

In: KSC-BC-2020-05/R
The Specialist Prosecutor v. Salih Mustafa

Before: **Single Judge**
Judge Gilbert Bitti

Registrar: Dr Fidelma Donlon

Filed by: Dr Anni Pues, Victims' Counsel

Date: 21 March 2024

Language: English

Classification: **Public**

Public Redacted Version of VC Submission regarding the urgency of a decision

Specialist Prosecutor's Office

Kimberly P. West

Victims' Counsel

Anni Pues

Counsel for Salih Mustafa

Julius von Bóné

I. INTRODUCTION AND PROCEDURAL HISTORY

1. In this submission, Victims' Counsel transmits the need for victims – [REDACTED].
2. This submission follows on from Victims' Counsel's Response from 28 February 2024 regarding the Registrar's Submissions on the Implementation of the Reparations Order.¹ Mustafa, liable for the reparations awarded to the victims participating in this case, did not respond to the Registrar's report.

II. SUBMISSIONS

3. Victims' Counsel wishes to highlight the urgency of [REDACTED] as a step to fulfilling the Trial Panel's reparations order.
4. Victims' Counsel has been [REDACTED].
5. A real danger exists [REDACTED] payments from the reparations order.
6. Mustafa has not made any submissions throughout the reparations' proceedings at all, which in VC view demonstrates that [REDACTED] exist.
7. [REDACTED]. The International Criminal Court's case law provides important guidance regarding this point. '[P]riority ought to be given to victims who are in a particularly vulnerable situation or require urgent assistance. In particular, priority should be given to individuals who require immediate physical and/or psychological medical care, victims with disabilities and the elderly, victims of sexual or gender-based violence, victims who are homeless or experiencing financial hardship, as well as children born out of rape and sexual slavery and former child soldiers.'² Such

¹ KSC-BC-2020-05/R001/F00006/CONF/RED, Confidential redacted version of 'Registrar's Submissions on the Implementation of the Reparation Order', 24 January 2024.

² *The Prosecutor v Ntaganda* Reparations Order ICC-01/04-02/06-2659, 8 March 2021 para 214. See also *The Prosecutor v Ntaganda*, Second Expert Report, ICC-01/04-02/06-2623-Anx2-Red2, paras 8-9, 11.

prioritisation and effective action may take the form of an interim payment to ensure that no further harm is done.

8. It would be a terrible injustice, if [REDACTED] meant to repair the harm done. [REDACTED].
9. The award dates from 6 April 2023 and has not been appealed. Mustafa's conviction is now final and the recently submitted request for protection of legality is not a regular remedy that would alter the character of the conviction as final.
10. Although all victims participating in the proceedings have their particular vulnerabilities, the urgency [REDACTED]. Even if a decision [REDACTED] an indigence assessment – although as far as Victims' Counsel is informed none have been raised - this should not hinder to [REDACTED] to prevent a further perpetuation of the harm done.

III. RELIEF REQUESTED

11. Victims Counsel requests that
 - a) [REDACTED] in the enforcement of reparations;
 - b) an interim payment [REDACTED] enabled through ordering [REDACTED].

IV. CLASSIFICATION

12. This filing is confidential because it contains information that would allow identification of protected persons.

Word count: 650



Anni Pues

Victims' Counsel

21 March 2024

At The Hague, the Netherlands