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POLICY BRIEF

Redressing victims

Lessons from reparative justice frameworks

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Reparations for the millions of victims in post-conflict African states have at best been an afterthought in criminal accountability processes; and at worst, a tool used for political mileage, often around elections. Where implemented at the international and national levels, models of reparative justice could be gleaned for states to reflect on their own processes to meet their obligations to redress victims. This policy brief attempts to reflect and analyse different methods to redress victims of international crime.

Key findings

- The International Criminal Court (ICC) has developed useful principles to redress international crime, including respect for the culture of the victims, and by providing reparations, thus creating a precedent for victimised communities.
- Where the ICC considers the nature of victimisation in the reparation process, prioritising individual versus collective reparation may cause problems.
- The ICC reparative system within the Trust Fund for Victims has limitations such as severe shoestring budgetary processes, continued uncertainty, and approaches and strategies that produce vague approaches to implementation.
- The reparation orders that the ICC made in the cases of Thomas Lubanga, Germain Katanga and Ahmad al-Faqi al-Mahdi are a step forward for international justice through reparations and set important precedents for redressing international crime.
- The reparative justice model for the African Union (AU) as articulated in the AU Transitional Justice Policy (AUTJP) consists of effective and adequate financial as well as non-financial redress or restitution for violations or losses suffered. It is important to observe how far member states will implement or adopt the AUTJP.

Recommendations

To the Rome Statute system

- Numerous challenges with reparative justice at the ICC would be mitigated if the delays in implementing reparations for victims were addressed. With investigations and prosecutions taking centre stage, reparations are almost an afterthought. Consultations among all players to develop court-wide strategies on delivering reparative justice to victims in all affected countries are necessary. These consultations should involve every office in the ICC that has a mandate on any aspect of victims' concerns.

To African states

- In raising awareness of the AU Transitional Justice Policy Framework, support and encourage member states to engage in sustainable reparation programming anchored in policy and legislation.

To the AU Department of Political Affairs

- In raising awareness of the AU Transitional Justice Policy Framework, support and encourage member states to engage in sustainable reparation programming anchored in policy and legislation.
- Particular attention should be placed on the Central Africa Republic, The Gambia and South Sudan, which have transitional justice mechanisms in place on accountability and truth seeking. Reparation processes in these countries should not be an afterthought but rather complement existing mechanisms to ensure victims receive reparative justice.

Introduction

The international community has experienced varied reparation frameworks for international institutions and states. In Africa alone, investigations and prosecutions of international crimes have led to serious considerations for reparations to victims to improve their circumstances.

That notwithstanding, serious challenges have arisen as to how international institutions and states should address victims' concerns regarding mass criminality and egregious human rights violations.

How policy and legal frameworks are interpreted and implemented has impeded reparation strategies. A lack of political will has further complicated reparation processes and strategies.

There have been divergent concepts of how to redress victims' needs. Lack of a common coordinated strategy and limited resources for such implementation haven't helped the reparation project.

The International Criminal Court (ICC) has had some jurisprudence developed on reparations for victims, including the ICC Trust Fund for Victims guidance for general help for victims. Further, varied regional and domestic reparation frameworks, strategies and processes have been put in place for redress for victims of international crime.

This policy brief on reparation frameworks for international institutions and states attempts to reflect and analyse different methods to redress victims of international crime.

Reparation framework under the ICC:

Article 75 of the Rome Statute and Rule 94 of the Trust Fund Regulations premise the legal framework for reparation processes at the court. However a case-by-case approach to reparations by the ICC has made the reparation procedure unclear, leading to varied jurisprudence, divergent practice and unclear mechanisms and criteria for victims before court emanating from the same situation.

Principles developed by the ICC Trial Chamber

Trial Chambers have issued three reparation orders in the cases of Thomas Lubanga, Germain Katanga and Ahmad al-Faqi al-Mahdi from which we can draw an ICC reparative justice framework.

In its 2012 decision, the court set out the following principles from the Lubanga case:

a. **Principle of dignity, non-discrimination and non-stigmatisation –** all victims regardless of their participation in the trial proceedings or not will be treated fairly and equally.[1] This principle may have the desired effect of curbing the increasing volumes of applications from victims to participate in proceedings at the court discussed in an earlier section. This is the case where the principles are publicised effectively to victims and affected communities that reparations will take a non-discriminatory application.[2]

b. **Principles on beneficiaries –** the beneficiaries of reparations are both direct and indirect victims pursuant to Rule 85 RPE. While a direct victim may be clear, an indirect victim status may not be as clear. The Chamber will determine an indirect victim as for example the parents of a child soldier.[3] Legal entities may also benefit as victims but priority may be given to certain victims in vulnerable situations such as victims of sexual and gender-based violence.[4]

c. **Principle on accessibility and consultation with victims –** the Chamber endorsed a gender-inclusive approach to all principles with sufficient consultations with victims in situ paying particular attention to their priorities.[5]

d. **Principle on victims of sexual violence –** victims include women and girls, and boys and men alike. Reparation awards for this group of victims require a specialist, integrated and multidisciplinary approach particularly to meet obstacles faced by women and girls when seeking access to justice.[6]

e. **Principle on child victims –** reparation decisions will be guided by the fundamental principle of the 'best interests of the child' enshrined in the United Nations Convention on the Rights of the Child. Where child soldiers are victims, reparation programmes must include their reintegration into society and rehabilitation to promote reconciliation within society.[7]

f. **Principle on the scope of reparations –** the Chamber recognised the uncertainty in the number of victims in the case and despite the volumes of applications from victims, these numbers are not representative of all the victims. The Chamber endorsed the use of both individual and collective reparations noting that the two are not mutually exclusive and may be awarded concurrently.[8] When collective reparations are awarded, they should address the harm suffered by victims on an individual and collective basis.[9]

g. **Principle on the modalities of reparations –** a comprehensive approach to reparations was adopted, including restitution, compensation (requires broad application consistent with international human rights law assessments of harm and damage) and rehabilitation. The Chamber reserved a non-exhaustive list of the forms of reparations not excluding those with symbolic, preventive and transformative value.[10]

h. **Principle on proportional and adequate reparations –** reparations should support programmes that are self-sustaining and benefits paid in periodic instalments rather than in a lump sum.[11]

i. **Principle on causation –** the court should not be limited to 'direct' harm or the 'immediate effects' of the crime, particularly in this case involving child soldiers, but instead the court should apply the standard of 'proximate cause'. The court must be satisfied that there exists a 'but/for' relationship between the crime and the harm.[12]

j. **Principle on the standard and burden of proof –** as the trial stage is concluded when an order of reparations is considered, the appropriate standard of a balance of probabilities is sufficient. Where the reparation award emanates from the Trust Fund for Victims a more flexible approach must be taken.[13] These kinds of awards are akin to what has become known as the second mandate operations and assistance of the Trust Fund for Victims in situation countries of the court outside of a judicial determination of guilt or innocence of an accused person.

In relation to reparations, Trial Chamber II handed down its decision in the case in December 2017 with two main objectives: (a) to implement the Appeal Chamber's earlier order, the Order for Reparations of 3 March 2015 (The "2015 Order"); and (b) to set an amount for reparations.[14]

The case was the first to reach the reparation stage but controversy surrounding procedural requirements delayed the determination of Lubanga's monetary liability by the Chamber.[15]

The decision of 15 December 2017 by Trial Chamber II can be situated alongside assessments of monetary liability by Trial Chambers in the Katanga and al-Mahdi cases.[16]

This suggests that so far, ICC Trial Chambers have assessed defendants' monetary liability for reparations through formal, functional and intermediate approaches. Trial Chamber II reiterated key principles from the 2015 order, including the proportionality between liability and harm, as well as the convicted person's participation in the commission of the acts for which the person was convicted.

Direct victims were held to have experienced material, physical or psychological damages while indirect victims had to demonstrate, among others, a personal relationship or connection to the direct victim in addition to establishing harm.

> Injury, damage and hurt have been categorised as useful factor processes for reparation awards

Trial Chamber II assessed liability in relation to 425 victims collectively at US$3 400 000, with an additional liability of US$6 600 000 for victims not yet identified. The total amount for collective reparations was set at US$10 000 000.

On 7 March 2014, Germain Katanga was found guilty of a crime against humanity and war crimes perpetrated in Bogoro village in the Democratic Republic of the Congo on 24 February 2003. The Chamber found Katanga guilty as an accessory to the crimes of murder as a crime against humanity; murder as a war crime; attack against a civilian population as such or against individual civilians not taking direct part in hostilities, as a war

crime; destruction of enemy property as a war crime; and pillaging as a war crime.

Under the Chamber's order for reparations, individual reparations were awarded to victims in the form of a symbolic award of US$250. In addition, the Chamber made an award for collective reparations designed to benefit each victim, in the form of support for housing, an income-generating activity, education and psychological support.[17]

On 27 September 2016, following an admission of guilt, the Chamber convicted al-Mahdi of the war crime of attacking protected objects – 10 historic monuments and buildings dedicated to religion pursuant to Articles 8(2)(e)(iv) and 25(3)(a) of the ICC Statute in Timbuktu, Mali.

The Chamber sentenced al-Mahdi to nine years in prison. The Chamber further appointed four experts to help determine the reparations. In its determination, the Chamber in its decision provided collective and symbolic reparations for the community of Timbuktu; acknowledged that the destruction of the protected buildings had caused suffering to the people throughout Mali and the international community; and assessed al-Mahdi's liability for reparations at €2 700 000.

Types of damages

The ICC, pursuant to Rules 97 and 98 of its Rules of Procedure and Evidence, has the power to make individual or collective awards for reparation or both. Reparations may be ordered to a national, intergovernmental or international institution.

To a greater extent such an award would be for purposes of collective reparations. The ICC has not been consistent in the way it has awarded reparations. There has been variance in each and every case. This could be because the court is still developing its jurisprudence. The court in the Lubanga case considered collective reparations only. The position is different in the cases of Katanga and al-Mahdi.

For mass atrocities, individual and collective reparations have been awarded by domestic and administrative claim commissions. To a greater extent, collective reparations have come in the form of services such as education or rehabilitation and symbolic instances while individual reparations awards have been limited to small amounts of compensation and where relevant medical services.

Presumption of collective injury of a community or a group of people has been held by the court to be a criteria consideration for awarding reparations. Thus despite an application for reparations not demonstrating a close relationship with the victim, they still suffered direct or indirect damages from the alleged crimes.[18]

Challenges have arisen regarding varied approaches for the identification of beneficiaries and verification of their eligibility for collective reparations and when such reparations must be executed. Further, each of the Trial Chambers has had its own approach on the matter.

It is suggested that only an administrative screening process as opposed to a judicial one can completely deal with the challenges of selection regarding a beneficiary group or individuals. This would be a quicker assessment than a judicial one. Despite this, there is still the need for a remedy for those who would be considered excluded from such administrative screening arrangements.

It is proposed that a review of the screening process arrangement should lie with the Trial Chamber in the event that a group of beneficiaries or individuals feel they've been inadvertently omitted or excluded. What is needed is an effective and efficient screening process with set eligibility criteria.

Ambit of the harm

Regarding assessing beneficiaries, policymakers must realise that the ambit or purview of the harm for the victims directly and indirectly connected to crimes has become a key feature in reparation awards.

The rules have not set out categories for harm or definition. The court has had to seek guidance from other legal instruments such as the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.[19]

Injury, damage and hurt, be they material or physical, have been categorised as useful factor processes for consideration of reparation awards. Further, the harm can be proven through evidence adduced during trial, personal to the victim.

The value of the harm and its quantification is rather a challenge for the ICC. The Trial Chamber has had

guidance from possible cost of repair as opposed to quantifying a total sum of harm suffered.[20]

Analysis of ICC approaches in the Katanga, Lubanga and al-Mahdi cases

The following are guidelines for categorising victims, espoused in the three cases mentioned:

a. Such a victim needs to be a natural person or a legal person.

b. The victim has to demonstrate that there has been harm suffered by him or her.

c. The crime leading to the harm must be the one within the ICC's jurisdiction.

d. The victim must establish a link cause of the harm and alleged crime that has led to the conviction of the accused person.

In order for the reparation frameworks for international crimes to advance the victims' cause, these guidelines for the court need to be liberally and progressively interpreted. Policymakers and decision-makers must bear in mind transformative approaches to formulation, interpretation and implementation policies and strategies.

Gender sensitivities, child welfare and economic costs over substantive justice and vice versa should be seriously considered. Regulations 60-64 and 88 of the Trust Fund for Victims Regulations are instructional on the process. Natural and legal persons intending to be heard by the court may write to the court requesting the right to take part in the proceedings. This can be done at any stage.

Further, it is the victim's right to indicate from the outset that they would like to receive reparations. Conversely, such a victim should decide to only participate in reparation proceedings when such proceedings are before the court. The standard form application prepared by the Registry's Victims Participation and Reparations Section is approved by the court's Presidency, which oversees the Registry's administrative work.

THE TRUST FUND FOR VICTIMS REPRESENTS A SIGNIFICANT OPPORTUNITY TO ADDRESS THE GAP THAT EXISTS IN REPARATIVE JUSTICE

In ICC cases where decision makers are finding it hard to identify beneficiaries or groups thereof before a reparation order, it is the Trust Fund's duty to identify them during the time that it is implementing the reparation award.

The Trust Fund bypassing the judicial process creates selection challenges for victims and can incite victims to cry foul for exclusion. The same process can lead to over-inclusiveness which can create a strain on the existing shoestring budget for reparation implementation.[21]

The varied admission criteria have complicated the reparation framework for the ICC.[22] There is no steady direction of jurisprudence on this, but this may be improving. In the Lubanga case, the victims' admission to participate in

the reparation process was through written applications. These were collected at varied intervals and collected by different actors – the Victims Participation and Reparations Section, Legal Representatives of Victims and Trust Fund.

The Trial Chamber has in addition to application-based processes given the Trust Fund the authority to identify additional beneficiaries who can be termed eligible during the implementation phase.

> It is the victim's right to indicate that they would like to receive reparation

At times the Trial Chamber has adopted an inflexible application-based approach. In the Katanga case it provided for this approach with no possibility of more victims being added to the list during implementation stage. That notwithstanding, the varied approaches towards reparations have been apparent in the al-Mahdi case where the Trial Chamber has abandoned the application-based process and relied heavily on the Trust Fund to initiate identification and qualifications of beneficiaries during the implementation phase.

Further, if not for Jean-Pierre Bemba's acquittal by the Appeal Chamber, most victims who participated in the case, had jointly applied at the outset of the proceedings for both participation and reparation. A panel of experts duly appointed by the Trial Chamber advised that during reparation phase there should be no attempts to identify additional beneficiaries. Unfortunately, this meant that the only way to access reparations would have been at the outset when victims completed the Victims Participation and Reparations Section-issued forms.

Implementation of reparations

Policymakers and decision makers must realise that there are significant challenges in the implementation of reparation frameworks for international crimes beyond the availability of funds. Considerable reflection is required to ensure reparative justice for victims of international crime.

The ICC legal framework provides for implementation through the Trust Fund pursuant to Article 75(2) and Rule 98. Collective, individual and other reparation awards will need sound implementation strategies in place.

Trust Fund for Victims reparation programmes: strengths and failures

The Trust Fund for Victims represents a significant opportunity to address the gap that exists in reparative justice. Even the ICC orders themselves at times refer to or have recourse to the Trust Fund arrangements and screening processes. Despite the Trust Fund being described as a collective and transformative reparation system, such a system needs to seriously consider reparation beyond those who suffer crimes by a convicted person, as well as tackling the causes of the crimes.[23]

Reparations should also always include victim satisfaction in international law, guarantees for an effective remedy, restorative justice, respect and protection of human rights, and gender justice.

As the court takes on more cases and more accused people are convicted while the Trial Chamber continues to order reparation awards, the Trust Fund must escalate its strategies for fundraising. Domestic cooperation is needed from affected countries, international cooperation from states parties, and regional outreach efforts to regional institutions such as the African Union (AU) in order to minimise opposition to its efforts.

Reparation frameworks under other organisations

Extraordinary Chambers in the Courts of Cambodia

The Extraordinary Chambers in the Courts of Cambodia's (ECCC) reparation process has internal rules that allow victims to process reparations when they appear formally through a civil party action. The internal rules limit all reparations to only moral and collective reparations. There are also administrative and court-awarded reparations.[24]

The internal rules for the ECCC allow for liberal and flexible rules that aid in decision making regarding specific victims entitled to reparations. The law in rule 23*bis* (1) of the rules requires that a direct causal link is needed for the victim's harm and the crimes the accused is convicted of.

This specific direct causal link requirement is absent in the ICC framework.[25] The question would be whether

collective and moral reparations before the ECCC are more suitable for international crimes.

African Union's Transitional Justice Policy

It is generally accepted in international law that reparations must be proportionately effective and adequate to the harm suffered by the victim. In this regard, the United Nations (UN) provides for a principle of proportionality, within the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.[26]

Similarly, the reparative justice model for the AU as articulated in the African Union Transitional Justice Policy comprises effective and adequate financial as well as non-financial redress or restitution for violations or losses suffered.[27]

> Reparations must be proportionately effective and adequate to the harm suffered by the victim

The AU sets benchmarks and standards for successful reparative justice. However these standards are vague and have little content on implementation and what can amount to adequate for each crime. It is also yet to be seen how far the Transitional Justice Policy will be implemented or adopted by member states.

There are various forms that reparation could take.

Material reparation could include the restitution of access or title to property taken or lost, rebuilding of property destroyed by violence, and provision of a job, a pension and monetary compensation.

Healing/truth and reconciliation whereby affected individuals and communities mend the physical and psychological wounds they have suffered and recover from the emotional and moral effects of violence.

Rehabilitation is the provision of basic services, including victim-specific support such as medical and psychosocial services, as well as services specific to women and children.

Collective reparation may include the restitution of communal lands; rebuilding health, education, security, judicial and other public service infrastructure as well as the livelihood systems of affected communities, with due regard to the interests of children and youth; and compensation in the form of money or services to the community.

Moral reparation involves non-material forms including disclosure of facts about the actors and circumstances of a victim's mistreatment or death, public acknowledgement and apology, the identification and exhumation of the bodies of loved ones and provision of support for burial ceremonies.[28]

The Transitional Justice Policy also provides for processes that form benchmarks and standards for successful reparative justice mechanisms. These include the development of comprehensive and holistic policy frameworks by member states that not only provide for public reparative programmes, but also encourage non-governmental reparative initiatives. These could in some ways be viewed not as reparations, as they emanate from non-responsible actors.

These can come with transparent and administratively fair procedures to access reparation and institutions to administer them effectively. Such reparative programmes should be transformative and promote equality, non-discrimination and the participation of victims and other stakeholders.

Such processes should build solidarity across victim communities, restore dignity, be fair and just and tailored in their form to the needs of different categories of victims, particularly children and youth.

Holistic approaches to reparations for harm inflicted by sexual and gender-based violence which address societal structures and conditions that permit such violations must be adopted. Reparations must be prompt, adequate and effective in addressing the harm suffered by the victim. A strategy for resource mobilisation in a reparation programme could include a reparation fund.

There should be provision for interim reparation if there is a significant time lapse before a reparation programme is implemented. Guidelines for coordination between the different actors for reparation

programmes must be developed to ensure the approach is comprehensive and that the widest range of groups affected by the programme are reached.[29]

Proper oversight for the reparation programme must be in place, including submission of regular reports to the appropriate body regulated by national law.

It has to be noted that the Transitional Justice Policy deliberately placed women and children at the center of the mechanisms and tools to address the past. This to some extent confirms the fact that women and children are usually the greatest casualties of mass criminality.

Extraordinary African Chambers in the Courts of Senegal

The Trial Chamber of the Extraordinary African Chambers (EAC) in the Courts of Senegal, on pronouncing its guilty verdict, ordered reparations to be paid to the victims of Hissène Habré. On appeal, the Appeals Chamber confirmed the conviction. It further awarded 82 billion CFA francs (almost US$154 million) to 7 396 listed or named victims.

In addition, 3 489 victims would be eligible to process their reparation requests before the trust fund for victims of Habré's crimes and get assessed as to their eligibility. The latter group of victims had failed to produce sufficient proof of their identity before the Trial Chamber.[30]

Following the AU's adoption of the Trust Fund Statute for victims of Habré's crimes, victims will now have to wait for the collection and disbursement of reparations. The Trust Fund is entrusted with fundraising, assessing eligibility and implementing the reparation order.[31]

Despite the fund not being in operation to date, it's clear that the late consideration of reparations at the EAC as opposed to initial consideration became the EAC's main weakness. Reparation frameworks should have been in place at the start of the EAC. The late consideration has made implementation difficult.

There are serious challenges regarding accountability and fundraising for the award of reparations ordered. Eligibility processes if not handled properly will also complicate matters for the Trust Fund.[32]

African Court on Human and Peoples' Rights (ACHPR)

The ACHPR has had orders for reparations in the cases of Norbert Zongo, Lohé Issa Konaté and Christopher Mtikila. Amounts claimed and ordered for reparations are specific to what the applicants bring before the ACHPR. Further, there is no laid-down assessment of eligibility and no proper follow-up on any Trust Fund or implementation strategy.

The reparations ordered against the alleged violating country can be easily implemented if that state follows through with the reparation payment order. It is yet to be seen what sanctions the ACHPR would mete out to a state that clearly and contemptuously disobeys such a reparation order.

Targeted reparation orders by the ACHPR to the state make it easier to effect a reparation award as opposed to a Trust Fund establishment that would have to raise funds for such payment. Further, ACHPR reparation awards are simplistic and straightforward for policymakers to adopt and replicate for reparation frameworks and mechanisms.

National reparation frameworks

South Africa: Truth and Reconciliation Commission

During post-apartheid South Africa, the Truth and Reconciliation Commission (TRC) made reparation recommendations. Although reparations were discussed at multi-party negotiations at the end of apartheid, the new democratic constitution that came out of those negotiations did not provide for reparations.

The legislation that created the TRC, however, established the Committee on Reparation and Rehabilitation, or CRR, to formally examine the reparation issue and make policy recommendations to the president. The CRR made its recommendations – widely considered to be one of the most ambitious and comprehensive reparation policies in the world – the Truth and Reconciliation Commission of South Africa Report.[33]

Despite this, the South African government didn't respond to these recommendations, arguing that since the work of other committees within the TRC was not yet finished, it could not consider the CRR's proposed policy.

In 2003, the government finally enacted a reduced version of the CRR's original reparations policy. They provided a smaller amount of money for victims who appeared before the TRC. Despite the enactment, criticisms have been levelled against the CRR's reparation policy including challenges regarding implementation.

Uganda: Transitional Justice Policy

The 1987-2006 conflict waged between government and rebel forces seriously affected the civilian population in the Greater North region of Uganda. Both sides committed mass atrocities.

The Transitional Justice Policy (TJP) for Uganda was established to look into possible reparation programmes for victims of the conflict. The TJP also aims to address the gaps in the formal justice system for post-conflict situations and to formalise the use of traditional justice mechanisms in post-conflict situations. It also aims to address the gaps in the amnesty process by facilitating reparation processes and programmes and to facilitate reconciliation and nation building.

> The real challenge lies in the way that reparation frameworks have been interpreted and implemented

Despite this progress, existing challenges include how far the promotion of justice and accountability for the past human rights violations and war crimes can be addressed. Further, special attention to the situation of women and children as victims of war needs to be considered. Justice and reconciliation processes that regard reparations as important will remain a huge challenge for Uganda's justice system.

Kenya: Recommendations of the Truth, Justice and Reconciliation Commission of Kenya on reparations[34]

Recommendations on reparations by the Truth, Justice and Reconciliation Commission (TJRC) of Kenya have been considered an integral part of the processes that will help society's recovery from its armed conflict, repressive regime and culture of human rights abuses and impunity.

For reparations to have the maximum possible effect in the post-conflict reconstruction of society in Kenya, the perspectives of victims and their advocates need to be incorporated into the design, implementation and monitoring of reparations. The TJRC presupposes a normative framework of reparations as the appropriate remedy available under international and national laws for victims of gross violations of human rights.

Reparation principles enshrined in the TJRC have been noted as expensive to the victim and state. Thus reparation processes have been criticised as not properly tied to the existing legal framework and provision for access to justice for the victim being lacking. There is also no complementary connection to the administrative programmes and other international processes.

However this should not be confused with individual reparations to certain violations in Kenya and collective measures to a broad range of victims given the many years of scope. There is a need, therefore, for a proper analysis of the TJRC reparation framework.

Conclusion

Research on reparation frameworks has revealed the strengths and failures of the international system of reparations, regional systems and some national systems. While varied reparation frameworks for international institutions and states exist, the real challenge lies in the way in which these frameworks have been interpreted and implemented.

It is important to take stock of the above findings and recommendations to better formulate reparation frameworks. This in turn will aid implementation and bring reparative justice closer to victims.

Notes

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2 Ibid, paras 258 and 259 where the Chamber pronounced that the responsibility of the publicity of the principles lies with the Registry and that its outreach activities with national authorities and local communities are encouraged.

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