

Public Redacted Version of “Annex A - Table of Unsupported Assumptions and Assertions in the DIP”, dated 24 January 2022, ICC-01/04-02/06-2740-Conf-AnxA

Assumptions	§ 44	Given the known trends in the Assembly's consideration of the Court's budgetary needs, it may be assumed that the Registry's flexibility in managing the Court's field presence will remain limited, in spite of the growing work load and expanding geographical spheres of action of both the Office of the Prosecutor and the Trust Fund.
	§ 102	However, to use an assumption for the purpose of the DIP, the Trust Fund assumes that there will be about 3,000 victims who suffer material, psychological and often physical damage, loss or injury, in particular [...].
	§ 103	In addition, the Trust Fund's assumption for the purpose of establishing this DIP is that there will be at least 6,000 indirect victims suffering of transgenerational harm.
	§ 104	The Trust Fund also assumes that a part of these victims lives outside of Ituri Province, i.e. in Uganda or other parts of the DRC.
	§ 133	Accordingly, the Trust Fund assumes that, despite the ongoing conflict, rehabilitation measures and other reparations can and should be provided, and will be valued by victims as adequate reparation for past harm.
	§ 139	In addition, the final number of victim beneficiaries is as yet unknown. This requires the Trust Fund to make certain assumptions in planning the reparation implementation time line: in relation to the number of victim beneficiaries, the anticipated pace of their intake into the programme, and the related annual programme funding needs throughout the implementation timeline. All of these three parameters have their specific variance in scenarios.
	§ 298	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.
	§ 88	Taking these considerations into account, the Trust Fund considers that for the purposes of this DIP only and applying a very conservative approach, there will be at the very least about 7,500 beneficiaries that belong to the categories of victims who have suffered forms of material, psychological and possibly physical harm [...].
	§ 89	The Trust Fund considers that there are important numbers of indirect victims going beyond 14,000, such as persons who suffered harm as a result of what they witnessed during and after the attacks and 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.
	§ 90	The Trust Fund also considers that a rather high number of beneficiaries lives outside of Ituri Province, i.e. in Uganda or other parts of DRC.
	§ 102	The Trust Fund considers that the above-mentioned numbers do not conclude the number of Former Child Soldiers in the case yet, but considers, as for the Victims of the Attacks, that victims still continue to come forward.

Unsubstantiated Considerations	§ 120	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, the Trust Fund considers that a symbolic form of financial assistance ('symbolic compensation') for direct victims of rape and sexual violence and children born out of rape or sexual slavery is appropriate.
	§ 133	Cognisant of the risks of conflict and (personal) insecurity to sustainable reparation outcomes, the Trust Fund nevertheless considers 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.
	§ 188	The Trust Fund considers that in the specific circumstances prevailing in Ituri province, in particular the high number of displaced persons, many beneficiaries may not wish or cannot, due to their location, participate in any of the above activities.
	§ 247	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.
	§ 249	The Trust Fund considers that the Former Child Soldiers Programme may be relatively costly considering that the physical and psychological harm suffered by the estimated 3,000 Former Child Soldiers is often very severe and requires expensive treatment, as the period of traumatization (including physical traumatization) extended over a prolonged period.
	§ 249	The Trust Fund considers that it can provide rehabilitation measures and symbolic and satisfaction measures to the currently assumed 7,500 beneficiaries from Victims of the Attacks (and a minimum of 14,000 indirect victims as explained in Part V) for the amount of USD 17,272,000.
	§ 254	The Trust Fund considers that raising USD 4 million for 2024 is already a challenge, but considers that it should aim at achieving this goal by March 2024 in order to provide adequate and equitable reparations to both groups of victims.
	§ 340	In order to be perfectly clear, the TFV considers this issue a budgetary, management, and resources – as opposed to a judicial – matter.
	§ 101	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, are expected to request access to the Ntaganda reparation programme

Unsubstantiated Expectations	§ 106	The Trust Fund, so far, has not yet seen the application of a victim who would only fall within the temporal scope of Ntaganda. It also expects this to only occur on an exceptional basis, given that the conscription and enlistment did not continue on a large scale beyond September 2003.
	§ 139	Accordingly, it can be expected that in cases as those before the Court, once reparation implementation commences, the majority of the victims will start to come forward.
	§ 156	Some of the beneficiaries may require intensive group therapy or individual psychotherapy. It is expected that this applies foremost to SGBV victims, children born out of rape, family members of murder victims and Child Soldiers more generally
	§ 166	In that respect, it is expected that indirect victims, in particular those who witnessed the attacks and children born after the commission of the crimes, may have difficulties to show such a link to any physical harm they suffer today.
	§ 225	This person will use information available in Ituri, and through investigation and research, to locate and identify specifically designated missing former child soldiers (dead or alive) or other persons missing since the two attacks. Whether this will lead to the expected result is unclear.
	§ 278	Unidentified victims – The size of this group of future beneficiaries is still unknown but is expected to be large. [...] The Trust Fund's further consultations in this regard show that there are considerable more victims than [REDACTED].
	§ 282	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 reparation programmes really start and the first beneficiaries receive reparations.
	§ 310	In light of the very high number of beneficiaries expected to come forward, all actors involved in the outreach campaign VPR, Registry and/or Trust Fund's local partners, civil society organisations and CLRs, if they so wish, as well as possibly CLRs of the Lubanga 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.
	§ 312	In light of the very high number of victims expected and of their locations, (inaccessible to the Court's staff, and any other international staff, for the past 18 months), the Court's and/or Trust Fund's staff are in no position to collect the relevant information from all potential beneficiaries by themselves.
	§ 26	Similarly, due to the very high number of displaced persons and the ongoing conflict, the Trust Fund will not be able, at least at the start, to embed its programme into the communities and within civil society in the same way as it would have done otherwise.

Unsubstantiated Statements	§ 33	Accordingly, in devising the implementation plan, the Trust Fund is taking into account that resources enabling further complements will become available incrementally, which may influence the scope and pace of implementation of approved reparations measures.
	§ 144	The Trust Fund does, however, intend to reach out to victims living outside of Ituri province, who are estimated to be 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.
	§ 207	The Trust Fund notes that, similar to the Lubanga case, the situation of former child soldiers in this case is particularly precarious, because, although the individuals in question are now adults, they remain deeply affected by their experiences as children.
	§ 248	This means that the Former Child Soldiers should ideally benefit from USD 10 Mio of direct costs as a consequence of the Lubanga case. Given the indirect costs in this programme and additional costs arising for Child Soldiers/SGBV (individual compensation, the SGBV consultant, etc.), the total sum of which Former Child Soldiers may benefit (including for symbolic and satisfaction measures) is therefore USD 12,727,000, if the Trust Fund receives the relevant voluntary contributions to complement this amount
	§ 286	In devising this starting point, the do no harm principle is extremely important, which has been recognised by the Trial Chamber as a reparations principle. This means, among other things, that the interaction with the victims should be as close as possible to the inclusion in the programme.
	§ 288	This means that, in the planning of the DIP and the eligibility process, it will be essential that the time between receiving information from new victims and the determination of their intake in the programme is as short as possible
	§ 304	First, the number of case locations is high and geographically spread out. Moreover, since 2003, potential beneficiaries have been very mobile and are residing in places beyond the case locations. In addition, the number of internally displaced persons within Ituri is very high.
	§ 313	As a result of these difficulties, and in order for the reparation implementation to proceed, it is proposed that only the limited information necessary for the determination of the eligibility be collected by way of a simplified document to be agreed upon by all parties involved.
	§ 332	The verification body must be in a position to make a determination within a short period of time, ideally within 15 days of receipt of the forms.