



Challenges Faced by Victims of International Crimes in Seeking Right to Compensation

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ABSTRACT

The right to compensation is a legal entitlement that allows individuals who have suffered harm or losses to seek financial and any other redress from those responsible. Several international human rights instruments recognize the right to an effective compensation for violations of human rights, for instance international and Regional human rights treaties. Right to compensation for victims of international crimes is a critical yet, often challenging aspect of international criminal justice as victims of international crimes often faced several challenges in seeking their legal entitlement. This study examined the challenges faced by victims of international crimes in seeking right to compensation, despite provisions for reparations in instruments like the Rome Statute of the International Criminal Court (ICC). Study meant to find out what are challenges encountered by victims in seeking right to compensation and evaluating measures to strengthen the right to compensation of the victims for international crimes. From the different review victims of international crimes often receive inadequate or no compensation, this is primarily due to challenges encountered by them in process of seeking right to compensation like lack of time limit and procedure for awarding compensation and practical challenges faced by victims like geographical barriers, lack of awareness, financial constraints and psychological trauma. Study recommended improving key issues in seeking right to compensation and addressing practical challenges during victim's claims, with the goal of ensuring that justice is served for victims of international crimes.

KEYWORDS: Right to Compensation, Victims, International Crimes.

1.1 INTRODUCTION

The right to compensation for victims of international crimes is a critical yet due to several challenges encountered by victims in process of seeking such right which often challenge the aspect of international criminal justice. While the prosecution of perpetrators is essential, ensuring that victims receive adequate redress for the harm they have suffered is equally vital for achieving comprehensive justice and promoting reconciliation.¹

International criminal courts and tribunals particularly the International Criminal Court (ICC) bear primary responsibility for enforcing victim's rights to compensation. These institutions have the authority to order convicted individuals to provide reparations to victims, including forms such as compensation, restitution and rehabilitation. The ICC in particular, may award reparations on an individual or collective basis, depending on the nature and circumstances of each case.²

The right to compensation is a legal entitlement that allows individuals who have suffered harm or losses to seek financial and other redress from those responsible. This principle is rooted in the notion that those at fault should bear the financial and other burden for the consequences of their actions. As such the right to compensation is a fundamental legal safeguard designed to protect individuals who have endured harm or loss due to the actions or negligence of others. Whether resulting from physical injury, financial damage or other forms of harm, the recognition and enforcement of this right are essential for achieving justice.³

Several international human rights instruments recognize the right to an effective remedy for violations of human rights, which often includes compensation. For instance the *Universal Declaration of Human Rights* (UDHR) proclaims that everyone has the right to an effective remedy by competent national tribunals for acts violating their fundamental rights. Similarly the *International Covenant on Civil and Political Rights* (ICCPR) obliges State Parties to ensure that any person whose rights or freedoms recognized under the Covenant have been violated shall have access to an effective remedy, which frequently includes compensation.⁴

¹ Schabas, W. A., *An Introduction to the International Criminal Court*. 7th ed, Cambridge University Press, 2023, Pp. 67.

² John Michael Bailey Injury Lawyers, "Enforcement of right to compensation of victims for international crime", retrieved from <https://calljmb.com> (Last accessed on 12th October 2025)

³ Brill, "Compensation in cases of mass atrocities", retrieved from <https://brill.com> (Last accessed on 12th October 2025)

⁴ Lunds university, "reparation for victims in international criminal law", retrieved from <https://rwilu.se> (Last accessed on 12th October 2025)

Regional human rights treaties such as the *European Convention on Human Rights* and the *American Convention on Human Rights* also emphasize the right to an effective remedy. Furthermore the right to compensation is often explicitly stated in legal frameworks, asserting that any individual who has been a victim of an unlawful act resulting in a rights violation shall have an enforceable right to reparations, including financial and other compensation under national, regional and international law.⁵

The pursuit of justice for victims of international crimes such as genocide, crimes against humanity, war crimes, genocide and the crime of aggression encompasses not only the accountability of perpetrators but also the critical dimension of reparations, particularly the provision of adequate compensation for the harm suffered.⁶ While the right to a remedy and reparation including compensation is increasingly recognized in international law, its effective realization faces significant legal challenges.

This study employed doctrinal research methodology. Doctrinal research methodology it is the methodology in law which involves a systematic analysis of legal rules, principles, statutes, case law and other authoritative legal sources to understand the existing law on a particular topic.⁷ This methodology played a vital role in clarifying legal concepts, identifying ambiguities or gaps in the existing legal framework and proposing potential legal reforms to enhance the protection and compensation of individuals who have suffered harm as a result of international crimes.⁸ The reason for mainly employing doctrinal research methodology was that the researcher is unable to reach the respondent due to issues like geographical location, cost of conducting field and confidentiality in the intended area of study.

1.2 Concept of Right to compensation

Right to compensation reflects a foundational principle of justice that is victims who suffer harm due to wrongful acts should be entitled to redress. In the context of international criminal law, this right moves beyond mere punishment of the accused to hold restorative justice principles, which focus on repairing the harm to the adequate extent possible and addressing the needs of the victims. Despite its firm moral and legal foundations in international human rights and humanitarian law, the actual implementation of this right faces significant hurdles, often due to the complexity, scale and cross-border nature of the crimes, as well as the limited resources available for compensations.⁹

1.2.1 Compensation of victims for international crimes

Compensation for victims of international crimes refers to a remedy in the form of monetary or economic and other forms of redress awarded to individuals who have suffered harm as a result of serious violations of international law, such as genocide, war crimes, crimes against humanity and aggression¹⁰. Reparation that seeks to address both material and moral damage caused by such crimes, with the aim of restoring the victim, as far as possible, to the position they were in prior to the harm. Compensation may cover physical and psychological harm, lost opportunities including education and employment, material damages, moral suffering and costs incurred as a result of the crime, such as medical care and legal assistance.¹¹

1.2.2 Forms of compensation for victims of international crimes

Compensation for victims of international crimes can take several forms, depending on the nature of the harm suffered, the legal framework involved and the ability of the responsible party to provide redress. Below are the main recognized forms.

1.2.2.1 Monetary compensation

Monetary compensation is the most common and widely recognized form of reparation awarded to victims of international crimes¹². It involves direct financial payments made to individuals who have suffered harm as a result of crimes such as genocide, war crimes, crimes against humanity and aggression.¹³ This form of compensation is intended to provide economic redress by covering quantifiable losses sustained by victims.¹⁴ These losses

⁵ UN, "Universal Declaration of Human Right", retrieved from www.un.org (Last accessed on 12th October 2025)

⁶ *Id*

⁷ Vinay, v., *Legal Research Current Trends: Legal Research Methodology*, Ashgate Publishers Ltd: U.S.A, 2013, Pp.77.

⁸ Keenan, P. J., "Doctrinal Innovation in International Criminal Law: Harms, Victims and the Evolution of the Law", *University of Pennsylvania Journal of International Law*, 2021, 42(2), Pp. 407-444.

⁹ TRIAL International, "compensating survivors in criminal proceedings: perspectives from the field - trial international" Available at: https://trialinternational.org/wp-content/uploads/2016/11/TRIAL-International_compensation-publication_EN_web.pdf (Last accessed on 12th October 2025)

¹⁰ TRIAL International, "compensating survivors in criminal proceedings: perspectives from the field - trial international" Available at: https://trialinternational.org/wp-content/uploads/2016/11/TRIAL-International_compensation-publication_EN_web.pdf (Last accessed on 12th October 2025)

¹¹ United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly Resolution 60/147, 2005).

¹² Deb, D., *Compensation Management*, Excel Books, 2009, Pp.18.

¹³ United Nations General Assembly *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, A/RES/60/147 (2005), Principle 20.

¹⁴ Rome Statute of the International Criminal Court, adopted July 17, 1998, entered into force July 1, 2002, 2187 U.N.T.S. 90, Article 75(2).

include medical and psychological treatment costs, particularly in cases involving physical injury, torture or trauma-related disorders resulting from the crime. It also encompasses loss of income or livelihood, where the victim has been rendered unable to work due to injury or displacement.¹⁵

1.2.2.2 Moral or non-material damages

Moral or non-material damages refer to a form of compensation that addresses the emotional, psychological and reputational harm suffered by victims of international crimes. Unlike material damages, these harms are not easily quantifiable in financial terms, but they are nonetheless recognized as significant and deserving of redress under international law.¹⁶

This form of compensation acknowledges the deep and often long-lasting effects of crimes such as torture, sexual violence, enforced disappearance and other acts that degrade human dignity. Victims may experience pain and suffering, not only from physical injuries but also from the trauma of witnessing or surviving horrific events.¹⁷

1.2.2.3 Compensation for lost opportunities

Compensation for lost opportunities is a critical form of redress that recognizes the long-term impact international crimes can have on a victim's educational, professional and social development. Victims of crimes such as genocide, war crimes and crimes against humanity often experience severe disruptions to their lives, which can prevent them from realizing their full potential.¹⁸

This form of compensation addresses losses that go beyond immediate physical or material harm, focusing instead on the life prospects that were diminished or destroyed as a result of the crime.¹⁹ For instance many victims especially children and youth suffer from interrupted education, either due to displacement, detention or trauma, which limits their future opportunities.²⁰

1.2.2.4 Compensation for dependents

In cases where victims of international crimes are deceased or permanently incapacitated, their dependents including children, spouses and other close family members may be entitled to compensation for the harm they have indirectly suffered.²¹ This form of compensation recognizes that the consequences of crimes such as extrajudicial killings, enforced disappearances and torture extend beyond the direct victim to those who relied on them for emotional and financial support.²² One major component is the loss of financial support, particularly where the victim was the primary breadwinner and their death or disability has left family members in economic distress.²³ In addition dependents may suffer from the loss of parental care or companionship, especially in cases involving children who are left orphaned or emotionally neglected. Such losses are not merely material but also affect the emotional development and social well-being of those left behind.²⁴

1.2.2.5 Symbolic compensation

In situations where full monetary and other means of reparation is not feasible, particularly in cases involving widespread or mass atrocities.²⁵ Symbolic compensation may be provided to acknowledge the suffering of victims and affirm the responsibility of perpetrators or states.²⁶ Symbolic compensation typically takes the form of lump-sum payments to groups or communities of victims, rather than individualized awards and aims to provide a measure of recognition and solidarity in the absence of full economic redress.²⁷

These payments are often modest or ex gratia, meaning they are made voluntarily and without legal obligation, but they serve important functions in restoring dignity.²⁸ Offering moral recognition and promoting reconciliation within affected societies.²⁹

¹⁵ International Criminal Court, "Trust Fund for Victims Strategic Plan 2020–2025", available at <https://www.trustfundforvictims.org>. (Last accessed on 14th October 2025)

¹⁶ Zdravko, M., *Compensation of non-material damage: collection of studies from conferences of Damage Law Society, Belgrade, 1998-2008*, Nemacka organizacija za tehnicku, 2009, Pp. 342-509.

¹⁷ United Nations General Assembly *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, A/RES/60/147 (2005), Principle 20.

¹⁸ Zatorski, D. *Gain-based Remedies for Breach of Contract: A Comparative Analysis of English and Polish Law*, Springer International Publishing, 2023, Pp. 59-63.

¹⁹ *Ibid*, Pp. 60-62

²⁰ United Nations General Assembly *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, A/RES/60/147 (2005), Principle 20.

²¹ Greene-Marusak, "Compensation for dependents", retrieved from <https://www.greene-marusak.com> (Last accessed on 12th October 2025)

²² *Id*

²³ Inter-American Court of Human Rights, *Loayza Tamayo v. Peru*, Judgment of 27 November 1998, Series C No. 42, para. 144–148; European Court of Human Rights, *Karpylenko v. Ukraine*, Application No. 15509/12, Judgment of 11 February 2021, para. 100–102.

²⁴ United Nations General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation*, A/RES/60/147 (2005), Principles 8, 20.

²⁵ Law Insider, "Symbolic Compensation Definition" retrieved from <https://www.lawinsider.com> (Last accessed on 12th October 2025)

²⁶ *Id*

²⁷ Law Insider, "Symbolic Compensation Definition" retrieved from <https://www.lawinsider.com> (Last accessed on 12th October 2025)

²⁸ International Criminal Court, "Trust Fund for Victims Annual Report 2022", available at <https://www.trustfundforvictims.org> (Last accessed on 12th October 2025)

²⁹ *Id*

1.3 Victims of international crimes

Individuals who have suffered direct or indirect harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, as a result of acts or omissions constitute international crimes. This often extends to immediate family members or dependents of the direct victims.³⁰ Moreover any natural or legal person who has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, as a result of genocide, crimes against humanity, war crimes or the crime of aggression constitutes victims of international crimes.³¹

Furthermore victims of international crimes are individuals or groups who have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute these grave violations of international law.³² This definition is broad and can extend to immediate family members or dependents of direct victims and even persons who have suffered harm while trying to assist victims or prevent victimization.³³

According to rules of procedure and evidence victims defined to mean natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court.³⁴ Likewise organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes and to their historic monuments, hospitals and other places and objects for humanitarian purposes.³⁵

The recognition of victim's rights in international criminal justice has evolved significantly, particularly with the establishment of the ICC. Victims are no longer merely witnesses but are recognized as participants with distinct rights within the legal process.³⁶

1.4 International crimes

International crimes are the most serious violations of international law, which are universally condemned and affect the international community as a whole. They are typically characterized by their widespread or systematic nature and the gravity of the harm inflicted. Unlike ordinary domestic crimes, international crimes often transcend national borders and involve state or organizational actors.³⁷ Moreover international crimes are the most serious crimes of concern to the international community as a whole, recognized under international law as provided under Article 5 of the Rome Statute of the International Criminal Court. These crimes violate fundamental principles of humanity and peace under international criminal law.³⁸

1.4.1 Categories of international crimes

Genocide, Defined in the 1948 Genocide Convention, genocide refers to acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. These acts include killing members of the group, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about its physical destruction, imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group. The key element is the specific intent "*dolus specialis*" to destroy the group.³⁹

Crimes against humanity, These are defined in the Rome Statute of the International Criminal Court (ICC) as acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Examples include murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity, persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds, enforced disappearance of persons, apartheid and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health.⁴⁰

War crimes, these are serious violations of the laws and customs applicable in international or non-international armed conflict, as defined by international humanitarian law (also known as the law of armed conflict). War crimes can be committed by military personnel or civilians and include acts such as willful killing, torture, inhumane treatment, extensive destruction and appropriation of property not justified by military necessity, compelling a prisoner of war or other protected person to serve in the forces of a hostile power, willfully depriving a prisoner of war or other protected person of the rights of

³⁰ International Criminal Court, "Meaning of Victims of International Crimes" retrieved from <https://www.icc-cpi.int> (Last accessed on 14th October 2025).

³¹ ICC. "securing meaningful justice for victims – models and experiences - | International Criminal Court 2024", Available at: <https://www.icc-cpi.int/sites/default/files/2024-03/2024-Report-of-6th-Judicial-Seminar-ICC-EN.pdf> (Last accessed on 14th October 2025).

³² *Id*

³³ International Criminal Court, "Meaning of Victims of International Crimes" retrieved from <https://www.icc-cpi.int> (Last accessed on 14th October 2025).

³⁴ International Criminal Court (ICC) Rules of Procedure and Evidence, Rule 85.

³⁵ *Id*

³⁶ International Criminal Court, "Meaning of Victims of International Crimes" retrieved from <https://www.icc-cpi.int> (Last accessed on 14th October 2025).

³⁷ *Id*

³⁸ Rome Statute of the International Criminal Court, adopted July 17, 1998, entered into force July 1, 2002, 2187 UNTS 90, Article 5.

³⁹ *Ibid*, Article 6

⁴⁰ Rome Statute of the International Criminal Court, adopted July 17, 1998, entered into force July 1, 2002, 2187 UNTS 90, Article 7.

fair and regular trial, unlawful deportation or transfer and taking of hostages.⁴¹ Likewise grave breaches of the Geneva Conventions and other serious violations of the laws and customs applicable in international armed conflict and non-international armed conflict.⁴²

Crime of aggression, this crime refers to the planning, preparation, initiation or execution of an act of aggression by a person in a position effectively to exercise control over or to direct the political or military action of a State. An act of aggression is defined as the use of armed force by a State against the sovereignty, territorial integrity or political independence of another state or in any other manner inconsistent with the Charter of the United Nations.⁴³

1.5 Challenges faced by victims of international crimes in seeking right to compensation

1.5.1 Absence of a specific time limit for compensation

International legal framework addressing international crimes do not set a clear deadline by which compensation must be awarded after a conviction or determination of victim status. This open-endedness can lead to prolonged processes, leaving victims in midpoint for years or even decades while their suffering continues. The Rome Statute, particularly Article 75, grants the ICC power of making reparations for victims of international crimes “The Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and will state the principles on which it is acting”.⁴⁴

However, it does not set a rigid, prescriptive timeline for the final disbursement of compensation.⁴⁵ The process typically unfolds after a conviction and the actual implementation can take many years and sometimes compensation can totally be ignored.

1.5.2 Lack of clearly stipulated procedures and requirements for claiming compensation

Victims often face a confusing chaos of administrative hurdles, unclear application forms and cloudy eligibility criteria when attempting to claim compensation. The law simply states a right to compensation without detailing the practical steps a victim needs to take, what documents are required or where to even begin the process. This ambiguity places the massive burden on individuals who are already traumatized and vulnerable.⁴⁶

For instance Rome Statute outlines the general right to reparations, the Rules of Procedure and Evidence (RPE) and specific court decisions provide some guidance, victims often encounter complex procedural hurdles. The initial process of applying to participate in proceedings (which is often a precondition for seeking compensations) can itself be discouraging let alone the specific requirements for proving harm for compensations purposes.⁴⁷

ICC Rules of Procedure and Evidence particularly Rules 85-99 concerning victim’s participation and reparations. While these rules provide a framework their practical application often highlights the difficulties in making them truly accessible to the diverse victim population. Reports by the Trust Fund for Victims (TFV) and academic analyses on victim participation at the ICC frequently discuss these procedural complexities.⁴⁸ For instance, The ICC Registry’s Victims Participation and Reparations Section (VPRS) guidance documents on how to apply for participation or compensations, though helpful ultimately acknowledge the detailed and sometimes complicated nature of the requirements like prove of alleged crimes and evidence.⁴⁹

Sometimes it is hard for victims to prove the alleged crimes as they lack evidence to prove their claim and hence fail to entitlement for the right to compensation. Lack of clearly stipulated procedures and requirements for claiming compensation act as one of the legal challenges that confronts the enforcement of right to compensation of victims for international crimes.⁵⁰

1.5.3 Absence of provisions detailing means or standards for determining adequate compensation

The Rome statute of ICC sets the principle of reparations but does not provide a prescriptive formula for calculating monetary awards or the precise methodologies for valuing different types of harm. This often leaves it to the discretion of the chambers and in practice the Trust Fund for Victims (TFV). Determining what constitutes adequate compensation for the thoughtful and varied harms caused by international crimes like loss of life, physical and psychological trauma, loss of property and cultural destruction is arguably one of the most difficult aspects.⁵¹

⁴¹ *Ibid*, Article 8.

⁴² Britannica, “Meaning, history, examples and international rules of war crimes”, retrieved from <https://www.britannica.com> (Last accessed on 14th October, 2025)

⁴³ *Ibid* Article 8bis4.

⁴⁴ *Id*

⁴⁵ *Ibid*, Article 75.

⁴⁶ Stahn, C., & El Zeidy, M, *The International Criminal Court and Complementarity: From Theory to Practice*, Cambridge University Press, 2011, Pp16-22.

⁴⁷ Rome Statute of the International Criminal Court, adopted July 17, 1998, entered into force July 1, 2002, 2187 U.N.T.S. 90, and International Criminal Court (ICC) Rules of Procedure and Evidence.

⁴⁸ International Criminal Court (ICC) Rules of Procedure and Evidence, Rule 85-99.

⁴⁹ *Id*

⁵⁰ Irini, P. & Laura, P. *Trends and Challenges in International Law: Selected Issues in Human Rights, Cultural Heritage, Environment and Sea*, Springer International Publishing, Switzerland, 2022, Pp.13-18.

⁵¹ Rome Statute of the International Criminal Court, adopted July 17, 1998, entered into force July 1, 2002, 2187 U.N.T.S. 90, Article 75.

1.5.4 Geographical and accessibility barriers

Many victims live in remote areas with poor infrastructure. Traveling to registry offices or legal aid providers is costly, time-consuming and potentially dangerous. The TFV has worked with local partners to reach victims, but this is an immense logistical undertaking. This situation may lead to confront the enforcement of right to compensation. Also distributing reparations to a large often dispersed and vulnerable victim population across borders presents significant logistical and administrative difficulties.⁵²

1.5.5 Evidentiary challenges

Proof of harm and causation, victims must often prove the extent of their harm and a direct causal link between the crime and their suffering. This can be extremely difficult given the nature of mass atrocities, the passage of time, lack of documentation and displacement of populations.

Standard of proof, while international criminal courts may adopt a flexible approach to evidence for reparations (e.g. balance of probabilities), gathering sufficient evidence remains a significant hurdle.⁵³

Lack of official documents like destroyed records or inability to gather proof in chaotic post-conflict environments and proving harm because of destroyed property, lost income, specific injuries years after the crimes, often presents a significant hurdle. Failure in attaining legal right to compensation for the victims of international crimes result as the failure to prove harm occurred from the claimant and absence of some necessary documents.⁵⁴

1.5.6 Financial obstacles

Inability of perpetrators to pay victims, convicted individuals often lack the financial means to pay substantial reparations, especially given the scale of harm in international crimes and lack of assets, tracing and seizing assets of perpetrators, especially those who have fled or hidden their wealth, is a major challenge.⁵⁵ Moreover trust funds for victims rely on voluntary contributions from states, which can be inconsistent or insufficient to meet the immense needs of victims.⁵⁶

1.5.7 Psychological trauma

The process of recounting trauma, undergoing interviews for verification and waiting years for redress can be re-traumatizing. Victims may lack access to adequate psychological support during this period. This situation creates difficulty in concentrating on administrative tasks of seeking compensation.⁵⁷

1.5.8 Varied domestic laws

National laws on compensation for victims of crime vary widely and many are not adequately equipped to deal with the unique complexities of international crimes. Non-recognition of foreign judgments Even if a victim obtains a compensation order in one jurisdiction, enforcing it in another (where the perpetrator's assets might be located) can be difficult due to lack of mutual recognition of judgments.⁵⁸

1.5.9 Language barriers

Forms and procedures might only be available in languages they don't understand high illiteracy rates in affected communities also pose a barrier to understanding complex legal documents likewise lack of awareness, unfamiliarity with their rights or the existence of compensation mechanisms which result in creation of difficulties in attaining right to compensation.⁵⁹

⁵² Edward. L., & Allen. G., *Gaps, Conflicts, Overlaps and Inconsistencies in Tennessee's Environmental Laws and Regulations*, Tennessee Water Resources Research Centre, University of Tennessee, 2022, Pp.97-105.

⁵³ Irini, P. & Laura, P. *Trends and Challenges in International Law: Selected Issues in Human Rights, Cultural Heritage, Environment and Sea*, Springer International Publishing, Switzerland, 2022, Pp.13-18.

⁵⁴ *Ibid*, Pp., 16-18.

⁵⁵ Edward. L., & Allen. G., *Gaps, Conflicts, Overlaps and Inconsistencies in Tennessee's Environmental Laws and Regulations*, Tennessee Water Resources Research Centre, University of Tennessee, 2022, Pp.97-115.

⁵⁶ *Ibid*, Pp. 101-111.

⁵⁷ Edward. L., & Allen. G., *Gaps, Conflicts, Overlaps and Inconsistencies in Tennessee's Environmental Laws and Regulations*, Tennessee Water Resources Research Centre, University of Tennessee, 2022, Pp.97-115.

⁵⁸ Psicosmart, "What are The Potential Legal and Regulatory Challenges Associated" retrieved from <https://blogs.psico-smart.com> (Last accessed on 14th October 2025).

⁵⁹ Irini, P. & Laura, P. *Trends and Challenges in International Law: Selected Issues in Human Rights, Cultural Heritage, Environment and Sea*, Springer International Publishing, Switzerland, 2022, Pp.23-28.

1.5.10 Political will and state cooperation

Lack of political will and state cooperation, States may lack the political will to cooperate in the investigation, prosecution or enforcement of reparation orders, especially when their own nationals or allies are implicated and Non-cooperation with international courts, States may refuse to arrest and surrender suspects or freeze assets, undermining the enforceability of reparation orders.⁶⁰

1.5.11 Delayed delivery

The ICC process is inherently lengthy. Investigations, trials, appeals and then reparations proceedings can take many years. Victims often have to wait a decade or more before any form of compensation is even determined let alone delivered. This delay can hinder their ability to rebuild their lives and can feel like a further injustice.⁶¹

1.5.12 Collective reparations

This is another challenge in seeking compensation since given large number of victims and the difficulty of individual assessment, the ICC often supports towards ordering collective reparations (e.g. community-based rehabilitation programs, symbolic memorials) alongside or instead of purely individual monetary compensation. While collective measures are vital for community healing and long-term recovery, they may not fully address the specific, individual losses and suffering of each victim.⁶²

1.5.13 Limited assets of convicted perpetrators

A fundamental challenge is that individuals convicted of international crimes often possess limited or no financial assets. The ICC's primary focus is on individual criminal responsibility and while reparations are ordered against the convicted person, the practical ability to extract significant funds from them for widespread compensation is minimal which result to challenge victims who claim for their right to compensation.⁶³

1.6 Measures to strengthen the claim of right to compensation for victims

1.6.1 Addressing specific time limits for the claim of compensation

International criminal law must implement clear and aspirational timelines for the claim of compensation for victims of international crimes. While inflexible deadlines may be unreasonable given the complexity of international compensation cases, the international criminal law should establish timelines for each stage of the compensations process. This includes setting target dates for victim identification, eligibility assessment, approval of implementation plans and initial disbursement of compensations. These timelines should be regularly reviewed and publicly reported to ensure accountability and transparency.

1.6.2 Clarifying procedures and requirements for claiming compensation

International criminal law should simplify application forms and guidelines to develop and distribute compensation, use friendly application forms and comprehensive guidelines in all relevant local languages. These materials should minimize legal jargon and clearly explain the criteria for eligibility and the types of harm that can be redressed.

Furthermore international criminal law must also enhance ground support that is to strengthen the capacity and presence of the Victims Participation and Reparations Section (VPRS) and local intermediaries in affected communities. These teams should provide direct trauma-informed assistance to victims in completing applications, gathering necessary documentation and understanding the legal process. Moreover to adopt flexible evidentiary standards, while underlying connection between the crimes and harm must be proven and the court should maintain. Where appropriate develop flexible evidentiary approaches for compensations proceedings, ensure robust legal representation, international criminal law should continue to provide and expand access to free high-quality legal representation for victims who cannot afford it, ensuring they have effective advocacy throughout the compensations process.

⁶⁰ Edward. L., & Allen. G., *Gaps, Conflicts, Overlaps and Inconsistencies in Tennessee's Environmental Laws and Regulations*, Tennessee Water Resources Research Centre, University of Tennessee, 2022, Pp. 77-95.

⁶¹ MDPI, "The Gap between the International Criminal Court and Victims: Criminal Trial Reparation" retrieved from www.mdpi.com (Last accessed on 14th October 2025).

⁶² *Id*

⁶³ MDPI, "The Gap between the International Criminal Court and Victims: Criminal Trial Reparation" retrieved from www.mdpi.com (Last accessed on 14th October 2025).

1.6.3 Enhancing detailed standards for adequate compensation

International Criminal Law must develop clearer guidelines for harm assessment, while quantifying suffering the court should try for greater consistency and transparency in assessing both pecuniary (economic) and non-pecuniary (psychological and moral) harm. This could involve developing more detailed internal guidelines and drawing upon specialized experts in fields such as psychology, economics and social impact assessment.

Furthermore international criminal law should balance individual and collective compensations, collective compensations are often necessary for widespread harm to ensure that they are designed to provide tangible benefits to individuals and are complemented by individual awards where appropriate. Symbolic measures, while important for recognition should always be part of a broader package that includes material and rehabilitative components.

Likewise strengthening the trust fund for victims (TFV), international criminal law actively must encourage and secure consistent increased voluntary contributions from states parties, international organizations and private donors to the trust fund for victims (TFV). The TFV's ability to complement compensations awards is crucial especially when perpetrators are poor ensuring that victims receive meaningful redress regardless of the perpetrator's financial status. Moreover exploring innovative funding mechanisms, through investigating and implementing alternative funding sources for compensations such as, manipulating preserved assets of convicted individuals or exploring the establishment of a dedicated international compensations fund, that is not solely dependent on perpetrator assets.

1.6.4 Addressing practical challenges faced by victims

International criminal law should address all practical challenges to ensure right to compensation. These include expanding field presence and outreach by increasing the physical presence of international criminal court's (ICC'S) staff and mobile outreach teams in affected regions to reduce the need for victims to travel long distances to engage with the Court.

Provide comprehensive psychosocial support, Implement and sustain healthy psychosocial support and trauma-informed care programs for victims throughout all stages of the judicial process, from initial contact and participation to post-reparation follow up. This is crucial for mitigating re-traumatization and supporting victim's long-term recovery.

Moreover international criminal law must ensure adequate financial support for participation beyond legal representation. Provide adequate financial assistance to victims for their participation in proceedings including repayment for travel, accommodation and other associated costs.

Strengthen witness and victim protection, continuously international criminal law must enhance and adequately fund witness and victim protection programs. This includes healthy security assessments, physical protection measures and strategies to prevent intimidation and retaliation from external actors or within separated communities.

Generally through implementing these recommendations, international criminal law can move closer to fully realize the right to compensation for victims of international crimes and ensuring justice that is not only served but also experienced as meaningful and restorative by those who have suffered the most.

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