

**In:** KSC-BC-2020-05  
**The Prosecutor v. Salih Mustafa**

**Before:** **Trial Panel I**  
Judge Mappie Veldt-Foglia, Presiding Judge  
Judge Roland Dekkers  
Judge Gilbert Bitti, Judge Rapporteur  
Judge Vladimir Mikula, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filed by:** Dr Anni Pues, Victims' Counsel

**Date:** 13 September 2022

**Language:** English

**Classification:** Public

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**Public redacted version of**  
**Victims' Counsel response to Decision dated 31 August 2022**

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## I. INTRODUCTION

1. In its Decision dated 31 August 2022,<sup>1</sup> the Trial Panel ordered Victims' Counsel to submit responses to questions concerning the determination of sentencing and reparations.

## II. SUBMISSIONS

2. In response to the issue raised by the Trial Panel regarding paragraph 15 of its Decision, Victims' Counsel would like to specify the different categories of harm suffered within the framework of Article 22(1) of the Law as follows;
  - a. Pain, suffering and injury are all forms of physical harm.
  - b. Mental harm encompasses both psychiatric traumas including psychological harm, and the moral harm suffered as a result of the injustices affecting the victims.
  - c. Lost opportunities including employment, education, social benefits, as well as other material damages and loss of earnings (including earning potential) amounts to material harm as provided for in Article 22(1) of the Law.
3. In response to Question 1 of the Trial Panel, Victims' Counsel submits that with regard to victims [REDACTED] who are all indirect victims in this case, she is seeking reparations in this case because of the mental harm suffered as a result of the murder of their family member [REDACTED]
4. Direct victims 08/05, 09/05 and 10/05 have suffered [REDACTED] So far, Victims' Counsel has framed the reparations claim in such way that only one minimum sum of reparations was requested compensating all [REDACTED] The reason for this was that all different types of harm are intrinsically linked

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<sup>1</sup> KSC-BC-2020-05/F00468 (TP) Confidential, *Decision setting the agenda for the hearing on the closing statements and related matters*, paras 11-20.

and each impacts and exacerbates the other. In particular, the level of material damages is as high as it is, precisely because [REDACTED]

5. In response to Question 2, Victims' Counsel clarifies that the mental harm suffered by indirect victims [REDACTED]<sup>2</sup> should be compensated with the minimum amount specified in paragraph 62 of Filing F00444/COR dated 30 June 2022.
6. With regard to the harm suffered by direct victims 08/05, 09/05 and 10/05, Victims' Counsel submits the following breakdown of minimum amounts to be awarded:
  - a. *Victim 08/05*  
[REDACTED]<sup>3</sup> [REDACTED]<sup>4</sup>
  - b. *Victim 09/05*  
[REDACTED]<sup>5</sup> [REDACTED]<sup>6</sup>
  - c. *Victim 10/05*  
[REDACTED]<sup>7</sup> [REDACTED]<sup>8</sup>

### III. CLASSIFICATION

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<sup>2</sup> KSC-BC-2020-05/F00444(COR) (VC) 30 June 2022, Strictly Confidential, *Victims' Counsel specified and consolidated reparations request*, Chapter IV.2; KSC-BC-2020-05/F00456 (VC) 20 July 2022, Strictly Confidential, *Victims' Counsel statement on the impact of the crimes on the participating victims*, Chapter IV.2.

<sup>3</sup> *Victims' Counsel specified and consolidated reparations request*, para 37.

<sup>4</sup> *Victims' Counsel specified and consolidated reparations request*, para 36; *Victims' Counsel statement on the impact of the crimes on the participating victims*, paras 8-17.

<sup>5</sup> *Victims' Counsel specified and consolidated reparations request*, paras 42-43.

<sup>6</sup> *Victims' Counsel specified and consolidated reparations request*, paras 39-41; *Victims' Counsel statement on the impact of the crimes on the participating victims*, paras 18-28.

<sup>7</sup> *Victims' Counsel specified and consolidated reparations request*, paras 46-48.

<sup>8</sup> KSC-BC-2020-05/F00415 (VC) 23 May 2022, Confidential, *Victims' Counsel further observations on reparations matters*, paras 9-15; *Victims' Counsel specified and consolidated reparations request*, para 45; *Victims' Counsel statement on the impact of the crimes on the participating victims*, paras 29-38.

7. Pursuant to Rule 82 paragraph 4 of the Rules, and in the interest of the participating victims therefore, Victims' Counsel requests that it be classified as 'confidential'.

**Word count: 679 words**



**Anni Poes**  
**Victims' Counsel**

13 September 2022

At The Hague, the Netherlands