

Public Redacted Version of “Annex A - Table of Assumptions and Unsupported Assertions in the Updated DIP”, dated 18 May 2022, ICC-01/04-02/06-2740-Conf-AnxA

The Defence hereby provides a list of assumptions and unsupported assertions included in the Updated DIP.

§ 93	[...] the Trust Fund works on the basis of an estimate for the purposes of this DIP only and applying a very conservative approach. <i>It assumes that</i> at the very least about 7,500 beneficiaries belong to the categories of victims who have suffered forms of material, psychological and possibly physical harm [...].
§ 94	<i>The Trust Fund considers</i> that, on the basis of the above-mentioned number of victims, there are important numbers of indirect victims, likely going beyond 14,000, to which belong persons who suffered harm as a result of what they witnessed during and after the attacks and persons who suffered transgenerational harm, i.e. children born by direct victims after the commission of the crimes, all of which suffered, according to the Trial Chamber's ruling primarily psychological harm.
§ 95	<i>The Trust Fund also considers</i> that a percentage of beneficiaries lives outside of Ituri Province, i.e. in Uganda or other parts of the DRC.
§ 96	Instead, <i>they are the numbers that the Trust Fund currently considers</i> that it is capable of accommodating within the amount of liability set by the Trial Chamber and to provide services that are equal to the services that the Former Child Soldiers may receive through the <i>Lubanga</i> reparation programme.
§ 108	More than a thousand additional direct and indirect victims who have not come forward before the cut-off date, partly due to the security situation, <i>are expected to request access to the Ntaganda reparation programme</i>
§ 109	<i>The Trust Fund considers</i> that the above-mentioned numbers do not yet fully conclude the number of Former Child Soldiers in the case, but considers, as for the Victims of the Attacks, that victims continue to come forward.
§ 109	However, based on the above numbers and taking into account that the <i>Lubanga</i> programme is already active, <i>the Trust Fund assumes</i> for the purpose of the DIP that there will be about 3,000 victims who suffer material, psychological and often physical damage, loss or injury, in particular [...].
§ 110	In addition, <i>the Trust Fund's assumption</i> for the purpose of establishing this DIP is that there will be at least 6,000 indirect victims suffering of transgenerational harm.
§ 111	<i>The Trust Fund also assumes</i> that a part of these victims lives outside of Ituri Province, i.e. in Uganda or other parts of the DRC.
§ 126	Taking into account, <i>inter alia</i> , the Reparations Principles, the Sustainable Development Goal 5 for gender equality, the particularly negative societal impact of SGBV crimes in times of war and the need to work towards a stronger deterrent to committing these crimes, <i>the Trust Fund considers</i> that a symbolic form of financial assistance ('symbolic compensation') for direct victims of rape and sexual slavery and children born out of rape or sexual slavery is appropriate.
§ 141	Cognisant of the risks of conflict and (personal) insecurity to sustainable reparation outcomes, <i>the Trust Fund nevertheless considers</i> that providing reparations and strengthening the agency of the victims should be advantageous even in the situation of conflict and may provide the beneficiaries with the means to keep themselves and their families out of harm's way, and in particular from actively participating in the conflict.
§ 154	The Trust Fund does, however, intend to reach out to victims living outside of Ituri Province, <i>who are estimated to be</i> of a considerable number, and recognises that the conflict over the past 18 years was not necessarily conducive to displaced victims to return to Ituri Province.

§ 198	The Trust Fund considers that in the specific circumstances prevailing in Ituri Province, in particular the high number of displaced persons, many beneficiaries cannot, due to their location outside of Ituri Province, participate in any of the above socio-economic activities.
§ 265	The Trust Fund considers that it is not required to strictly allocate certain sums to the different groups of victims, in particular because the number of victims can currently merely be assumed. Therefore, allocations may change.
§ 272	The Trust Fund considers that it can provide rehabilitation measures and symbolic and satisfaction measures to the currently assumed 7,500 Victims of the Attacks beneficiaries (and a minimum of 14,000 victims who require primarily psychological support as explained in Part V) for the amount of USD 17,272,000.
§ 273	This amount includes an estimate for symbolic financial reparations for victims of rape or sexual slavery and children born out of rape or sexual slavery [REDACTED], a lump sum <i>in lieu</i> of socio-economic rehabilitation for [REDACTED] beneficiaries living outside of Ituri Province [REDACTED].
§ 275	Evidently, these numbers are merely assumptions to enable the Trust Fund to develop this DIP.
§ 282	The Trust Fund considers that, as set out for Scenario 2 that envisages a longer duration, raising USD 4 million for 2024 only for the case(s) of Ntaganda/Lubanga is a real challenge, in particular given the needs of other reparation cases, such as Ongwen.
§ 313	Unidentified victims – As set out in this DIP, the size of this group of future beneficiaries is still unknown but is expected to be large.
§ 318	The majority of the future beneficiaries, however, will not yet have contacted anyone. Rather, the victims keep coming forward and it is expected that this will start once the outreach and the programmes fully start functioning and the first beneficiaries receive reparations.
§ 334	In addition, considering the security problems in the Djugu territory over the past many years, it can be assumed that the number of potential beneficiaries will be much higher.
§ 348	In light of the very high number of beneficiaries expected to come forward , all actors involved in the outreach campaign, i.e. Registry and/or Trust Fund's local partners, civil society organisations and CLR's, if they so wish, (as well as possibly CLR's of the <i>Lubanga</i> case) should be in a position to make contact with potential beneficiaries to inform them of where and how information for the purpose of eligibility is being collected.
§ 350	In light of the very high number of Victims of the Attacks expected and of their locations, (inaccessible to the Court's staff, and any other international staff, for the past 18 months), the Registry's and/or Trust Fund's staff are in no position to collect the relevant information from all potential beneficiaries by themselves