the aforesaid sacred or protected properties targeted at were the nine mausoleums along with the door of the Sidi Yahia Mosque in the World Heritage Town of Timbuktu which was construed as idolatrous.⁴ In the same vein, the paper revealed that this was also the first time an Islamist armed group faced charges of war crime on a self-confessed plea of guilt.⁵ Al Mahdi was convicted as co-perpetrator of the offence of destructions of protected holy objects in Timbuktu in 2012, and was sentenced to nine years imprisonment on September 27, 2016 by the Trial Chambers VIII of the ICC, as no charges were made on loss of lives or civilian properties.⁶

¹ See Open Society Justice Initiatives, 'The Trial of Ahmad Al Faqi Al Mahdi at the International Criminal Court', Briefing Paper, 2016 1-3; Ana Filipa VeDoJalC, 'Introductory Note to Prosecution v Ahmad Al FAQI Al Mahdi, Judgment and Sentence and Reparations Order of International Criminal Court' [2018] (57)(1), *International Legal Materials*, 17-19.

² Francesca Capone, 'An Appraisal of the Al Mahdi Order on Reparations and its Innovative Elements: Redress for Victims of Crime Against Cultural Heritage' [2018] (16)(3) *Journal of International Criminal Justice* 645 – 647.

³ Open Society (n 1)2.

⁴ Marina Lostal 'Implement Reparations in the Al Mahdi Case' [2021] (19) 4 *Journal of International Criminal Justice* 831 – 833 Note that cultural heritage crimes are sometimes perceived as a victimless crime.

⁵ F Capone, 'An Appraisal of the Al Mahdi Order on Reparations and its Innovative Elements: Redress for Victims of Crimes Against Cultural Heritage' [2018] 16 *Journal of International Criminal Justice*, 645 – 651.

⁶ Judgment and Sentence, Al Mahdi (ICE 01/12-10/15-171), Trial Chamber VII, 27 September 2016 (Al Mahdi Judgment and Sentence) 37; Run Dudai, 'Closing the Gap: Symbolic Reparations and Armed Groups' [2011] (93) (883) *International Review of Red Cross* 5-7.

In addition, the Court in August 17, 2017 delivered its reparations order in the matter after judgement. On issues of reparations, the Court eruditely ruled on the basis of economic harm along with war crime in respect of historic buildings only.⁷ Individual reparations were ordered in favour of citizens whose livelihoods depended on the protected buildings, while collective reparations for economic losses which includes monetary compensations and reliefs, to the whole city of Timbuktu.⁸ Moreso, individual compensations for traumatic along with moral harms were pronounced for the benefits of those whose ancestor's burial sites were destroyed and collective reparations for the community of Timbuktu and Mali in general.⁹

In light of the above, it may be argued that the Legal Representatives of the Victims (LRV) was not satisfied with the order made and however, appealed against the order. It must be emphasized that the LRV argument borders on the Trial Chambers rulings that limits individual economic loss to those whose livelihoods are exclusively tied to the protected buildings. Also, that the Trial Chambers delegated its Judicial powers to the TFV for screening of victims in order to determine who is entitled to reparations.¹⁰ Be that as it may, the paper argued that the said identification of victims in light of the crime of destructions of religious and historical sites owned by a Country, Mali and the world body at large makes the case of Al Mahdi thought provoking. The paper aimed at examining the novel reparations processes evolved during the trial stage of Al Mahdi's case, notwithstanding, the positions of the Appellate Trial Court.

1.1. Overview of Timbuktu and its World Cultural Heritage

The name Timbuktu in Mali today evolves history of legends, Camel Caravan expedition, and ancient religious and cultural reservations and preservations. It became the 'Rome of Sudan' and the 'Mecca of the Sahara' due to its ancient preserves since the 15th Century.¹¹ Timbuktu has three ancient and primordial

⁷ P Cassaly, 'Al Mahdi Before the ICC: Cultural Property and World Heritage in International Criminal Law [2016] (14) *Journal of International Criminal Law*, 1199 – 1220.

⁸ M Sterio, 'Individual Criminal Responsibility for the Destruction of Religious and Historic Buildings: The Al Mahdi Case' [2017] (45) *Case Western Reserve Journal of International Law*, 63 – 73.

⁹ A Lostal, 'The Misplaced Emphasis on the Intangible Dimension of Cultural Heritage in the Al Mahdi Case at the ICC' [2017] (1) *Inter-Gentes – The MC Gill Journal of International Law and Legal Moralism*, 45 – 50.

¹⁰ James Hendry, 'Reparations Principles in the Al Mahdi Appeal' [2018] (2) *PKI Global Justice* 1-2.

¹¹ H J Dykstal, 'Destruction of Cultural Heritage Before the ICC: The Influence of Human Rights on Reparations Proceedings for Victims and the Accused' [2019] (17) *Journal of International Criminal Justice*, 319 – 341; M A Drumb, 'From Timbuktu to the Hague and Beyond: The War Crime of Internationally Attacking Cultural Property' [2019] (17) *Journal of International Criminal Justice*, 77-79.

mosques; Djingareber, Sidi Yahia and Sankore. It also has 16 Mausoleums that represented world cultural heritage cenotaph.¹² The people of Timbuktu in practice and belief acknowledged their cultural heritage as godly interventions. Notably, they believed that the ancient buildings forms a protective rite for their people as they prayed therein.

In 2012, in light of the demands for inclusions in governance, a non-state armed group in the Northern Mali, known as "the Movement National Deliberation de L'Azawad or MNLA" demanded for the independence of Azawad, Northern Mali.¹³ This agitations was supported by several other non-state armed groups such as the Ansar Dine (defenders of faith) wherein Al Mahdi served as the morality Police in charge of repressing evil (Hebbah).¹⁴

In this sense, Al Mahdi believed that worshipping of Saints of Timbuktu remained polytheism and engaged in the destructions of nine mausoleums along with the the door of the Sidi Yahia Mosque. This incidence resulted to the destructions of 14 Shrines. It is important to note that Sidi Yahia was built in 1440 for the Imam Sidi Yahia-El Talesi. Ever since the destructions of the mosque, the door of the Mosque had remained closed as it is believed that opening it would usher in disaster.¹⁵ This belief system was construed as superstitious by Al Mahdi and not really good to the new generations. Basically, the destructions of the door remained significant as it is noted as remarkable of what radicals did to the cultural heritages of Timbuktu in the year 2012 that led to the prosecutions and sentencing of Al Mardi by ICC. It must be emphasized that as a significant structures listed in UNESCO in the World Heritage list of Museums, its destructions does not only affects Mali, but the entire World Heritage as a whole.

1.2. Reparations Regime of Rome Statute of the International Criminal Court

Reparations denote making amends, compensation, restitution and apology for injury caused another. It is a restorative justice package and usually a transitional justice programme for victims of international crimes. According to Black's Law Dictionary, reparations is defined as "an act of making amends for a wrong or compensating for an act of injury or wrong particularly for damages arising from a situations of warfare

¹² E N Saad, *Social History of Timbuktu: The Role of Muslim Scholars and Notables, 1400 – 1900* (Cambridge University Press, 1983) 3-5; B A Tor and Others, 'Myths of Timbuktu: From African El Dorado to Desertification' [2004] (34) *International Journal of Political Economy* 31 – 49.

¹³ D Viego – Rose, 'Reconstructing Heritage in the Aftermath of Civil War: Re-visioning the Nation and the Implications of International Involvement [2003] (7) *Journal of Intervention and State Building* 113, 125 – 140.

¹⁴ See Reparations Order, Al Mahdi (ICC – 01/12-01/15 – 236) Trial Chambers VIII 17 August, 51.

¹⁵ *ibid* 51- 55.

or violations of a global obligations".¹⁶ It should be noted that the provisions of reparations in the Rome Statute of ICC represents a significant landmark for the acknowledgement of the rights of victims of egregious violations in international Law. Thus, Article of 75 (1) (2) of Rome Statute provides:

1. The Court shall establish principles relating to reparations to or in respect of victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of victims and will state the principles on which it is acting.
2. The Court may make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.

Where appropriate, the Court may order that the award for reparations be made through the Trust Fund provided for in Article 79.¹⁷ It may be argued that while the statute did not provide a specific definitions of who is a victim, its reference to 'reparations to, or in respect of, victims' is an allusion to direct and indirect victims. Hence, by latter, victims are stretched up to well-wishers, relations, friends, village or town, just like Timbuktu in Al Mahdi case.

More importantly, the paper revealed that the establishment of certain principles that governs the enforcement of the reparations regime is the prerequisite of the court.¹⁸ To this extent, it can make an order to anyone and where appropriate especially at the declarations of indigency of the perpetrator through the Trust Fund for Victims. In this sense, the provisions of reparations in Rome Statute remained germane as it gives precedent to the victim's right in ICL. It goes further to assuage the harm, loss and damages suffered by the victims as against the convictions and sentences of perpetrator.

1.3. Novel Issues in Al Mardi Reparaions Order by the ICC

One interesting point to note in this regard is that Mali referred the case in the Northern Mali to the ICC for possible prosecution in July 2012.¹⁹ Mali is a state party of the ICC having ratified the Rome Statute on August 16, 2000. Investigation in Al Mahdi case started in January 2013. In the prosecution's pre-trial brief, Timbuktu

¹⁶ B A Garner, *Black's Law Dictionary* (11th Edition, Thompson Reuters 2019) 1490; See E Dwertmann, *The Reparations System of the International Criminal Court: Its implementation, Possibilities and Limitations* (Martinus Midjoff Publishers 2010) 1 – 9.

¹⁷ Rome Statute, art 75. See also, C McCarthy, *Reparations and Victims Support in International Criminal Court* (Cambridge University Press 2012) 1-6.

¹⁸ T Hunultion and G Sluiter, 'Principles of Reparations at International Criminal Court: Assessing Alternative Approches' [2022] (06) (03) Amsterdam Law School Research Paper, Amsterdam Center for International Law, available at No: 2022, 03 at 4-5 <SSRN: <https://ssrn.com/abstract/40442998>>.

¹⁹ Rome Statute, art 14.

residents were reported to have been deeply affected by the destruction of the religious and historic monuments. Many of the mausoleums destroyed were where they prayed on Fridays and sought for divine intervention on other days.²⁰ During the hearing a lot of new issues arose before the ICC. They are discussed below.

(1) Determination and Identification of Victims

Before issuance of reparations order, the victims or who have suffered harm must be identified per case. The Trial Chamber reserves the prerequisite to directly identify them or place criteria for their identification.²¹ This refers to people seen to have suffered harm. However, loss as a result of destruction of monument, artefacts without any loss of life as in the case of Al Mardi is quite different. The Trial Chamber VIII issued the Al Mahdi reparations order on 17 August 2017 and set down groups of victims as: the international community, Malian Nationals, Timbuktu's local population and certain individuals that bore special relationship with the protected building.²²

A. International Community and Mali Nationals

The Trial Chamber recognized the destruction of Holy Heritage Sites as outstanding universal recognition. The destruction strongly affects the international community. Hence, it ruled that the pillaging or destruction of the cultural heritage and religious artefacts:

Carries a message of terror and helplessness; it destroys part of humanity's shared consciousness; and it renders humanity unable to transmit its values and knowledge to future generations. It is an irreplaceable loss that negates humanity.²³

Timbuktu was a nationally protected site and a historic landmark to Mali. Hence, the international Community and Mali as a nation have lost a lasting heritage and have suffered collective moral harm. This led to the award of symbolic Euro to UNESCO requesting the world community and to the Malian Government acting on behalf of the community.²⁴ This is because the protected sites have been listed in world heritage list and recognized as World Tourism center.

²⁰ See Convention Concerning the Protection of the World Cultural and National Heritage (World Convention) preamble, sixth recital. All protected buildings mentioned in the Al Mahdi Case, except one, are part of the World Heritage List.

²¹ Judgment on the Appeals against the decision establishing the principles and procedures to be applied to reparations of 7 August 2012 with amended order for reparations (Annex A) and public annexes 1 and 2: Lubanga (ICC – 01/04-01/06-3129), Appeals Chamber, 3 March 2015 & 32.

²² Transcript of Hearing, Al Mahdi (ICC-01/12-01/15-192-Red-ENG), 22 August, 2016, at 8, lines 13-16.

²³ World Heritage Convention art 1.

²⁴ ICC held reparations ceremony for Timbuktu Mausoleums, ABC News, 30 March 2021.

B. The People of Timbuktu

The Cultural heritage loss in Timbuktu is grouped under tangible and intangible. Tangible are the seen objects like the mausoleums and Mosques while the intangible are the shared beliefs, customs and norms.²⁵ Prior to the attack, the people of Timbuktu in their shared beliefs visit the sites to ask for Saint's divine intervention and thanksgivings in all spheres pointed out:... '[T] Timbuktu was more than a humiliation. It was a physical attack on the very heart of the population.'²⁶

Though, UNESCO managed to rebuild the mausoleums and the door of Sidi Yahia Mosque in 2015, people emotionally sense devaluation of the divine power inherent in them.²⁷ The disruption of their daily customs, celebration of certain Prophets and the festival and Desert came to an abrupt and traumatic decline.²⁸ The Judges in Al Mahdi case established that the community of Timbuktu as a whole has suffered harm of mental pain, stigma as well as disvalued economy.²⁹ Hence, collective reparations to address the above was ordered by the Court.

The destruction of the religious, cultural and preservations in Timbuktu which have been in existence since 15th Century in 2012 is an indelible humiliation to the people of Timbuktu. It affected the generational heritage inherent by the community that have attracted international recognition. Burial sites, mosques and mausoleums that were destroyed made indelibly negative mark to the customs and cultural heritage of the affected generations un-birth in Timbuktu.

C. People Closely Affiliated with the Reserved Sacred Vestiges

The Trial Chamber noted that there are people that have a closer connection to the protected holy buildings. For instance, citizens whose livelihoods are attached on the existence of the mausoleums and mosque prior to the destruction and those who are the direct blood descendants of the Saints buried therein. Both groups were seen to have suffered more loss than others.³⁰

The above is because 'Pilgrims' always make donations for the maintenance and upkeep of the protected buildings and money collected are shared among them.³¹ From a trauma point of view, the direct descendants of the saints were seen to have suffered more harm because the shrine and cultural heritage of their ancestors had been debased and desecrated. Hence, the power and spiritual significance of the holy sites have been abused. On this, they were entitled to physical reparations.

²⁵ G Mommersteeg, *In the City of Marabous: Islamic Culture in West Africa* (Waveland Press 2012) 59.

²⁶ Al Mahdi, Reparations Order, 76, 83, 89 and 90.

²⁷ Al Mahdi, Third Expert Report, 146 – 147.

²⁸ Mommersteeg (n 2) 25.

²⁹ Al Mahdi Reparations Order, 76, 83, 90.

³⁰ *ibid*, 83, 89.

³¹ Public redacted version of 'Decision on Trust Fund for Victims' Draft Implementation Plan for Reparation, Al Mahdi (ICC – 01/12-01/15 – 273 Red) Trial Chamber VII, 12 July 2018 at 62.

Significantly, to identify them is easy as they have been in practice of receiving proceeds that arise out of the sacred cenotaphs.

(2) Symbolic Euro Token Reparation

Right to reparations for victims of grave human rights violations in ICL has become central practice of transitional justice programme of the ICC.³² It mirrors and goes beyond a narrow focus on bringing perpetrators to justice to focusing on victims, acknowledging the harm on them and attempting to address the damage inflicted. Principally stating, it involves more than just financial compensation to victims. Depending on circumstances per cases, a wide range of measures can be applied to assuage the victims.³³

Aside of compensation, other modalities are not closed in the reparations system: rehabilitation, restitution, guarantee of non-repetition and satisfaction. In respect to the latter, there has been novel improvements on the concept which includes apologies, moral reparation and symbolic reparation which respond to the non-material needs of the victims. The term symbolic reparation refers to a greater intangible and unseen element in the concept.³⁴ It ranges from open confession of truth, open apologies, restoration of good name of victims, and mostly financial sum order that would be celebrated but not paid.³⁵

The ICC handed over a symbolic Euro to the Government of Mali and UNESCO for the damage inflicted on the people of Mali and international community by the destruction of cultural heritage in Timbuktu in 2012 by Al Mahdi. The award through the judgment in 2016 is historic, as the Euro is an immeasurable symbol of the harm people suffered and the will of the people and the perpetrators to refrain from such injustice to humanity.³⁶ Tagged the city of 333 saints, the shrines in Timbuktu were placed on UNESCO's world heritage list in 1988. The ICC found that Al Mahdi was liable for 2.7 million Euro in damages which it ruled would be awarded in favour of

³² Christine Evans, *The Right to Reparation in International Law for Victims of Armed Conflict* (Cambridge University Press 2012) 39-43, 117 – 128; Paula Gaeta, 'Are Victims of Serious Violations of International Humanitarian Law Entitled to Compensation?' In Orna Ben-Naftali (ed), *International Humanitarian Law and International Human Rights Law* (Oxford University Press 2011) 305 – 327.

³³ Ibid, Christine, 118.

³⁴ ABC News, 'ICC Holds Reparations Ceremony for Timbuktu Mausoleums', 30 March 2021, 1-2.

³⁵ Frederic Megret, 'The International Criminal Court and the Failure to Maintain Symbolic Reparations', in Social Science Research Network, 2008, 3, available at <<http://papers.ssrn.com/sol3/papers.cfm?Abstractid=1275087>> last visited 8 June 2024.

³⁶ Yael Daniel, 'The Right to Restitution Compensation and Rehabilitation for Victim of Gross Violation of Human Rights and Fundamental Freedoms; Preliminary Reflections From a Psychological Perspective', in Eduardo Vetere and Pedro David (eds), *Victims of Crime and Abuse of Power*, (United Nations,2003)261.

the local community protecting the sites and UNESCO as world organization representing international and global concern.³⁷

The symbolic Euro is a token sum for redress though the amount will never be paid in practice. It expands the horizon of reparations to intangible orders. For instance, 'I am sorry for my evil acts' emanating from a perpetrator enhances the prevalence of justice. It calms temper and assuages losses. Having apologized to Mali and International Community, the award of ceremonial or symbolic Euro upholds the Triumph of justice.

1.4. Challenges Inherent in The Reparations Order of Al Mahdi

A lot of impediments on the reparations order of the ICC against Al Mahdi vis-a-vis the legal import of some customs derogating the rights of the people of Mali exist. Some of them are discussed hereunder.

a. Rights of the Unborn Generations of the Saints

The question of the reparations order extending to the direct descendants of the Saints has raised jurisprudential dust in ICL. Since the destruction of the holy and sacred sites is adjudged infringement on the people of Mali especially Timbuktu, are the unborn generations, disenfranchised? Al Mahdi reparations order did not cut-off date of birth for such descendants to be included as victims. Laws for the protection of cultural heritage exist based on the premise that cultural sites belong to humankind and ought to be protected for their transmission to future generations.³⁸ Therefore, a strong argument could be made that Al Mahdi's actions caused harm to unborn children.

Extending compensation to the unborn generations of descendants of the saints could be defensible as far as cultural heritage considerations are concerned. First, unborn generations at large may stretch the limits of the ICC's definition of victims as 'natural person' in Rule 85(a) of the Rules of Procedure and Evidence.³⁹ Hence, the identification of born and unborn generation is germane in the cultural heritage criminal matters before the ICC.

b. Women Rights Role in Reparations

The task of identifying direct descendants of the Saints brought to the fore tensions that are latent in the ICC framework for reparations. The set of principles applicable to reparations did not cover the extent the inequality of women in Timbuktu. Malian Constitution provides for equality between men and women.⁴⁰ But a look into Mallam

³⁷ Al Mahdi Judgment and Sentence, 38(VIII).

³⁸ Al Mahdi Reparations Order, 89; D Viejo-Rose and M I Sorensen, 'Cultural Heritage and Armed Conflict: New Questions for an Old Relationship', in E Waterston and S Watson (eds), *The Palgrave Handbook of Contemporary Heritage Research* (Palgrave, 2015) 281-296.

³⁹ C Foster and J Aerring, *Identity, Personhood and the Law* (Springer, 2017) 22 – 27.

⁴⁰ Malian Constitution, 1992, art 2.

Family Law shows male chauvinism. For instance, the husband is the head of the family, he chooses the place of residence where his wife is obliged to live,⁴¹ and male children inherit higher than the female children.⁴² In 2009, a reform of the Family Code which advanced women's rights was sent back to the Malian Parliament for second reading following mass protests by a conservative religious sector.⁴³ The revised text short cut women's right that, in 2018, the African Court on Human and Peoples' Rights ruled that the Code violated international human rights.⁴⁴

The descendancy lines in Timbuktu being, male-headed is discriminatory practice that affected the delivery of reparations, had to be tackled. Arguments support the conclusion that women has to be recipients of this award on an equal footing to men. Moreover, there is explicit wording concerning monetary compensation that requires that awards be delivered in a gender-inclusive manner. Excluding female lines of descendants deriving from the Saint than men, or their suffering counts less, both of which would have been indefensible.

1.5. Conclusion

Al Mahdi's case was historic as it is the first time the war crime of vandalism of religious and historic monuments constitute the main charge against an individual facing trial at the ICC. At a time when attacks on cultural heritages have gained attention, this matter form a precedent as an evolving regime within the ICL. It unequivocally provoked another novel area in Law as it is the first time the ICC's legal framework handled guilty plea. In the wake of accusation of long years of trials, the above ushers in timeous and quick end-delivery of matters before the ICC. The Member State cooperation of Mali in respect to the prosecution of Al Mahdi and the reparations process to ICC are commended and this oils article 75(5)(6) of the Rome Statute on the process of reparation. The whole gamut of identification and specific reparations awards to Mali as a country, world community and certain individuals with closer affinity with protected sacred buildings make Al Mahdi's case unique in ICL. It is a big development to the developing nature of criminal trials within the regime of International Criminal Administration of Justice.

1.6. Recommendations

1. Each reparations case comes with its own in built uniqueness. It is recommended that ICC creates reparations practice manual that would enhance precedence,

⁴¹ *ibid*, 2.

⁴² *ibid*, 409.

⁴³ International Federation for Human Rights, 'Mali's New Family Law: Women's Rights Denied, Discrimination Upheld', 9 December 2011, available online at <https://www.fidh.org/en/region/Africa/Mali.Mali-s-new-Law-Women-s> visited 23 June 2024.

⁴⁴ Judgment of 11 May 2018, APDF and IHRDA v Republic of Mali (046/2016), African Court on Human and Peoples' Rights, 78, 94, 95, 114, 115, 124 and 125. For a commentary on the judgment, see International Justice Resource Center, 'African Court finds Mali's Family law Violates Human Rights Obligations', 29 May, 2018.

- coherence and expedience. Components like gender, cultural heritage, destruction of properties would make for easy accessibility on reparations in order to avoid duplicity of work in the long run.
2. The time limit between judgment and reparations should be set down. This will stop long years of awaiting reparations process package.
 3. Destruction of customary heritage matters being novel before the ICC, issues bordering on the rights of unborn children should be considered. Cases of trans-generational issues should be addressed to encourage unborn children especially as it relates to collective reparations.
 4. The place of the rights of women in reparations regime of ICC should be equitable to the men despite whether the customs of the Member States sidelines them.
 5. Designating a specific protection regime to world heritage sites based on World Heritage Convention is recommended.
 6. The introduction of plea bargaining into the ICC regime of criminal trials system is paramount. This goes a long way in mitigating delays and makes a justice efficient and expeditious.