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Pénale
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**International
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Court**

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TRIAL CHAMBER V

Before: Judge Beti Hohler, Presiding Judge
Judge Joanna Korner
Judge Keebong Paek

SITUATION IN CENTRAL AFRICAN REPUBLIC

***IN THE CASE OF THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public Document

Submission on Reparations

Source: Human Rights Centre, Queen's University Belfast

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☒ **Counsel for the Defence**

Yekatom Defence

Ngaïssona Defence

☒ **Legal Representatives of the Victims**
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☐ **Legal Representatives of the
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☐ **Unrepresented Victims**

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1. Introduction

1. On the 24th July 2025 Mr Yekatom and Mr Ngaïssona were convicted of a range of war crimes and crimes against humanity by Trial Chamber V.¹ On the 8th October 2025 Trial Chamber V issued its ‘Order for Submissions on Reparations’, invited any interested persons or organisations to make a submission on the follow issues in the the *Prosecutor v Yekatom and Ngaïssona* case. On the 16th December 2025 Trial Chamber V approved two amicus curiae in this case, including QUB Human Rights Centre.²

2. This amicus focuses on the following issues identified by the Chamber and speaks to our expertise:³

‘f. types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted;

g. estimates as to the costs to repair the harms suffered by the victims in light of the appropriate modalities for repairing them; ...

i. any considerations the Chamber should take into account when assessing liability for reparations of each of the convicted persons with respect to the crimes for which both Mr Yekatom and Mr Ngaïssona were convicted’.⁴

2. Types and Modalities of Reparations⁵

This section outlines appropriate forms of reparations in line with the crimes of which the convicted persons have been found guilty of. It groups them in relation to : a. religious persecution and attacks on religious property; b. torture, inhumane treatment

¹ Judgment, ICC-01/14-01/18-2784, 24 July 2025. This amicus was prepared by members of the QUB Human Rights Centre – Luke Moffett, Lydia Millar, Eva Richards, Layali Alkrenawi, Briana Mallon, Maseera Amer, and Seeley Foster.

² Decision on the requests for leave to make amicus curiae submissions, ICC-01/14-01/18-2860, 16 December 2025.

³ We have not contacted any victim communities in CAR, but have relied upon our expertise on reparations in line with the Chamber’s Decision on the requests for leave to make amicus curiae submissions ICC-01/14-01/18-2860, 16 December 2025.

⁴ Order for Submissions on Reparations, ICC-01/14-01/18-2821, 8 October 2025, para.6(i).

⁵ Order for Submissions on Reparations, ICC-01/14-01/18-2821, 8 October 2025, para.6(i)(f).

and arbitrary detention; c. forced displacement; and d. attacks on the civilian population and murder.

a. Religious persecution and attacks on religious property

3. Religious persecution as a means to use violence or the threat of it to cause individual harm to those who have a particular religious identity, also collectively harms the group. Religious persecution has featured in a number of reparation schemes that have used both individual and collective measures to redress the harm caused. The Extraordinary Chambers in the Courts of Cambodia (ECCC) adopted an expansive view of victimisation, recognizing psychological harm resulting from community loss, witnessing atrocities, and the persistent fear of persecution. Central to this approach was the presumption of collective injury; this allowed claimants to establish harm by demonstrating, on a balance of probabilities, their membership within a targeted group or community shared by the direct victims.⁶
4. The Court judgment documents a number of attacks on Muslim religious property related to the crimes of which the accused persons were convicted. For instance on the 5th December 2013, the Nour Alyaguin mosque in Boeing serving the communities of both Boeing and Cattin, was attacked with a ‘rocket’, and it was then torched.⁷ The mosque served about 100 Muslim families in the neighbourhood and had 20 daily disciples.⁸ Witness P-1339 mentioned the ‘destruction’ of a small mosque located at the ‘*Place de la Reconciliation*’, also known as ‘*Place Oumar Bongo*’.⁹ Witness P-2324 testified that the main mosque in the Arab neighbourhood was destroyed and another mosque in Djambala was converted into a church.¹⁰

⁶ *Prosecutor v Nuon Chea and others*, 002/19-09-2007-ECCC-PTC, 24 June 2011, paras.83–92.

⁷ Judgment para.78.

⁸ Judgment para.2619.

⁹ Judgment para.2612.

¹⁰ Judgement para.2077.

5. Those that attacked the mosques deliberately deprived the Muslim community of places to worship and gather. The destruction of the mosques not only caused material damage, but also spiritual and cultural harm. After the destruction of the Boeing Mosque, the community no longer had a place of worship.¹¹ 'Six or seven years' elapsed between the destruction of the Boeing Mosque and the resumption of prayers at that location. During this time, daily prayers took place at home. Other mosques were also destroyed or damaged during the same period, such as the Lakouanga Mosque, but they are outside the remit of this case. While the Lakouanga Mosque was rebuilt, it has since been subject to subsequent attacks.¹²

6. Restitution is the most appropriate form of reparation to restore the damage and destruction caused to the mosques.¹³ In the past, there have been reparation orders to rebuild destroyed mosques or to provide restitution-in-kind,¹⁴ through locally available and suitable land parcels so a new mosque could be built.¹⁵ However, reconstruction of the mosques is going to be beyond the Court's jurisdiction and capacity. It will need cooperation of CAR government, in particular to ensure the security of the mosque's premises and the attending Muslim community. The experience in Bosnia and Herzegovina was that while destroyed mosques were rebuilt, displaced persecuted Muslim communities never felt safe to return.¹⁶

¹¹ Judgment 2651.

¹² See RCA: à Bangui, la mosquée de Lakouanga de nouveau détruite, RFI 4/10/2015 <https://www.rfi.fr/fr/afrique/20151004-rca-mosquee-lakouanga-attaque-jeunes-pillage-destruction-bangui> and Mosque Lakouanga <https://www.facebook.com/mosquee.lakouanga/>

¹³ Where these building have ancient cultural heritage value the ICOMOS International Charter for the Conservation and Restoration of Monuments and Sites ('Venice Charter') 1964 is a useful guide.

¹⁴ For instance it may be difficult to rebuild or return the mosque in Djambala which was turned into a church, without displacing the current occupiers/owners.

¹⁵ The *Islamic Community* case no. CH/96/29, pp.209-213; *Islamic Community in Bosnia and Herzegovina (Mrkonjić Grad) v Republika Srpska*, Case no. CH/01/7701, 22 December 2003, paras.165-166; and *The Islamic Community in Bosnia and Herzegovina v. The Republika Srpska*, Decision on admissibility and merits, Case no. CH/98/1062, 9 November 2000, paras.117-123.

¹⁶ See Helen Walasek, Cultural heritage and memory after ethnic cleansing in post-conflict Bosnia-Herzegovina, *International Review of the Red Cross* 101(1)(2019), 273–294, p292-294.

7. Reconstruction of mosques should be participatory, involving members of the victimised community.¹⁷ It may also foster 'positive relationships by employing locals in recovery activities', such as the local Christian neighbours, in order to promotes inter-personal and inter-communal relationships.¹⁸ Research on the destruction of mosques in Cambodia shows that the affected community placed little importance on rebuilding in a particular style; instead, what mattered most was restoring a shared space for gathering and religious practice, reflecting the mosque's value as a social space.¹⁹ Involving victims in the design and reconstruction of the mosques is key to ensure a sense of ownership and satisfaction with the rebuilding efforts. It may be worth complementing such rebuilding efforts with memorials, apologies, acknowledgements of responsibility and memorial prayers as a 'communal process of remembering and commemorating the pain and victories of the past.'²⁰ The lack of public acknowledge to recognise the harm caused by religious persecution has been in other contexts being a means to continue to delegitimise victims' suffering and continue persecution psychologically.²¹

8. In considering individual measures to repair the harm caused by religious persecution (compensation and rehabilitation) the Court should consider the vulnerability of the victims and the impact persecution had on them. This should include consideration of age, gender, and other vulnerabilities, such as being

¹⁷ See Queen's University Belfast Human Rights Centre and the Redress Trust observations pursuant to Article 75(3) of the Statute and Rule 103 of the Rules, ICC-01/12-01/15-188, 2 December 2016, paras.52-60.

¹⁸ Sultan Barakat, Postwar reconstruction and the recovery of cultural heritage: critical lessons from the last fifteen years', in N. Stanley-Price (ed.), *Cultural Heritage in Postwar Recovery*, ICCROM (2007), 26-39, p31.

¹⁹ Robin Hickey and Rachel Killeen, Property Loss and Cultural Heritage Restoration in the Aftermath of Genocide: Understanding Harm and Conceptualising Repair, *International Journal of Transitional Justice*, 15(2021), 468-489, p482.

²⁰ South Africa Truth and Reconciliation Commission, Final Report, Volume 5, Chapter 5, p175.

²¹ Yael Danieli, Massive Trauma and the Healing Role of Reparative Justice: an Update, in C. Ferstman and M. Goetz (eds.), *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity: Systems in Place and Systems in the Making*, Brill (2020), 38-85, p42.

detained or mental anguish caused from religious persecution that resulted in forced displacement, in particular for those individuals who died by suicide.

9. With regard to the religious persecution of the Muslim population associated with the crimes addressed in this case, consideration could be given to the role of public commemorative initiatives in raising awareness and fostering greater public understanding of the harm caused.²² For example, the ECCC ordered a film and photo exhibition to help visualise the harm and narrate the experiences of the Cham, an ethnic Muslim group in Cambodia who suffered genocide and religious persecution by the Khmer Rouge.²³ Other civil society organisations have contributed to the documentation of the cultural practices of minority groups to raise public awareness and facilitate community and inter-generation knowledge transfer.²⁴ We recognise that the ICC does not have the capacity to ensure guarantees of non-repetition, but measures of satisfaction can more indirectly influence society through education of tolerance and inclusion to prevent the repetition of such religious persecution.

b. Torture, inhumane treatment and arbitrary detention

10. It is well recognised that torture as an international crime and gross violation of human rights requires reparations, in particular in the form of compensation and rehabilitation.²⁵ Eligibility for torture victims often has evidential presumptions that those held at certain detention facilities were more likely than not subjected

²² *Prosecutor v. Ahmad Al Faqi Al Mahdi*, Reparations Order, ICC-01/12-01/15, 17 August 2017, para.90.

²³ *Prosecutor v Nuon Chea et al.*, paras. 4423 and 4457. See Rachel Killeen and Luke Moffett, What's in a Name? 'Reparations' at the Extraordinary Chambers in the Courts of Cambodia, *Melbourne Journal of International Law* 21(1)(2020) 1-29.

²⁴ For instance with the Cham in Cambodia victims of the genocide expressed interest in a book documenting their history, culture and experience of violence (and translated into local languages)- Cham: Culture and History Story of Cambodia https://reparations.qub.ac.uk/assets/uploads/Cham-Culture_Book_LV06.pdf

²⁵ See Article 14, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984; General comment No. 3 - Implementation of article 14 by States parties, CAT/C/GC/3, 13 December 2012; *Gäfgen v. Germany* (Application no. 22978/05) Judgment, 1 June 2010, paras.116-118.

to torture, inhumane treatment and arbitrary detention.²⁶ The UN Claims Commission for Iraq's invasion and occupation of Kuwait accepted that victims of torture may never have had a medical record to document their harm or have evidence on their body, months or years after the violation. Instead there was a presumption that such violations did occur, and independent verification was sought through organisations such as the ICRC or accessing detention reports, to accept such claims for torture.²⁷

11. Compensation should be 'fair, adequate and proportionate' to the harm suffered.²⁸

This includes covering medical expenses, potential and real earning losses due to disability caused by torture, and the loss of employment and educational opportunities.²⁹ Compensation should include the direct victim subjected to torture, but also to their dependents, given the impact of torture on their livelihood and family life.³⁰ This includes transfer of such benefits to dependents where the direct victim of torture is now deceased.³¹

12. The amount of compensation for torture varies in reparation decisions and schemes. In the Habré case, the Extraordinary African Chambers awarded \$24,000 USD (15 million CFA) to each victim of torture and arbitrary detention. The British government settled £1 million to 33 former members of the Greek Cypriot guerrilla group Eoka.³² In Colombia's reparations programme, torture is

²⁶ For instance in this case with the Bossangoa École de la Liberté, Yamwara School Base or Cœur de Lion's house in Yamwara. See Article 11(1)(2), EVZ Foundation Law.

²⁷ Rajesh Singh, Raising the Stakes: Evidentiary Issues in Individual Claims before the United Nations Compensation Commission, in *Redressing Injustices through Mass Claims Processes: Innovative Responses to Unique Challenges*, Permanent Court of Arbitration, OUP (2006), 61-93, p72.

²⁸ General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5), African Commission on Human and Peoples' Rights, (2017), para.37-39.

²⁹ General Comment 3, CAT/C/GC/3, para.10

³⁰ *O.R., M.M., and M.S. v. Argentina*, Communications No. 1/1988, 2/1988 and 3/1988, November 1989, CAT/C/WG/3/DR/1, 2 and 3/1988, para.9.

³¹ *Tenorio Roca and Others v Peru*, Judgment, 22 June 2016, paras.296–298.

³² Compensation amounting to £1 million was paid to 33 claimants. See UK Minister for Foreign and Commonwealth Affairs Alan Duncan, 'Statement: 23 January 2019 <<https://questions-statements.parliament.uk/written-statements/detail/2019-01-23/HCWS1269>>.

compensated at 30 months of minimum wage, which in 2026 in total is \$14,190.³³ The Kosovo Specialist Chambers (KSC) has so far made two compensation awards on torture. In the *Mustafa* case compensation was awarded between €30,000-80,000 to 3 victims of torture, and €2,000-10,000 was awarded to a victim's next of kin after they died in detention.³⁴ In the *Shala* case, €100,000 was awarded to a victim of torture and murder to their next of kin (€10,000 physical harm, €30,000 mental harm, and €60,000 loss of income).³⁵

13. With regards to rehabilitation for torture and inhumane treatment it should cover 'medical and psychological care as well as legal and social services',³⁶ so as to 're-establish the dignity of the victims'.³⁷ The UN Committee against Torture defines rehabilitation as the

'restoration of function or the acquisition of new skills required by the changed circumstances of a victim in the aftermath of torture or ill-treatment. It seeks to enable the maximum possible self-sufficiency and function for the individual concerned, and may involve adjustments to the person's physical and social environment. Rehabilitation for victims should aim to restore, as far as possible, their independence, physical, mental, social and vocational ability; and full inclusion and participation in society.'³⁸

14. Rehabilitation serves an important function in aiming to rebuild some of the functional capacity of the victim, improve their quality of life and live in a more dignified way. Rehabilitation often serves as a precondition for victims to benefit from other forms of reparations.³⁹ The African Commission has outlined that rehabilitation,

³³ The 2026 monthly minimum wage is 1,750,905 COP, per Decrees 1469 and 1470 of 2025.

³⁴ The Specialist Prosecutor v. Salih Mustafa, KSC-BC-2020-05, 6 April 2023.

³⁵ *The Specialist Prosecutor v. Pjetër Shala*, KSC-BC-2020-04, 29 November 2024.

³⁶ Principle 21, UN Basic Principles 2005.

³⁷ Ahmadou Sadio Diallo (*Republic of Guinea v. Democratic Republic of the Congo*), Compensation, Judgment,

I.C.J. Reports 2012 p332, separate opinion of Judge Cançado Trindade, para.51

³⁸ General Comment No. 3 of the Committee against Torture, 19 November 2012, CAT/C/GC/3, para.11.

³⁹ See Clara Sandoval, *Rehabilitation as a Form of Reparation under International Law*, (REDRESS, 2009); and Tunisian Truth and Dignity Commission Final Report (2020), p423.

‘seeks to enable the maximum possible self-sufficiency and function for the victim (individual and or collective), and may involve adjustments to the victim’s physical and social environment....[and] should aim to restore, as far as possible, their independence, and physical, mental, social, cultural, spiritual and vocational ability; and full inclusion and participation in society.’⁴⁰

The Commission recommends that medical rehabilitation should include ‘unimpeded and regular access to comprehensive healthcare’ for the life of direct victim.⁴¹ Efforts should be made to coordinate with local government and humanitarian organisations to provide comprehensive and specialist rehabilitative care to these victims.

15. Measures of satisfaction may also be important for victims of torture. Such measures can include acknowledgments of responsibility, apologies and memorials. While an acknowledgment or apology will never bring back the dead or necessarily heal the pain of survivors, it can be used to confront the past and contribute to repairing community relations. Acknowledgments of responsibility and apologies can take the form of publicly stating that such crimes were wrong and vindicate the good names of the victims.⁴² An effective apology should be co-designed with victims so that it speaks to acknowledging their harm.⁴³ By way of example, an apology addressing those labelling of or stigmatising those killed

⁴⁰ General Comment No. 4 on the African Charter on Human and Peoples’ Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5), para.40.

⁴¹ General Comment No.4, para.61.

⁴² For instance the UK government’s apology of colonial use of torture against Kenyans during the Mau Mau conflict, included an acknowledgment of responsibility and apology - ‘The British Government recognises that Kenyans were subject to torture and other forms of ill treatment at the hands of the colonial administration. The British government sincerely regrets that these abuses took place, and that they marred Kenya’s progress towards independence. Torture and ill treatment are abhorrent violations of human dignity which we unreservedly condemn.’ Statement to Parliament on settlement of Mau Mau claims, 6 June 2013 See <https://www.gov.uk/government/news/statement-to-parliament-on-settlement-of-mau-mau-claims>

⁴³ For factors that may influence the impact an apology see ICC-01/12-01/15-188, para.80.

as enemies,⁴⁴ like with Saint Cyr accused of being a 'traitor' and 'Goula' implying his association with the Seleka leader Michel Djotodia.⁴⁵

16. For victims of torture, memorials have been used in Nepal, Kenya and Chile to publicly commemorate such violations. Often they are inscribed with the names of the victims and located at former torture sites. Such physical edifices need to take into account local social and cultural practices through 'multilayered strategies for honoring victims, and advancing justice and social reconciliation'.⁴⁶ However, memorials are not without controversy as there can be conflict over who is included, who is remembered and who is not.⁴⁷ This underscores the importance of involving victims in their design and construction, as well as accompanying them with measures of satisfaction to alleviate community tensions and underscore the victimisation of those harmed. Like all forms of reparations, such satisfaction should be gender⁴⁸ and culturally sensitive.⁴⁹

c. Forced displacement

17. For those in the Muslim community who lost their property and were displaced, restitution and compensation for their loss would be appropriate, but difficult to implement. Priority should be given to restoring homes over businesses, as 'as homes play a key 'role in grounding identity and giving

⁴⁴ For an example of a victim engaging a perpetrator on a killing see Luke Moffett, *Reparations and War*, OUP (2023), p221.

⁴⁵ Judgment paras.101, 4237.

⁴⁶ Robin Adèle Greeley, Michael R. Orwicz, José Luis Falconi, Ana María Reyes, Fernando J. Rosenberg and Lisa J. Laplante, Repairing Symbolic Reparations: Assessing the Effectiveness of Memorialization in the Inter- American System of Human Rights, *International Journal of Transitional Justice*, 14(1) (2020), 165–192, p167.

⁴⁷ Katrien Klep, Tracing collective memory: Chilean truth commissions and memorial sites, *Memory Studies* 5(3)(2012) 259-269.

⁴⁸ A study carried out by UN Women in the CAR found that women were more likely than men to demand apologies, punitive measures for those responsible for violations and recognition of their suffering – see UN Women, *Progress of the Worlds Women: In Pursuit of Justice*, 2011-2012, p97. Similarly a TFV study in CAR indicated that women preferred individual over collective approaches to reparations - ICC-01/05-01/08-3399, para. 29.

⁴⁹ For those groups that have a shared identity. Committee against Torture, General Comment No. 3 (2012), 13 December 2012, CAT/C/GC/3, para.32.

family members a sense of origin, place, and rootedness.⁵⁰ The passage of time can mean that squatters may have taken over abandoned property, victims may be too old to want their homes rebuilt or feel no sense of belonging in their former neighbourhood.⁵¹ The UN Pinheiro Principles refers to compensation where restitution is 'factually impossible to restore';⁵² however the experience in Colombia, Northern Ireland and the Balkans has been that the provision of compensation or selling privately restored property often made such displacement (and ethnic cleansing) permanent. Given the limits of the Court's and Trust Fund's jurisdiction and capacity (such as limits on restitution), it may be still worth making declarations recognising individual property and its location loss⁵³

18. Returning IDPs and refugees voluntarily to their homes also requires ensuring their security and guarantees of non-recurrence from local criminal or sectarian violence who may want to continue the effects of religious persecution and displacement. Attention should be made to encouraging the CAR authorities of their obligation to guarantee the security of those who chose to return.⁵⁴ Returning property and land is not only about re-establishing a victim's circumstances before the war, but should also be facilitated as far as possible.

⁵⁰ Christopher Kutz, Justice in Reparations: The Cost of Memory and the Value of Talk, *Philosophy and Public Affairs* 32(2) (2004) 277-312, p307.

⁵¹ See Max Counter, In Good Faith: Land Grabbing, Legal Dispossession, and Land Restitution in Colombia, *Journal of Latin American Geography* 18(1)(2019) 169-192; Judith Binder and Tim Murithi, Home at last: Land conflicts in Burundi and the right of victims to reparations, The Institute for Justice & Reconciliation Policy Brief, 11 (2013), 1-18; Bernadette Atuahene, We Want What's Ours: Learning from South Africa's Land Restitution Program, OUP (2016), p146-148; Paul Prettitore, The Right to Housing and Property Restitution in Bosnia and Herzegovina: A Case Study, OSCE April 2003; and Antoine Buyse, Home Sweet Home - Restitution in Post-Conflict Bosnia and Herzegovina, *Netherlands Quarterly of Human Rights* 27(1) (2009) 9-26

⁵² See Principles 2 and 21, The Pinheiro Principles United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005); and the Kampala Convention refers to 'effective remedies' for IDPs including 'just and fair compensation and other forms of reparations' - Article 12.

⁵³ For instance the HPCC could make a declaratory order recognising a claimant's right over the property when it was destroyed. OSCE, Property Rights Mass-Claim Mechanism: Kosovo experience, June 2020; and *Final Report of the Housing and Property Claims Commission*, HPCC (2007), p79.

⁵⁴ Articles 5(7) and 9(2)(a), African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) 2009; and *Mapiripán Massacre v Colombia*, Merits, Reparations and Costs, Judgment 15 September 2005. Series C No. 134, para.313.

A further formulation could be made along the lines of restoring the 'livelihood, as far as possible, such displaced person attached to their lands as a community or group.'⁵⁵ It is also worth prioritising certain groups of victims due to their vulnerability to ensure greater attention to their needs, especially given their exposure with the loss of their home and security.⁵⁶ The Inter-American Court has set down the following guidance for states that it is,

'necessary to take into account the circumstances in which the events took place and, in particular, the socioeconomic situation and vulnerability of the victims, and the fact that the damage caused to their property might have a greater effect and impact than it would have had for other persons or groups in other conditions. In that regard, the States should be mindful that groups of people who live in adverse circumstances and with fewer resources, such as those living in conditions of poverty, face an increased degree of impairment of their rights precisely because of their situation of increased vulnerability.'⁵⁷

19. Displaced persons also are unlikely to have sufficient documentation⁵⁸ and other schemes have invited claimants 'to describe their persecution experiences and these statements could constitute part of the proof that the claimant was eligible for a payment.'⁵⁹ Evidential requirements for property losses for displaced persons usually have a low burden of proof given patterns of violence, such as ethnic cleansing in the former Balkans.⁶⁰ The European Court of Human Rights awarded compensation following Turkish military operations against the Kurdish population, which included a number of violations including killings, destruction

⁵⁵ Article 7(1), 2006 Great Lakes Protocol on the Property Rights of Returning Persons; and Article 3(1)(k), Kampala Convention 2009.

⁵⁶ See *Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia*, Preliminary Objections, Merits, Reparations and Costs, 20 November 2013, Series C No. 270, para.460.

⁵⁷ *La Vereda la Esperanza v Colombia*, Preliminary Objections, Merits, Reparations and Costs, Judgment 31 August 2017. Series C No. 341. para.240.

⁵⁸ If victims still have a lack of documentation, effort should be made to liaise with the CAR government to provide them with personal identity documents for them and their children to ensure access to government and humanitarian services. See section 11(2) EVZ Foundation Law – claimant's eligibility 'made credible in some other way.'

⁵⁹ Distribution Plan, Vol. I, 152. See Michael J. Bazyler, Kathryn Lee Boyd, Kristen L. Nelson and Rajika L. Shahin, Guided by the Terezin Declaration: a Review of Restitution of Stolen Jewish Property after the Holocaust, in Ferstman and Goetz (2020), p199.

⁶⁰ See IOM, Property Restitution and Compensation Practices and Experiences of Claims Programmes (2008), p4.

of property,⁶¹ displacement and torture, which would be instructive to the Chamber in this regard.⁶² The Inter-American Court has recommended that ‘special attention to the circumstances of the specific case and taking into account the limits imposed by the respect to legal security and the procedural balance of the parties.’⁶³

20. Alternatively if the Court felt it was unable to award individual compensation to such a large victim population, it may be worth designing an ‘Economic Resilience Facility,’ which the Trust Fund for Victims used to good affected in Timbuktu in order to provide a wider collective compensation to the Muslim community affected by these convicted crimes.⁶⁴ In other contexts where property was destroyed or looted from a group/community through persecution and their original owners dead or untraceable, indemnifications have been awarded to charitable organisations who support survivors of the community.⁶⁵

d. Attacks on the Civilian Population and Murder

21. In this case, identifying the direct victims of attacks against a civilian population and of murder is challenging, given the unknown number of individuals affected, the household composition of those killed, the effects of both the initial killings and subsequent suicides reported in refugee camps, where living conditions were extremely harsh and access to medical and mental health support was absent.⁶⁶

⁶¹ In *Selçuk and Asker v Turkey* compensation was awarded for the Turkish military burning down the claimants’ homes, loss of farming property and the cost of paying rent in alternative compensation. See *Selçuk and Asker v Turkey* (12/1997/796/998-999), 24 April 1998, paras.104-118.

⁶² See *Ahmet Özkan and Others v Turkey*, 6 April 2004, Application No. 21689/ 93, paras.485-500.

⁶³ *Miguel Castro Castro Prison v Peru*, Merits, Reparations and Costs. Judgment 25 November 2006, Series C No.160 (IACtHR), para.184.

⁶⁴ *Prosecutor v Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15-291-Red4, Updated Implementation Plan, 17 May 2022, paras.120-137.

⁶⁵ Articles 10–13, No. 59: Restitution of Identifiable Property 1947; and sections 9 and 11, The Law on the Creation of the EVZ Foundation Law of August 2, 2000, which entered into force on August 12, 2000 (Federal Law Gazette I 1263), last amended by the Law of 27 February 2025 (Federal Law Gazette I 2025, 1797), which came into force on 6 March 2025.

⁶⁶ From the Court’s public records the number of civilians who experienced violence during the attacks in Bangui on 5 December 2013 (972 registered victims), Bossangoa on 5 December 2013 (279 registered

22. In Colombia over 1.2 million victims have been paid compensation for the killing or enforced disappearance of a loved one. Victims can claim compensation for several family members who have been killed. Each victim is entitled to 40 months of the monthly minimum wage (in March 2026 this was worth 1.75 million pesos (~\$473 USD) – in total this would be \$18,920 USD (£14,000).⁶⁷ The United Kingdom has a higher monthly minimum wage (£2,034) so calculating a 40 times rate for compensation would equate to £81,344. In Spain the amount is €250,000 – half for a spouse and half to any children of the person killed.⁶⁸ In Taiwan the amount for those killed in the civil protest equated to £141,000.⁶⁹ In Iraq the killing of a loved one by ISIS under the Yazidi Survivor Law 2021 is \$600 per month (double the average monthly minimum wage), plus funding for rehabilitation and housing.⁷⁰

23. The CAR government should take ‘appropriate steps with regard to the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights.’⁷¹ This would be consistent with Article 93(1)(k), whereby the Court can call upon State Parties to cooperate with the Court through exhumation of graves and examination of grave sites. Where States prove unable to effectively investigate disappearances, efforts should be made to clarify the fate of those missing.⁷² An issuance of a public apology that includes an acknowledgement of

victims), and along the PK9–Mbaiki Axis (422 registered victims). Tenth Periodic Report on the Victims Admitted to Participate in the Proceedings, 11 April 2024, ICC-01/14-01/18-2443, para.20.

⁶⁷ Article 132(4), Victims’ law 2011.

⁶⁸ Act on the Recognition and Comprehensive Protection of Victims of Terrorism, Ministerio del Interior, October 2014, see [https://www.interior.gob.es/opencms/pdf/servicios-al-ciudadano/ayudas-y-subsenciones/ayudas-a-victimas-de-actos-terroristas/documentos-informativos/Subsidies and compensations victims of terrorism.pdf](https://www.interior.gob.es/opencms/pdf/servicios-al-ciudadano/ayudas-y-subsenciones/ayudas-a-victimas-de-actos-terroristas/documentos-informativos/Subsidies%20and%20compensations%20victims%20of%20terrorism.pdf)

⁶⁹ 6,000,000 New Taiwan dollar - Article 7, The February 28 Incident Disposition and Compensation Act 2018. Some 868 killed or missing families were paid compensation - see <https://www.228.org.tw/en/%E8%B3%A0%E5%84%9F%E9%87%91%E5%AF%A9%E7%90%86%E7%B5%B1%E8%A8%88>

⁷⁰ Article 4(1), Yazidi Survivors Law 2021

⁷¹ Article 24(6), International Convention for the Protection of All Persons from Enforced Disappearance

⁷² For example, see *Aslakhanova and others v Russia*, Application no. 2944/06, 18 December 2012 - where despite payment of compensation by Russia over disappearances in Chechnya, investigations into the

the facts and responsibility for the deaths and civilian harms committed which, if done, is made public through local news sources and media. Further, the convicted persons should make a public appeal to any former associates to provide information to the ICRC or any other independent, neutral body who can recover the remains of those disappeared. Any such information they could provide or encourage from their former associates to provide information of the location of the remains of those killed and still missing, could be considered in sentencing reviews in the coming years. Convicted persons have play an important role in easing victims' suffering by providing information on the location of remains of those their group killed.⁷³ The Court should provide local authorities and/or Lapo N'Gomat family with all known information to support the location and identification of the remains of those killed.

3. Estimates for the Cost of Reparations⁷⁴

24. Given the number of victims affected by the convicted persons' crimes, it would be more feasible to categorise any compensation payments based on the nature of the harm suffered by victims. This categorisation of claimants is common in other reparation programmes, where dealing with limited resources, effort is made to prioritise funding to those most affected.⁷⁵ This can take the form of creating different fixed levels of categories based on a crime or violation, such as killing

disappearances were not effective. As a result, in 2012, the European Court of Human Rights provided guidance on specific measures to be followed. These included the creation of an investigative body and the allocation of resources specifically for forensic and scientific work.

⁷³ On Northern Ireland disappeared recovery by the IRA and INLA see Ron Dudai, Closing the Gap: Symbolic Reparations and Armed Groups, *International Review of the Red Cross*, 93(883) (2011), p785; and in Colombia the Madres de la Candelaria see Moffett (2023), p222-223.

⁷⁴ Order for Submissions on Reparations, ICC-01/14-01/18-2821, 8 October 2025, para.6(i)(g).

⁷⁵ Some schemes have only paid compensation to a small selection of the victim population due to limited funds. See for instance German Foundation Act, section 9(3), section 11(1) sentence 3, number 5 Over 85% of claims were rejected due to lack of funds, only 1,370 awards were made for personal injury. For a fuller discussion see Edda Kristjansdottir and Barbora Simerova, Processing Claims for "Other Personal injury" under the German Forced Labour Compensation Programme, in *Redressing Injustices Through Mass Claims Processes: Innovative Responses to Unique Challenges*, Permanent Court of Arbitration (OUP 2006), 109-137, p110.

and disappearance,⁷⁶ or a points based system⁷⁷ when different aspects of harm (physical, psychological and economic) can be combined.⁷⁸

25. In Colombia, the experience of allowing all victims of violations to make a claim, in particular with respect of forced displacement, has overburdened the prompt payment of reparations, in particular compensation.⁷⁹ This is not to say that such victims don't deserve reparations, but that with the limited resources of the Court, it may only be feasible to prioritise compensation to those killed, seriously injured and tortured, rather than all victims who were displaced or suffered persecution. Such displaced and persecuted victims can still benefit from collective measures. The prioritisation of those most seriously and proximately harmed is a proportionate means to concentrate resources to the greatest harm,⁸⁰ and to avoid an 'unacceptable dilution of benefits.'⁸¹ Some schemes also prioritise paying compensation to those who are elderly and terminally ill, so that they can have their claim processes faster before they die.⁸²

26. In terms of cost, the Court in the past has provided a global sum for each individual victim likely affected by the crimes convicted in the relevant case.⁸³

⁷⁶ The truth commissions in Timor Leste and Sierra Leone recommended that reparations be addressed to amputees, orphans, widows, victims of sexual violence, and victims of torture. See Sierra Leone TRC Report Volume II, Chapter 4, para. 69-70; and Chega! Commission for Reception, Truth and Reconciliation in East Timor (CAVR), (2005), section 12.1.

⁷⁷ In the Philippines reparations are organised on a ten-point system which grants: 10 points to victims who died or disappeared and remain missing; 6-9 points to victims of torture, rape or sexual abuse; 3-5 points to victims who were detained; and 1-2 points for victims who suffered from kidnapping, involuntary exile by intimidation, or forceful takeover of businesses and property. Section 19, Human Rights Victims Reparation and Recognition Act 2013.

⁷⁸ Victims' Payment Board, Guidance to Health Care Professionals Regarding the Assessment of the Degree of Relevant Disablement, October 2024, p20-21.

⁷⁹ As of the 28 February 2026 the Colombian Victims' Unit reported that over 9.1 million victims had suffered forced displacement out of 10.2 million total claimants since 2011. See <https://datospaz.unidadvictimas.gov.co/registro-unico-de-victimas/> access 23 March 2026.

⁸⁰ Clara Sandoval, Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, 11 July 2019, A/HRC/42/45, para.44(e).

⁸¹ Report by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of nonrecurrence, Pablo de Greiff, A/69/518, 8 October 2014, para.26.

⁸² See Regulation 11, The Victims' Payments Regulations 2020.

⁸³ For instance in the *Ongwen* case where a symbolic award of €750 was awarded to direct and indirect victims of the case, due to the scale of the victim population and 'suffering can never be fairly valued

While this approach reduces the administration of such a scheme, such amounts are unlikely to be proportionate to the harm suffered by the victims.⁸⁴ In such a framework, no distinction is drawn between an individual compelled to flee their home and another who, while being forcibly displaced, has endured torture and witnessed the killing of their entire family.⁸⁵ Reparations should correspond to the harm suffered in order to effectively remedy loss. While the destruction of property and displacement result in economic loss and psychological harm, the death of a loved one and the experience of torture inflict profound and enduring damage. Such harms give rise to lasting losses, including the loss of livelihoods, opportunities, and caregiving, which have a more severe impact on an individual's dignity and overall quality of life.

27. The exact number of persons murdered across the convicted incidents is unknown but estimates suggest between 12 and 20 murders are attributable to Mr Yekatom and between 40 and 48 are attributable to Mr Ngaïssona. In the *Katanga* case, the Court, reviewing state practice and international jurisprudence, set the psychological harm of the death of a loved one between \$4,000-8,000 USD ex aequo et bono, depending on the closeness of the familial relation.⁸⁶ This approach is consistent with legal practice in the CAR, where the Special Criminal Court ruled on compensation following attacks on two villages, Koundjili and Lemouna, in 2019, during which 32 civilians were killed and others were subjected to rape. In its award of compensation, the Assize Chamber granted 600,000 CFA (approximately €900) to three survivors of the Lemouna massacre who sustained

financially' – see Reparations Order, ICC-02/04-01/15-2074, paras.621 and 775. We would argue that compensation can never undo the harm, but money helps and should reflect the gravity of harm. The Court should not shy away from adjudicating victims' claims.

⁸⁴ Principle 18, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 2005.

⁸⁵ In the *Case of Members and Militants of the Patriotic Union v. Colombia* before the Inter-American Court, the court distinguished between those who had been disappeared and extrajudicially killed and those displaced, awarding \$20,000 - \$55,000 USD depending on the familial relation to the direct victim, with \$20,000 for torture victims, and \$5,000 for those who survived attempted murders and arbitrary detention, with \$5,000 for those forcibly displaced. See Judgment 27 July 2022, para.626.

⁸⁶ Order for Reparations pursuant to Article 75 of the Statute, para.232.

injuries, and 200,000 CFA (approximately €300) to a survivor who was not injured. It also ordered an award of 1,000,000 CFA (approximately €1,500) to each of the families of those who were killed.⁸⁷ This collective payment to the family of those deceased rather than determining personal individual familial connections to the deceased.⁸⁸ Claims for collective compensation for each of the villages was rejected by the chambers on the basis of a lack of evidence and exceptional nature of collective reparations.⁸⁹

28. In terms of the data we have available, the practice of the SCC and recognising that other victims may come forward, we would set the cost of compensation on a sliding scale based on the harm suffered by the victim. This would mean that for those killed a compensation award to their family/dependents should be set at 1 million CFA (€1,500); 600,000 CFA (€900) for those tortured or seriously injured; and 200,000 CFA (€300) for those who witness violence/experienced religious persecution and/or forced displacement/property destroyed.⁹⁰ We would prioritise payments to those who had family members killed and those who suffered torture. There may be claimants who suffered a number of these crimes and so their award should be compounded,⁹¹ i.e. they should not fall under

⁸⁷ Judgment on Reparations, Issa Sallet alias Bozizé et al., no. 001-2023, Trial Chamber I, 16 June 2023.

⁸⁸ The 32 civilians killed left 271 orphans, 58 widows and 79 dependant siblings.

⁸⁹ The victims' legal representatives claimed this amounted to 15 million CFA (€22,800) to reflect the harm caused to each of the villages, in particular the mass burial of those killed without the traditional burial rites. See *ibid.* paras.69-70. For a discussion see Luke Moffett, Reparations before the Special Criminal Court in the Central African Republic, *Journal of International Criminal Justice* 23(1)(2025) 175-188.

⁹⁰ This is in line with practice of the SCC. A comparable approach can be seen with the KSC in dealing with murder and torture, ordering €100,000 to a victim of torture and €108,000 for the next of kin of a victim who was tortured and murdered in the *Shala* case. Though in the *Habré* case before the EAC, \$16,000 USD (10 million CFA) was awarded to next of kin of those killed in detention, and \$24,000 USD (15 million CFA) for those who survived being tortured, though only a fraction has been paid by the Chadian government at a flat rate of \$1,529 USD (925,000 CFA) to all survivors and victims' next of kin. At the Inter-American Court in the Chichupac and nearby villages massacre case the court awarded \$55,000 USD for each of the 183 killed/disappeared persons and \$5,000 USD for each of 361 displaced persons, plus individual awards for next of kin of those killed (10,000-30,000 USD). See *Caso Miembros de la Aldea Chichupac y Comunidades Vecinas del Municipio de Rabinal v. Guatemala*, Sentencia, 30 de Noviembre de 2016, para.327

⁹¹ For instance the brutal torture to death of Saint Cyr and Lapo N'Gomat should mean their next of kin should be eligible for compensation of their torture *and* their death.

one heading alone nor should the top award be a cap on compensation awarded to an individual victim. In terms of delivery of compensation, such payments could be in lump-sum or paid over monthly or annual payments, with eligible children having their compensation played in a trust until they become an adult.⁹²

4. Liability of the Convicted Persons for Reparations⁹³

29. In general, the Court's approach to liability has been to mirror the evidentiary standard applied at the criminal trial stage, namely proof beyond reasonable doubt. This has, in turn, influenced the scope of its determinations on liability for reparations. A convicted person's liability is to be proportionate to the harm caused in the specific circumstance of the case.⁹⁴ For example, in the Katanga case, although the Bogoro massacre was found to have caused approximately 3.75 million USD in harm, Katanga's liability, assessed as proportionate to the harm caused and to his participation in the crimes for which he was convicted, was set at 1 million USD.⁹⁵ Given that Mr Yekatom was convicted as a joint perpetrator and Mr Ngaïssona as aiding and abetting, it would seem arbitrary to the victims of attacks involving Mr Ngaïssona (e.g. in Bossangoa) receiving less than those involving Mr Yekatom on this basis. As, in all cases before the Court to date, convicted persons have been found to be indigent, a distinction based on the degree of criminal responsibility appears redundant, since they will not, in practice, bear the cost of reparations.⁹⁶ Instead, a more harm-based approach

⁹² See *Velásquez Rodríguez v Honduras*, Reparations and Costs, Judgment IACtHR, Series C No. 7, 21 July 1989, para.58; and *Lubanga*, ICC-01/04-01/06-3129-AnxA, para.48.

⁹³ Order for Submissions on Reparations, ICC-01/14-01/18-2821, 8 October 2025, para.6(i)(i) .

⁹⁴ *Ntaganda*, Reparations Order, ICC-01/04-02/06-2659, 8 March 2021, paras 96-98; *Lubanga*, paras 20-21; *Ongwen*, Reparations Order, 28 February 2024, ICC-02/04-01/15-2074, para.72; *Prosecutor v. Katanga*, Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, ICC-01/04-01/07-3728, para 246; *Al Mahdi*, Reparations Order, 17 August 2017, ICC-01/12-01/15-236, para.114.

⁹⁵ Order for Reparations pursuant to Article 75 of the Statute, ICC-01/04-01/07-3728, para.264. This followed the approach set down in the *Lubanga* case – see Appeals Chamber, Order for Reparations, ICC-01/04-01/06-3129-AnxA, para.21; and Appeals Chamber, Appeals Judgment on Reparations, ICC-01/04-01/06-3129, para.118.

⁹⁶ Luke Moffett and Clara Sandoval, Tilting at windmills: Reparations and the International Criminal Court, *Leiden Journal of International Law* 34 (2021) 749–769, p759

would treat the judgment as the principal, if not the sole, opportunity for victims of such crimes to obtain redress, with reparations designed, as far as possible, to remedy the harm suffered.

30. We note that the Trial Chamber found Mr Ngaïssona not guilty of rape as a war crime or crime against humanity, due to him not having knowledge as a ‘virtual certainty’ (at the higher criminal evidential standard for causation) that it would occur in the ordinary course of events of the anti-Balaka attacks.⁹⁷ Despite this, the Chamber can take the opportunity in its reparations order to direct the CAR government to provide reparations to such anti-Balaka victims. This reparative complementarity to the Court’s reparations order can widen the benefits of the Court judgment.⁹⁸ The Kosovo Specialist Chambers has also called upon the Kosovo government to implement a domestic reparation programme to complement the Court’s reparation orders.⁹⁹

31. We would also invite the Court to consider, at this stage of the proceedings and in light of the lower evidentiary standard applicable to reparations, issuing a statement recognising the harm suffered by these victims and directing the Trust Fund to provide assistance to those who may benefit from support delivered through its partners in the Central African Republic. There is existing evidence before the Court in relation to certain victim-witnesses that would sufficiently prove their harm as a result of rape, without needing further evidence.¹⁰⁰

⁹⁷ ICC-01/14-01/18-2784, paras.4129-4131.

⁹⁸ See Luke Moffett, Reparative complementarity: ensuring an effective remedy for victims in the reparation regime of the International Criminal Court, *The International Journal of Human Rights*, 17(3) (2013) 368-390.

⁹⁹ *The Specialist Prosecutor v. Salih Mustafa*, KSC-BC-2020-05, 6 April 2023, paras.275-276.

¹⁰⁰ For instance P-2462 who provided medical evidence – see Judgment para.2857.

Conclusion

32. This case represents an important opportunity for the Court to contribute to redressing the harm of the Muslim community in CAR as well as to promote greater toleration through public acknowledgment of their harm. We recommend a sliding scale for compensation alongside rehabilitation for those detained, and a participatory model of restitution for mosques, supplemented by public acknowledgments to mitigate the psychological and moral harm for religious persecution. Given the indigence of the convicted persons, liability should focus on a harm-based approach rather than a distinction between joint perpetration and aiding and abetting, ensuring that the award serves as a functional mechanism for redress. Finally, we invite the Chamber to utilise the principle of reparative complementarity by coordinating with the CAR government and the Trust Fund for Victims to address harms, such as rape, where the evidentiary threshold for criminal conviction was not met, but the impact on victims remains a matter of record.



Professor Luke Moffett
on behalf of
Queen's University Belfast

Dated this 26 March 2026

At Belfast, Northern Ireland