



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-05/R001/IA001

**Before:** A Panel of the Court of Appeals Chamber  
Judge Michèle Picard  
Judge Kai Ambos  
Judge Nina Jørgensen

**Registrar:** Fidelma Donlon

**Date:** 5 December 2025

**Original language:** English

**Classification:** Public

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**Public Redacted Version of Decision on Mustafa's Appeal Against Decision on  
Payment of Interest**

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**Counsel for Victims:**  
Anni Pues

**Counsel for Salih Mustafa:**  
Julius von Bóné

**Registrar**  
Fidelma Donlon

**THE PANEL OF THE COURT OF APPEALS CHAMBER** of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),<sup>1</sup> acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 169 of the Rules of Procedure and Evidence (“Rules”), is seized of an appeal filed on 7 September 2025 (“Appeal”) by Mr Salih Mustafa (“Mustafa” or “Defence”),<sup>2</sup> against the “Decision on the Payment of Interest by Salih Mustafa in Relation to Reparations” (“Impugned Decision”).<sup>3</sup> The Counsel for Victims (“Victims’ Counsel”) responded on 17 September 2025 that the Appeal should be dismissed (“Response”).<sup>4</sup> Mustafa replied on 21 September 2025 (“Defence Reply”).<sup>5</sup> On 26 September 2025, Victims’ Counsel submitted a request for leave to sur-reply to the Defence Reply.<sup>6</sup>

## I. BACKGROUND

1. On 6 April 2023, following issuance of the trial judgment against Mustafa,<sup>7</sup> the Trial Panel issued a reparation order against Mustafa, directing him to pay a total sum of 207,000 euros (EUR) to eight (8) victims as compensation for the harm inflicted by the crimes for which he was convicted (“Reparation Order”).<sup>8</sup> Neither Mustafa nor Victims’ Counsel appealed the Reparation Order.

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<sup>1</sup> R001/IA001/F00001, Decision Assigning a Court of Appeals Panel, 14 August 2025.

<sup>2</sup> R001/IA001/F00004/RED, Public Redacted Version of Mustafa’s submissions in appeal with regard to the Decision on the Payment of Interest, 23 September 2025 (confidential version filed on 7 September 2025).

<sup>3</sup> R001/F00032, Decision on the Payment of Interest by Salih Mustafa in Relation to Reparations, 16 July 2025.

<sup>4</sup> R001/IA001/F00005, Victims’ Counsel’s Response to Mustafa’s appeals submissions, 17 September 2025.

<sup>5</sup> R001/IA001/F00006/RED, Public Redacted Version of Mustafa’s Reply to Victims’ Counsel’s Response to Mustafa’s appeals submissions, 23 September 2025 (confidential version filed on 21 September 2025).

<sup>6</sup> R001/IA001/F00007, Victims’ Counsel’s request for leave to submit a further reply to Mustafa’s response, 26 September 2025 (“Request for Leave to Sur-Reply”).

<sup>7</sup> F00494/RED3/COR, Further redacted version of Corrected version of Public redacted version of Trial Judgment, 8 June 2023 (confidential version filed on 16 December 2022), para. 831.

<sup>8</sup> F00517/RED/COR, Corrected version of Public redacted version of Reparation Order against Salih Mustafa, 14 April 2023 (uncorrected confidential version filed on 6 April 2023), paras 247, 254, 283.

2. In the Reparation Order, the Trial Panel noted that certain issues might arise during the implementation and execution of the Reparation Order requiring resolution by a judicial body.<sup>9</sup> Consequently, the Trial Panel invited the President to assign a judicial authority for the purpose of monitoring and overseeing the implementation and execution of the Reparation Order.<sup>10</sup>

3. On 14 December 2023, following an appeal by Mustafa against his judgment and sentence, the Court of Appeals Panel confirmed all convictions forming the basis of the Reparation Order (“Appeal Judgment”).<sup>11</sup>

4. On 17 January 2024, the President assigned a Single Judge for a duration of one (1) year to oversee the implementation by the Registrar of the Reparation Order, as specified in paragraphs 255-257, 259, 269 and 283(f) of the Reparation Order, and to receive reports from the Registrar on any action taken before the Crime Victim Compensation Program (“Assignment Decision”).<sup>12</sup> On 18 February 2025, the President extended the Single Judge’s appointment for an additional period of one (1) year.<sup>13</sup>

5. On 19 January 2024, Victims’ Counsel requested the Single Judge to set a time-limit for the payment of reparations (“Request for Setting of Time Limit”).<sup>14</sup> Mustafa did not respond to Victims’ Counsel’s request.

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<sup>9</sup> In particular, the Trial Panel identified the following issues: ordering payment from Mustafa’s [REDACTED] assets (paras 255-257), [REDACTED] monitoring his financial situation with a view to enforce the Reparation Order (para. 259), directing the receipt and disbursement of funds received from the Crime Victim Compensation Commission to the victims (para. 268), receiving reports from the Registrar on action taken with regard to the Crime Victim Compensation Program (para. 269), and the payment of the awarded sum within a determined time-limit (para. 283(f)).

<sup>10</sup> Reparation Order, paras 251-252, 283(j).

<sup>11</sup> KSC-CA-2023-02, F00038/RED, Public Redacted Version of Appeal Judgment, 14 December 2023 (confidential version filed on 14 December 2023), para. 481.

<sup>12</sup> R001/F00002, Decision Assigning a Single Judge, 17 January 2024.

<sup>13</sup> R001/F00024, Decision Assigning a Single Judge, 18 February 2025.

<sup>14</sup> R001/F00003/RED, Public Redacted Version of Request to set a date for payment of reparations, 26 February 2024 (confidential version filed on 19 January 2024), paras 7(c), 8.

6. On 22 January 2024, Mustafa requested the Single Judge to temporarily stay the setting of a time-limit for the payment of reparations.<sup>15</sup>
7. On 20 February 2024, the Single Judge dismissed Mustafa's request, but extended *proprio motu* the time-limit for Mustafa to respond to the Request for Setting of Time Limit.<sup>16</sup> Mustafa did not respond to Victims' Counsel's request.
8. On 25 March 2024, the Single Judge issued the "Decision on Victims' Counsel's Request to Set a Date for the Payment of Reparations and other Matters", wherein he found that the Reparation Order was final and immediately enforceable and ordered the Registrar to carry out an assessment of Mustafa's indigence.<sup>17</sup> The Single Judge further ordered the Registrar to request information from the Kosovo Ministry of Justice on the applicable law and practice in Kosovo regarding the payment of interest on reparation awards following a criminal conviction, in particular the interest rate to be applied and its accrual date, and deferred his decision on such matter.<sup>18</sup>
9. On 29 May 2024, the Registrar reported to the Single Judge on the information provided by the Kosovo Ministry of Justice regarding the interest rate on reparations.<sup>19</sup>
10. On 20 June 2025, the Registrar submitted her report on the assessment of Mustafa's indigence, finding Mustafa fully indigent and unable to pay in full the ordered reparations within a reasonable time.<sup>20</sup>

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<sup>15</sup> R001/F00004, Mustafa Request for a Temporary Stay, 22 January 2024.

<sup>16</sup> R001/F00008, Decision on the "Mustafa Request for a Temporary Stay" and other matters, 20 February 2024 ("Decision on Request for Temporary Stay").

<sup>17</sup> R001/F00012/RED, Public Redacted Version of Decision on Victims' Counsel's Request to Set a Date for the Payment of Reparations and other Matters, 22 July 2024 (confidential and *ex parte* version filed on 25 March 2024) ("Decision on Payment of Reparations"), paras 28-29, 58, 66(a), 66(m).

<sup>18</sup> Decision on Payment of Reparations, paras 52, 66(o).

<sup>19</sup> R001/F00016/RED, Public Redacted Version of Registrar's Report on Execution of the Decision and Orders related to Reparations (F00012), 14 March 2025 (confidential and *ex parte* version filed on 29 May 2024).

<sup>20</sup> R001/F00029/CONF/RED2, Second Confidential Redacted Version of "Registrar's Report on Execution of Decision F00028 and Submission of the Indigence Assessment Report for Mr Salih Mustafa with five strictly confidential and *ex parte* annexes" (F00029), 4 August 2025 (confidential redacted and *ex parte*) (strictly confidential and *ex parte* version filed on 20 June 2025), paras 43-44.

11. On 16 July 2025, the Single Judge issued the Impugned Decision, wherein he found that Mustafa had failed to comply with his obligations under the Reparation Order and determined that an interest rate of eight (8) percent per annum shall be applied and begin to accrue on the part of the Reparation Order that has not been executed as of the date of notification of the Impugned Decision.<sup>21</sup>

12. On 23 July 2025, Mustafa filed an application for leave to appeal the Impugned Decision.<sup>22</sup>

13. On 11 August 2025, the Single Judge granted Mustafa leave to appeal the following four issues, as reformulated by the Single Judge (collectively, “Certified Issues”):<sup>23</sup>

- (1) Whether the Single Judge erred in determining that an interest rate applies to the part of the Reparation Order which has not been executed yet by Mr Mustafa, and up until the Reparation Order is paid in full (“First Certified Issue”);
- (2) Whether the Single Judge erred in determining that such an interest rate should be eight percent (8%) per annum (“Second Certified Issue”);
- (3) Whether the Single Judge erred in determining that the established interest rate starts to accrue as of the date on which the Impugned Decision was notified to Mr Mustafa (“Third Certified Issue”); and
- (4) Whether the Single Judge erred in determining the modalities of the calculation of the established interest rate, as set forth in paragraph 29 of the Impugned Decision (“Fourth Certified Issue”).

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<sup>21</sup> Impugned Decision, para. 31.

<sup>22</sup> R001/F00033, Mustafa’s Application for Leave to Appeal through Certification from Decision KSC-BC-2020-05/R001/F00032, 23 July 2025. See also R001/F00036, VC Submissions on Mustafa’s Application for Leave to Appeal through Certification from Decision KSC-BC-2020-05/R001/F00032, 4 August 2025.

<sup>23</sup> R001/F00038, Decision on Salih Mustafa’s Application for Leave to Appeal Decision R001/F00032, 11 August 2025, para. 26.

14. On 7 September 2025, having been granted an extension of time,<sup>24</sup> Mustafa submitted his Appeal, requesting the Court of Appeals Panel to reverse the Impugned Decision,<sup>25</sup> or alternatively temporarily suspend the proceedings to allow the investigation of an alternative avenue for the payment of compensation.<sup>26</sup> In the Appeal, Mustafa argues that the imposition of an interest rate is without legal basis, and exceeded the Single Judge's authority.<sup>27</sup> Victims' Counsel responded on 17 September 2025 that Mustafa's submissions are unsubstantiated and undermine the victims' rights to full reparations, and that the Appeal should be dismissed.<sup>28</sup>

## II. STANDARD OF REVIEW

15. The Court of Appeals Panel adopts the standard of review for interlocutory appeals established in its first decision and applied subsequently.<sup>29</sup>

## III. PRELIMINARY MATTERS

### A. SCOPE OF APPEAL

16. The Court of Appeals Panel recalls that the scope of its review lies strictly within the confines of the issues certified by the lower panel and that it may thus decline to consider arguments of an appellant that go beyond the issues in relation to which certification has been granted.<sup>30</sup> Nevertheless, the Panel may consider

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<sup>24</sup> R001/IA001/F00003, Decision on Mustafa's Request for Extension of Time to File Appeal, 1 September 2025.

<sup>25</sup> Appeal, paras 38, 44, 58, 70.

<sup>26</sup> See Appeal, paras 71-74.

<sup>27</sup> See Appeal, paras 16-23, 29, 32-33, 45-47. See also Defence Reply, paras 10, 18, 24.

<sup>28</sup> See Response, paras 5-6, 11-12, 31-32, 37-41, 44-45, 47.

<sup>29</sup> KSC-BC-2020-07, IA001/F00005, Decision on Hysni Gucati's Appeal on Matters Related to Arrest and Detention, 9 December 2020 ("*Gucati* Appeal Decision"), paras 4-14.

<sup>30</sup> KSC-BC-2020-06, IA031/F00005/RED, Public Redacted Version of Decision on Appeal Against Oral Order of 5 December 2024, 11 April 2025 (confidential version filed on 11 April 2025) ("*Second Appeal Decision on Judicial Questioning*"), para. 10; KSC-BC-2020-06, IA028/F00011/RED, Public Redacted Version of Decision on Thaçi, Selimi and Krasniqi Appeal against Oral Order on Trial Panel Questioning, 4 July 2023 (confidential version filed on 4 July 2023) ("*First Appeal Decision on Judicial Questioning*"), para. 11; KSC-BC-2020-04, IA004/F00008/RED, Public Redacted Version of Decision on

arguments even if they extend beyond the scope of the appeal, as long as they are intrinsically linked to the issue certified for appeal.<sup>31</sup>

17. In the Appeal, Mustafa proposes an “alternative path” for victim compensation.<sup>32</sup> In particular, Mustafa suggests that each of the victims could carry over their claims to the State of Kosovo through a deed of assignment, which would allow victims to be fully compensated at an earlier point in time.<sup>33</sup> Under this pathway, Mustafa’s obligation to pay would shift to the State of Kosovo, which the Defence avers is in a better position to collect the money owed by Mustafa.<sup>34</sup> To this end, Mustafa suggests that the Registrar investigate the feasibility of this proposition, and requests the Appeals Panel to temporarily suspend the proceedings to allow the Registrar to carry out such investigation.<sup>35</sup>

18. The Panel observes that, while Victims’ Counsel does not directly argue that Mustafa’s submissions fall outside the scope of the Appeal, she submits that they concern an issue that falls within “the Single Judge’s remit as it concerns the enforcement of the reparations award rather than [...] an appeals issue”.<sup>36</sup> In this regard, the Panel notes that the Certified Issues exclusively concern the Single Judge’s imposition of an interest rate on the awarded reparations. As such, the Defence’s submissions fall outside the scope of the Appeal. Furthermore, in the Panel’s view, submissions related to an “alternative path” to compensation for the purpose of enforcing the Reparation Order are not intrinsically linked to the Certified Issues.

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Pjetër Shala’s Appeal against Decision on Motion Challenging the Form of the Indictment, 22 February 2022 (confidential version filed on 22 February 2022), para. 10.

<sup>31</sup> Second Appeal Decision on Judicial Questioning, para. 10; First Appeal Decision on Judicial Questioning, para. 11; KSC-BC-2020-06, IA012/F00015/RED, Public Redacted Version of Decision on Defence Appeals Against Decision on Motions Alleging Defects in the Form of the Indictment, 22 August 2022 (confidential version filed on 22 August 2022), para. 165.

<sup>32</sup> Appeal, paras 71-74. See also Defence Reply, paras 30-32.

<sup>33</sup> Appeal, para. 72.

<sup>34</sup> Appeal, para. 73.

<sup>35</sup> Appeal, para. 74.

<sup>36</sup> Response, para. 46.



Therefore, the Panel declines to consider the Defence's submissions and formally dismisses them.

B. REQUEST FOR ORAL HEARING

19. Mustafa requests the Court of Appeals Panel to schedule a hearing to allow the Defence to further elaborate on its submissions in the Appeal, and other parties to present their views on the "alternative path for repayment" proposed by the Defence.<sup>37</sup> In support, Mustafa asserts that allowing the Parties and the Registrar to present their views in a hearing, rather than through written submissions, would benefit the efficiency of the proceedings.<sup>38</sup>

20. The Panel recalls that Rule 170(3) of the Rules provides that "unless otherwise decided by the Court of Appeals Panel, interlocutory appeals shall be determined on the basis of written submissions". The decision to grant an oral hearing is therefore a matter of discretion.<sup>39</sup> Moreover, such a request may be regarded as unnecessary when, as in the present case, the information before the Court of Appeals Panel is sufficient to enable the issuance of its decision.<sup>40</sup> Furthermore, the Panel notes that it has formally dismissed the Defence's submissions on the question of an "alternative path for repayment" in relation to which Mustafa requests an oral hearing, having found that they exceed the scope of the Appeal.<sup>41</sup> Accordingly, Mustafa's request for an oral hearing is dismissed.

C. VICTIMS' COUNSEL REQUEST FOR LEAVE TO SUR-REPLY

21. The Appeals Panel observes that the statutory framework of the Specialist Chambers does not provide for the right to submit a sur-reply. Nevertheless, the Panel

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<sup>37</sup> Appeal, para. 75.

<sup>38</sup> Appeal, para. 75.

<sup>39</sup> *Gucati* Appeal Decision, para. 77.

<sup>40</sup> *Gucati* Appeal Decision, para. 77.

<sup>41</sup> See above, para. 18.



notes that leave to file a sur-reply may be granted where the reply raises a new issue to which the other party (or participant) has not already had the opportunity to respond.<sup>42</sup> The Panel notes that Victims' Counsel filed the proposed sur-reply together with the Request for Leave to Sur-Reply. In this regard, the Panel stresses that, in the exceptional circumstances in which a sur-reply may be warranted, a party (or participant) is expected to first request leave without presenting the substantive submissions in the request.

22. Victims' Counsel requests leave to submit a sur-reply to respond to submissions made by Mustafa in the Defence Reply that, in her view, "falsely misrepresent[]" Victims' Counsel.<sup>43</sup> Specifically, Victims' Counsel seeks to publicly refute Mustafa's contention that she has no interest in pursuing any alternative pathways to achieve full reparations.<sup>44</sup>

23. In the Appeals Panel's view, the Defence does not raise a "new issue" in the Defence Reply to which Victims' Counsel did not have an opportunity to respond. In this regard, the Panel notes that the Defence raised the issue of an "alternative pathway" in the Appeal, to which Victims' Counsel had the opportunity to respond, and did in fact respond in the Response.<sup>45</sup> Specifically, the Panel notes that Victims' Counsel's proposed submissions reiterate her previous position that appeal proceedings are not the proper forum to address the "alternative path" proposed by the Defence. Furthermore, the Panel recalls that it has formally dismissed the Defence's submissions, having found that they exceed the scope of the Appeal.<sup>46</sup> In

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<sup>42</sup> See e.g. ICTY, *Prosecutor v. Mlado Radić*, IT-98-30/1-R.1, Decision on Prosecution Motion for Leave to File Sur-Reply to Defence Reply in Request for Review by Mlado Radić, 9 May 2006, p. 3.

<sup>43</sup> Request for Leave to Sur-Reply, para. 2.

<sup>44</sup> Request for Leave to Sur-Reply, para. 3, referring to Defence Reply, para. 32. In this regard, the Panel notes Mustafa's submissions that: "If there is no further interest from the side of Victims' Counsel for such an alternative path, th[e]n there is no need to pursue this avenue further" and "[a]pparently, Victims' Counsel does not wish to pursue Mustafa's suggested alternative avenue." See Defence Reply, para. 32.

<sup>45</sup> See Response, para. 46.

<sup>46</sup> See above, para. 18.

these circumstances, the Panel finds that resolution of the issue does not require a sur-reply, and accordingly denies the Request for Leave to Sur-Reply.

#### IV. DISCUSSION

A. WHETHER THE SINGLE JUDGE ERRED IN DETERMINING THAT AN INTEREST RATE APPLIES TO THE PART OF THE REPARATION ORDER WHICH HAS NOT BEEN EXECUTED YET BY MR MUSTAFA, AND UP UNTIL THE REPARATION ORDER IS PAID IN FULL (FIRST ISSUE)

##### 1. Submissions of the Parties

24. Mustafa submits that the application of an interest rate finds no legal basis in the framework of the Specialist Chambers.<sup>47</sup> Specifically, Mustafa asserts that the Law and Rules do not regulate the payment of an interest rate, and that only provisions of Kosovo law expressly incorporated within the Law or the Constitution are applicable.<sup>48</sup> Consequently, Mustafa avers that the Single Judge erred by applying the Kosovo Law on Obligations, as it falls outside the applicable framework.<sup>49</sup>

25. Mustafa next asserts that the Single Judge exceeded his competence and authority by imposing an interest rate on the Reparation Order.<sup>50</sup> In this regard, Mustafa contends that the Single Judge was assigned only to execute the Reparation Order and is therefore bound by the terms of the Reparation Order, which did not provide for the payment of interest.<sup>51</sup> Mustafa further argues that by amending the Reparation Order, the Single Judge rendered the order arbitrary and manifestly unreasonable and undermined principles of foreseeability and legal certainty.<sup>52</sup> As a

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<sup>47</sup> Appeal, paras 16-23.

<sup>48</sup> Appeal, paras 17-18, 21-23, 29. In this regard, Mustafa adds that none of the provisions referenced by the Single Judge in the Impugned Decision provide a legal basis for the application of an interest rate over reparations. See Appeal, paras 22-23.

<sup>49</sup> Appeal, paras 26-28.

<sup>50</sup> Appeal, paras 19-21.

<sup>51</sup> Appeal, para. 19.

<sup>52</sup> Appeal, para. 20.

result of these errors, Mustafa submits that the Impugned Decision must be declared null and void.<sup>53</sup>

26. Victims' Counsel responds that, although no specific provision of the Law relates to default or statutory interest on ordered reparations, the payment of post-judgment interest is part and parcel of the right to full reparation under customary international law and part of international human rights law, which are applicable pursuant to Article 3(2) of the Law.<sup>54</sup> Additionally, Victims' Counsel avers that the payment of interest is incorporated into the European Convention of Human Rights ("ECHR"), which is directly applicable in Kosovo pursuant to Article 22 of the Constitution.<sup>55</sup> In this respect, Victims' Counsel submits that the principle of full reparations under international law supports that the sum awarded in reparations is not only a simple figure but represents the value of restitution, and correspondingly, a mechanism must be inbuilt to preserve the value of the award.<sup>56</sup> In Victims' Counsel's view, the right to reparation provided in Article 22 of the Law must therefore be understood to include interest where the person or entity responsible for the harm done giving rise to the payment of reparation fails to comply with their obligation.<sup>57</sup> Victims' Counsel submits that, as Mustafa has failed in his obligation to honour the reparations award, the payment of post-award interest is triggered to ensure that the value of the award does not diminish.<sup>58</sup>

27. Mustafa replies that, pursuant to Article 3(2) of the Law, Kosovo law applies only when expressly incorporated and applied by the Law, and therefore, Victims' Counsel is incorrect in stating that it provides a legal foundation for the payment of interest.<sup>59</sup> Mustafa further submits that the cases cited by Victims' Counsel are

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<sup>53</sup> Appeal, para. 29.

<sup>54</sup> Response, paras 5-9.

<sup>55</sup> Response, para. 6.

<sup>56</sup> Response, para. 8.

<sup>57</sup> Response, para. 12.

<sup>58</sup> Response, para. 12.

<sup>59</sup> Defence Reply, para. 10.

inapposite, as they concern disputes between States and not individuals.<sup>60</sup> Mustafa also avers that he has not failed to comply with any obligation, but in fact has already paid [REDACTED] from his available assets, and for the remainder has been found fully indigent.<sup>61</sup> Lastly, Mustafa replies that the claimed economic devaluation of the award has not been demonstrated.<sup>62</sup>

## **2. Assessment of the Court of Appeals Panel**

28. At the outset, the Appeals Panel notes that the Reparation Order is the first issued before the Specialist Chambers and that the question of interest on monetary compensation awards has not previously been the subject of review before the Specialist Chambers.<sup>63</sup>

### **(i) Legal Basis for an Award of Interest on Reparations**

29. The Panel will first address Mustafa's argument that the payment of interest on reparations has no legal basis in the legal framework of the Specialist Chambers, as the Law and Rules neither regulate its application nor incorporate any relevant provisions of Kosovo law. The Panel notes Victims' Counsel's position that the payment of interest is "part and parcel" of the right to full reparation under customary international law and that the right to reparation under Article 22 of the Law must therefore be understood to include the payment of interest.

30. The Panel recalls that Article 22(8) of the Law establishes the authority of a Trial Panel or Court of Appeals Panel to issue an order against an accused person having been adjudged guilty of a crime, specifying appropriate reparation to, or in respect of, victims, either collectively or individually. However, the Panel notes that neither the

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<sup>60</sup> Defence Reply, para. 11.

<sup>61</sup> Defence Reply, para. 12.

<sup>62</sup> Defence Reply, para. 13.

<sup>63</sup> The Panel also notes that, in the Reparation Order, the Trial Panel established the principles applicable to reparation proceedings before the Specialist Chambers. These principles did not address the question of interest. See Reparation Order, paras 66-81.

Law nor the Rules provide further specification as regards the issuance of a reparation order and the implementation of any awarded reparations, including the application of any interest on a compensation award. In this regard, the Panel recalls that, pursuant to Rule 5 of the Rules, where a question arises in the course of the proceedings which is not addressed by the Rules, the Panel shall rule in accordance with Article 19(2) and (3) of the Law and the principles set out in Rule 4 of the Rules.

31. Consequently, in accordance with Articles 3(2) and 19(2) of the Law, the Panel shall be guided by sources of customary international law and international human rights law, including the ECHR, for the purpose of interpreting and applying the Law and Rules.<sup>64</sup>

32. In this context, the Panel observes that the responsibility to make reparation for injury suffered as a consequence of an internationally wrongful act is a well-established principle under customary international law.<sup>65</sup> Historically, the principle of reparation applied only to inter-state disputes<sup>66</sup> concerning breaches of state

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<sup>64</sup> The Panel notes that the Constitution of the Republic of Kosovo does not provide any direct guidance on the question of interest, and that no other relevant provisions of Kosovo law are expressly incorporated in the Law.

<sup>65</sup> See United Nations ("UN") General Assembly, Resolution 56/83 (2002), Responsibility of States for internationally wrongful acts, A/RES/56/83, 28 January 2002 ("Articles on State Responsibility"), Article 31(1); UN General Assembly, Resolution 60/147 (2006), A/RES/60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights and Serious Violations of International Humanitarian Law, 21 March 2006 ("UN Basic Principles on Reparations"), Annex, IX(18); Permanent Court of International Justice (PCIJ), *Case Concerning the Factory at Chorzów*, Judgment (Claims for Indemnity) (Merits), PCIJ Series A no. 17 (p. 5), 13 September 1928 ("*Chorzów* Judgment"), p. 47; ICJ, *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, Judgment (Compensation), ICJ Reports 2018 (p. 15), 2 February 2018 ("*Costa Rica v. Nicaragua* Judgment"), paras 29-30; Inter-American Court of Human Rights ("IACtHR"), *Álvarez Ramos v. Venezuela*, Series C no. 380, Judgment (Preliminary Objection, Merits, Reparations and Costs), 30 August 2019, para. 192; Iran-United States Claims Tribunal ("IUSCT"), *The Islamic Republic of Iran v. The United States of America*, no. 602-A15(IV)/A24-FT, Award, 2 July 2014 ("IUSCT Award of 2 July 2014"), para. 191; International Tribunal for the Law of the Sea ("ITLOS"), *M/V "Norstar" (Panama v. Italy)*, Judgment, ITLOS Reports 2018–2019 (p. 10), 10 April 2019, para. 318.

<sup>66</sup> The ICJ also recognised the legal duty of States to provide reparation to individuals having suffered harm in the context of inter-state disputes. See ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004 (p. 136), 9 July 2004, paras 152-153 (holding that Israel is under an "obligation to make reparation for the damage caused to all natural or

obligations under international law,<sup>67</sup> but has progressively developed to recognise the legal duty of states and non-state actors to provide reparation to individual victims for violations of their protected rights under international human rights and humanitarian law.<sup>68</sup> This evolved obligation has been reaffirmed in various international and regional human rights instruments<sup>69</sup> and the jurisprudence of

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legal persons” by returning the property that had been seized or, if materially impossible, by compensating the person in question for the damage suffered).

<sup>67</sup> See e.g. ICJ, *Case Concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of Congo)*, Judgment (Compensation), ICJ Reports 2012 (p. 324), 19 June 2012 (“*Diallo Judgment*”); ITLOS, *M/V “Saiga” (No. 2) (Saint Vincent and the Grenadines v. Guinea)*, Judgment, ITLOS Reports 1999 (p. 10), 1 July 1999 (“*Saiga Judgment*”); IUSCT Award of 2 July 2014. See also International Law Commission, Yearbook of the International Law Commission 2001, Volume II, Part Two, Report of the Commission to the General Assembly on the Work of its Fifty-Third Session, A/CN.4/SER.A/2001/Add.1 (“*Commentary to Articles on State Responsibility*”), p. 32, para. 4(d) (“The articles are concerned only with the responsibility of States for internationally wrongful conduct, leaving to one side issues of the responsibility of international organizations or of other non-State entities”).

<sup>68</sup> See UN Basic Principles on Reparations, Annex, II(3)(c) (providing for equal and effective access to justice, “irrespective of who may ultimately be the bearer of responsibility for the violation”), IX(15) (“In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.”); International Law Association, International Committee on Reparation for Victims of Armed Conflict, Resolution 2/2010, Declaration of International Law Principles on Reparation for Victims of Armed Conflict, 20 August 2010, Article 5(2) (“Responsible parties may also include non-State actors other than International Organisations”), Article 6 (“Victims of armed conflict have a right to reparation from the responsible parties.”). See also ECCC, *Co-Prosecutors v. Kaing Guek Eav alias ‘Duch’*, 001/18-07-2007-ECCC/SC, Appeal Judgment, 3 February 2012, para. 647 (recognising that the international principle that any violation must be remedied in full, which “has developed within the context of state responsibility, has been progressively extended to human rights law”).

<sup>69</sup> See e.g. UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966 (entered into force on 23 March 1976), Article 2(3) (providing that State Parties shall ensure that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy”); UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984 (entered into force on 26 June 1987), Article 14(1) (enshrining the enforceable right of the victims to “fair and adequate compensation including the means for as full rehabilitation as possible”); ECHR, Article 13 (“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority”), Article 41 (empowering the ECtHR to “afford just satisfaction to the injured party”); Organization of American States, American Convention on Human Rights “Pact of San Jose”, Costa Rica, 22 November 1969 (entered into force on 18 July 1978) (“ACHR”), Article 63(1) (vesting the Inter-American Court with the power to order, when it has found a violation of a right or freedom protected by the ACHR, that “the breach of such right or freedom be remedied and that fair compensation be paid to the injured party”).



international and regional courts, albeit in varying contexts.<sup>70</sup> Building upon this same principle, an individual's responsibility under international criminal law to make reparation for violations of international human rights and humanitarian law is premised upon a person's criminal liability for the harm suffered by victims.<sup>71</sup> A convicted person's duty to make reparation was recognised with the adoption of the Rome Statute<sup>72</sup> and unequivocally confirmed by the Appeals Chamber of the International Criminal Court.<sup>73</sup> In practice, individual responsibility to make reparation under international criminal law is less developed and subject to limitations inherent to the context of criminal proceedings. In particular, the form and extent of reparation may be limited by the nature of the harm suffered and the larger scope of claims, as well as financial and structural constraints affecting the enforcement of awards. However, the Panel considers that, taking into account relevant contextual differences, reparations before international criminal courts and tribunals are grounded in the same principle as in the context of state responsibility and aim to fulfil the same primary purpose – to repair the consequences of harm caused by violations of international law.

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<sup>70</sup> See e.g. ECtHR, *Papamichalopoulos and Others v. Greece (Article 50)*, no. 14556/89, Judgment, 31 October 1995 ("*Papamichalopoulos Judgment*"); IACtHR, *Velásquez-Rodríguez v. Honduras*, Series C no. 7, Judgment (Reparations and Costs), 21 July 1989 ("*Velásquez-Rodríguez Reparations Judgment*"); African Court on Human and People's Rights ("*ACHPR*"), *In the Matter of Alex Thomas v. United Republic of Tanzania*, no. 005/2013, Judgment (Reparations), 4 July 2019 ("*Thomas Judgment*").

<sup>71</sup> The Panel notes that, in establishing the principles applicable to reparations, the ICC draws from the UN Basic Principles on Reparations and the jurisprudence of the ECtHR and the IACtHR. See ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06-3129, Judgment on the appeals against the "Decision establishing the principles and procedures to be applied to reparations" of 7 August 2012, 3 March 2015 ("*Lubanga Appeal Decision on Reparation Principles*"), para. 100 (noting that "the imposition of liability for reparations on the convicted person is also consistent with the UN Basic Principles on Reparations, pursuant to which "[i]n cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim [...]'" (emphasis in original)).

<sup>72</sup> See Rome Statute, Article 75(2) (providing, in relevant part, that: "The Court may make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.").

<sup>73</sup> See *Lubanga Appeal Decision on Reparation Principles*, para. 99 ("The Appeals Chamber therefore considers that the obligation to repair harm arises from the individual criminal responsibility for the crimes which caused the harm and accordingly, the person found to be criminally responsible for those crimes is the person to be held liable for reparations.").



33. Therefore, in the Panel's view, while the jurisprudence of non-criminal international courts and tribunals adjudicating inter-state disputes and claims of individuals against states is not directly applicable, it can nevertheless inform the interpretation and application of general principles of reparation in the context of criminal proceedings. Furthermore, the Panel notes that the responsibility to make full reparation is embodied in the ECHR,<sup>74</sup> which is incorporated in the framework of the Specialist Chambers pursuant to Article 22 of the Constitution of the Republic of Kosovo.<sup>75</sup> Therefore, in accordance with Article 3(2)(d) of the Law, the Panel will be guided in its assessment, *mutatis mutandis*, by the principle of reparation established under customary international law, as applied by non-criminal international courts and tribunals.<sup>76</sup>

34. A State's legal duty to make reparation, as laid down in Article 31 of the International Law Commission's Articles on State Responsibility ("Articles on State Responsibility") and the UN Basic Principles on Reparations, places an obligation on

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<sup>74</sup> See ECHR, Article 41 (providing that "if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party"); ECtHR, *Georgia v. Russia (1)*, no. 13255/07, Judgment (Just Satisfaction), 31 January 2019, para. 54 ("[T]he general logic of the just-satisfaction rule is directly derived from the principles of public international law [...] Those principles include both the obligation on the State responsible for the internationally wrongful act 'to cease that act, if it is continuing' and the obligation to 'make full reparation for the injury caused by the internationally wrongful act', as laid down in Articles 30 and 31 respectively of the Articles on Responsibility of States for Internationally Wrongful Acts"); ECtHR, *Kurić and Others v. Slovenia*, no. 26828/06, Judgment (Just Satisfaction), 12 March 2014, para. 79 (interpreting Article 41 as imposing on the respondent State a "legal obligation to [...] make reparation for [the] consequences [of a breach] in such a way as to restore as far as possible the situation existing before the breach"). See also Schabas, W. A., *The European Convention on Human Rights: A Commentary*, Oxford University Press 2015, p. 830 ("The principle [of just satisfaction] is that an applicant who has suffered a loss as a result of a violation of the Convention—the injured party—is entitled to be placed back in the situation before the loss occurred, to the extent that this is possible.").

<sup>75</sup> See UN Basic Principles on Reparations, Annex, IX(15) ("In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim." (emphasis added)).

<sup>76</sup> The Panel acknowledges that, while the jurisprudence of the ECtHR provides helpful guidance in interpreting the nature and scope of the general principle of reparation, the specific criteria applied by the ECtHR in adjudicating claims for just satisfaction under Article 41 of the ECHR necessarily differs from the legal standards applied in reparation proceedings before the Specialist Chambers, given their different context.

the responsible State to provide “full” reparation for the harm caused by such conduct.<sup>77</sup> In this context, “full reparation” has been interpreted to require that reparation must “as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed”.<sup>78</sup> Where restitution is not possible or is insufficient to achieve that goal, reparation may take, in full or in part, the form of monetary compensation.<sup>79</sup> An award of monetary compensation may also include the payment of interest.<sup>80</sup> However, the payment of interest is not an automatic entitlement,<sup>81</sup> and only forms a

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<sup>77</sup> See Articles on State Responsibility, Article 31(1); UN Basic Principles on Reparations, Annex, IV(18). See also ICJ, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment (Reparations), ICJ Reports 2022 (p. 13), 9 February 2022 (“DRC v. Uganda Judgment”), para. 70; IUSCT, *The Islamic Republic of Iran v. The United States of America*, no. 604-A15 (II:A)/A26 (IV)/B43-FT, Partial Award, 10 March 2020, para. 1787; *Thomas* Judgment, para. 11.

<sup>78</sup> *Chorzów* Judgment, p. 47. See also Commentary to Articles on State Responsibility, Article 31, p. 91, para. 1. While affirming the obligation of providing full reparation, the Articles on State Responsibility also incorporate an element of flexibility in its execution, allowing for considerations of proportionality, equity and reasonableness in affording reparations. See Articles on State Responsibility, Articles 35(b), 37(3) and 39.

<sup>79</sup> Commentary to Articles on State Responsibility, Article 36, p. 99, para. 3 (“The role of compensation is to fill in any gaps so as to ensure full reparation for damage suffered.”); *Diallo* Judgment, para. 13 (acknowledging the principle that reparation of a wrong may consist of an “indemnity corresponding to the damage [...] suffered as a result of the act which is contrary to international law”); IACtHR, *Velásquez-Rodríguez v. Honduras*, Series C no. 9, Judgment (Interpretation of the Judgment of Reparations and Costs), 17 August 1990, para. 27 (noting that the desired aim of full restitution for the injury suffered is often impossible to achieve given the irreversible nature of the damages suffered, and under those circumstances “it is appropriate to fix the payment of ‘fair compensation’ [...] in order to compensate, to the extent possible, for the loss suffered”); *Saiga* Judgment, para. 171 (“Reparation may take the form of monetary compensation for economically quantifiable damage as well as for non-material damage, depending on the circumstances of the case.”); ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06-2904, Decision establishing the principles and procedures to be applied on reparations, 7 August 2012, paras 222, 226-231; *Lubanga* Appeal Decision on Reparation Principles, para. 202. See also Articles on State Responsibility, Article 34 (“Full reparation for the injury caused by the internationally wrongful act shall take the form of restitution, compensation and satisfaction, either singly or in combination”), Article 36(1) (“The State responsible for an internationally wrongful act is under an obligation to compensate for the damage caused thereby, insofar as such damage is not made good by restitution”).

<sup>80</sup> See Permanent Court of Arbitration (“PCA”), *In the matter of the Duzgit Integrity Arbitration (Malta v. São Tomé and Príncipe)*, no. 2014-07, Award on Reparation, 18 December 2019, para. 204 (“Interest is well established as an element of full reparation where monetary damages are awarded and is recognized as such within the Articles on State Responsibility.”).

<sup>81</sup> Commentary to Articles on State Responsibility, Article 38, p. 107, para. 1 (“Interest is not an autonomous form of reparation, nor is it a necessary part of compensation in every case.”), p. 108, para. 7 (“[A]n injured State has no automatic entitlement to the payment of interest. The awarding of

necessary part of a compensation award when required to provide full reparation.<sup>82</sup> In this context, the Panel observes that interest as a component of full reparation only concerns the application of “pre-judgment interest” (also known as pre-award or compensatory interest),<sup>83</sup> and that “post-judgment interest” (also known as post-award or default interest)<sup>84</sup> is explicitly excluded from the scope of Article 38 of the

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interest depends on the circumstances of each case, and in particular, on whether an award of interest is necessary to ensure full reparation.”).

<sup>82</sup> Articles on State Responsibility, Article 38 (interest “shall be payable when necessary to ensure full reparation”); Commentary to the Articles on State Responsibility, p. 107, para. 1 (“[A]n award of interest may be required in some cases in order to provide full reparation for the injury caused by an internationally wrongful act”); *Costa Rica v. Nicaragua* Judgment, para. 151 (“[P]re-judgment interest may be awarded if full reparation for injury caused by an internationally wrongful act so requires”); *Saiga* Judgment, para. 173 (“The Tribunal considers it generally fair and reasonable that interest is paid in respect of monetary losses, property damage and other economic losses.”); PCA, *In the matter of the Arctic Sunrise Arbitration (The Netherlands v. Russia)*, no. 2014-02, Award on Compensation, 10 July 2017, para. 119 (“In the exercise of its discretion in this case, the Tribunal is guided by the principle that the injured State is entitled to such interest as will ensure full reparation for the injury it has suffered as a result of the internationally wrongful measures of the injuring State.”); *DRC v. Uganda* Judgment, para. 402 (“[T]he Court recalls that it has granted [post-judgment] interest in past cases in which it has awarded compensation, having observed that ‘the award of post-judgment interest is consistent with the practice of other international courts and tribunals’”).

<sup>83</sup> See Commentary to Articles on State Responsibility, Article 38, p. 109, para. 12 (“Article 38 [...] is only concerned with interest that goes to make up the amount that a court or tribunal should award, i.e. compensatory interest”).

<sup>84</sup> Pre-judgment interest is awarded to compensate for the time value of money from the date of loss (for pecuniary losses incurred and valued before judgment) or date of judgment until entry of the award. See PCIJ, *Case of The S.S. “Wimbledon” (United Kingdom and others v. Germany)*, Judgment, PCIJ Series A no. 1 (p. 16), 17 August 1923, p. 32 (in respect of non-pecuniary damages, holding that interest should run, not from the date of the internationally wrongful act, but rather the date of the judgment, as this is “the moment when the amount of the sum due has been fixed and the obligation to pay has been established.”); ECtHR, *Stran Greek Refineries and Stratis Andreadis v. Greece*, no. 13427/87, Judgment, 9 December 1994 (“*Stran* Judgment”), para. 82 (“[T]he adequacy of the compensation would be diminished if it were to be paid without reference to various circumstances liable to reduce its value, such as the fact that ten years have elapsed since the arbitration decision was rendered”). See also Nevill, P., “Awards of Interest by International Courts and Tribunals” (2007), 78 *British Yearbook of International Law* 255, p. 273 (“This jurisprudence, like that of the human rights courts, suggests that the award of interest is being conceived of as an adjustment of principal sums due and quantified as at an earlier date in order to factor in changes in the value of the money between that date and judgment.”). Conversely, post-judgment interest is applied to compensate for any delay in the payment of an awarded sum between the time it falls due and payment. See Lauterpacht, E. and Nevill, P., “The Different Forms of Reparation: Interest” in Crawford, J., Pellet, A., Olleson, S., Parlett, K. (eds.), *The Law of International Responsibility*, Oxford Commentaries on International Law 2010, p. 617 (“Post-award interest may subsequently accrue in respect of any delay in the payment of the sum awarded.”).

Articles on State Responsibility.<sup>85</sup> The application of post-judgment interest, which serves a different purpose, is instead determined in accordance with the legal framework of the relevant court or tribunal.<sup>86</sup> The Panel notes that the present Appeal concerns the application of post-judgment interest.<sup>87</sup>

35. The payment of post-judgment interest is, for the most part, not codified in the rules of non-criminal international courts and tribunals.<sup>88</sup> Nonetheless, these non-criminal courts and tribunals have considered themselves competent to award post-judgment interest as part of their inherent authority in deciding a claim for compensation.<sup>89</sup> Some tribunals have over time developed a specific approach to the award of post-judgment interest, which is adopted as a matter of course when issuing reparation awards.<sup>90</sup> However, an award of post-judgment interest, including any

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<sup>85</sup> The Panel notes that post-judgment interest is also referred to as “moratory” interest. See Commentary to Articles on State Responsibility, Article 38, p. 109, para. 12 (“Article 38 does not deal with post-judgement or moratory interest.”).

<sup>86</sup> Commentary to Articles on State Responsibility, Article 38, p. 109, para. 12 (“The power of a court or tribunal to award post-judgement interest is a matter of its procedure.”).

<sup>87</sup> The Panel notes that interest was imposed by the Single Judge for the purpose of “ensur[ing] that awards are not economically devalued with the passing of time”. See Impugned Decision, para. 18.

<sup>88</sup> For example, the statute and rules of the ICJ, PCA and the IUSCT do not expressly reference the power to award post-judgment interest. But see ECtHR, Practice Direction: Just Satisfaction Claims – Article 41 of the Convention, 28 March 2007 (amended on 9 June 2022), para. 27 (providing that “[t]he Court will also order default interest to be paid in the event that that time-limit is exceeded, normally at a simple rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.”); ECtHR, Rules of Court, 15 September 2025, Rule 75(3) (“The Chamber or the Committee may, when affording just satisfaction under Article 41 of the Convention, direct that if settlement is not made within a specified time, interest is to be payable on any sums awarded.”).

<sup>89</sup> See e.g. IUSCT, *The Islamic Republic of Iran v. The United States of America*, no. Dec. 65-A/19-FT, Decision on Request for a decision of the Full Tribunal on whether the Claims Settlement Declaration empowers the Tribunal to grant interest on its awards, 30 September 1987 (“IUSCT Authority to Award Interest Decision”), para. 12 (noting that “claims for interest are part of the compensation sought and do not constitute a separate cause of action requiring their own independent jurisdictional grant” and “it is customary for arbitral tribunals to award interest as part of an award for damages, notwithstanding the absence of any express reference to interest in the compromis”). See also *Saiga* Judgment, para. 173; *DRC v. Uganda* Judgment, para. 402.

<sup>90</sup> For example, the IACtHR includes a provision in its reparations judgments, without further elaboration, that “if the State were to be in arrears, it must pay interest on the amount owed according to the interest rate for arrearages in [the concerned country’s] banking system”. See e.g. IACtHR, *Bulacio v. Argentina*, Series C no. 100, Judgment (Merits, Reparations and Costs), 18 September 2003 (“*Bulacio* Judgment”), para. 159. Similarly, the ECtHR provides as a final consideration in its judgments, without

applicable rate and its method of calculation, is generally determined by the individual chambers within the exercise of their discretion in deciding each particular case.<sup>91</sup>

36. In practice, post-judgment interest has regularly been awarded for the purpose of protecting against any prejudice that may arise from a delay in payment, including any diminution in value of a compensation award.<sup>92</sup> However, there is unsurprisingly no uniform approach across tribunals – and to some extent, within tribunals – as to the quantification and assessment of any applicable post-judgment interest,<sup>93</sup> as the

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further elaboration, that “the Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points”. See e.g. ECtHR, *Lordos and Others v. Turkey*, no. 15973/90, Judgment (Just Satisfaction), 10 January 2012 (“*Lordos Judgment*”), para. 76. See also *DRC v. Uganda Judgment*, para. 402 (where the ICJ noted that “consistent with its practice, the Court decides that, should payment be delayed, post-judgment interest shall be paid”).

<sup>91</sup> IUSCT Authority to Award Interest Decision, para. 13 (“The determination of the applicable principles of law in any given case, and consequently the question of whether an award of interest is appropriate, must rest with the [Tribunal] Chamber concerned,” as it relates to “the exercise by the Chambers of the discretion accorded to them in deciding each particular case.”). See also *Saiga Judgment*, para. 173; *DRC v. Uganda Judgment*, para. 402.

<sup>92</sup> See *Diallo Judgment*, para. 56; *DRC v. Uganda Judgment*, paras 406, 409(3); *Papamichalopoulos Judgment*, para. 39; *Saiga Judgment*, para. 175; ECtHR, *AKA v. Turkey*, no. 107/1997/891/1103, Judgment, 23 September 1998, para. 61; *Lordos Judgment*, para. 76; ECtHR, *Aždajić v. Slovenia*, no. 71872/12, Judgment, 8 October 2015, para. 81; IACtHR, *Bámaca-Velásquez v. Guatemala*, Series C no. 91, Judgment (Reparations and Costs), 22 February 2002 (“*Bámaca-Velásquez Judgment*”), para. 103; *Bulacio Judgment*, paras 159, 162; IACtHR, “*Juvenile Re-education Institute v. Paraguay*, Series C no. 112, Judgment (Preliminary Objections, Merits, Reparations and Costs), 2 September 2004, paras 338, 340; IACtHR, *Maria et. al. v. Argentina*, Series C no. 494, Judgment (Merits, Reparations and Costs) 22 August 2023 (“*Maria et al. Judgment*”), para. 223. See also IACtHR, *Godínez Cruz v. Honduras*, Series C no. 10, Judgment (Interpretation of the Judgement of Reparations and Costs), 17 August 1990, paras 40-41 (finding it appropriate to impose default interest in order to “preserve the real value of the sum received when it became due and payable, thus ensuring the fulfillment of the goal of *restitutio in integrum* for the injuries suffered”); Council of Europe, Committee of Ministers, Department for the Execution of Judgments of the European Court of Human Rights, Monitoring of the payment of sums awarded by way of just satisfaction: an update of the overview of the Committee of Ministers’ practice, CM/Inf/DH(2021)15, 7 September 2021, paras 84-86 (explaining that the importance of protecting the value of the sums awarded as just satisfaction in the event of late payment led to the inclusion of specific clauses about default interest).

<sup>93</sup> Notably, post-judgment interest is not imposed in every case, and when awarded, may even vary within the same award based upon the nature of the damages and the circumstances of the case. See e.g. *Papamichalopoulos Judgment*, disposition, paras 3-4 (imposing default interest on award for pecuniary damages, but not for non-pecuniary damages); *Velásquez-Rodríguez Reparations Judgment*, para. 57 (imposing interest on moral damages and loss of earnings damages, if paid by instalments, but not



circumstances of each case strongly affect the outcome. This reflects the discretionary and case-specific nature of an award for post-judgment interest. Furthermore, the Panel notes that post-judgment interest is generally imposed by the chamber adjudicating the case at the time of issuing the reparation award, and a time-limit or “grace period” is commonly granted before post-judgment interest becomes payable, which has varied from several months to a year, depending on the circumstances of the case.<sup>94</sup>

37. Therefore, while the payment of post-judgment interest is not “part and parcel” of the right to full reparation under customary international law, the Panel considers that it can nevertheless be imposed, when appropriate, in order to ensure that a victim’s right to reparation remains practical and effective.<sup>95</sup> In the Panel’s view, such an approach is consistent with the approach taken by international and regional courts and tribunals, including the European Court of Human Rights.<sup>96</sup>

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awarding default interest in case of non-payment); *Saiga* Judgment, para. 173 (recognising that a uniform rate of interest is not necessary in all instances, and awarding a distinct interest rate in respect of compensation for property damage/loss [6%], loss of profits [8%] and damages for physical/mental harm [3%]); IUSCT, *McCollough Company, Inc. v. The Ministry of Post, Telegraph & Telephone, the National Iranian Oil Company and Bank Markazi*, No. 225-89-3, Award, 22 April 1986 (corrected version filed on 15 May 1986), paras 97-99 (viewing a uniform approach to awarding interest as too rigid to compensate the claimant adequately in every case, and favouring an award of interest based on principles of reasonableness and fairness, taking into account all pertinent circumstances).

<sup>94</sup> For example, the ECtHR commonly allows a grace period between three and six months, whereas the IACtHR typically allows from six months up to a year. See e.g. *Lordos* Judgment, disposition, para. 1 (setting a time-limit of three months for payment until default interest begins accruing); *Papamichalopoulos* Judgment, disposition, para. 3 (ordering that failing restitution or payment, default interest begins accruing within six-months); *Bámaca-Velásquez* Judgment, paras 103, 106(8) (imposing a deadline of six months for payment and the payment of default interest for any arrears); *Maria et al.* Judgment, paras 192, 223 (holding that payment must be made within one year from notification of the judgment and that payment of interest would accrue upon default).

<sup>95</sup> See ECtHR, *Scordino v. Italy* (No. 1), no. 36813/97, Judgment, 29 March 2006, para. 192 (reiterating that the “[E]CHR is intended to guarantee not theoretical or illusory rights, but rights that are practical and effective”), para. 195 (in the context of compensation as a remedy, “it cannot be ruled out that excessive delays in an action for compensation will render the remedy inadequate”). See also *Stran* Judgment, para. 82 (“[T]he adequacy of the compensation would be diminished if it were to be paid without reference to various circumstances liable to reduce its value”).

<sup>96</sup> See above, paras 34-36.

38. The Panel recognises that, to its knowledge, no international criminal court or tribunal has awarded post-judgment interest on compensation awards made against convicted persons. Despite similar considerations of delay, indigency of the convicted person, and uncertainty regarding the availability of funds to execute the ordered reparations, the reparation orders issued by international criminal courts and tribunals do not impose or even contemplate the payment of interest due to a delay in payment.<sup>97</sup> However, the Panel also notes the limited jurisprudence on reparations

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<sup>97</sup> See e.g. ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06-3379-Red-Corr-tENG, Corrected version of the “Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable”, 21 December 2017, paras 279-281, 287-289 (awarding collective reparations to 425 identified victims, and any other victims who may be identified; finding Lubanga indigent and inviting the Trust Fund for Victims to earmark and collect additional funds for the implementation of the collective reparations), *confirmed in part and amended in part by* ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06-3466-Red, Judgment on the appeals against Trial Chamber II’s ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’, 18 July 2019, para. 332 (confirming the award amount while amending in part the order to allow “victims whom the Trial Chamber found ineligible for reparations [...] [to] seek a new assessment of their eligibility by the [Trust Fund], together with other victims who may come forward in the course of the implementation stage”); ICC, *Prosecutor v. Ongwen*, ICC-02/04-01/15-2074, Reparations Order, 28 February 2024, paras 579, 748, 795 (awarding 52,429,000 EUR in collective, community-based reparations to 49,772 victims as the “only feasible option for prompt implementation”, given Ongwen’s indigence, the number of victims and the limited resources of the Trust Fund), *confirmed on appeal by* ICC, *Prosecutor v. Ongwen*, ICC-02/04-01/15-2108, Judgment on the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX of 28 February 2024 entitled “Reparations Order”, 7 April 2025; ICC, *Prosecutor v. Ntaganda*, ICC-01/04-02/06-2659, Reparations Order, 8 March 2021 (“Ntaganda Reparation Order”), paras 186-194, 226-247, 254-257 (acknowledging Ntaganda’s indigence and encouraging the Trust Fund to supplement and engage in additional fundraising to complement the totality of the award), *partially reversed and remanded by* ICC, *Prosecutor v. Ntaganda*, ICC-01/04-02/06-2782, Judgment on the appeals against the decision of Trial chamber VI of 8 March 2021 entitled “Reparations Order”, 12 September 2022, para. 759, ICC, *Prosecutor v. Ntaganda*, ICC-01/04-02/06-2858-Red, Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659 (“Ntaganda Addendum to Reparation Order”), 14 July 2023, paras 320, 336-360 (amending the number of potential eligible victims to 3,000 victims of crimes against child soldiers and 7,500 victims of the attacks, and amending the collective monetary award to 31,299,905 USD), *confirmed by* ICC, *Prosecutor v. Ntaganda*, ICC-01/04-02/06-2908-Red, Judgment on the appeals against the decision of Trial Chamber II of 14 July 2023 entitled “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, 1 November 2024; ICC, *Prosecutor v. Katanga*, ICC-01/04-01/07-3728-tENG, Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, paras 239-306, 326-330 (finding Katanga liable for 1,000,000 USD in reparations, including individual compensation through a symbolic award of 250 USD to 297 victims, as well as collective reparations; noting that on account of Katanga’s indigency, the Trust Fund may complement the resources collected by disbursing the necessary amount from its “other resources”), *reversed in part by* ICC, *Prosecutor v. Katanga*, ICC-01/04-01/07-3778-Red, Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled “Order for Reparations pursuant to Article 75 of the Statute”, 8 March 2018, para. 260 (reversed and remanded with respect to the findings on the eligibility of five applicants for



before international criminal courts and tribunals, and in particular, as it relates to the award of individual monetary compensation. Furthermore, the Panel recalls that, as demonstrated above, the decision to impose post-judgment interest is case-specific and discretionary, and its application is prevalent before non-criminal international and regional courts and tribunals.

39. In view of the above, the Appeals Panel finds that, although the framework of the Specialist Chambers does not specifically provide for the imposition of post-judgment interest on compensation awards, customary international law provides a sound legal basis for its application.

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reparation awards); Cour Pénale Spéciale, République Centrafricaine / Special Criminal Court – Central African Republic (“SCC”), *Le Parquet spécial c. Issa Sallett et al.*, CPS/CA/PSA/22-001, Jugement N° 001-

2023 sur les Interêts Civils Affaire Parquet Spécial Contre Issa Sallet Adoum et Consorts [Judgment on Reparations], 16 June 2023, paras 163, 171-179 (awarding as collective reparations the construction of a historical monument and two wells; ordering individual reparations to be awarded as follows: 200,000-600,000 CFA francs to each of the 4 victims for whom Sallet and his co-accused were held jointly and severally liable, 100,000,000 CFA francs for each of the beneficiaries of 16 victims under the joint and several liability of the three convicted persons and 700,000-1,000,000 CFA francs to each of six additional victims for which Sallet was held individually liable; noting the indigence of Sallet and his co-accused, the court invited the Victims Assistance and Defence Service to solicit external funding to execute the reparations award); SCC, *Le Parquet spécial c. Issa Sallett et al.*, no. 13-2023, Arrêt no 13 relatif à l’appel interjeté contre le jugement no 001-2023 du 16 juin 2023 de la Première Section d’Assises [Appeal Judgment on Reparations], 23 October 2023, paras 145-157, 159-192, 228-233, dispositif [disposition] (amending the list of admissible civil parties and amounts of compensation award; finding Sallet and his co-accused jointly and severally liable for 200,000-600,000 CFA francs to each of 4 victims and symbolic reparations in the amount of 350,000 CFA francs to each of 32 beneficiary families of victims killed in attacks; and finding Sallet individually liable to 5 victims for individual awards in the amount of 700,000-1,000,000 CFA francs); Chambres Africaines Extraordinaires / Extraordinary African Chambers (“EAC”), *Ministère Public c. Hissein Habré*, Jugement sur les Réparations [Judgment on Reparations], 29 July 2016, paras 55-56, 77-80, 82 (awarding individual compensation to approximately 4,866 victims based on specific categories: 20,000,000 CFA francs to each victim of repeated rape or sexual slavery; 15,000,000 CFA francs to each victim of arbitrary detention, torture, prisoners of war, and survivors of massacres; and 10,000,000 CFA francs to each indirect victim); EAC, *Le Procureur Général c. Hissein Habré*, Appel Contre La Décision sur les Réparations [Appeal Judgment on Reparations], 27 April 2017, paras 826-830, 926-940 (amending number of victims to 7,396; noting original reparation order did not specify the total amount of the award, and finding a total award of 82,290,000,000 CFA francs; noting Habré’s indigence and that his confiscated property and seized assets are insufficient to cover the full award, reiterated order to the Fund to implement the individual reparations).

(ii) The Single Judge's Authority in Imposing Interest on Reparations

40. Mustafa next argues that, by imposing an interest rate, the Single Judge amended the Reparation Order, thereby exceeding the authority assigned to him to execute the Reparation Order.<sup>98</sup>

41. The Appeals Panel recalls that the Reparation Order was entered on 6 April 2023. Having not been appealed by Mustafa or Victims' Counsel, the Reparation Order became final on 14 December 2023, upon issuance of the Appeal Judgment. As such, the Reparation Order was binding and enforceable at that time, and the rights and obligations established therein were therefore not subject to further review or modification.<sup>99</sup>

42. The Panel notes that the Reparation Order did not establish a legal basis under the framework of the Specialist Chambers for the imposition of interest on reparations, nor did it determine Mustafa's liability in respect thereof. The Appeals Panel considers, by majority, that these are both matters requiring substantive determinations affecting the rights of the victims and Mustafa's obligations under the Reparation Order.

43. The Panel observes that, in the disposition, the Reparation Order refers to a "time-limit to be determined by the [Single Judge]" in the context of ordering payment for the awarded sum,<sup>100</sup> but does not further elaborate upon it in the remainder of the decision. In this regard, the Panel notes that post-judgment interest only becomes payable upon failure to make payment by a set deadline.<sup>101</sup> The Appeals Panel

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<sup>98</sup> See Appeal, paras 17, 19, 21.

<sup>99</sup> See ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06-2953, Decision on the admissibility of the appeals against Trial Chamber I's "Decision establishing the principles and procedures to be applied to reparations" and directions on the further conduct of proceedings, 14 December 2012 ("*Lubanga* Decision on Admissibility of Appeal Against Reparations Decision"), para. 79 ("An order [for reparations] being final provides legal certainty in that it is known that it will not be the subject of a further appeal (and therefore will not potentially be reversed or amended).").

<sup>100</sup> See Reparation Order, para. 283(f).

<sup>101</sup> See above, footnote 95.

considers that the setting of a time-limit triggering the payment of post-judgment interest can be viewed as a procedural step in the enforcement of a reparation award. However, in the Majority's view, in the absence of a determination by the Trial Panel establishing a legal basis for the payment of post-judgment interest, as well as Mustafa's liability to pay such interest, the reference to the setting of a time-limit for the payment of reparations cannot be construed to include the authority to apply post-judgment interest on the sums due under the Reparation Order.

44. The Panel recalls that the Single Judge was specifically assigned to oversee the implementation of the Reparation Order by the Registrar, and to receive reports from the Registrar on any action taken before the Crime Victim Compensation Program.<sup>102</sup> In particular, the Panel notes that the Assignment Decision specifically identified the following issues as falling within the scope of the Single Judge's assigned functions: (i) deciding on the appropriate course of action with regard to Mustafa's [REDACTED] assets, including [REDACTED] and the payment to victims on a *pro rata* basis; (ii) [REDACTED] monitoring of his financial situation with a view to enforcing the Reparation Order; (iii) the receipt and disbursement of any funds received through the Crime Victim Compensation Program; and (iv) overseeing the payment of the specified sum of compensation to the individual victims, within a determined time-limit.<sup>103</sup>

45. In the Panel's view, the Single Judge retained a certain level of discretion in the exercise of his assigned functions, in order to direct the work of the Registrar and resolve any matters relating to the Registrar's implementation of the Reparation Order. As noted above, this would include the issuance of orders or decisions as may

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<sup>102</sup> See above, para. 4. In particular, the Panel notes that the Registrar was tasked with seeking compensation on behalf of the victims from the Crime Victim Compensation Program, and managing the receipt of any funds received from the program and the disbursement of the compensation award to the victims. See Reparation Order, paras 266, 268.

<sup>103</sup> See Assignment Decision, para. 4, referring to paragraphs 255-257, 259, 269, and 283(f) of the Reparation Order.

be necessary to facilitate the receipt and distribution of funds as payment of the awarded sum to the victims. However, the Panel considers, by majority, that such discretion does not include the authority to make substantive determinations that modify the rights and obligations established in the Reparation Order. In this regard, the Panel further considers, by majority, that the Single Judge's application of post-judgment interest on the sum awarded by the Trial Panel modifies Mustafa's obligations under the Reparation Order by imposing an added financial liability and as such, amounts to a modification of the Reparation Order.

46. While mindful of the interest of victims in receiving the value of the compensation awarded in the Reparation Order, the Panel considers, by majority, that such interest must be balanced against considerations of fairness and the proper administration of justice. Fairness is a fundamental procedural right that applies to all stages of criminal proceedings, including reparations.<sup>104</sup> Consequently, reparation orders must also conform with the principle of legal certainty.<sup>105</sup> In this context, fairness also requires that a convicted person be reasonably informed of any obligations established under a reparation order and of the legal consequences arising from non-compliance.<sup>106</sup> In the Majority's view, the payment of post-judgment interest

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<sup>104</sup> See ICC, *Prosecutor v. Ntaganda*, ICC-01/04-02/06-2908-Red, Public Redacted Judgment on the appeals against the decision of Trial Chamber II of 14 July 2023 entitled "Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659", 1 November 2024, Separate Opinion of Judge Luz del Carmen Ibáñez Carranza, para. 56.

<sup>105</sup> ECtHR, *Salov v. Ukraine*, no. 65518/01, Judgment, 6 September 2005, para. 93 ("The right to a fair hearing under Article 6 § 1 of the Convention presumes respect for the principle of the rule of law. One of the fundamental aspects of the rule of law is legal certainty, which requires that where the courts' judgment has become final their ruling should not be called into question"), para. 96 ("The court, in its assessment, notes that procedural clarity and foreseeability of the conduct of proceedings in the criminal cases are matters of major importance under Article 6 § 1 of the Convention"); ECtHR, *Beian v. Romania*, no. 30658/05, Judgment, 6 December 2007, para. 39 ("[T]he principle of legal certainty [...] is implicit in all the Articles of the Convention and constitutes one of the basic elements of the rule of law"); *Lubanga* Decision on Admissibility of Appeal Against Reparations Decision, para. 79 ("An order [for reparations] being final provides legal certainty in that it is known that it will not be the subject of a further appeal (and therefore will not potentially be reversed or amended)").

<sup>106</sup> See *Lubanga* Appeal Decision on Reparation Principles, para. 237 ("[T]he imposition of liability on a convicted person, including the precise scope of that liability, should be done by the Trial Chamber in the order for reparations. [...] [A] person subject to an order of a court of law must know the precise

is one such consequence. Therefore, the determination as to whether post-judgment interest can and should be applied to the sums awarded in the Reparation Order should have been made by the Trial Panel, and not raised after the Reparation Order had become final.

47. In view of the above, the Panel finds, by majority, that by imposing post-judgment interest on the (outstanding portion of the) compensation award ordered in the Reparation Order, the Single Judge acted outside the scope of his competence, and his decision must consequently be reversed. Accordingly, the Appeals Panel grants, by majority, the First Certified Issue.

48. The Appeals Panel emphasises that, within the scope of the present Appeal, it makes no determination as to whether the circumstances of the case merit the imposition of post-judgment interest on the sum awarded in the Reparation Order. However, in the Majority's view, any such determination was for the Trial Panel to make at the time of entering the Reparation Order, within the scope of its discretion in deciding the case.

49. Having found, by majority, that the Single Judge was not competent to impose the payment of post-judgment interest against Mustafa, the Panel need not decide whether the Single Judge erred in his determination as to the applicable rate, accrual date and modalities of calculation of such interest. The Appeals Panel therefore dismisses the remaining grounds (Second Certified Issue, Third Certified Issue and Fourth Certified Issue) as moot.

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extent of his or her obligations arising from that court order, particularly in light of the corresponding right to effectively appeal such an order, and that the extent of those obligations must be determined by a court in a judicial process"). See also Ambos, K., *Treatise on International Criminal Law: Volume III: International Criminal Procedure* (Second Edition), Oxford University Press 2025, Chapter II, E.(6) (Reparations to victims), p. 195, and references cited therein.

## V. DISPOSITION

50. For these reasons, the Court of Appeals Panel:

**GRANTS**, Judge Picard partially dissenting, the First Certified Issue;

**DISMISSES** the remainder of the Certified Issues;

**REVERSES**, in part, the Impugned Decision, with respect to the following:

- (a) The application of interest on the Reparation Order, as set forth in paragraphs 23-29 and 31(b) of the Impugned Decision;
- (b) The reporting obligation imposed on the Registrar with regard to the accrual of interest, as set forth in paragraphs 30 and 31(c) of the Impugned Decision; and
- (c) Any other actions ordered in relation to the application of interest on the Reparation Order.



**Judge Kai Ambos**



**Judge Nina Jørgensen**

Judge Michèle Picard appends a partially dissenting opinion.

Dated this Friday, 5 December 2025

At The Hague, the Netherlands.

## PARTIALLY DISSENTING OPINION OF JUDGE MICHÈLE PICARD

1. For the reasons outlined below, I respectfully disagree with the decision of the Majority with respect to its conclusion that the Single Judge acted outside the authority assigned to him by imposing post-judgment interest on the (outstanding portion of the) compensation award ordered in the Reparation Order.<sup>1</sup>

2. I will first briefly recall relevant procedural steps. The Trial Panel issued a Reparation Order against Mustafa directing him to pay a monetary sum to victims as compensation for the harm inflicted by the crimes for which he was convicted.<sup>2</sup> In the Reparation Order, the Trial Panel noted that certain issues might arise during the implementation and execution of the Reparation Order requiring resolution by a judicial body,<sup>3</sup> and therefore, invited the President to assign a judicial authority for the purpose of monitoring and overseeing the implementation and execution of the Reparation Order.<sup>4</sup> The President subsequently appointed a Single Judge, *inter alia*, to oversee *the payment of the specified sum of compensation to the individual victims, within a determined time-limit*.<sup>5</sup>

3. Following the appointment of the Single Judge, Victims' Counsel requested the Single Judge to set a deadline for the payment of reparations<sup>6</sup> and a rate for the payment of statutory interest, to be triggered in case of non-payment by the set

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<sup>1</sup> Majority Opinion, para. 47.

<sup>2</sup> Reparation Order, paras 247, 283.

<sup>3</sup> Majority Opinion, para. 2, referring to Reparation Order, para. 251.

<sup>4</sup> Majority Opinion, para. 2, referring to Reparation Order, paras 251-252, 283(j). See also Assignment Decision, para. 2.

<sup>5</sup> See Majority Opinion, para. 44, referring to Assignment Decision, para. 4 (emphasis added). See also Assignment Decision, para. 4 (assigning the Single Judge to oversee the implementation by the Registrar of the Reparation Order, as specified in paragraphs 255-257, 259, 269, and 283(f) of the Reparation Order).

<sup>6</sup> Request for Setting of Time-Limit, paras 7(c), 8.



deadline.<sup>7</sup> In this respect, I note that Mustafa did not respond to Victims' Counsel's request or challenge the Single Judge's competence to impose the payment of interest, even though he had ample time to do so.<sup>8</sup>

4. Turning to my assessment, I first note that the Trial Panel invited the President to appoint a judicial body – the Single Judge – and not an administrative body, unlike the practice of the ECtHR, for example, where the Committee of Ministers is tasked with enforcing the Court's decisions.<sup>9</sup> In my view, it follows logically from this allocation of responsibility that the Single Judge is competent to determine and impose an interest rate at his discretion, insofar as necessary to implement the Reparation Order.

5. Second, I note that in domestic jurisdictions, a statutory default interest is generally automatically applied in civil judgments for the non-payment of a monetary obligation by a set deadline.<sup>10</sup> In the present case, we have a criminal court competent to deal with civil reparation. I further note that, in some jurisdictions, a debtor can request additional time to pay or a staggered payment schedule if he or she cannot pay within a set time-limit.<sup>11</sup>

6. Third, I consider that the setting of a time-limit for the payment of reparations would be rendered meaningless if there were no consequences for not respecting the

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<sup>7</sup> R001/F00010/RED, Public Redacted Version of VC Response to the Registrar's Submissions on the Implementation of the Reparations Order, 4 April 2024 (confidential version filed on 28 February 2024), paras 15-18.

<sup>8</sup> In this regard, I also note that the Single Judge granted, *proprio motu*, an extension of time for Mustafa to respond to Victims' Counsel's request. See Decision on Request for Temporary Stay, para. 12.

<sup>9</sup> Article 46(2) of the ECHR provides that "[t]he final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution." See also ECHR, Article 46(3) (where there is "a problem of interpretation of a judgment, [the Committee of Ministers] may refer the issue to the Court for a ruling on the question of interpretation").

<sup>10</sup> See e.g. Kosovo, Law No. 04/L-077 on Obligational Relationships, 10 May 2012, Article 382; France, Civil Code (*Code Civil*), 1 December 2025 (entered into force on 21 March 1804) ("French Civil Code"), Articles 1231-6, 1231-7; Germany, Civil Code (*Bürgerliches Gesetzbuch*), 2 January 2002 (last amended on 10 August 2021), Section 288; The Netherlands, Dutch Civil Code (*Burgerlijk Wetboek*), 1 January 1992 (entered into force 4 February 2014), Book 6: The Law of Obligations, Articles 6:81, 6:83.

<sup>11</sup> See e.g. French Civil Code, Article 1343-5.

imposed time limit. Therefore, it is only logical that the appointment of a Single Judge to oversee the implementation and execution of the Reparation Order, including the setting of a time-limit for payment, would include the authority to impose the payment of default interest.

7. Lastly, I consider that the payment of interest is necessary to safeguard the rights of victims to prompt and effective reparation,<sup>12</sup> by encouraging prompt compliance with the Reparation Order and ensuring that the compensation award is not diminished over time due to high inflation rates.

8. For the above reasons, I consider that the Single Judge acted within his competence, and I would therefore have denied the First Certified Issue on this basis.



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**Judge Michèle Picard**

Dated this Friday, 5 December 2025

At The Hague, the Netherlands

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<sup>12</sup> See *Ntaganda* Reparation Order, para. 89, and references cited therein; *Ntaganda* Addendum to Reparation Order, para. 28.