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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public

Public redacted version of “Observations Relevant to Reparations”, ICC-01/14-01/18-2907-Conf, dated 15 April 2026

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Table of Contents

I.	Introduction.....	4
II.	Background.....	4
III.	Classification of the Present Observations.....	5
IV.	Methodology Followed to Inform the Present Observations	5
V.	Trial Chamber Queries A and J – Number of Potential Direct and Indirect Victims.....	7
VI.	Trial Chamber Query D – Types and Extent of the Harm	10
A.	Relevant Definitions	11
B.	Victims’ Views	12
VII.	Trial Chamber Query E – Factual Presumptions	14
A.	Presuming Victimhood	14
B.	Presuming Harm Suffered	16
VIII.	Trial Chamber Query F – Types and Modalities of Reparations	18
A.	Victims’ Views on Reparations	18
1.	Reparations Sought by Victims in CAR	19
2.	Reparations Sought for Children and Youth	24
B.	Forms of Reparation	25
C.	Reparation Modalities.....	25
1.	Displaced Persons - Restitution, Compensation, Satisfaction and Guarantee of Non-Repetition.....	26
2.	Rehabilitation.....	30
3.	Symbolic Measures and the Boeing Mosque	31
4.	Destruction of the Adversary’s Property in Bossangoa	35
5.	Conclusion	35
IX.	Trial Chamber Query C – Prioritisation of Victims.....	36
X.	Trial Chamber Query G – Estimates as to the Costs to Repair the Harms Suffered by the Victims in Light of the Appropriate Modalities for Repairing Them	37
A.	Overview of Cost-Categories and Rationale.....	37
B.	Assessment of Costs per Reparation Modality	38
1.	Category A Costs	39
2.	Category B Costs	40
3.	Total Costs	41
XI.	Trial Chamber Query B – Factual or Legal Issues on the Identification Of Eligible Victims	42
XII.	Trial Chamber Query H – Other Reparations	43
A.	Overview of the TFV’s Programme for the Benefit of Victims in CAR	43
B.	Reparations Frameworks Implemented in CAR	45
XIII.	Trial Chamber Query I – 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	47
XIV.	Trial Chamber Query K – Additional Information Relevant to Reparations	49
A.	Reparations Principles	49
B.	Cooperation	51
XV.	Conclusion.....	52

I. Introduction

1. Pursuant to Trial Chamber V’s “Order for Submissions on Reparations”¹ (respectively “Trial Chamber” and “Order”), issued on 8 October 2025, the Trust Fund for Victims (“TFV”) hereby provides its observations (“these Observations”) pursuant to this Order.² The Trial Chamber’s questions, referred to by the Trial Chamber as “Queries” have been addressed in these Observations in distinct sections. Before turning to the Queries, these Observations address the TFV’s engagement with stakeholders and consultations with victims carried out since the start of the judicial reparations phase.

2. In responding to the Queries of the Trial Chamber, the TFV refers to the principles relating to, or in respect of, victims as established in previous reparation orders (“Reparations Principles”). The relevant reparation orders and judgments related thereto are set out in Annex A containing the short forms referenced in these Observations.³ The TFV has summarised its observations on the Reparations Principles under Query K.

II. Background

3. On 24 July 2024, the Trial Chamber, in its previous composition, convicted Mr Alfred Yekatom (“Mr Yekatom”) and Mr Patrice-Edouard Ngaïssona (“Mr Ngaïssona”) for the commission of a total of 27 counts of crimes against humanity and war crimes.⁴ Mr Yekatom was convicted for the commission of 11 counts of crimes against humanity and 8 counts of war crimes,⁵ and Mr Ngaïssona for the commission of 15 counts of crimes against humanity and 12 counts of war crimes.⁶ On the same date, Trial Chamber V sentenced Mr Yekatom to 15 years of imprisonment and Mr Ngaïssona to 12 years of imprisonment.⁷

4. As noted by the Trial Chamber in the decision on the conviction and sentence (“Judgment”), 1,965 victims had been authorised to participate in the trial pursuant to Article 68(3) of the Rome Statute at the time the Judgment was issued.⁸ The victims were represented by two teams of legal representatives, the Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of Victims of Other Crimes (the “CLRV”). Mr Yekatom was acquitted of the war crime of conscripting or enlisting children under the age

¹ Order for Submissions on Reparations, 8 October 2025, [ICC-01/14-01/18-2821](#).

² Order, para. 6.

³ The TFV uses the short forms referenced in the Annex throughout these Observations.

⁴ Judgment, 24 July 2025, ICC-01/14-01/18-2784-Conf, paras 4846-4847. A public redacted version was notified on the same day: [ICC-01/14-01/18-2784-Red](#).

⁵ Judgment, 24 July 2025, ICC-01/14-01/18-2784-Red, para. 4846.

⁶ Judgment, para. 4847.

⁷ Judgment, para. 4848.

⁸ Judgment, para. 22.

of 15 years into an armed group and of using them to participate actively in hostilities (Count 29), pursuant to Articles 8(2)(e)(vii) and 25(3)(a) of the Statute. The Office of the Prosecutor did not appeal this aspect of the Judgment.⁹ Since the acquittal is final in relation to this count, the legal representation of former child soldiers ended.

5. On 26 September 2025, the Defence of Mr Ngaïssona¹⁰ and of Mr Yekatom,¹¹ as well as the Office of the Prosecutor,¹² filed their notices of appeals against the Judgment in the case, which are under consideration by the Appeals Chamber at the time of these Observations.

6. On 8 October 2025, the Trial Chamber commenced the judicial reparations phase by issuing the Order.

III. Classification of the Present Observations

7. Pursuant to Regulation 23 *bis* of the Regulations of the Court, the TFV has classified the present Observations as confidential given it refers to information generated in conjunction with or referring to from the VPRS's submission currently classified as confidential. As soon as VPRS submits a public redacted version of their submission of 13 April 2026 to the Trial Chamber, the TFV will file a public or public redacted version, as appropriate.

IV. Methodology Followed to Inform the Present Observations

8. *Joint VPRS-TFV Consultations:* In preparing these Observations, the TFV has been guided by its mandate to give visibility to the plight of victims.¹³ To this end, it has sought to obtain and convey through this filing the insights, experiences, and current circumstances from victims and members of the communities affected by the crimes for which Mr Yekatom and Mr Ngaïssona were convicted and present them to the Trial Chamber.

9. Considering that queries relating to the harm suffered and the current situation of victims are of relevance to both entities, VPRS and the TFV jointly conducted consultations with the relevant victim communities in the Central African Republic ("CAR") [REDACTED]. In addition to consulting directly with victims, VPRS and the TFV jointly held meetings with [REDACTED]. This joint approach reflects the TFV's and VPRS's commitment to victim inclusion and participation, while limiting the burden and demands on victims' communities,

⁹ See Prosecution notice of appeal of the Judgment against Patrice-Edouard Ngaïssona, 26 September 2025, [ICC-01/14-01/18-2814](#).

¹⁰ Ngaïssona Defence Notice of Appeal against the Trial Judgment, 26 September 2025, [ICC-01/14-01/18-2815](#).

¹¹ Yekatom Defence Notice of Appeal against the Judgment (ICC-01/14-01/18-2784-Conf), 26 September 2025, [ICC-01/14-01/18-2816](#).

¹² Prosecution notice of appeal of the Judgment against Patrice-Edouard Ngaïssona, 26 September 2025, ICC-01/14-01/18-2814.

¹³ Regulation 20 of the [Regulations of the Trust Fund for Victims](#), Resolution ICC-ASP/4/Res.3, 3 December 2005, amended by Resolution ICC-ASP/6/Res.3, 14 December 2007 (Regulation 27) and by Resolution ICC-ASP/21/Res.2 Annex V, 9 December 2022 (regulation 17) ("TFV Regulations").

guided by the do no harm principle. It also reflects collaboration and cooperative approaches in addition to bringing cost-efficiency.

10. The TFV and VPRS jointly developed the methodology for these consultations.¹⁴ A comprehensive description of the methodology is outlined in the parallel VPRS submission (VPRS 13 April 2026 Submission). For this design, the TFV provided guidance and input particularly on reparations-related matters, including on the design of the line of questioning concerning appropriate reparation modalities. The TFV staff participated in most consultation missions and, during consultations, it facilitated the parts related to reparations and the TFV's work.¹⁵

11. The joint VPRS and TFV consultations have built on the Registry's ongoing outreach and victim participation activities with affected communities throughout the trial proceedings. The consultations on the mapping of victims and on reparations, conducted since the start of the judicial reparations phase, have contributed to fostering trust with victims and their communities, thereby laying a strong foundation for continued engagement. This, in turn, may facilitate the voluntary and informed participation of victims throughout the design and implementation of reparations, in line with the Reparations Principles of accessibility and participation.

12. *Engagement with National Institutions:* Prior to the start of the VPRS-TFV consultations, the TFV engaged in November 2025 with the Government of CAR's Minister responsible for reparations ("*Ministre de l'Action Humanitaire, Reconciliation et Solidarité Nationale*") and with the CAR national commission overseeing reparations, the *Commission Vérité Justice Réparation et Réconciliation* ("CVJRR"), to inform them about the planned consultation process and the role of the TFV and the Court's organs in the judicial reparations phase of the case at hand. During the same mission, the TFV engaged with the *Cour Pénale Spéciale* ("CPS") present in Bangui, CAR. In addition, the TFV and VPRS met with [REDACTED]. During the same mission, the TFV engaged with various potential donors present in CAR to inform them of the status of the case-at-hand.

13. *Costs Calculation Methodology:* In addition to the VPRS-TFV consultation process, and to respond to the Chamber's queries, the TFV has conducted estimations of the costs associated with potential reparations measures. The methodology followed included an analysis of historic costs of physical, psychological, and socio-economic rehabilitation measures from

¹⁴ With the exception of Queries A and J, which were primarily entrusted to the Registry, including in relation to the mapping of victims potentially eligible for reparations.

¹⁵ TFV staff were unable to attend all meetings organised in the context of the consultations, in particular the mission to [REDACTED], due to a concurrent TFV sessions held in The Hague dedicated to these Observations.

the TFV rehabilitation programme for the benefit of victims (TFV programme for the benefit of victims in CAR),¹⁶ implemented across six provinces in CAR since 2020. The historic data has been completed from data collected through a questionnaire on costs deployed to its implementing partners, as well as three other organisations active in CAR in the relevant sectors and regions. In addition, the TFV engaged with the CPS and the CVJRR to gather information about the compensation and rehabilitation schemes applied in comparable reparations contexts. The TFV also conducted research, particularly into the jurisprudence of the CPS and its approach to determining liability amounts for reparations. Data has been analysed by TFV staff from the Country Office and Headquarters throughout concentration sessions held in The Hague in March/April 2026. The outcomes form the basis of information included in the present Observations in relation to the range of estimated costs for possible reparations measures. If the TFV receives any additional information that materially alters the estimated costs provided in the present Observations, it will request permission to address this matter.

14. *CLRV*: Finally, the TFV has met with the Common Legal Representative (CLRV) on two occasions and has exchanged information in this context. The TFV also met with the two Defence teams at a meeting focused on issues relevant to the TFV's programme for the benefit of victims in CAR, as referenced below under Query H.

V. Trial Chamber Queries A and J – Number of Potential Direct and Indirect Victims

15. According to the Reparations Principles,¹⁷ natural and legal persons are eligible for reparations as direct victims if they can demonstrate, at the relevant standard of proof, that they suffered harm as a result of at least one of the crimes for which Mr Yekatom and/or Mr Ngaïssona were convicted.

16. The *Lubanga* Appeals Chamber Judgment of 3 March 2015 establishes four categories of indirect victims.¹⁸ The *Ntaganda*¹⁹ and *Ongwen*²⁰ Reparations Orders further elaborated on these categories, and also included victims of transgenerational harm as a fifth category of indirect victims.

17. The TFV notes that the Registry, with the assistance and cooperation of the CLRV and the Office of the Prosecutor, as appropriate, was tasked with undertaking a comprehensive mapping of direct and indirect victims potentially eligible for reparations in the present case,

¹⁶ For more details on the programme, see submissions on Query H further below.

¹⁷ See e.g. *Ntaganda* Reparations Order, para. 108 for a definition of direct victims.

¹⁸ [Lubanga Amended Order for Reparations](#), para. 6 (b).

¹⁹ *Ntaganda* Reparations Order, paras 73; 182.

²⁰ *Ongwen* Reparations Order, para. 169 *et seq.*, 408 *et seq.*

identifying (a) the main categories of victims; (b) their current location; and (c) all data that it may be able to obtain regarding the victims' gender, age group, and particular vulnerabilities which may need to be taken into account by the Trial Chamber when deciding on the reparations to be awarded.²¹

18. The VPRS 13 April 2026 Submission presents the outcome of the mapping conducted through VPRS's desk review and the VPRS-TFV consultations, by estimating the number of victims, both at the time of the crimes and the victims present in early 2026 in [REDACTED].²² The TFV concurs with the VPRS 13 April 2026 Submission that significant gaps remain regarding the current location of victims, underscoring the need for continued efforts to ensure access to populations in remote locations in and outside of CAR.

19. The TFV notes, in addition, that certain issues remain unresolved concerning the total number and eligibility of direct and indirect victims of the crimes, and may necessitate further clarifications from the Trial Chamber.²³ This includes, *inter alia*, the recognition of children born in camps following the crimes as victims of the crimes of forcible transfer, deportation, and displacement.²⁴ The

20. Reparations Principles establish that children born after the commission of the crime may have suffered transgenerational harm and could be considered indirect victims.²⁵ The Trial Chamber has previously recognised children born in displacement camps as having demonstrated, on a *prima facie* basis, a link between the alleged harm suffered and the parameters of the charges pertaining to the commission of the crimes of deportation, forcible transfer and displacement for the purposes of participation.²⁶

21. Based on the VPRS-TFV consultations, the TFV considers that children born after their parents' forcible transfer, deportation and displacement may face distinct vulnerabilities,

²¹ Order, para. 6 (v).

²² This is particularly relevant for assessing the potential scope of indirect victims and victims of transgenerational harm, as may be determined by the Trial Chamber.

²³ The TFV refers, *inter alia*, to issues listed in the VPRS 13 April 2026 Submission.

²⁴ Children are considered for the purposes of the present Observations as individuals under 18 and include both persons alive at the time of the crimes and those not yet born. This includes, in relation to the attack on Bangui (Boeing and Cattin) and the attack on Bossangoa, individuals born after 5 December 2013 into families residing in those locations on that date. It further includes, with respect to the attacks along the PK9-Mbaïki axis and the events in Mbaïki, individuals born after 6 February 2014 into Muslim families residing in those areas prior to the attacks. All such individuals are no older than twelve years at the date of the present Observations.

²⁵ *Ongwen* Reparations Order, para. 193; *Ntaganda* Reparations Order, para. 182.

²⁶ Victim a/1539/20, for instance, was born shortly after her mother, victim a/15138/20, was displaced as a result of the crimes committed in Bangui for which Mr Ngaissona and Mr Yekatom were convicted. The Trial Chamber laid out the issue and decided that it required further proof of the link between the two victims and the harm caused (see *Yekatom and Ngaissona* 17th Decision on Victim Participation, 21 November 2022, [ICC-01/14-01/18-1672-Red](#), paras 20–22). After this proof was transmitted to the Chamber by VPRS, the Chamber authorised victim a/15139/20 to participate as a victim in the proceedings (*Yekatom and Ngaissona* 19th Decision on Victim Participation, 13 March 2023, [ICC-01/14-01/18-1795](#), para.12).

having grown up in precarious circumstances with limited access to education and healthcare. In this regard, given that nearly 49 percent of CAR's population is under the age of 15,²⁷ and that the crimes occurred 12 to 13 years ago,²⁸ it could be presumed that approximately an additional 40 percent of the total number of victims, estimated by VPRS as victims of the crimes, are children born in camps after the commission of the crimes, who may be considered as victims.²⁹ The resolution of this matter will, in the view of the TFV, have a significant impact on the final estimated number of direct and indirect victims.

22. The dynamics of household composition within displaced victims' communities introduce an additional layer of complexity in estimating the total number of victims in the present case. Many households consist of a husband and several wives, with household sizes averaging between 8 and 10 members, as outlined in the VPRS 13 April 2026 Submission.

23. During the joint TFV and VPRS consultations, it was observed that households now appear generally smaller than prior to displacement. Some family units (mothers/wives with children and the elderly) remain in camps, while others have returned. Furthermore, due to the time that has elapsed and the fact that many women have children well before the age of 18,³⁰ new family units or households have formed since the commission of the crimes. As a result, original households have fragmented and expanded into multiple new households or family units, resulting in a likely higher number of households or family units today than at the time of the crimes. These evolving demographic patterns are partly a result of displacement and its enduring consequences. The TFV respectfully submits that such considerations should be taken into account when assessing current victim numbers and determining appropriate reparations and costs thereof.

24. Apart from matters relating to the total estimated number of victims, a question arises as to whether certain communities may be considered direct victims of the crimes pursuant to Rule 85(b) of the Rules of Procedure and Evidence ("Rules").

25. In particular, the Muslim community associated with the destroyed mosque [REDACTED] may fall within the scope of Rule 85(b) of the Rules. While the formal organisation of such communities may not be clearly defined, they appear to constitute identifiable religious communities. In this context, this community may be considered as a

²⁷ See UNFPA 2025 Report, Central African Republic Population 2025, 49 percent of the population of the Central African Republic is aged 0-14; available at: <https://www.unfpa.org/data/world-population/CF>.

²⁸ See fn. 26 and Judgment, paras 4846–4847.

²⁹ Subject to the decision of the Trial Chamber on this matter.

³⁰ UNFPA Report 2025, see fn.29, indicating that the prevalence of marriage under the age of 18 is 61 percent.

group sharing a common religious or cultural identity and could qualify as a victim, given that they suffered harm as a group through the destruction of their mosque.³¹

26. Furthermore, information available from the VPRS-TFV consultations indicates that multiple mosques were destroyed in the course of the events, although not all of these incidents are reflected in the conviction. Additionally, the crimes at issue resulted in the near disappearance of Muslim communities in certain locations, including, most notably, Bossangoa. These communities are now slowly re-establishing themselves, as revealed during the VPRS-TFV consultations.³² In these circumstances, and considering the nature of the crime of persecution, the Trial Chamber may wish to assess whether the Muslim communities in the affected locations qualify as victims of the crimes, having suffered direct harm through the destruction of their religious sites and their displacement due to religious reasons.

27. Beyond that, it may be relevant to assess whether entire communities in the affected locations qualify as victims of the crimes, given that their composition, functioning, and cohesion have been profoundly altered as a result of the events. The displacement of large portions of the population, the destruction of homes and places of worship, and the fragmentation of social and economic structures have significantly affected the way in which these communities are constituted and operate. In this sense, the crimes have had far-reaching consequences for the social fabric of the affected localities.

28. However, these communities, as a whole, were not directly targeted as victims within the meaning of Rule 85(b) of the Rules. Rather, the evidence suggests that specific groups, particularly those targeted on the basis of their religious identity, were the primary victims of the crimes. While the broader transformation and disruption of communities may have been a foreseeable or even intended consequence of the crimes, this does not necessarily render the communities as such victims for the purposes of the present proceedings. The harm suffered by these communities may therefore be more appropriately characterised as indirect, rather than direct, as required under Rule 85(b) of the Rules.

VI. Trial Chamber Query D – Types and Extent of the Harm

³¹ See *Al Mahdi* Reparations Order, paras 14, 59, 86-87 which mention effects of identity loss on the community of Timbuktu as well as moral harm suffered due to the destruction of cultural heritage sites in Timbuktu.

³² [REDACTED].

29. Pursuant to Article 75 of the Rome Statute and the Reparations Principles, reparations may address various forms of harm, including physical, moral, economic, material, community, and transgenerational harm resulting from crimes within the jurisdiction of the Court.³³

A. Relevant Definitions

30. Incorporating the *Ntaganda* principles on reparations, the Chamber noted in the case of *Ongwen* that physical harm encompasses physical and bodily injury, impairment of the body, pain, and illness, and that it is not limited to the infliction of physical or bodily injury but also extends to ‘hurt, pain, or suffering otherwise not caused by a bodily injury’.³⁴

31. Moral harm is defined to include psychological harm,³⁵ and to extend to psychological trauma, mental pain and anguish, emotional distress,³⁶ and loss of life plan.³⁷ The TFCV draws particular attention, in the context of the present case, to the category of psychosocial harm,³⁸ namely harm suffered in the social sphere. In this case, such harm arises particularly from societal ruptures caused by forcible transfer, displacement, and deportation, resulting in impaired psychosocial well-being and functioning.³⁹ Victims experiencing the aforementioned consequences have also been found to suffer adverse socio-economic impacts, including lower household wealth, reduced earnings, and diminished income-generating potential.⁴⁰

32. Instances of economic damage, such as loss of earnings, opportunity to work, reduced standard of living, and socio-economic opportunities, are considered as forms of material harm.⁴¹ However, whereas material harm primarily refers to damage to tangible property – movable or immovable – economic harm encompasses disadvantages affecting a person’s financial or livelihood situation.⁴²

33. Community harm is understood as harm experienced by individuals in their capacity as members of a group, family, or community.⁴³ Beyond the moral and material harm suffered by

³³ *Ntaganda* Reparations Order, para. 68 *et seq*; *Ongwen* Reparations Order, paras 167 *et seq*.

³⁴ *Ongwen* Reparations Order, paras 167 – 168; *Ntaganda* Addendum to the Reparations Order, para. 254.

³⁵ *Ongwen* Reparations Order, para. 168.

³⁶ *Ongwen* Reparations Order, para. 168; *Al Mahdi* Reparations Order, para. 85.

³⁷ *Ongwen* Reparations Order, para. 168; *Ntaganda* Reparations Order, paras 72 183(a)(ix), 183(b)(viii).

³⁸ See *Ongwen* Reparations Order, para. 168, where psychosocial harm is explicitly included in the definition of moral harm; see also *Ntaganda* Reparations Order, paras 183(a)(iv), 183(b)(iv), 183(c), 183(d)(v), where ‘psychosocial harm’ is listed as a form of harm suffered by both direct and indirect victims and ‘psychosocial trauma’ as a form of harm suffered only by direct victims.

³⁹ See *Ongwen* Reparations Order, para. 414(a)(ii), where the Chamber establishes on a balance of probabilities that impairment of psychosocial well-being and functioning has been suffered by direct victims of the attacks.

⁴⁰ Compare *Ongwen* Reparations Order, para. 530, where the Chamber notes this as evidence provided by the Expert Witness Dr. Atim.

⁴¹ *Ongwen* Reparations Order, para. 168.

⁴² See e.g. *Al Mahdi* Reparations Order, para 83.

⁴³ *Ongwen* Reparations Order, para. 168; see also *Ntaganda* Reparations Order, paras 71, 74, 75, 183(a)(x).

individual members, communities themselves may also endure harm. This form of harm affects the collective identity, social structures, and functioning of the community.

34. Finally, transgenerational harm has been defined in ICC case law as ‘the phenomenon, whereby social violence is passed on from ascendants to descendants with traumatic consequences for the latter’.⁴⁴ It is characterised by an intergenerational cycle of dysfunction which affects victims’ children’s emotional behaviour, attachment, and well-being.⁴⁵

B. Victims’ Views

35. The TFV refrains from making observations on the outcome of the VPRS-TFV consultations and the views expressed by victims and communities on the types and extent of harm suffered by victims in this case.⁴⁶ The TFV considers that the VPRS 13 April 2026 Submission accurately reflects the findings of the joint consultations, including the nature, scope, and patterns of harm as consistently reported by participants.

36. Based thereon, the TFV considers that the most prevalent forms of harm suffered by victims are material⁴⁷ and economic⁴⁸ in nature, as well as psychosocial and psychological.⁴⁹ These harms are experienced by individuals through the family units and households affected by the crimes, rather than in isolation, and are closely interlinked, particularly through the loss of livelihoods, homes, and property, as well as the resulting deterioration in living conditions and social status. They have also contributed to long-term disruption of family structures and intergenerational effects, including impacts on children born into affected households after the commission of the crimes, who continue to be affected by the consequences of displacement and impoverishment.

37. Information gathered from the VPRS-TFV consultations and the TFV desk review of the Judgment indicates that the number of victims suffering direct physical harm may be limited. In contrast, a larger number of victims have experienced physical consequences arising from psychological harm, including stress-related conditions such as hypertension and other

⁴⁴ *Ntaganda* Reparations Order, para. 73.

⁴⁵ *Ongwen* Reparations Order, para. 168.

⁴⁶ Order, para. 6 (i) (d) (footnotes omitted).

⁴⁷ Victims consistently reported widespread material harm, primarily in the form of destruction, damage, or loss of tangible property. Victims of displacement fled often with no belongings, and many, upon return, found houses looted, burned, deteriorated, occupied by third parties or completely destroyed. Religious sites, including mosques central to community life and identity, were also destroyed or repurposed, further undermining communal structures, and hindering effective return. In certain cases, residential plots and land were confiscated or resold, creating additional obstacles to return and raising the need for restitution measures.

⁴⁸ Displacement led to the loss or abandonment of agriculture, livestock, and small-scale commerce, which had constituted primary sources of income. Many victims are unable to resume these activities.

⁴⁹ Victims consistently reported significant and enduring psychological harm resulting from the crimes.

somatic symptoms associated with prolonged trauma.⁵⁰ Access to basic medical care for victims of direct or indirect harm has further been severely constrained by prevailing living conditions for many, in particular for displaced victims residing in camps outside of CAR,⁵¹ where limited resources and inadequate healthcare infrastructure have restricted access to adequate treatment.

38. In addition to the conclusions presented in the VPRS 13 April 2026 Submission regarding the forms of harm suffered by victims in this case, the TFV wishes to emphasise the psychosocial harm experienced by family units and households affected by displacement. This harm includes the long-term fragmentation of families,⁵² with members separated across borders, missing, or left behind, placing increased emotional and economic strain on households, particularly on women and children. Displacement has disrupted social cohesion,⁵³ weakening traditional support networks and contributing to mistrust, stigmatisation, and social isolation, particularly affecting Muslim returnees. Reintegration conditions remain uneven: [REDACTED]. These challenges are compounded by structural barriers, including difficulties in obtaining identity documentation,⁵⁴ which restrict access to services, employment, and civic participation, as well as limited livelihood opportunities⁵⁵ and disrupted education,⁵⁶ particularly for youth, thereby reinforcing marginalisation and hindering sustainable reintegration.

39. Finally, the TFV notes the specific moral and community harm experienced by the Muslim communities, which are only now beginning to re-constitute themselves, including through re-establishing places of worship, as a result of the return of some households to their places of origin.

⁵⁰ Victims reported physical symptoms associated with prolonged trauma and stress, including elevated blood pressure, cardiovascular strain, and related conditions. Exposure to traumatic stress and post-traumatic stress symptoms can lead to sustained activation of the body's stress response, resulting in increased blood pressure and a heightened risk of hypertension and other stress-related physical disorders. These physiological effects are linked to chronic stress hormone activation and cumulative "wear and tear" on the body, demonstrating the close interconnection between psychological trauma and long-term physical health consequences.

⁵¹ Victims in camps face significant barriers in accessing adequate healthcare. Medical facilities in camps and host communities are limited, under-resourced, and generally restricted to basic primary care.

⁵² Displacement led to prolonged family separation, with members dispersed across different locations, [REDACTED]. Many families remain fragmented, with missing relatives and children in the care of extended family members. This has resulted in persistent anxiety, emotional distress, and economic strain, particularly for female-headed households. Children have experienced lasting psychological effects, including sadness, withdrawal, and difficulties in schooling and socialisation.

⁵³ Displacement disrupted traditional community networks and systems of mutual support, resulting in weakened social cohesion. Returnees and refugees frequently face mistrust, discrimination, and stigmatisation.

⁵⁴ Many victims lost essential identity documents during forcible transfer, deportation and displacement, including birth certificates and national identity cards. Muslim returnees, especially women, report additional obstacles.

⁵⁵ See para. 56 below.

⁵⁶ Displacement has severely disrupted access to education, with many children missing years of schooling or dropping out due to financial constraints, distance, and lack of infrastructure.

40. In respect of the impact on broader community, the TFV recalls the previously high degree of coexistence and intermarriage between Christian and Muslim communities, who prior to the events lived in many locations together without significant division, as reflected in the VPRS 13 April 2026 Submission. The disruption of this social fabric, together with the destruction of religious and communal life, has caused lasting moral harm, affecting the identity, dignity, and cohesion of the Muslim community as such and thereby indirectly impacting the broader communities of the affected locations.

VII. Trial Chamber Query E – Factual Presumptions

41. The Reparations Principles have established that reparations proceedings are governed by the standard of proof of a “balance of probabilities”⁵⁷ and, in situations similar to those in CAR, Chambers have acknowledged that victims may face significant practical difficulties in producing documentary evidence due to displacement, the destruction of property, or the loss of personal records as a result of the crimes.⁵⁸ Such situations complicate the ability of individuals to prove, through documentation, 1) victimhood (that the relevant individuals were the victims of the crimes in question, and 2) the harm suffered (the specific harm sustained by the victims as a result of the crimes).

42. Thus, the Chamber may consider adopting limited factual and evidentiary presumptions to facilitate the identification of the eligible victims and the assessment of harm they may have suffered.

A. Presuming Victimhood

43. In the *Ongwen* Reparations Order, the Trial Chamber held that “individuals who can establish, on a balance of probabilities, that they were present in or who were camp residents at the time of the attacks on the Pajule, Odek, Lukodi, and Abok IDP camps, shall be presumed to be victims of the crimes of an attack against the civilian population as such and persecution, through the underlying act of attack against the civilian population as such”.⁵⁹

44. The TFV submits that a similar approach may be appropriate in the circumstances of the present case. Considering the scale and nature of the attacks, the targeting of the civilian population, and the resulting mass displacement, establishing individual proof of victimhood presents significant practical challenges. In this context, a presumption of victimhood, based

⁵⁷ *Ongwen* Reparations Order, para. 422.

⁵⁸ *Ntaganda* Reparations Order, para. 138 (noting difficulties victims may face in producing evidence following conflict and displacement).

⁵⁹ *Ongwen* Reparations Order, para. 165.

on presence at the relevant locations at the relevant time, may offer an appropriate and proportionate solution.

45. Accordingly, the TFV suggests that, for the purposes of establishing victimhood, it may be sufficient for individuals to demonstrate that they were members of households or family units residing at the relevant locations at the time of the crimes and that they formed part of the civilian population, in accordance with the findings of the Trial Chamber. This approach reflects the collective nature of the harm suffered, in particular in the context of displacement, which affected entire households and family units.

46. The TFV acknowledges that the approach suggested above cannot be applied to all victims, as many individuals, typically in family units (among them in particular women, children, and the elderly⁶⁰), had already sought refuge in places like [REDACTED], while their primary residence was in other locations.⁶¹ For such individuals, the TFV suggests that it should be sufficient to establish their presence at the relevant locations at the relevant time and their inclusion in the civilian population. Where this is established, they should likewise be presumed to be victims of the crimes. Alternatively, the presumption of victimhood may not extend to such persons, in which case they would be required to demonstrate that they were directly affected by the crimes.

47. The VPRS 13 April 2026 Submission highlights that documentary proof of residence at the relevant locations is often unavailable. In particular, there is limited or no documentation concerning households or family units who fled to Mbaïki or Bossangoa, including those present at locations such as the *École de la Liberté* in Bossangoa, or those transported to Chad and other neighbouring countries. Similarly, records relating to the ownership of houses or their destruction in locations such as Bossangoa are largely absent.

48. In these circumstances, the TFV considers that the absence of documentary evidence requires reliance on complementary forms of pre-verification.⁶² Individuals and community structures present at the time of the crimes may contribute knowledge as to which households had housing and which households, family units, and individuals were present at the relevant locations and formed part of the civilian population. The TFV suggests that this can best be achieved through the mapping of households and family units, supported by community-based pre-verification mechanisms, including key focal points⁶³ and other persons with knowledge of the events. At the same time, individuals who fled alone should not be overlooked and should

⁶⁰ See e.g. Judgment, paras 2961–2962 and 4616.

⁶¹ See e.g. Judgment, paras 119 and 2957.

⁶² With the exception of the documentation that is available, including from [REDACTED].

⁶³ [REDACTED].

be included within this approach. The TFV makes further submissions in this regard under Query B below.

B. Presuming Harm Suffered

49. In the *Ongwen* Reparations Order, the Trial Chamber held that, where victimhood has been established at the required threshold, certain harms may be appropriately presumed, provided that such harm constitutes a reasonably foreseeable consequence of the crimes and are substantiated by patterns emerging from the evidentiary record.⁶⁴

50. The TFV makes a number of preliminary submissions regarding the harm that may be presumed to have been suffered by victims, without prejudice to any further observations on this issue at a later stage of the reparations proceedings, should such an opportunity be granted.

51. The VPRS-TFV consultations provided valuable insights into experiences of displacement, loss, and reintegration and showed that victims have suffered profound and interrelated harms, many of which can be presumed, as presented in these Observations.

52. *Indirect Victims of Murder:* In particular, individuals whose family members were murdered, described enduring psychological trauma, disruption of family structures, and significant reductions in household income following the loss of family members, many of whom had been primary household providers. Many of them also suffer of severe moral harm because they witnessed the murder. In addition, these individuals are also direct victims of displacement. Accordingly, the TFV submits in line with previous jurisprudence that family members of direct victims of murder⁶⁵ should be considered indirect victims to have suffered moral harm in various forms, as well as economic harm, given that these persons were typically the primary household providers.

53. *Displaced Victims:* Across locations, victims consistently reported that the loss of homes, destruction of property, and loss of livelihoods constitute the most widespread forms of harm as a result of displacement, compounded by limited access to essential services, education, and identity documentation. These factors continue to undermine social reintegration and economic recovery, particularly for displaced victims residing in camps in neighbouring countries, and have given rise to psychological, psychosocial, economic, and broader community and moral harm, including within the relevant religious communities. Accordingly, the TFV submits that in line with previous jurisprudence,⁶⁶ victims of displacement may be

⁶⁴ *Ongwen* Reparations Order, para. 497 (noting that certain harms may be presumed once victimhood has been established at the required threshold).

⁶⁵ *Ntaganda* Reparations Order, para. 147.

⁶⁶ *Ntaganda* Reparations Order, paras 145-147..

presumed to have suffered moral harm, as well as economic harm extending to their households, which were deprived of their homes and usual means of livelihood.

54. By contrast, based on the VPRS-TFV consultations, the TFV considers that there is no basis to presume physical harm due to forcible transfer, deportation, and displacement in this case. Rather, such presumptions should, in line with previous cases, be limited to victims who suffered crimes such as torture or imprisonment. Given the living conditions of displaced persons, in particular their limited access to healthcare, especially in refugees' camps, it may be possible to infer that many, particularly the elderly, suffered adverse effects on their physical health as a result of such conditions. The TFV, however, considers that this may not be sufficient to justify a presumption of physical harm for all displaced victims.

55. *Community Harm*: The Reparations Principles define community harm as harm suffered by individuals in their capacity as members of a group, family, or community.⁶⁷ In *Ntaganda*, the Chamber noted that, when assessing the extent of harm suffered, the Court should take into account that harm may be experienced collectively by persons as members of a family or community.⁶⁸

56. The TFV accordingly submits that the effective removal of the Muslim population from Bossangoa following evacuation to Chad, the removal of the Muslim population from the neighbourhoods of Boeing and Cattin as a result of the attacks of 5 December 2013, and the widespread displacement of Muslim civilians from villages along the PK9-Mbaïki Axis and from Mbaïki led to moral, in particular psychosocial harm for the members of the relevant Muslim communities through the disruption of social cohesion and communal life. The TFV submits that this harm should be considered as community harm and can be presumed.

57. *Children*: The consultations also showed that children of direct victims of displacement born in camps after the crimes have been affected not only psychologically but also in their development by the difficult economic and social circumstances in which their family units have found themselves following the crimes. In particular, their access to education has been severely disrupted, both for children residing in camps and for those living in precarious conditions in their locality of origin, including following their return.

58. In this respect, children who were alive at the time of the commission of the crimes may be presumed to have suffered harm similar to that of other displaced victims. Children born in

⁶⁷ *Ongwen* Reparations Order, para. 168; also *Ntaganda* Reparations Order, para. 71, 74, 75, 183(a)(x).

⁶⁸ *Ntaganda* Reparations Order, para. 71

situations of displacement may, in the specific circumstances of this case, be presumed to have suffered socio-economic, psychological, and psychosocial harm.

59. As regards transgenerational harm, the TFV submits that the Trial Chamber may consider whether to presume that children and descendants of forcibly transferred and displaced victims have suffered such harm, where displacement has resulted in long-term socio-economic and developmental consequences affecting family units. While such a presumption was not adopted in the Reparations Orders in *Ntaganda* and *Ongwen*,⁶⁹ where individual harm was required to be established at the eligibility stage, the TFV submits that the particular circumstances of the present case – characterised by prolonged displacement and its structural impact on family units – may justify a different approach.

VIII. Trial Chamber Query F – Types and Modalities of Reparations

60. The TFV is invited to submit observations on “the 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.”⁷⁰ The TFV recalls that the type of reparations award, *i.e.* an individual or collective award, is, as established by the Appeals Chamber in the *Lubanga* case, an essential element of an order for reparations under Article 75 of the Statute.⁷¹

61. The TFV considers that the most appropriate type and modality of reparations are those which have the maximum reparative effect, while also ensuring long-term outcomes for the beneficiaries and their communities, and which are at the same time feasible to deliver. As such, they will always be identifiable from a harm-based assessment of the current needs and desires of victims, as expressed by themselves, and considering the circumstances of the case, the crimes that occurred, the harm or injury inflicted, the categories of victims, and the situational context of the victim group concerned.

62. With this framework in mind, in response to the Trial Chamber’s Query, the TFV first conveys the views of victims, and concludes with its assessment of the appropriate forms and modalities of reparations, taking into account relevant information and perspectives.

A. Victims’ Views on Reparations

63. During the consultations with the affected community, [REDACTED] several key needs and challenges were identified.

⁶⁹ See *Ongwen* Reparations Order, para. 194; see also *Ntaganda* Addendum to the Reparations Order, para. 128.

⁷⁰ Order, para. 6 (i) (f) (footnotes omitted).

⁷¹ *Lubanga* Appeals Judgment with Amended Order for Reparations, para. 1.

64. Overall, the consultations underscore the need for reparations approaches that address the socio-economic and psychological and psychosocial situation of the victims, household-level harm, support sustainable return and reintegration, and that take into account the broader, including transgenerational, effects of the crimes.

1. Reparations Sought by Victims in CAR

a) Cash Payments

65. Victims expressed a strong desire for cash payments, including as a form of recognition for the harm they suffered. They also indicated that such payments may serve as recognition of their harm and as support for their healing process.

66. Many individuals requested financial payments for the crime of [REDACTED].

67. Many victims also emphasised that cash payments would not only help them recover from the trauma of displacement, but also provide essential resources to rebuild their lives. These funds could assist with basic needs such as housing, education, and healthcare, which have been severely impacted by their displacement and ongoing marginalisation.

68. The amounts suggested by the consulted victims ranged from CFA 700,000 (EUR 1,067) to CFA 3 million (EUR 4,573), depending on the severity of the loss and the individual's circumstances.

b) Other Reparation Measures

69. A major theme in the consultations was the need to address in a sustainable manner widespread material harm and economic loss resulting from displacement. They described the destruction, damage, or loss of homes and tangible property, with many fleeing without belongings and later finding their houses looted, burned, occupied by third parties, or partially or completely destroyed, leaving them without shelter. Returnees reported severe difficulties in re-establishing their livelihoods after return. Many are unable to resume pre-displacement activities such as agriculture, livestock rearing, and small-scale commerce due to land confiscation, loss of assets, lack of resources, or continued instability. In urban areas such as Bangui, higher living costs and limited economic opportunities further exacerbate financial hardship, leaving many households struggling to meet basic needs and rebuild sustainable livelihoods.

70. To assist the community in rebuilding its economic base, it was voiced during consultations that the reparations could include micro-financing, small business support, and grants for those wishing to start or restart businesses that were lost due to the conflict. Additionally, supporting vocational training and entrepreneurship initiatives could provide

individuals with the tools to earn a sustainable income. These programmes would particularly benefit women and youth, who have faced the most severe economic challenges in the aftermath of displacement.

71. *Educational Needs of Children and Youth:* The lack of access to quality education has been identified as a critical issue, particularly for children who were displaced and are now returning. A need was expressed for training teachers and providing educational materials to support both formal education and vocational skills development. These educational programmes are seen as crucial for the social reintegration of children, equipping them with the tools needed for future success and contributing to the long-term stability of the community.

72. *Psychological Needs:* Victims consulted emphasised that, given the significant and enduring psychological harm suffered, psychological support services should have a central role within the reparations framework. They reported persistent distress, trauma-related symptoms, and conditions consistent with anxiety and depression, often linked to displacement, loss of family members, and the destruction of homes and livelihoods. Feelings of fear, humiliation, loss of dignity, and social exclusion were widespread, alongside a diminished sense of belonging and trust within communities. In some cases, victims expressed profound despair, including suicidal ideation, particularly in situations of family separation. These harms are especially pronounced among indirect victims of murder, who are often also direct victims of displacement, and are also evident among children, who show signs of distress and difficulties in learning and socialisation. Victims therefore requested that accessible psychological or psychosocial support be prioritised for all affected individuals, including those experiencing direct and transgenerational impacts of displacement, as a key component of recovery.

73. *Health Needs:* While instances of physical harm were reported, they appear to be less prevalent compared to other categories of harm. Some direct victims of displacement described injuries sustained during attacks or while fleeing, including fractures and other bodily injuries, which were generally non-permanent or not severely debilitating bodily injuries. However, isolated cases of more serious harm caused by the events were also noted, including [REDACTED]. In this context, participants in the consultations requested that reparations include physical support to address physical harm suffered by victims as a result of the crimes concerned in the present case, including displacement, with priority given to vulnerable individuals.

74. *Social Cohesion and Conflict Reduction:* Participants stressed the importance of reconciliation efforts to foster understanding and cooperation between Christian and Muslim

communities, noting that the context of the events and the ensuing displacement has significantly disrupted traditional community networks and systems of mutual support, resulting in weakened social cohesion. Returnees and those still in camps reported that they frequently face mistrust, discrimination, and stigmatisation based on religious or ethnic identity, which generates anxiety and limits their participation in community life and access to services and contributes to social isolation and reinforced marginalisation, particularly affecting Muslim communities. They expressed a need to promote social cohesion by addressing historical grievances, preventing future conflicts, and encouraging mutual respect. Given the complex history of inter-community relations in CAR, some returnees expressed it to be vital that reparations programmes are inclusive and balanced, ensuring that both Muslim and Christian communities have equal opportunities for support. Victims further voiced concerns about the potential for jealousy or resentment if reparations targeted only one community, and emphasised that peacebuilding and reconciliation programmes must be implemented across the community as a whole to ensure inclusivity and prevent further divisions.

75. *Documentation Support:* Many victims reported having lost essential documentation during displacement, including birth certificates and national identity cards, while replacement procedures are often lengthy, costly, and inaccessible, frequently requiring supporting documents that individuals are unable to provide. Muslim returnees, especially women, face additional obstacles, including [REDACTED] in the issuance of documentation. The absence of identity documents significantly restricts access to public services, employment, freedom of movement, and participation in civic life. Victims proposed that the reparations measures include facilitating access to identity documents by providing support with documentation preparation and collaborating with local authorities and civil society organisations to streamline and simplify the documentation process.

76. *Property Restitution and Legal Aid:* A significant concern raised during the consultations was the restitution of properties that were lost or taken during displacement. Many Muslim families, upon returning, found that their homes had been occupied by others, and faced, in some instances, challenges in reclaiming them.

77. [REDACTED].

78. Additionally, certain neighbourhood chiefs took it upon themselves to facilitate the return of property by issuing documents that acknowledged the ownership of Muslim community members. In some cases, individuals who had taken possession of these properties during the displacement period were asked to either vacate the premises or compensate the original owners for the time they had occupied the homes. Compensation was typically modest,

ranging from 60 to 90 EUR, depending on the circumstances. These actions were undertaken on an *ad hoc* basis and were meant to manage property disputes amicably.

79. Supporting the return of properties to their rightful owners could involve legal aid to help individuals navigate the complexities of property claims and formal recognition of ownership. A structured process for property restitution, including the facilitation of documentation and registration, would help ensure that the Muslim community's property rights are restored. Consulted victims [REDACTED] also proposed the establishment of a government-supported land recovery mechanism, in coordination with the Ministry of the Interior and Territorial Administration.

80. *Memory*: During the initial joint TFV-VPRS consultations, upon inquiry, the affected community did not express a specific preference for symbolic measures such as commemorations; however, these views remain preliminary and may evolve as consultations continue.

81. *Apology*: During the initial joint TFV-VPRS consultations, upon inquiry, the affected community did not express a specific preference for apologies; however, these views remain preliminary and may evolve as consultations continue.

82. *Destruction of the Boeing Mosque*: Following its destruction, the Boeing Mosque was partially reconstructed with very limited resources, made possible by the contribution of an anonymous donor. [REDACTED], while the partial reconstruction enabled the resumption of basic religious functions, the mosque's infrastructure remains insufficient to fully meet the needs of its congregation. [REDACTED] have therefore indicated that additional financial support would be appropriate to complete and enhance the existing structures. [REDACTED] the required works to achieve an adequate level of rehabilitation would amount to approximately CFA 66 million (EUR 100,000).

2. Reparations Sought by Victims in the Camps outside of CAR.

83. *Financial Compensation*: Victims in the camps expressed a desire for symbolic or substantial compensation to recognise their plight and to help them rebuild their lives. The financial compensation would be used to support their economic activities, such as developing small businesses, or other forms of self-sufficiency. In particular, they sought financial support to formalise and expand the small businesses they have established. The figures indicated are in a range between CAF 500,000 and CAF 2,000,000 (respectively EUR 762 and 3,049).

84. *Economic Recovery*: Victims in the camps reported near-total loss of assets and income-generating activities, including agriculture, livestock, and small-scale commerce, which had

previously constituted their main sources of income while living in CAR. In displacement settings, limited access to stable employment or vocational opportunities has resulted in prolonged impoverishment and dependency on external assistance, significantly constraining prospects for economic recovery.

85. Against this background, victims highlighted the importance of vocational training, entrepreneurship support, and other socio-professional training as a means of rebuilding livelihoods and promoting economic independence. These programmes would provide practical skills, particularly for young people, enabling re-entry into the workforce or the establishment of small businesses, and offering long-term solutions to unemployment and economic recovery, thereby helping restore self-sufficiency and resilience within affected communities.

86. *Access to Education:* The victims in the camps emphasised the urgent need for educational support, particularly for their children, noting that displacement has severely disrupted access to education. Many children have missed years of schooling or dropped out due to financial constraints, long distances to schools, and inadequate infrastructure. Existing educational facilities within displacement settings are often limited to the primary level, under-resourced, and staffed by unqualified personnel. In this context, victims in the camps called for the establishment of adequately resourced educational facilities within the camps, staffed by qualified teachers to ensure the delivery of quality education. They further highlighted the importance of providing transportation options for those who need to attend schools further afield, to address logistical barriers and prevent exclusion.

87. *Healthcare Needs:* There was a clear demand for improved healthcare services in the camps. Consulted victims highlighted that displacement has created significant barriers to accessing adequate healthcare, with existing medical facilities in camps and host communities often limited, under-resourced, and largely restricted to basic primary care for common illnesses. Access to specialised treatment, hospitalisation, and diagnostic services remains severely constrained by distance and prohibitive costs, including transport, consultations, and medicines, which exceed the financial means of many households. As a result, serious medical needs frequently go unmet, leading to the deterioration of health conditions and, in some cases, preventable deaths, particularly among vulnerable groups such as the elderly and those with pre-existing conditions. In response, victims in the camps called for better access to both basic and specialised medical care, alongside increased availability of medical professionals, medicines, and strengthened healthcare infrastructure to address the growing and urgent needs of the population in the camps.

88. *Safe Return to CAR:* Consulted victims in the camps expressed the need for safe and facilitated return programmes. Many victims are unable to return to locations [REDACTED], in particular due to logistical, security, and financial barriers. They conveyed the wish for reparations to include support for those wishing to return, including transportation, reintegration assistance, and protection measures to ensure that their return does not expose them to further harm.

3. *Reparations Sought for Children and Youth*

89. The joint consultations revealed several critical issues surrounding the inclusion of children in the reparations process and the broader impact of forcible transfer, deportation and displacement on families.

90. *Economic Preparedness for Displaced Children:* Given the significant educational disruptions caused by displacement, victims considered that reparations should include vocational training for displaced youth who lacked the opportunity to access formal education to equip them with the skills needed for future employment. Many of those are young mothers under 18 years of age.⁷²

91. *Psychological Needs:* Displacement led to prolonged family separation, with members dispersed across different locations, including between Chad and CAR. Many families remain fragmented, with relatives and children in the care of extended family members. This has resulted in persistent anxiety, emotional distress, and economic strain, particularly for female-headed family units or households. Children have experienced lasting psychological effects, including sadness, withdrawal, and difficulties in schooling and socialisation. Against this backdrop, victims emphasised the need for psychological support services targeted specifically at children and young people. In their view, the reparations process should include trauma-informed care and counselling to address the effects of the crimes and of displacement in particular.

92. *Youth Social Cohesion:* Given the positive experiences reported by some youth regarding some social integration and peer support programmes, victims considered that efforts should be made to foster greater social cohesion among young people from different communities. This could be done through school programmes and youth initiatives that promote understanding and tolerance.⁷³

⁷² See *supra* para. 24.

⁷³ The *écoles de la paix* initiatives have been described elsewhere in the present submission.

93. *Educational and University Support*: Victims emphasised the need for scholarships and financial assistance to cover school fees and related expenses, ensuring the full re-enrolment of children whose education was disrupted. This concern was particularly pressing for victims [REDACTED], who faced greater economic hardship. Scholarships were also requested for displaced university students in Bangui to continue their studies.

B. Forms of Reparation

94. The TFV recalls that the decision to provide collective reparations, rather than individual awards, does not preclude the possibility of addressing individual harm, which victims continue to endure, including, if applicable, through symbolic compensation. The Reparations Principles state that collective reparations “should address the harm victims suffered on an individual and a collective basis”.⁷⁴

95. The TFV considers a collective reparation award through the TFV under Article 75 (2) of the Rome Statute and Rule 98 (3), to be the most appropriate form of reparations in this case. This approach would allow the TFV to develop a draft implementation plan in accordance with Regulations 54 and 55 of the TFV Regulations. The TFV emphasises that, given the significant moral, economic, and at times physical impact of the crimes, these reparations must directly benefit individuals who have suffered harm. Such an approach is in line with the Reparations Principles issued in the *Lubanga* and *Ntaganda* cases, where this was described as ‘collective reparations with individualised components’,⁷⁵ but also with the *Ongwen* case, which incorporated rehabilitation, symbolic compensation, and satisfaction measures into collective reparations specifically tailored to the individual needs and harm of each victim.⁷⁶

C. Reparation Modalities

96. The TFV is invited by the Trial Chamber to propose reparations modalities and to assess their appropriateness.

97. The TFV recalls that the *Ongwen* Reparations Principles have further defined and refined the concepts relevant to the different modalities of reparations, as previously defined in the *Ntaganda* Reparations Principles, such as rehabilitation, compensation, restitution, satisfaction, and symbolic measures.⁷⁷ In that respect: (1) Restitution is defined as restoring victims to their original situation or former condition before the commission of the crimes.⁷⁸ (2) Rehabilitation is defined as including not only medical and psychological rehabilitation

⁷⁴ *Ongwen* Reparations Order, para. 571, referencing *Ntaganda* and *Katanga* Reparations Principles.

⁷⁵ See *Ntaganda* Reparations Order, paras 186-196, referencing the same approach used in *Lubanga*.

⁷⁶ See *Ongwen* Reparations Order, paras 571, 612-638.

⁷⁷ *Ongwen* Reparations Order, paras 612-638; *Ntaganda* Reparations Order, paras 78-88.

⁷⁸ *Ntaganda* Reparations Order, para. 83.

measures but also measures “aimed at improving the socio-economic conditions of victims, seeking to enable the maximum possible self-sufficiency and to restore, as much as possible, victims’ independence and vocational ability, facilitating their inclusion and participation in society”.⁷⁹ (3) Cash payments are only regarded as compensation when they are “aimed at addressing in a proportionate and appropriate manner the harm inflicted” and should otherwise be regarded as a symbolic measure.⁸⁰ (4) Measures of satisfaction and guarantees of non-repetition may also form part of reparations, in particular in the context of collective reparations.⁸¹ They are defined as measures that acknowledge the violation and aim to safeguard the dignity and reputation of the victim, repairing in the first place non-pecuniary harms.⁸²

98. The example of the *Ongwen* Reparations Order suggests that the size of the group of victims may have a bearing on the selection of appropriate modalities.⁸³ In the case of *Ongwen*, the Trial Chamber decided not to award compensation or restitution due to the large number of victims, instead opting for “collective community-based reparations focused on rehabilitation and symbolic/satisfaction measures” including symbolic payments for all eligible direct and indirect victims.⁸⁴

99. The TFV understands that the decision on the “appropriateness” of reparation modalities is a discretionary decision of the Trial Chamber, which assesses on a case-by-case how the scope and extent of the damage, loss and injury is best addressed, e.g. through a combination of various reparation modalities.⁸⁵ This assessment is also informed by various other considerations, such as the operational feasibility of reparations, considering local conditions, including the availability of service providers, social dynamics, access to victims and security have influence on the appropriateness of a specific modality, as well as by the victim’s right to prompt reparations.⁸⁶ Furthermore, the cultural and contextual context may matter to a determination of which modalities are appropriate.⁸⁷

1. Displaced Persons - Restitution, Compensation, Satisfaction and Guarantee of Non-Repetition

⁷⁹ *Ongwen* Reparations Order, para. 78.

⁸⁰ *Ongwen* Reparations Order, para. 78; *See also Ongwen* Judgment on the appeal against the Reparations Order, para. 155.

⁸¹ *Ongwen* Reparations Order, para. 78.

⁸² *Ntaganda* Reparations Order, para. 88.

⁸³ *Ongwen* Reparations Order, para. 612.

⁸⁴ *Ibid.*, paras 613, 614, 621.

⁸⁵ *Ongwen* Reparations Order, para. 612, referring to *Lubanga* Judgment on Principles, para. 200.

⁸⁶ *Ntaganda* Reparations Order, para. 578; *Ongwen* Reparations Order, para. 579

⁸⁷ *Ntaganda* Reparations Order, para. 90.

100. The TFV first considers that the consequences of displacement continue to affect the majority of victims, many of whom remain displaced, in particular those residing in camps in neighbouring countries.

101. The VPRS-TFV consultations further reveal differentiated patterns of return to and reintegration within CAR. [REDACTED]

102. [REDACTED], displacement has resulted in economic marginalisation, social segregation, and widespread psychological and psychosocial harm. A considerable number of households or family units originating from [REDACTED]

103. More broadly, return movements are ongoing but remain incomplete. While some households and family units have started to return and assess the feasibility of additional family reunification, many displaced families have settled in [REDACTED], often in conditions less favourable than those prevailing prior to the crimes. At the same time, there is strong political support – from the Government of CAR, neighbouring States, and the UNHCR – for the return of displaced Central Africans.

104. Accordingly, it may reasonably be anticipated that, in the coming years, a significant number of victims will return to CAR, provided that the political and security situation does not deteriorate. Nevertheless, a substantial proportion of victims is likely to remain outside CAR, whether by choice or necessity, with some opting to settle permanently elsewhere.

105. *Land or Property Restitution:* The initial question is whether displaced persons should be restored to their pre-displacement situation. In principle, restitution would entail return to their homes or places of habitual residence, as well as the recovery of access to land, livelihoods, and business opportunities.

106. However, reparations ordered by the ICC may constitute measures to facilitate legal aid or costs for seeking administrative decisions, while decisions in relation to property or housing rights fall within the jurisdiction of the Government of CAR and its domestic legal framework. In these circumstances, restitution in this form does not constitute an appropriate modality of reparations in the context of an order issued by the ICC.

107. *Compensation:* Compensation measures⁸⁸ would require an individual assessment of the harm suffered, and its quantification in monetary terms to establish the compensation amount.

⁸⁸ See *Ntaganda* Reparations Order, para. 84 .

108. A compensation process will need to consider that the economic impact of displacement varies considerably across households, depending on factors such as pre-existing assets, livelihoods, family composition, and patterns of displacement. It would therefore require benchmarks for quantification and a bespoke system based on economic data, whereby any standardised approach risks arbitrariness, while individualised assessments would be complex, resource-intensive, and difficult to implement.

109. Further, since comparable measures have not been implemented for other victims of the 2012-2013 armed conflicts in CAR, compensation limited to victims in the present case could give rise to perceptions of unequal treatment, potentially generating tensions and undermining efforts to promote social cohesion and sustainable return.

110. In light of the foregoing considerations, the TFV considers that compensation for households and family units affected by displacement is unlikely to constitute an appropriate form of reparation in the present circumstances.

111. *Satisfaction Measures:* The TFV notes that the domestic legal system in CAR provides procedures for the recovery of housing and land, which returning households may seek to pursue. The TFV considers that returnees could be assisted in navigating these processes, including through targeted support measures. In addition, local leaders could be sensitised to facilitate practical and peaceful solutions and to support returning households in securing access to housing. Furthermore, it may, as set out above, be in the interest of the Government of CAR and of international cooperation efforts to support the return of displaced persons, including by addressing housing issues at the policy level in a way that promotes social cohesion, rather than exacerbates existing tensions.

112. In this regard, reparations may include measures aimed at assisting victims in asserting their rights under the applicable legal framework of CAR, particularly in relation to the recovery of land and housing, where they are the lawful owners, or of compensation. Such measures are more appropriately characterised as forms of satisfaction, rather than restitution *stricto sensu*.

113. With respect to facilitating return, the TFV considers, on the basis of the VPRS-TFV consultations, that displaced members of the Muslim community, particularly women, would benefit from administrative support aimed at restoring effective citizenship and access to essential identity documentation. Such measures could be implemented in cooperation with local authorities and civil society organisations, and would address both practical barriers and the moral harm associated with exclusion from civic life.

114. *Restorative Measures:* The VPRS-TFV Consultations underscore the importance of adopting a rigorous conflict-sensitive approach. In particular, due consideration must be given to the situation of current residents in affected areas, many of whom were themselves impacted by the events of 2013-2014 and identify as victims, albeit of crimes not at issue in the present case.

115. The TFV recalls that, in the *Ntaganda* Reparations Order, the Trial Chamber emphasised that reparations may also have symbolic, preventive, and transformative value, and may contribute to promoting reconciliation among victims, affected communities, and, where appropriate, the convicted person.⁸⁹

116. In the present context, the recovery of land and reintegration of returnees require a rigorously conflict-sensitive approach, failing which such measures risk exacerbating tensions and undermining their reparative purpose. This necessitates the active participation of affected communities, careful consideration of their perspectives, and the identification of solutions that equitably balance the interests of returnees and current residents. Peacebuilding and sensitisation initiatives are therefore integral to the reparations framework, and contribute directly to guarantees of non-repetition by addressing underlying tensions and supporting the restoration of the social fabric of the communities concerned.

117. In essence, such measures are of a restorative character and align with the objectives of reparations under Article 75 of the Rome Statute. They serve both to prepare the conditions for safe and sustainable return of displaced persons, and to foster the re-establishment of social ties, trust, and coexistence that widely⁹⁰ existed prior to the conflict. Their purpose extends beyond addressing harm to rebuilding trust, social relations, and the appropriate reconstitution of communities affected by displacement and violence. These measures are closely linked to guarantees of non-repetition, as they address underlying tensions and structural conditions that may otherwise give rise to renewed conflict. In this sense, they contribute to restoring the dignity of victims and to rebuilding the social fabric of affected communities.

118. These measures may include the implementation of peacebuilding and peace education initiatives designed to promote mutual understanding, prevent future conflicts, and address historical grievances. In addition, complementary measures such as open days, social dialogues, community therapy, and community sensitisation sessions have been carried out to strengthen community engagement. The primary strength of such an initiative lies in its capacity to

⁸⁹ *Ntaganda* Reparations Order, para. 82.

⁹⁰ The situation [REDACTED] prior to the conflict. This will be subject to further TFV consultations.

mobilise communities around the shared goal of promoting peaceful coexistence and enhancing social cohesion.

119. Particular attention should be devoted to measures involving children and youth affected by displacement and the crimes at issue. Programmes fostering social cohesion, peer support, and inter-community dialogue among young people should be systematically integrated into the reparations framework to foster durable reconciliation and provide the younger generation with the tools to rebuild their lives and secure a stable future.

120. The design and implementation of such measures will require further development through a detailed implementation plan, with the continuous participation of victims and affected communities.

121. Although such processes are inherently time-intensive and their outcomes are measurable only in the mid to long-terms, they are essential to promoting reconciliation, supporting guarantees of non-repetition, and ensuring the effectiveness and sustainability of reparations in the present case.

122. Finally, the effectiveness of these measures will depend on the support of the Government of CAR, as well as the engagement of affected and religious communities. The TFV considers that the current situation in CAR appears to provide a basis for pursuing such an approach and accordingly hereby proposes the inclusion of such restorative measures within the reparations framework.

2. Rehabilitation

123. The VPRS-TFV consultations indicate that rehabilitation measures, in particular those of a socio-economic nature, constitute the most appropriate form of reparation for victims. Such measures should extend to all victims of the crimes, including victims of torture and imprisonment.

124. Where victims have suffered direct physical harm, rehabilitation measures should also seek to address any ongoing physical consequences of such harm. More broadly, rehabilitation may respond to the psychological, psychosocial, and economic effects of the crimes, thereby contributing to the restoration of victims' dignity and their capacity to rebuild their lives, particularly where such harm persists.

125. The TFV considers that households or family units (women with children and often elderly) that have suffered material harm and economic loss as a result of the crimes may be most effectively supported through targeted measures, including income-generating activities, vocational and professional training, and access to micro-financing or small business grants,

with a view to restoring livelihoods and achieving sustainable economic independence. Given that the socio-economic impact of the crimes is primarily borne at the level of households and family units, resulting in impoverishment, reduced access to education for children, and diminished income opportunities for household members, the TFV considers that a household- or family unit-based approach may best serve the objectives of socio-economic rehabilitation in this case.

126. In addition, victims have expressed serious concern regarding the disadvantaged situation of their children – whether born before or after the crimes – who have experienced prolonged disruptions in access to education. The economic constraints faced by many households prevent them from covering the costs associated with schooling. Accordingly, targeted support to family units and households aimed at enabling children to attend school, pursue vocational training, or, where appropriate, access higher education, may serve to mitigate these disadvantages. At the same time, it should be borne in mind that improving the overall economic situation of the family unit constitutes a key precondition for children to continue accessing education beyond the duration of any reparations programme.

127. Family units and individuals who have suffered psychological and psychosocial harm should be provided with access to community-based psychosocial and psychological support, encompassing both the direct and transgenerational effects of displacement and conflict. For individuals presenting more severe psychological conditions, access to specialised, continuous, and adequately monitored psychological care should be ensured.

128. Physical harm resulting from the crimes could be addressed through the provision of adequate healthcare, rehabilitation services, and other necessary medical treatment, with priority given to the most vulnerable individuals, including the elderly and infirm. In addition, basic healthcare could be made available to displaced victims who were unable to access such healthcare for extended periods while residing in the camps outside CAR. Where physical conditions are linked to or exacerbated by psychological harm caused by the crimes, responses should be tailored on an individualised level.

3. *Symbolic Measures and the Boeing Mosque*

129. *Symbolic Non-Pecuniary Measures:* Symbolic reparations have not been explicitly requested by the victims, which may reflect, *inter alia*, the prevailing tensions between the Muslim and Christian communities, and the victims' recognition that other groups have also suffered from war crimes and crimes against humanity. Notwithstanding this, the TFV considers that symbolic measures may play an important role in addressing harm at the community level. In this regard, such measures would primarily be directed at the Muslim

communities as victims of the crimes, in particular where they were targeted on the basis of their identity. At the same time, and for restorative purposes, these measures may be designed to involve other community members to support reconciliation and the rebuilding of social relations. The TFV therefore suggests that symbolic measures, as defined through consultations with victims and affected communities, form part of the reparations modalities ordered by the Trial Chamber.

130. The TFV recalls that collective reparations, in particular restorative measures, may in certain circumstances also benefit persons who were not directly targeted by the crimes, provided that such measures primarily address the harm suffered by victims and are not disproportionate in nature. In the present case, while the harm suffered by the Muslim community should remain central, the design of such measures may incorporate broader community participation where necessary to achieve restorative objectives, including the re-establishment of social cohesion and the prevention of renewed tensions, as referenced above. Symbolic and restorative measures are thus closely interlinked.

131. These measures should be implemented in a coordinated and gender- and conflict-sensitive manner, ensuring equitable access to reparations for all victims and promoting long-term community recovery, reconciliation, and resilience.⁹¹

132. *The Boeing Mosque*: In the *Al Mahdi* case, the Trial Chamber considered that the harm caused by the destruction of the cultural heritage at issue necessitated “collective reparations for the community [...] as a whole”, in addition to individual reparations for individuals specifically impacted by the crimes.⁹²

133. Accordingly, in order to address the destruction of the (now reconstructed) Boeing Mosque, which affected approximately 100 Muslim households residing in its vicinity⁹³ and may have caused moral,⁹⁴ psychological,⁹⁵ and social harm to these families⁹⁶ and possibly also

⁹¹ See also Section XII.

⁹² This pertains to economic harm in particular in the said case. See Reparations Order, para. 83. For a similar example of the destruction of religious buildings and its impact on the community, see e.g. the destruction and restoration of the Temple of the Tooth Relic in Sri Lanka: Wijesuriya, Gamini, *The Restoration of the Temple of the Tooth Relic in Kandy, Sri Lanka: a post-conflict cultural response to loss of identity*, in: ICCROM Conservation Studies, *Cultural Heritage in Postwar Recovery*. Cf buildings with a mainly historical, not religious, value, the destruction of Buddhas of Bamiyan in 2001 referenced in the *Al Mahdi* case: 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, 2 December 2016, ICC- ICC-01/12-01/15-188, para. 44.

⁹³ Judgment, para. 2619.

⁹⁴ Judgment, para. 4541.

⁹⁵ *Ibid.*

⁹⁶ Salehou Ndiaye described the Boeing Mosque as having provided ‘an opportunity for people to greet one another’ after not seeing each other during the week (Judgment, para. 2619). The Muslim community was deprived of this social function of the Mosque during the 6-7 years between the attack on the Mosque and the resumption of prayers at that location (Judgment, para. 4541).

the wider community, the TFV emphasises the importance of ensuring that victims are actively involved in determining appropriate reparative measures. To this end, the TFV proposes to engage affected individuals through a common mechanism, enabling them to communicate their needs and preferences regarding appropriate reparative measures. Potential measures may include, *inter alia*, the installation of a symbolic monument or commemorative plaque, either in front of or within the Mosque, or any other form of acknowledgment deemed appropriate by the victims. Such measures could be identified through a collaborative consultation process, engaging the local community and [REDACTED], as well as ensuring that the community takes a leading role in identifying and selecting the most suitable course of action to address their collective concerns and needs.

134. *Symbolic Payments:* Symbolic payments constitute a form of symbolic reparation and an individualised instrument recognising that a person or a group is a victim of the crimes at issue. In the *Ongwen* case, the Trial Chamber ordered symbolic collective reparations, providing each direct and indirect victim with a symbolic amount of EUR 750.⁹⁷ In the *Al Mahdi* case, the TFV proposed, in its draft implementation plan, an appropriate amount for individual symbolic awards, which was subsequently approved by the Trial Chamber.⁹⁸

135. The TFV notes that the Appeals Chamber of the CPS delivered a judgment on 23 October 2023⁹⁹ in the case against Issa Sallet Adoum alias Bozizé, Ousman Yaouba and Mahamat Tahir (the “Sallet Reparations Appeal”), in which it ordered both individual and collective reparations measures following convictions for crimes against humanity and war crimes. Regarding collective reparations, the CPS awarded a symbolic sum of CFA 350,000 CFA francs (EUR 533) to the family of each deceased victim, acknowledging their suffering, without purporting to provide full compensation.

136. The TFV also observes that several cases remain pending before the CPS,¹⁰⁰ which may result in further reparations awards, including compensation or symbolic payments. These developments, together with those in other ICC cases, may provide useful reference points in determining appropriate symbolic payments, whether they are for the close family members of deceased victims, other categories of individual victims, or victims of displacement.

137. *Symbolic amounts for displaced persons:* At the same time, the TFV underlines that there is no clear precedent within ICC jurisprudence for determining symbolic payments

⁹⁷ *Ongwen* Reparations Order, para. 621.

⁹⁸ See *Al Mahdi* Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, [ICC-01/12-01/15-324-Red](#), paras 31, 51, 52.

⁹⁹ CAR : CPS, [Sallet Reparations Appeal](#), 23 October 2023.

¹⁰⁰ CAR : CPS’s website, [Affaires en cours](#), last consulted 9 April 2026.

specifically in respect of victims of displacement, in particular where such displacement remains ongoing.¹⁰¹ The determination of appropriate amounts in the present case therefore presents particular challenges.

138. The TFV considers that recognition of harm may be provided either directly to each individual or through the household or family unit (often one woman with children and elderly), in which the individuals live. In the present circumstances, where the economic and social impact of displacement through the loss of a home and the usual income sources is primarily borne at the household level, a household-based approach may be appropriate. While certain individuals may have been displaced independently, the majority of victims were displaced as part of households or family units. A household-based approach, with appropriate exceptions for individuals not forming part of a household, would therefore likely best fit the structure for the recognition of the prevalent forms of the damage suffered by displaced persons – economic and psychosocial.

139. The TFV suggests that, insofar as the Trial Chamber considers it appropriate, this issue be further examined during the judicial reparations phase, as the choice between a household-based or individual approach is closely linked to questions of prioritisation, eligibility processes, and, ultimately, the determination of appropriate symbolic amounts.

140. Additional points of consideration in relation to the payment of symbolic amounts are
- a. whether symbolic payments should be directed primarily to those households or individuals who do not already benefit from other rehabilitation measures. Such an approach raises practical challenges, including issues of fair distribution. More importantly, this raises the question whether it is feasible to provide cash payments to victims in areas where a rehabilitation programme is not accessible, without disclosing their identities and the amounts received to the relevant (national) authorities in those areas; and
 - b. that the amount should be set at a level significantly higher than that intended for individual victims, such as in the *Ongwen* case. It should be sufficient to have meaningful impact at the level of a household of approximately 8 to 10 persons, without amounting to economic compensation for the household's loss or damage.

141. If such an approach were to be adopted by the Trial Chamber, the TFV would, in consultation with victims, need to develop a methodology to ensure that such amounts are applied in a fair and proportionate manner across households, family units of varying sizes and

¹⁰¹ The amounts proposed by victims have been reflected in the section above.

compositions as well as to individuals, as required. This methodology could be further elaborated in the draft implementation plan, taking into account prioritisation criteria and the applicable Reparations Principles. A comparable approach may also be required for the delivery of socio-economic rehabilitation measures where these are structured at the household level.

142. *Symbolic amounts for families of murder victims and similar crimes:* By reference to the above-referenced precedent of the CPS, the Trial Chamber may wish to consider providing a symbolic amount to the close family members of murdered victims. These families have not only lost primary household providers, but in many cases also individuals who held significant social standing within their communities. The TFV further considers that, in light of the fact that many of these family members directly witnessed the killings, a slightly higher amount than that awarded by the CPS may be appropriate to recognise their harm.

143. The TFV stands ready to make further observations on these issues, including the appropriate size of a symbolic amount, upon considering the various submissions of parties and participants in this case.

4. Destruction of the Adversary's Property in Bossangoa

144. The TFV recalls that Mr Ngaïssona has been found guilty of the war crime of destructing the adversary's property, pursuant to Articles 8(2)(e)(xii) and 25(3)(c) of the Rome Statute, committed on 5 December 2013 and in the days thereafter in Bossangoa. To the extent that victims are able to establish ownership of the destroyed properties, the Trial Chamber could consider whether compensation for such destruction would be appropriate. The TFV notes that the estimated cost of reconstructing a house in the Bossangoa area is approximately EUR 4,000. At the same time, the TFV observes that the destruction of housing affected a significant number of displaced households, including, *inter alia*, along the PK9-Mbaïki Axis, as reflected in the VPRS 13 April 2026 Submission. Nevertheless, the TFV respectfully notes that the provision of compensation for some individuals, and not for others, may inherently create tensions among the beneficiaries of reparations in this case.

5. Conclusion

145. The TFV respectfully recommends that the Trial Chamber considers awarding the following modalities of reparations: physical, psychological and socio-economic rehabilitation, symbolic and satisfaction measures, as well as restorative measures aimed at re-establishing social cohesion.

146. The TFV suggests to continue assessing whether symbolic payments to individual victims or households are appropriate and at what amount, thereby taking into consideration

possible administrative, protection and security hurdles. The TFV stands ready to make further observations once it has considered the submissions of the other participants to the judicial reparation phase.

147. The TFV emphasises that the reparations modalities ordered should remain sufficiently flexible to respond to evolving circumstances on the ground and to the diverse and, at times, changing needs of victims. While initial consultations provide an important foundation, they cannot exhaustively capture the full scope of harm or the practical constraints that may arise during implementation. Continued and meaningful engagement with affected communities, both during the development of the draft implementation plan and throughout its execution, will be critical to maintaining legitimacy and ensuring that reparations are genuinely victim-centred.

IX. Trial Chamber Query C – Prioritisation of Victims

148. The TFV has been invited to identify victims or groups of victims who may require prioritisation in the reparations process.¹⁰² In addition to ensuring that the most vulnerable victims are addressed as a matter of priority,¹⁰³ such an approach offers the practical benefit of aligning the implementation pace with the availability of funding and the timeframe required for the adequate execution of reparations programmes.

149. The TFV first recalls that the Reparations Principles as they currently stand focus in terms of prioritisation on particularly vulnerable victims, an approach that the TFV fully agrees with. Beyond this, during implementation, additional prioritisation measures are often required. In that respect, the TFV submits that, rather than ordering a fixed sequence of implementation, the Trial Chamber may wish to articulate a guiding Reparations Principle that, insofar as feasible, the implementation of reparations should prioritise the needs of the most vulnerable victims first, with due regard to gender sensitivity, child-sensitive approaches, and the principle of intersectionality, leaving the operationalisation of this principle to the implementing entity.

150. In addition, the principle of inclusivity should guide the design of reparations, ensuring that measures promote social integration, reconciliation, and the restoration of the social fabric.

¹⁰² Order, para. 6 (i) (c).

¹⁰³ See *Ntaganda* Reparations Order, para. 93; see also *Ongwen* Reparations Order, para. 656 *et seq.*

This would further reflect the fundamentally restorative character of the reparations programme in the present case.

151. In addition to these considerations, and in light of the evolving context of return to CAR of displaced persons, the TFV considers that, from an operational perspective, prioritisation in particular of socio-economic measures may appropriately be undertaken at the level of households and family units, in order to ensure effective and sustainable delivery of rehabilitation measures within existing resource constraints. In this context, a gender-sensitive and gender-transformative approach should be integrated, recognising that women often assume key roles within households and may face heightened vulnerabilities, while also ensuring the meaningful inclusion of men in support of sustainable recovery. Such an approach would allow for integrated support addressing the socio-economic consequences of displacement, while remaining responsive to the varying needs within households.

152. At the same time, the TFV emphasises that enabling sustainable return requires not only socio-economic rehabilitation, but also the inclusion of restorative measures aimed at addressing community-level harm. Accordingly, focusing early in the programming on measures fostering social cohesion, reconciliation, and the rebuilding of the social fabric will be essential to create conditions conducive to return and reintegration.

X. Trial Chamber Query G – Estimates as to the Costs to Repair the Harms Suffered by the Victims in Light of the Appropriate Modalities for Repairing Them

153. The TFV is invited to provide concrete estimates as to the costs¹⁰⁴ to repair the harms suffered by the victims in light of the appropriate modalities for repairing them.¹⁰⁵

154. In view of these Observations that suggest that reparations in this case may be implemented through collective reparations modalities centred on physical, psychological and socio-economic rehabilitation, and symbolic, restorative and satisfaction measures, the TFV is in a position to provide indicative costs estimates.

A. Overview of Cost-Categories and Rationale

155. The TFV's cost estimates for reparations implementation consider all types of expenditures required to deliver meaningful and participatory reparations in the specific context of CAR. These costs include:

¹⁰⁴ 1 EUR = 656 XAF (655.95 XAF to EUR - Central African Francs to Euros Exchange Rate).

¹⁰⁵ Order, para. 6 (i) (g).

(A) Resources for awards that are individual or individualised;

(B) Resources for reparations ordered by the Trial Chamber and provided as services, benefits, or activities;

(C) Indirect costs where necessary and regularly incurred in relation to the provision of A and/or B. , When incurred by implementing partners, these are typically approved within a range of 7 to 20% of the overall cost of providing reparations. For any cash transfer, done either by the TFV or the implementing partners, award fees, the costs can be as low as 3% but will depend on the provider of the financial services, if such are used.

(D) Programme costs incurred by the TFV that are associated with the implementation of awards and that ensure quality assurance and the realisation of features that align with the Reparations Principles. For instance, victim notification, liaising with victims, methodology design, communications with stakeholders, gender integration and monitoring and evaluation.

156. The TFV submits that costs falling within categories A to C should form part of the reparations liability amount awarded by a Chamber against the convicted person, where the TFV is requested to implement the awards pursuant to Rule 98(3) of the Rules. The term “total costs” as used below refers to the combined costs of categories A, B and C.

B. Assessment of Costs per Reparation Modality

157. The TFV considers that the costs of the harm and damage suffered by the 20,000 to 28,000 victims, as currently estimated by VPRS, are hard to assess and entirely dependent on what modalities of reparation the Trial Chamber finds appropriate in order to address the harm suffered. The TFV assesses that these victims have been organised at the time of the crimes in 2,000 to 3,587 households or family units, based on the assumption that they may consist of an average of 8 to 10 members. In addition, the TFV considers that based on the above-mentioned number of victims, there may be 8,000 to 11,500 children who were born after the crimes were committed. Furthermore, these estimates should be further refined to account for household members who, following the commission of the crimes, have since deceased, ensuring a more comprehensive and accurate assessment.

158. The TFV considers that the circumstances of the present case allow for a reparations approach that focuses on creating an enabling environment for the return of displaced persons. This may be achieved by focusing the rehabilitation programme on households or family units that will have returned within the first year or two after the start of a reparations programme. Such a programme would include, next to rehabilitation measures, also measures aimed at

facilitating the recovery of or compensation for property, ensuring access to identity documentation, and strengthening social cohesion between Muslim and Christian communities.

159. Such a programme would contribute to improving conditions in a manner that enables and encourages sustainable return for future victims. In this respect, such an approach also reflects a prioritisation of available resources, allowing for meaningful and sustainable impact within existing operational and financial constraints.¹⁰⁶

160. On the basis of the VPRS 13 April 2026 Submission, the TFV considers that an estimated 255 households or family units currently reside at or around case locations in CAR.¹⁰⁷ Estimating in addition that about the same number of households or family units may return each year, starting in 2026, by the end of 2028, the year at which a TFV programme may start at the earliest, about 750 to 1,050 households or family units, comprising between 6,000 and 10,000 individuals, may be residing at or around the case locations in CAR, including about 1,200 to 2,500 children born after the crimes were committed. The reparations programme would primarily aim to address these victims and the costs below are focused on these numbers.

161. This programme would, however, not be accessible to a significant number of victims who will not have returned by the time the implementation in CAR commences. The TFV suggests that, in this context, it be further explored how many households or family units exist outside CAR, including those with children born after the commission of the crimes, and how many are located in other countries. This information would provide a sound basis for the Trial Chamber to determine whether to include *e.g.* symbolic payments as part of a symbolic award, and to whom such payments should be directed, or whether to also order rehabilitation measures for the victims in camps. The TFV notes in this context that establishing programmes for victims in refugee and returnee camps will pose operational, administrative, legal and security challenges and require the approval and cooperation of [REDACTED].

162. The following initial cost assessment, which the TFV may be able to further elaborate on in the course of the judicial reparations phase, is based on the assumptions set out in the preceding paragraphs. It focuses on a programme comprising rehabilitation, satisfaction, restorative, and symbolic measures for the estimated number of returnees at or around case locations in CAR by 2028.

1. Category A Costs

¹⁰⁶ *Ongwen* Reparations Order, paras 579 -580; see also CPS : [Sallet Reparations Appeal](#), paras 190 – 192.

¹⁰⁷ The TFV underlines that this is an estimate and that a higher number of households present in early 2026 at the relevant case locations would increase the total costs. In addition, the TFV does not currently have an estimate of households of displaced victims living at other locations in CAR.

163. *Compensation:* Based on the consultations, the TFV notes that the cost of constructing a house in Bossangoa is estimated at approximately EUR 4,000.

164. *Symbolic Payments:* As set out in the previous section, the TFV suggests to make observations on this issue once it has considered the parties and participants submissions in this case and, insofar as feasible, upon further consultations with victims and affected communities.

2. Category B Costs

165. *Rehabilitation Programme with a Focus on CAR:* Rehabilitation measures including socio-economic support (income-generating activities, training, education, university support) for selected members of family units and households who will have returned by the end of 2028 to CAR, physical rehabilitation and psychological rehabilitation would cost approximately EUR 5.5. million (ranging from EUR 4 million to EUR 7 million). This includes additional costs arising from conducting such a programme in the security and logistical situation in CAR as well as the lack of required expertise, which was described during the TFV cost study as requiring at least 25 percent additional costs.

166. The TFV currently estimates that schooling for a child under 14 years costs approximately EUR 70 per year, while secondary education costs approximately EUR 120 per year, technical education EUR 250 per year, and university education approximately EUR 1,500 in total. Vocational training in a trade is estimated to cost between EUR 500 and EUR 750, while a single literacy course aimed at developing basic reading and writing skills costs approximately EUR 200. The establishment of a psychological and psychosocial centre providing the necessary services is estimated to cost approximately EUR 200,000 over a period of four years at one location. Medication linked to psychological conditions costs on average between EUR 150 and EUR 250 per year. A basic medical check-up costs approximately EUR 50, while more complex medical treatment may cost around EUR 1,400.

167. *Satisfaction, Restorative and Symbolic Measures:* The TFV considers that approximately 70 percent of all victims returning to CAR require identity documentation, and a significant proportion of households require support in reclaiming their property, the estimated costs would amount to EUR 350,000. These may extend as well, insofar as possible, to victims in camps to create positive conditions for their settlement. In addition, restorative measures and support for social cohesion are estimated to amount to approximately EUR 1.8 million. They would be implemented at three case locations within CAR (Bangui, Bossangoa and Mbaïki). These estimates also include costs associated with ensuring the active participation of victims and community members in the reparation process.

168. *The Boeing Mosque*: For the necessary restoration of the Boeing Mosque and related commemorative or symbolic measures, the estimated costs amount to up to EUR 100,000.

3. Total Costs

169. The total Category B costs, together with Category C costs, amount to a range between EUR 6.5 million and EUR 9 million depending on the actual number of households and family units. Should the Trial Chamber decide to order Category A costs, those will need to be added to these amounts to mirror the total costs, together with about 7 percent Category C costs likely arising for cash payments in this case.

170. The TFV underlines that these cost assumptions are based on programme-related considerations and do not reflect the current availability of funds of the TFV. The TFV recalls that the determination of liability is directed at the convicted persons and is distinct from considerations relating to the implementation of any reparations award, although the availability of funding has recently been taken into account in determining the modalities of reparations in the *Ongwen* Reparations Order.¹⁰⁸

171. Any decision regarding a potential complement pursuant to Regulation 56 of the Regulations of the TFV falls within the implementation phase and will depend on the availability of resources, as well as on a decision of the TFV Board of Directors.

172. Finally, the TFV underlines the need for flexibility in the implementation of any reparations programme, given the evolving circumstances in which such programmes are carried out. It should be possible to adapt measures to future developments and to allocate resources flexibly across different components of the programme, without being unduly constrained by rigid *ex ante* allocations.

173. In this context, the TFV considers that the determination of specific amounts should, to the extent possible, be informed by consultations with victims. In the *Al Mahdi* case, the TFV proposed relevant amounts in the draft implementation plan for the approval of the Trial Chamber.

174. Finally, as already indicated above, where reparations are delivered at the level of households or family units, this should be accompanied by a clear methodology for distribution and access to services, as well as prioritisation criteria to ensure alignment with Reparations Principles. Such methods will be developed at the implementation stage, upon the approval of

¹⁰⁸ *Ongwen* Reparations Order, para. 579; see also CPS, [Sallet Reparations Appeal](#), paras 190–192, where the Appeals Chamber of the CPS, noting constraints relating to the availability of resources, favoured an approach based on rapidly applicable measures, in order to avoid compromising the potential benefit of already symbolic reparations, had these resources been mobilised for lengthy administrative procedures.

the draft implementation plan, with the close involvement of the community of victims and other stakeholders.

175. The TFV stands ready to respond to any additional queries in relation to these calculations, or share with the Trial Chamber the basis for these calculations.

XI. Trial Chamber Query B – Factual or Legal Issues on the Identification Of Eligible Victims

176. The TFV has been invited to raise any legal and factual issues relevant to the identification of eligible victims.¹⁰⁹ The TFV recalls the practice recently developed in the cases of *Ntaganda* and *Ongwen*, whereby VPRS has been tasked with identifying eligible victims and verifying their eligibility in the context of collective reparations awards.¹¹⁰ In the event that the Trial Chamber orders a collective award in the present case that requires a formal eligibility process, the TFV considers that this practice should be continued, namely that a formal eligibility process be conducted by VPRS.

177. The central issue arising from these Observations is how to identify the individuals who would benefit from any individualised measures.

178. First, as noted above in response to Query E, the TFV considers that eligible victims may often best be identified through household structures and, where relevant, through family units within those households (for example, units defined by a mother and her children). Given that the harm arising from displacement affects entire households, including loss of homes and forced adaptation to unfamiliar environments or camps, a household- and family-based approach may be particularly suitable for identification and eligibility purposes.

179. The VPRS-TFV consultations have revealed [REDACTED]. In addition, the consultations indicate that the crimes, in particular the attacks and displacement, were often happening publicly and were widely known. [REDACTED]¹¹¹ [REDACTED]

180. Accordingly, a locally anchored pre-verification mechanism, similar to that established in the *Al Mahdi* reparations programme for individual awards,¹¹² could therefore assist in the determination of eligibility. In this regard, community-based mechanisms for confirming

¹⁰⁹ Order, para. 6 (i) (b).

¹¹⁰ *Ongwen* Reparations Order, paras 807, 809-814; Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, First Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations, 11 August 2023, ICC-01/04-02/06-2860-Conf ("Ntaganda First DIP Decision"), paras 179-181, 183-186. A public redacted version was notified on 30 August 2023 ([ICC-01/04-02/06-2860-Red](#)).

¹¹¹ [REDACTED]

¹¹² See *Al Mahdi*, Thirty-second update report on the updated implementation plan, including report on finalisation of individual reparations, 29 July 2024, ICC-01/12-01/15-476-Conf-Exp. A public redacted version was filed on 17 February 2025 ([ICC-01/12-01/15-476-Red](#)).

residence, household composition, presence at the relevant locations, and status as a civilian at the relevant time could be established, insofar as needed.

181. The precise modalities of such an approach would require further consideration following the Reparations Order; the TFV stands ready to collaborate as appropriate and with full respect of the mandate of the Registry, in the development and implementation of a suitable identification mechanism.

182. With respect to children born after the crimes were committed,¹¹³ the TFV notes that such children have, in recent cases (*Ongwen* and *Ntaganda*), not (yet) sought inclusion through the eligibility process as reparations beneficiaries. Beyond evidentiary considerations that may explain this trend, as discussed above under Query E, the TFV considers that the administrative burden both on children, their parents and the Court is significant. Accordingly, it could be considered that it may not be necessary to include such children individually in the eligibility process. Rather, once households and family units are identified and verified, programme design could incorporate measures benefitting these children without requiring their individual inclusion in an eligibility process.

XII. Trial Chamber Query H – Other Reparations

183. The TFV has been invited to indicate whether it is aware of any prior judicial or domestic administrative reparations received by victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted.¹¹⁴

184. The present section provides an overview of the TFV's programme for the benefit of victims in CAR, the reparations regime implemented by the Special Criminal Court, and any potentially relevant activities undertaken by the CVJRR.

A. Overview of the TFV's Programme for the Benefit of Victims in CAR

185. The TFV implements both reparations ordered by the Court and programmes for the benefit of victims of crimes under the jurisdiction of the International Criminal Court.¹¹⁵ In the situation in the CAR, the TFV operates since 2020 a comprehensive programme for the benefit of victims (referred to previously as assistance programme), which is focused on addressing the impact of conflict-related sexual violence committed in the contexts of the situations of CAR I and CAR II.¹¹⁶

¹¹³ This may pertain specifically to children born in camps in the present case.

¹¹⁴ Order, para. 6 (i) (h).

¹¹⁵ Regulation 50(a) and 50(b) of the TFV Regulations.

¹¹⁶ A factsheet on the programme is included for the Trial Chamber's information. This factsheet has already been shared with both Defence teams in the present case.

186. Since its establishment, over 10,400 direct victims of conflict-related sexual violence (mostly women, but also men) have received support through the TFV programme for the benefit of victims. The TFV has invested since 2020 a total of EUR 4,749,974 into the programme, and in 2026 extended the five-year cycle by an additional year at a value of EUR 600,000. Assistance also extends to children born of rape and indirect victims, such as family members affected by the consequences of the crimes. Children born of rape are particularly at risk of stigma, social exclusion, and barriers to education; the programme supports their social integration and access to services. Families and partners of survivors may also receive support for economic and social impacts.

187. The programme provides holistic support for the physical, psychological, material, and social consequences of conflict-related SGBV. This includes medical care, psychosocial rehabilitation, vocational and economic support, and community-based interventions to reduce stigma and promote social reintegration.

188. The services received by beneficiaries of the programme implemented by the TFV in the Central African Republic are provided independently from the reparations regime established under Article 75 of the Rome Statute.

189. Nevertheless, the programme has been open to participating victims and other victims since its inception. In 2021, the TFV held a meeting with the relevant legal representatives to explain the scope of the programme and invited victims of sexual and gender-based violence, including former child soldiers, to become beneficiaries of the programme. The rationale underlying this approach is that, where such harm has already been addressed, there is generally no need to duplicate medical, psychological or material support measures.

190. The question to be addressed is whether eligible victims in the present case may have previously participated in this TFV programme for the benefit of victims.

191. *Personal focus:* A total of 115 former child soldiers were referred to the programme in 2021. As these victims fall outside the scope of the convictions in this case, no issue of overlap with reparations arises.

192. *Territorial focus:* The assistance programme has been implemented in areas where potentially eligible victims reside, including the Bangui, the area of Bossangoa and the PK9-Mbaïki Axis. From the outset, Muslim women have been included in the programme where they have suffered conflict-related sexual and gender-based violence. It is therefore possible that some victims who may be found eligible for reparations in the present case have also benefitted from measures in the TFV assistance programme. The TFV considers, however, that

the harm addressed, namely conflict-related sexual and gender-based violence, does not fall within the scope of the current convictions. The CAR programme addresses harms from conflict-related sexual violence, while Mr Yekatom and Mr Ngaïssona were not convicted of such crimes (apart from a single alleged act of rape for which Mr Ngaïssona has been acquitted, subject to appeal).

193. *Harm focus:* As the harms addressed by the TFV assistance programme (trauma due to sexual and gender-based violence, reproductive health impacts, economic marginalisation, social stigma) differ from those forming the basis of the convictions in this case. Any support provided is therefore unlikely to have addressed the harm suffered due to the displacement of the beneficiaries.

194. *Participating victims:* The TFV further reports that, following the extension of the TFV programme for the benefit of victims for a sixth contractual year (1 April 2026 to 31 March 2027), the TFV invited, in April 2026, the CLRV to share the contact details of any victims they represent who have suffered conflict-related SGBV, with a view to facilitating their possible inclusion in the programme. This approach seeks to ensure that such victims are not left without access to support, particularly given that they are unlikely to benefit from reparations within the scope of the present proceedings.

195. Accordingly, the TFV considers that, while potential victims in this case may have participated in the assistance programme, the harm addressed remains distinct from the harm to be addressed through reparations in the present case.

196. Finally, in implementing reparations, the TFV will take into account any overlap between measures already implemented under its assistance programme to avoid addressing the same harm more than once. The guiding principle in this regard is the Reparations Principle of no-overcompensation, which provides that, where the Court applies joint and several liability, “victims shall not be overcompensated for the harm they have suffered.”¹¹⁷ While this principle was developed in the context of the *Ntaganda* case, it may be applied *mutatis mutandis* in the present case. The TFV will therefore consider, in the practical implementation of reparations, how previous assistance may intersect with new measures, ensuring a fair and proportionate approach that addresses unremedied harm without duplicating support.

B. Reparations Frameworks Implemented in CAR

197. Regarding reparations frameworks implemented in CAR, the TFV notes that several initiatives have been established aimed not only at establishing frameworks for reparations and

¹¹⁷ *Ntaganda* Reparations Order, paras 99-100.

reconciliation, but also at delivering justice to victims of the Central African crises. In this context, the TFV notes in particular the creation of the *Commission Vérité, Justice, Réparations et Réconciliation* (“CVJRR”) as well the Special Criminal Court (“*Cour Pénale Spéciale*” or “CPS”).

198. As for the CVJRR, it was created in response to demands expressed by the population of CAR following public consultations held in 2015, which highlighted the need for truth, reconciliation and reparations as an essential condition for lasting peace and the peaceful resolution of the conflict. This commission forms part of the national post-crisis recovery and reconstruction process, particularly following the Bangui National Forum of May 2015, which recommended its creation as a central mechanism for restoring peace and preventing the recurrence of political and military crises.¹¹⁸ The CVJRR has recently been re-constituted. Its current main objective is to establish the truth about past violations, deliver fair justice, recognise and redress the harm suffered by victims, and promote national reconciliation among citizens. Its implementation relies on a structured process that includes information gathering, public consultations, and the adoption of a law by the National Assembly. The process is managed by a participatory strategic framework, including a Steering Committee responsible for policy guidance and a technical Secretariat responsible for operational support.¹¹⁹

199. At the meeting held in November 2025, the CVJRR expressed its willingness to cooperate with the Court and the TFV. Given that the relevant national legal framework remains under development, the TFV notes that it is not aware of concrete activities related to reparations, including recommendations, legislation or programmes of administrative reparations having reached victims in this case to date.

200. As part of the same process that established the CVJRR, a judicial institution was created in June 2015, namely the CPS.¹²⁰ The CPS is a jurisdiction established in CAR with the mandate to investigate, prosecute, and try war crimes, crimes against humanity, and genocide committed on Central African territory since 1 January 2003. In carrying out its mandate, the CPS contributes to the fight against impunity by establishing the criminal responsibility of perpetrators of international crimes and ensuring the recognition of victims’ rights, including through reparations measures.

201. The TFV notes that, since its establishment, the CPS has ordered reparations once, in the first case that was concluded. As reference above, on 23 October 2023, the Appeals

¹¹⁸ CAR : [Commission Vérité, Justice, Réparations et Réconciliation](#), Ministère de l' Action Humanitaire et de la Réconciliation Nationale, consulted 9 April 2026..

¹¹⁹ *Ibid.*

¹²⁰ CAR, [Loi n°15.003 portant création, organisation et fonctionnement de la Cour Pénale Spéciale](#), 3 juin 2015.

Chamber of the CPS issued a judgement¹²¹, in which it ordered reparations measures following the conviction of the accused of crimes against humanity and war crimes.

202. The TFV considers it appropriate to underscore that the case in question appears to relate to events distinct from those underlying the present case, and that the accused in that case belonged to a different group from the one associated with the events in this present case. It does not also appear that other cases currently pending before the CPS relate to the same facts or to the same group as that in the present case.

203. In conclusion, the TFV is now aware of an overlap of official reparation measures for the victims in this case and the harm they suffered.

XIII. Trial Chamber Query I – 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

204. The TFV notes that Mr Yekatom has been convicted, under Article 25(3)(a) of the Rome Statute, of war crimes and crimes against humanity under Counts 1 to 6, 8, 11 to 17, and 24 to 28. The TFV further notes that Mr Ngaïssona has been convicted, under Article 25(3)(c) of the Statute, of war crimes and crimes against humanity under Counts 1 to 6, 8, 11 to 17, 24 to 28, 30 to 33, 37 to 39, and 42.¹²²

205. Among the above, the TFV notes that Mr Yekatom and Mr Ngaïssona have been jointly found guilty of war crimes and crimes against humanity under Counts 1 to 6, 8, 11 to 17, and 24 to 28, relating to crimes committed in Bangui and on the PK9-Mbaïki Axis. Mr Ngaïssona was additionally found solely responsible for crimes committed in Bossangoa, for which Mr Yekatom was not convicted. On its face, this may suggest that Mr Ngaïssona could be held liable for a higher amount, as a greater number of victims' harm would require reparation.

206. On the other hand, the TFV notes that Mr Yekatom was found guilty pursuant to Article 25(3)(a) of the Statute, whereas Mr Ngaïssona was found guilty pursuant to Article 25(3)(c). The TFV recalls that in the case of *Katanga*, the form of responsibility for which Mr Katanga was convicted was a factor considered by the Trial Chamber in reducing his liability by one third.¹²³ Had he been found responsible at the same level as Mr Yekatom in the present case,

¹²¹ CAR : CPS, [Sallet Reparations Appeal](#), 23 October 2023.

¹²² See 5.

¹²³ In the case of *Katanga*, the Chamber held that an award of reparations for the totality of harm suffered could not be imposed on a single co-perpetrator where other co-perpetrators also bear individual criminal responsibility (*Katanga* Reparations Order, para. 263) and that the scope of the convicted person's liability must be proportionate to the harm caused and their participation in the crimes (*Katanga* Reparations Order, para. 264).

he would have been held liable for the full amount corresponding to the harm suffered by the victims. Based on this precedent, the amount of liability for which Mr Ngaïssona may be held responsible could be lower than that of Mr Yekatom. Subsequent Trial Chambers have been, however, less strict in linking the form of responsibility, whether as co-perpetrator or accessory, to the liability amount and have generally adopted an *in solidum* (joint and several liability) approach.

207. Accordingly, the TFV considers that there may be two possible approaches to the assessment of liability for Mr Yekatom and Mr Ngaïssona:

208. *First Approach:* Both perpetrators may be held liable *in solidum*¹²⁴ for the commission of the crimes other than those committed in Bossangoa, and Mr Ngaïssona may be held liable in addition for the crimes committed in Bossangoa. If this approach were adopted, the TFV suggests that the form of responsibility should not lead to a reduction of Mr Ngaïssona's liability for the crimes committed in Bossangoa; otherwise, victims of those crimes may not benefit from the same level of reparations as victims in other locations. Under this approach, the liability amount relevant for programme implementation pursuant to Rule 98(3) of the Rules would be the amount for which Mr Ngaïssona is held responsible. The TFV notes that, during programme implementation, it may be operationally difficult to distinguish on a daily basis between victims of crimes attributable solely to Mr Ngaïssona and those attributable to both convicted persons; however, such distinctions can be maintained at a conceptual and programmatic level. For financial, operational, and resource mobilisation purposes, the programme may need to be approached as one in a unified framework.

209. *Second Approach:* Both perpetrators may be held liable, due to their different forms of responsibility, only partly *in solidum*, for the crimes committed at the various case locations. This approach could, ultimately, result in similar or slightly different total liability amounts for each. However, it may also lead to a complex assessment of the total liability amount against which the TFV would implement reparations pursuant to Rule 98(3) of the Rules, and could result in different levels of reparations being available to different groups of victims. Accordingly, the TFV suggests that, if this approach were adopted, and given that implementation is envisaged under Rule 98(3) of the Rules, rather than Rules 98(1) and (2) of the Rules, the Trial Chamber may consider using the higher of the two liability amounts as the total reparations award for the collective of victims, to be distributed in an equitable manner.

¹²⁴ *Ntaganda* Reparations Order, para. 219.

In the TFV's view, distinctions based on the individual liability of the convicted persons risk creating unnecessary tensions among victims.

210. The VPRS-TFV Consultations did not shed further light on this matter from the perspective of the victims. Given the approaches set out above, the TFV considers that the first approach would better serve the interests of victims.

211.

212.

XIV. Trial Chamber Query K – Additional Information Relevant to Reparations

213. The TFV focuses in this section on two distinct areas: first, Reparations Principles, and second, cooperation with States authorities and others.

A. Reparations Principles

214. Throughout these Observations, the TFV has referenced the Reparations Principles and suggested their application or further development. In the view of the TFV, this case provides a basis to further expand on these principles as they exist or to establish new ones, for example in relation to restorative reparations, conflict sensitivity, and the situation of children born in displacement, or to further develop existing principles, including in relation to pre-verification mechanisms as a means of addressing the lack of documentary evidence, participatory mechanisms as a form of victim-centredness, and the need for flexibility to enable participatory approaches.

215. First, the TFV respectfully submits that, in light of the specific circumstances of the present case, the Reparations Principles can further be elaborated in respect of the restorative character of reparations coupled with a principle focusing on the need for conflict sensitivity. The specific circumstances of this case may allow to address the difficult situation of displaced persons and the Muslim community, and at building an enabling environment for their sustainable return and reintegration.¹²⁵ Reparations in the circumstances of this specific case should contribute to restoring social cohesion, supporting peaceful coexistence between communities, and building an environment that enables the return of displaced persons. These principles could be linked to principles such as those relevant to transformative reparations,¹²⁶ and implementation in a gender-sensitive¹²⁷ manner.

¹²⁵ See *Ongwen Reparations Order*, para. 616.

¹²⁶ See *Ntaganda Reparations Order*, para 94, referring to *Lubanga Reparations Decision*, para. 240.

¹²⁷ See *Ntaganda Reparations Order*, para. 60.

216. This case also offers the opportunity to develop a principle in relation to the specific situation of children born in displacement,¹²⁸ including through presumptions of harm and, where appropriate, by facilitating their access to reparations through eligible household members, without requiring an individual eligibility process. Reparations should further recognise the importance of psychosocial harm and its consequences, which in this case extend beyond individuals to households and parts of communities, including the Muslim community, and should favour measures capable of addressing such harm.

217. At the same time, reparations should not only incorporate gender-inclusive and sensitive,¹²⁹ but also gender-transformative approaches ensuring that women and girls, who often face particular barriers to reintegration, have effective access to reparations, while also including men within the household in order to support sustainable recovery.

218. Given the lack of documentary evidence for the eligibility process, it will be necessary to rely, in addition to victims' accounts, on community-based pre-verification mechanisms involving those who were present at the relevant time, in order to ensure access to reparations and maintain the credibility of the programme. The TFV suggests that such approaches be included in the evidence-related Reparations Principles.

219. The development of such mechanisms goes hand in hand with the development of a participatory approach to reparation implementation, rather than solely relying on consultations,¹³⁰ which are more *ad hoc* in nature compared to a structured participation process. A participatory approach requires a degree of flexibility in the design and implementation of reparations, as well as space for victims to develop participatory processes, take decisions, and provide guidance in relation to implementation, including with regard to restorative, symbolic, and psychosocial measures. In the circumstances of CAR, such approaches should also extend, where appropriate, to other members of the communities in which victims, including Muslim communities, live, in order to support the overall restorative and conflict-sensitive character of reparations in this case. These processes should further ensure the gender-sensitive inclusion of women and girls. The TFV considers that the circumstances of this case enable the development of a principles relevant to such participatory approaches. Finally, the TFV has suggested under Query C, above, an amendment to the principle relevant to prioritisation.

¹²⁸ See *Ntaganda* Reparations Order, para. 54.

¹²⁹ See *Ntaganda* Reparations Order, para. 60.

¹³⁰ In *Ntaganda* the Chamber found that the 'victim-centered approach' requires full and meaningful consultation (*Ntaganda* Reparations Order, para. 45); In relation to transformative reparations, the Chamber has stipulated that a 'participatory process' should be prioritized over outcomes in order to confront social exclusion (*Ibid.*, para. 95).

220. The TFV stands ready to respond to any additional questions in respect of these propositions and to further develop the various aspects of the proposed additional or further developed principles.

B. Cooperation

221. The TFV also underlines that the delivery of reparations for mass atrocities requires the support, commitment and action of the State in which the crimes were committed and where the victims reside. The Court's reparation scheme is directed against an individually convicted person, who may contribute financially to reparation measures, fund them in their entirety, and serve as a source of satisfaction, for example by offering apologies or participating in symbolic activities. In implementing collective reparations, establishing rehabilitation programmes, and using funds from voluntary contributions by States and other donors, the TFV can extend the reach of these efforts. However, for such measures to succeed, the TFV requires the support of civil society, affected communities, provincial authorities and, most critically, the cooperation of the Government itself. In this regard, the TFV recalls the general obligations of States to cooperate with the Court as set out in Part 9 of the Rome Statute. The TFV expresses its appreciation for the support currently afforded by the Government of the Central African Republic.

222. While the TFV is able to implement reparations in the absence of a comprehensive national reparations programme, the Government is best placed to implement measures that benefit all victims of the 2012-2013 conflict and that contribute to the rehabilitation of the affected victims, communities and regions, including through the construction of schools, hospitals and other infrastructure. Similarly, guarantees of non-repetition, an essential component of reparations, as well as certain measures of satisfaction (such as the inclusion of historical accounts in educational materials), are most effectively provided at the national level, where appropriate with the support of the international community.¹³¹

223. The TFV understands that the Government of CAR is committed to facilitating the return of displaced persons and to creating an enabling environment to that effect. These Observations are based on this understanding and on the prospect of continued support from the authorities in restoring the social ties disrupted by the conflict.

224. The TFV remains committed to maintaining close cooperation with the Government of CAR and to working jointly with the authorities to implement Court-ordered reparations in a

¹³¹ UN [Basic Principles on Reparations of 2005](#), paras 22-23.

manner that also supports directly and effectively the development of a national reparations framework.

225. The TFV welcomes the ongoing development of national legislation addressing eligibility processes and reparations, and stands ready to establish a close working relationship with the relevant ministries and the CVJRR, including through the exchange of experience and good practices. The TFV anticipates that, in due course, more specific cooperation arrangements may need to be established with the CVJRR. In this regard, the TFV will seek the guidance of the Chamber, as appropriate.

226. The TFV further notes that cooperation with neighbouring States, as well as with [REDACTED], will be essential for the effective implementation of reparations. This includes, insofar as ordered, clarifying applicable requirements for the provision of payments to beneficiaries in such contexts, as well as addressing any related protection and information-sharing considerations.

227. At the same time, the magnitude and complexity of the harm suffered by the victims in the 2012-2013 conflict call for redress that goes beyond what can be achieved through the Court's mandate alone. Addressing the full extent of this harm requires the sustained engagement of international organisations, donors, and other actors whose contributions can complement and strengthen reparation efforts. Their involvement is essential not only to fulfil victims' rights to effective reparation, but also to contribute to broader peacebuilding and social recovery in the region.

XV. Conclusion

228. In conclusion, the TFV considers that this case offers a unique opportunity to establish a rehabilitative and restorative reparations programme that can lay a foundation for the continuous return of displaced persons over the many coming years.

The TFV respectfully requests the Trial Chamber to take its observations into account when considering the Reparations Order in this case and affirms its commitment to provide further observations as requested.



Franziska Eckelmans, Legal Adviser,
on behalf of
Deborah Ruiz Verduzco, Executive Director, Trust Fund for Victims

Dated this 1st Day of August 2026

At The Hague, The Netherlands