

Public Redacted Version of
Annex I
(ICC-01/04-02/06-2639-Conf-AnxI) notified on 15 January 2021
Registry Second Report on Reparations

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I. Update on the Registry’s reassessment exercise for participating victims

1. In its Decision on Reparations Process, the Chamber ordered the Registry to “finalise as soon as practicable the assessment of how many of the participating victims may potentially be eligible for reparations given the scope of the Judgment, in consultation with the respective LRV, and the TFV, as appropriate”.¹

¹ Trial Chamber VI, “First Decision on Reparations Process”, 26 June 2020, ICC-01/04-02/06-2547 (“Decision on Reparations Process”), para. 29 and p. 19. In its “Decision on issues raised in the Registry’s First Report on Reparations”, of 15 December 2020, ICC-01/04-02/06-2630 (“Decision on Guidance”), the Chamber set the timeline of the Registry’s conclusion of its assessment to 15 January 2021, *see ibid.*, para. 64.

2. Since then, the VPRS has completed a legal re-assessment of the 2,132² victims dossiers authorized to participate in the *Ntaganda* proceedings. In keeping with the Chamber's guidance, the Registry has carried out its eligibility assessment based on the information presently on file, and in consultation with relevant parties as necessary.³
3. Following the Chamber's trial judgment of 8 July 2019⁴ as well as its Decision on Guidance on a number of legal and factual issues pertaining to the reassessment exercise,⁵ the VPRS applied the Chamber's directions to the entirety of the participating victims' dossiers. Some key considerations are highlighted in the following:

a. Victims of the Attacks

(i) Territorial Scope

4. The major issue affecting participating victims' eligibility to receive reparations is the location where they suffered harm. Certain villages were named in the Judgment with positive or negative findings. Those with negative findings have been assessed as outside, even if they are within a 5km radius of Kobu or Sangi.⁶ Others that are not named in the Judgment but have been found⁷ to be within a 5km range of Kobu or Sangi and allege destruction of property⁸ have been assessed as inside the scope. A few locations have been assessed as falling directly within a village subject to positive findings in the Judgment (not Kobu or Sangi) and have consequently been assessed as inside the scope. All other surrounding villages have been assessed as outside the scope.

(ii) Temporal Scope

5. The Registry applied the Chamber's guidance in paragraphs 37 and 38 and the 'sufficiently close in time' standard in its assessment of any application mentioning dates that were on or about the scope of the *Ntaganda* case. A negative assessment was made when the applicant clearly mentioned dates pertaining to the first operation/attack occurring in a location from the

² On the precise current figure after identification of additional duplicates, *see infra*, para 9.

³ Decision on Reparations Process, paras. 29-30.

⁴ Trial Chamber VI, "Judgment", 8 July 2019, ICC-01/04-02/06-2359 (hereinafter: "Judgment").

⁵ *See above*, fn. 1.

⁶ The Registry took good note of the Chamber's guidance that the Kobu/Sangi 'surrounding village exception' "can only be applied in relation to the harm caused to victims of houses burned down 'in or around Kobu' or 'in or around Sangi'", Decision on Guidance, para. 26; *see also id.*, para. 19 f.

⁷ Information pertaining to distances in Ituri has been provided/verified, to the extent possible, by VPRS field staff; *see also infra*, para. 8.

⁸ Within the margin and guidance of the Decision on Guidance, para. 19 f.

second operation/attack (or *vice versa*). In such instances, the applications were assessed as outside the scope of the case.⁹

(iii) *Subject-Matter Scope*

6. The Chamber reiterated in its Decision on Guidance that only victims of underlying acts that served as the basis for the Chamber to convict Mr Ntaganda for the crime of persecution are eligible for reparations.¹⁰ Specifically for Nyangaray, the Registry considered applications as inside the scope where the victim provided elements on fleeing and hiding in the bush, where they stayed in difficult conditions on account of the UPC/FPLC taking control over Nyangaray.¹¹

b. Former Child Soldiers

7. Following the reassessment exercise, no former child soldiers have been impacted by the changes to the scope of the case in the Judgment with respect to child soldier crimes. In light of the fact that the former child soldiers often cited numerous locations for use and almost always referred to the locations where they were enlisted or conscripted, the combination of the three crimes lead each of the 283 former child soldiers to remain in the scope of the case despite the reductions to the scope with respect to use of child soldiers in active hostilities. Following the directions provided in paragraph 52 in the Decision on Guidance, the number of former child soldier participating victims has actually increased by 1 (to 284) due to the fact that the victim in question fell out of the scope as a direct victim of the attacks but remained within the scope as an indirect victim of a former child soldier (family member).¹²

c. Subsequent assessment

8. The Registry notes that subsequent to the Chamber's directions provided in the Decision on Guidance, a number of issues, including particularly of a geographic nature, remained difficult to assess after further analysis and consultation with Registry field staff, also owing to the limited time available since the Decision on Guidance. The Registry has taken a conservative approach in following the letter of the Judgment/Decision on Guidance on these matters in light of the information presently available. In light of this, it recommends that subject to further clarification and precision on these issues including potential supplementary narratives by victims

⁹ Following also the guidance in para. 25 of the Decision on Guidance.

¹⁰ Decision on Guidance, para. 60.

¹¹ *Id.*, para. 61.

¹² The victim code in question is a/00209/13.

concerned, relevant victim dossiers can be revisited in the appropriate forum at a later stage.

d. Breakdown of figures

9. In summary, following the numbers reported on participating victims in the Registry's Preliminary Report on Reparations,¹³ a further 11 duplicate applications from victims of the attacks were identified by the VPRS as having been admitted twice.¹⁴ Accordingly, the actual number of participating victims at trial is 2,121.¹⁵ Out of the 2,121 victims authorized to participate in the proceedings at trial, in the Registry's assessment 1460 remain eligible to receive reparations. The numbers are more clearly illustrated in the table below:¹⁶

2,121 participating victims			
<i>Grouping</i>	Child soldiers: 283 + 1 identified in the "Victims of the attacks" group	Victims of the attacks: 1,838 – 1 identified as a belonging to the "Child soldiers" group	
	= 284	= 1,837	
<i>Assessment</i>	All 284 eligible for reparation	1176 eligible for reparation	661 not eligible for reparations
<i>Result</i>	Victims eligible for reparations: 284 + 1,176 = <u>1,460</u>		Victims not eligible for reparations: <u>661</u>

II. Update on the sampling

10. The Registry recalls that in the Decision on Reparations Process, the Chamber ordered the Registry to *inter alia* prepare "a sample constituted of a limited but representative pool of potential beneficiaries" in order to

¹³ Registry, "Registry's observations, pursuant to the Single Judge's "Order for preliminary information on reparations" of 25 July 2019, ICC-01/04-02/06-2366", 5 September 2019 (notified 6 September 2019), ICC-01/04-02/06-2391-Anx1, para.6.

¹⁴ The application numbers in question can be found in Annex II to the present submission.

¹⁵ The total number of participating victims (2,121) at trial can be broken down to (283) former child soldiers and (1838) victims of the attacks.

¹⁶ All relevant application numbers can be found in Annex II to the present submission.

“collect updated information on the harm experienced by victims and their current needs, so as to inform the reparations order.”¹⁷ The Chamber clarified that the sample should be “prepared by the Registry in consultation with the parties and the TFV, using the form [...]”¹⁸ developed for the mapping and registration of potential new beneficiaries.¹⁹

11. There are three categories of potential beneficiaries to be included in the sample (altogether “Categories”):
 - a. Victims who participated in the trial proceedings and fall within the scope of the Judgment (“Category I”);
 - b. Victims who are eligible for reparations in the *Lubanga* case (“Category II”); and
 - c. Victims who are potential new beneficiaries of reparations (“Category III”).²⁰
12. The Chamber noted that the “Registry may contact such victims to collect information relevant for the purpose of the sample.”²¹
13. Following the methodology on the collection of information from victim sample groups as outlined in its First Report on Reparations,²² the VPRS proceeded in populating the sample matrixes of all three of the above victim categories with relevant data. The results are outlined in detail in the following.
14. In preparing the present report, the Registry as well as the LRV faced continuing restrictions due to the COVID-19 pandemic, compounded by a challenging security environment in many areas where victims reside. This has heavily impacted on field-related activities of all parties, and the amount and timing of collected information in particular. Nevertheless, sufficient data could be produced for all categories to provide the statistics and information in this report.²³

¹⁷ Decision on Reparations Process, para. 37.

¹⁸ *Ibid.*

¹⁹ *Id.*, para. 35.

²⁰ *Id.*, para. 38.

²¹ *Ibid.*

²² Registry, “First Report on Reparations”, 30 September 2020, ICC-01/04-02/06-2602 (with confidential Annexes I to V. A public redacted version of Annex I was filed on 26 October 2020, ICC-01/04-02/06-2602-AnxI-Red).

²³ It is noted that for Category III, due to the abovementioned constraints, and as further outlined *infra* (subsection C), the Registry is however not (yet) in a position to confirm sufficient (particularly

A. Victims who participated in the trial proceedings and fall within the scope of the Judgment (Category I)

15. The Registry recalls its submissions, in its First Report on Reparations, on the methodology of how separate sample matrixes were elaborated in consultation with the LRV of each of the two victim groups, respectively.²⁴ In the past months, the VPRS designed and applied, together with the LRVs, a system to collect relevant information²⁵ from victims previously entered into the sample matrixes.
16. Both LRVs submitted a number of completed consultation forms which they had previously filled out with their clients pursuant to the relevant matrix.²⁶ The LRV of the victims of the attacks also provided the Registry with updated contact details of relevant individuals for the Registry to follow up with the consultation directly. Due to the highly complex situation on the ground, wherever victims listed in the relevant matrix could not be contacted on time, the LRV of the victims of the attacks and the VPRS identified other victims equally representative of the crime/location/vulnerability that was meant to be covered. Finally, said LRV continuously provided the VPRS with contact details to directly engage with further victims with a view to enhancing the representativeness of the sample. In this context, the VPRS wishes to express its gratefulness for the close and excellent collaboration of the LRVs in the execution of this exercise.
17. Registry consultations with victims represented by the LRV of the victims of the attacks were carried out by the VPR field staff. These individuals reside in different locations that for security reasons could not be visited by Registry staff. Therefore, meetings were conducted by telephone or video conference.

geographical) representativeness of the data here presented for the entirety of the victim population encompassed in the Registry mapping (Decision on Reparations Process, para. 32).

²⁴ *Ibid.*, paras. 29-34. The Registry also held consultations with the TFV on the methodology as well as the consultation/application forms that the VPRS designed for the present process (*see* Annexes II and III of the Registry's First Report on Reparations, ICC-01/04-02/06-2602-ConfAnx-II and ICC-01/04-02/06-2602-ConfAnx-III).

²⁵ As per para. 37 of the Decision on Reparations Process.

²⁶ Forms received from the LRV of former child soldiers: 5; forms received from the LRV of victims of the attacks: 12. As noted in the Registry's First Report on Reparations at para. 40, the "LRVs in the Case are in a privileged position to help and facilitate in the communication and information exchange between the Registry and the victims selected to be included in the sample Matrix." Following this logic, the VPRS engaged with the LRVs as to their preferred way to reach out to their respective clients.

18. The LRV of former child soldiers reported that she faced the specific challenge that for a sizeable cluster of the material scope in the matrix applicable to her clients, information can only be sought in person due to the specific vulnerabilities of these victims. This pertains particularly to victims of rape and sexual slavery (but also to other child soldiers with specific vulnerabilities). She submitted that accordingly, due to the pandemic and the current very volatile situation in the field, said victims could not be met since they can only be met in person. Fortunately, a number of victims concerned had provided some updated information in 2017 on harm they had experienced as part of the reparations application process in the *Lubanga* case. While relevant forms were not complete as to current needs and dated of the first half of 2017, the VPRS entered relevant data of these individuals in its analysis and tables of victims under category II (below).²⁷

Overview of results

19. The following table provides an overview of the victims consulted including their gender, ethnicity and the victim's group to which they belong.

Group	Female	Male	Total	Main ethnic group
Former Child Soldiers		5	5	Alur ²⁸
Victims of the Attacks	6	17	23	Lendu ²⁹
Total	6	22	28	

20. The victim consultation form that the VPRS had specifically designed for the sample matrix exercise followed the Chamber's guidance in its Decision

²⁷ Relevant victims concern the crimes of rape and sexual slavery in three major crime locations, namely Baudoin-Nioka, Mandro and Bule. Updated information on the harm experienced entailed predominantly continuous psychological grievances, including insomnia, lack of concentration, trauma and difficulties to socialise within the families. Insofar as current needs were expressed by victims, these are education/study help; medical help; and parentage assistance. Relevant data is included in statistics under Category II.

²⁸ Other ethnicities of victims in this group are Hema and Lendu.

²⁹ Other ethnicities of victims in this group include, among others, Alur, Hema Gegere, Kakwa, Kongo, Luba, Mumbisa, Nande, Nyali, Walese.

on Reparation Process in requesting updated information (i) on the harm experienced by victims; and (2) on their current needs.³⁰ [Redacted]³¹

a. Updated information on harm experienced by victims

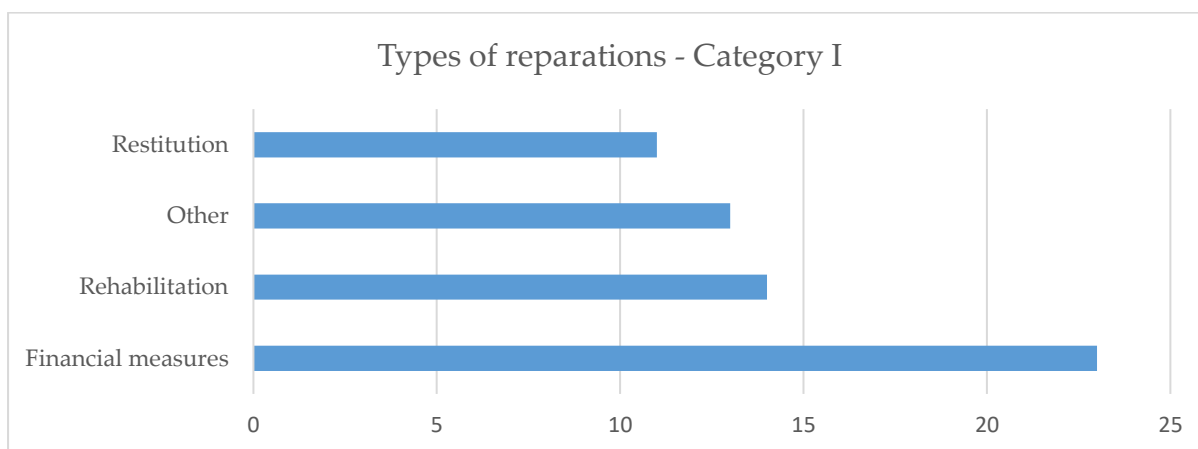
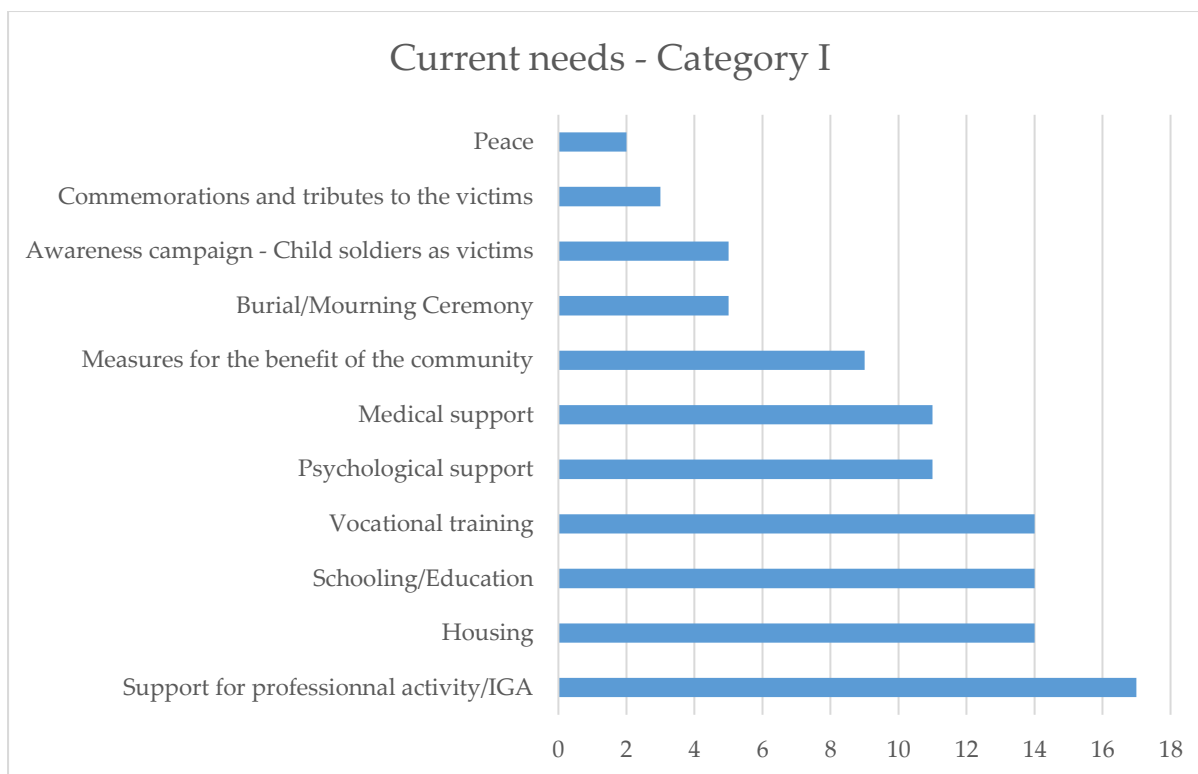
21. The Registry found that most of the consulted victims in Category I still suffer from psychological harm (26 out of 28) as a result of the crimes suffered in 2003. The main types of psychological harm provided by the applicants are the following:
 - the death of loved one(s) such as parents, siblings or other close relatives (16 individuals),
 - their exposure to an environment of fear and violence in the case of former child soldiers and the painful memories of this period (5 individuals), and
 - painful memories, anxiety symptoms and sleeping disorders.
22. In addition, victims in this category reported that they continue to suffer from material harm (20 individuals), in particular due to :
 - the loss of their house, their possessions and their source of income (14 individuals), and
 - the increased economic burden associated with number of dependents, in particular when the victim has to provide for the family members of a deceased person (6 individuals).
23. Lastly, many victims in this category reported that they have lost professional and educational opportunities (10 individuals).

b. Current needs of victims and types of reparations desired

24. Information conveyed by consulted individuals on current needs and desired reparations in view of their harm is presented in the below charts. Additional observations and general trends are highlighted in the paragraphs that follow.

³⁰ Decision on Reparation Process, para. 37.

³¹ [Redacted]



The category "Other" includes measures such as commemorations, mourning ceremonies, peace initiatives or awareness campaigns.

25. Participating victims interviewed by the Registry by and large had a good knowledge of the case and the concept of reparations. They were able to express their choices articulately, having had the time and experience throughout the case to reflect on what potential reparations could be most appropriate for them.

Preference for financial measures

26. A clear trend emerging from the consultation exercise is the consulted individuals' preference for forms of economic development or financial measures to be awarded individually to redress the harm that they suffered. Most of the victims consulted requested support in receiving economic help/compensation for, *inter alia*: education; to buy a plot of land; to build a house; or to rebuild the family house destroyed during the attacks in 2003.

Measures for the benefit of the collectivity/community

27. Some victims proposed forms of collective reparations that could benefit their community. Examples include: repairing the roads, access to drinkable water for their village, a training center for the youth, and access to stable electricity for their communities.
28. The Registry further notes that most of the victims from the group of the former child soldiers were in favour of an awareness campaign in order to facilitate their rehabilitation into their communities.³²

B. Victims who are eligible for reparations in the Lubanga case (Category II)

i. Conclusion of beneficiary assessment across the two cases

29. The Chamber ordered the Registry to conclude, with the present report, the assessment of how many victims potentially eligible for reparations in the *Lubanga* case may also potentially be eligible for reparations in the *Ntaganda* case.³³ The Chamber specified that the assessment is to be carried out "on the basis of the scope of both judgments, with a view to providing an overall figure of how many potentially eligible victims are currently known."³⁴
30. Consequently, the Registry based its assessment on the following premises:
- (i) the territorial scope of the child soldier-related crimes in both the *Ntaganda* and *Lubanga* cases is "in Ituri" ;
 - (ii) the subject matter scope of the *Lubanga* case only includes conscription, enlistment and use of child soldiers. Yet, in the *Ntaganda* case, the material scope includes conscription, enlistment, and use of

³² As one of the victims explains: "Il y a beaucoup de choses mauvaises qui se sont passées et les gens étaient en colère contre les enfants soldats et s'ils comprennent qu'on était obligés peut être qu'ils nous pardonneront."

³³ Decision on Guidance, para. 65 and p. 27.

³⁴ *Id.*, para. 65. The Registry concluded its assessment on the basis of the reparation forms it has received to date in the *Lubanga* proceedings; further forms may be received.

child soldiers to participate actively in hostilities, as well as rape and sexual slavery of child soldiers;

(iii) the temporal scope of the *Lubanga* case is September 2002 to 13 August 2003; and

(iv) the temporal scope of the *Ntaganda* case in this regard is 6 August 2002 to 31 December 2003 for rape, sexual slavery, conscripting and enlisting of child soldiers, and 6 August 2002 to 30 May 2003 for use of child soldiers to participate actively in hostilities.³⁵

31. As at 15 January 2021, the total number of application forms received by the Registry of potential beneficiaries in the *Lubanga* case is [Redacted]. The number of victims authorized by Trial Chamber II to date as reparation beneficiaries is [Redacted].³⁶ Of that number of potential beneficiaries, the VPRS can confirm that all individuals are also potentially eligible for reparations in the *Ntaganda* case, as they fall within the scope of both judgments.

ii. Information from sampling exercise

32. As per its First Report on Reparations, the VPRS consulted with the common legal representatives of the different victim groups in the *Lubanga* case on its sample matrix(es) for these groups.³⁷ Following the Chamber's guidance,³⁸ the VPRS did not contact relevant victims directly and instead assessed the application forms pertaining to reparations received in the *Lubanga* case to date. The sample matrix entailed a total of 53 victim dossiers, of which 26 victims are female and 27 male. The selection key followed the methodology as outlined in the First Report on Reparations.

³⁵ The Registry noted the Chamber's observation that "an initial review of the Judgments in both cases appears to show that not all victims eligible for reparations in the *Lubanga* case may also be eligible for reparations in the *Ntaganda* case" (Decision on Guidance, para. 65). With this in mind, the Registry carried out a detailed comparison of the scope of both cases in light of the relevant Judgments; in particular, it considered that the area of non-overlap relates to the crime of using child soldiers to participate actively in hostilities. In particular, for child soldier victim application forms that only refer to said variant of the crime, there is a window from 31 May to 13 August 2003 where the *Lubanga* case is broader. In addition, there are negative findings in the *Ntaganda* case with respect to use of child soldiers ; these include: (i) Bunia in August 2002 and March 2003; (ii) Zumbé in October 2002 ; (iii) Komanda in October 2002 and (iv) Lipri, Kobu and Bambu from February to March 2003.

³⁶ [Redacted]

³⁷ See Registry First Report on Reparations, paras. 35-36, 41. The VPRS also held a consultation on this matter with the TFV.

³⁸ Decision on Reparations Process, para. 31.

33. As also noted in the First Report on Reparations,³⁹ a sizeable number of the forms received in the *Lubanga* case (from 2016 onwards) contains relevant updated information pertaining to harm and current needs (as at the date when relevant information was obtained), as well as regarding desired reparation measures. The VPRS therefore decided to carry out a desk review not only of the victim dossiers identified through the matrix methodology, but of the entirety of forms received mostly⁴⁰ from 2019 onwards [Redacted]⁴¹ the VPRS chose these more recent forms in its desk review exercise to display a representative and most up-to-date picture in the circumstances. However, the Registry wishes to draw the Chamber's attention on the limits of the information extracted in relation the victims' current needs. The data is extracted from forms filled in by victims in the context of a consultation conducted by the TFV following the issuance of a reparations order in the *Lubanga* case in which only collective reparations were considered.⁴² [Redacted].
34. The following tables and statistics provide the results of the victim application review as part of the sample matrix as well as the broader review of all application forms of potential beneficiaries of reparations in the *Lubanga* case.

Overview of results

35. The Registry notes that some of the tables show discrepancies between the results of the matrix assessment and the desk review. This may in part be due to the parity between male and female victims chosen for the matrix whereas the desk exercise displays a much higher percentage of male victims versus female [Redacted], also the much larger wealth of information processed during the desk exercise provides more solid and differentiated data.

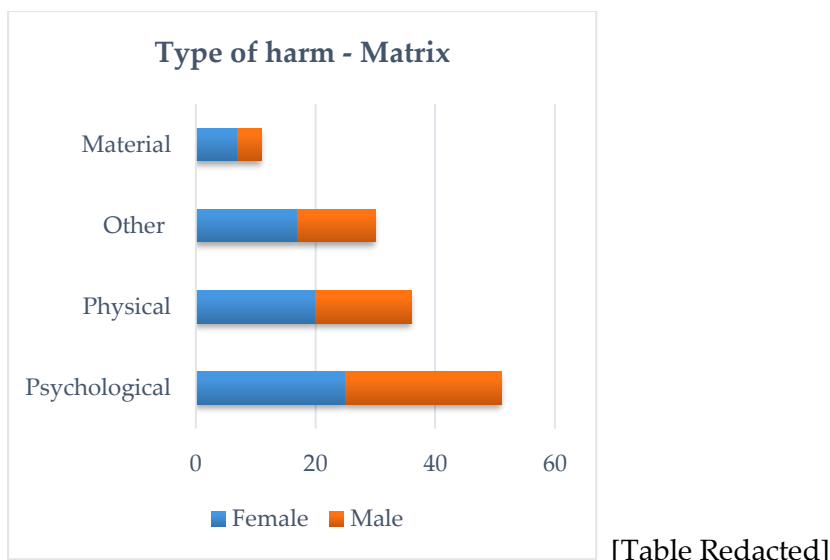
1. Types of harm suffered by victims

³⁹ *Id.*, para. 36.

⁴⁰ As noted *supra* at para. 18, the VPRS also assessed a number of application forms received in 2017 in the *Lubanga* case [Redacted]

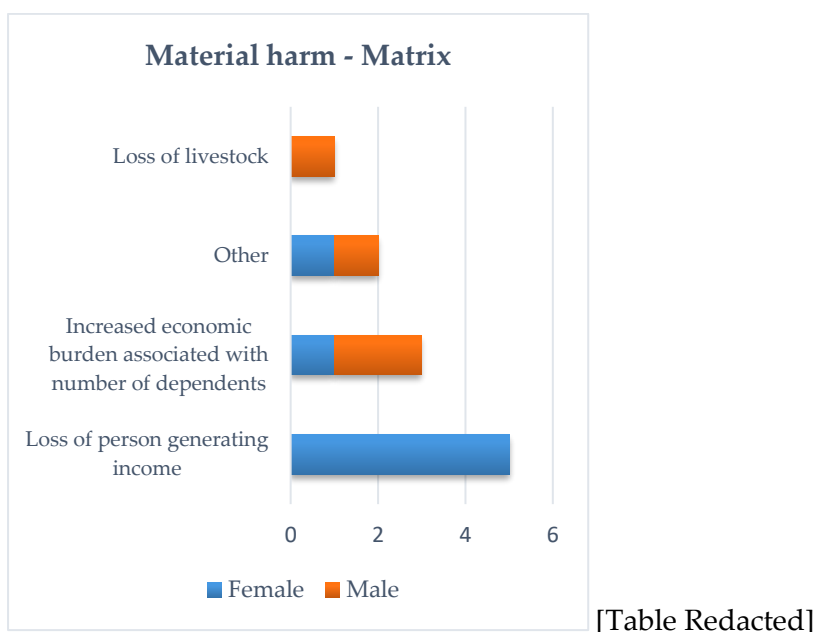
⁴¹ [Redacted]

⁴² Appeals Chamber, "Order for Reparations", 3 March 2015, ICC-01/04-01/06-3129-AnxA, supplemented by Trial Chamber II, « Rectificatif de la 'Décision fixant le montant des réparations auxquelles Thomas Lubanga Dyilo est tenu' », 21 December 2017, ICC-01/04-01/06-3379-Red-Corr.

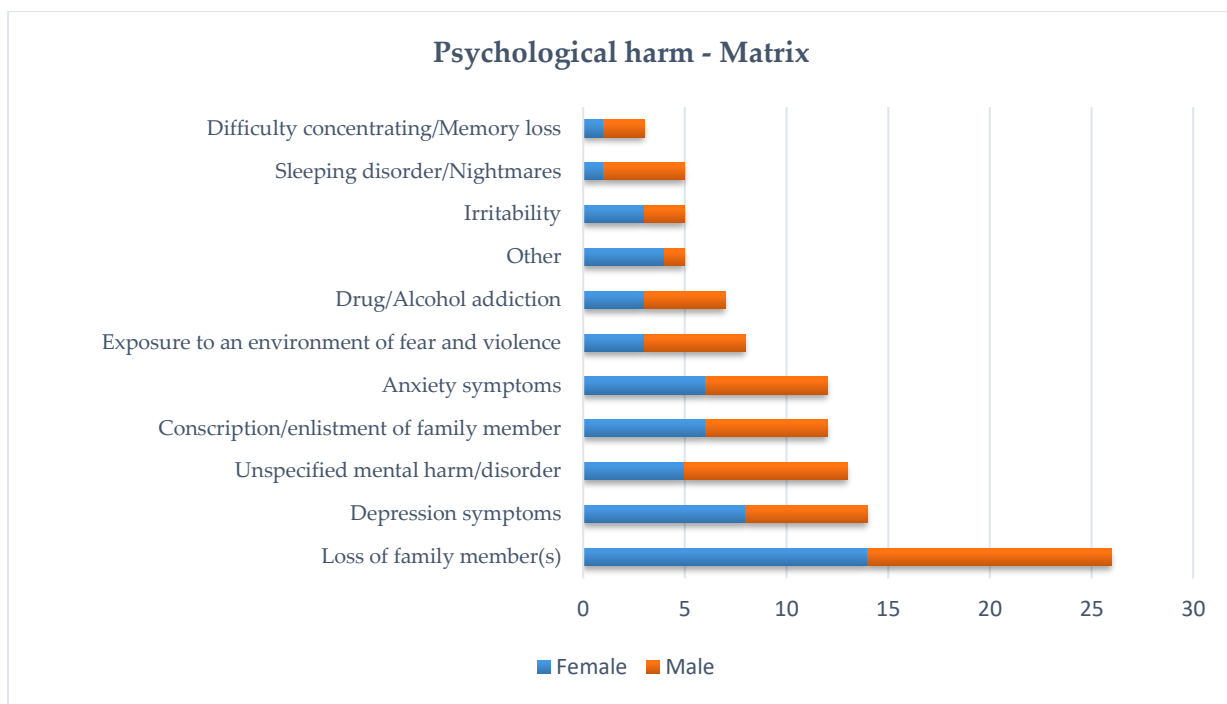


36. The table above is further explained through the ensuing tables detailing the four different harm categories:

2. Detailed harm categories



- ⇒ The category “**other**” in the matrix chart includes: medical fees and inability to work.
- ⇒ The category “**other**” in the desk review chart includes *inter alia*: difficulties to finance education for child(ren); difficulties to generally provide for child(ren); loss of working materials; loss of plot/land.



[Table Redacted]

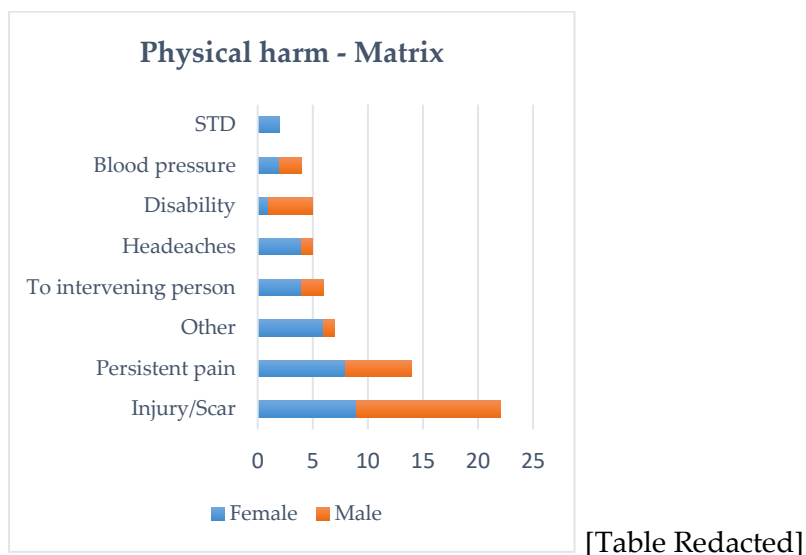
The category “**other**” includes *inter alia*: aversion to men/difficulties to support authority/ difficulties to talk about what he/she did/ eating disorders/ fits of folly/ loss of a close comrade (militia)/ loss of the human consideration/ humiliation/ sensibility when thinking about the militia/ inability to have durable relations/ hallucinations (hearing bomb explosions and shots)/ impulsiveness/ revival of the mistreating/ shakiness.

The category “**Irritability**” includes: aggressive behaviour/ anger/ feeling of revenge

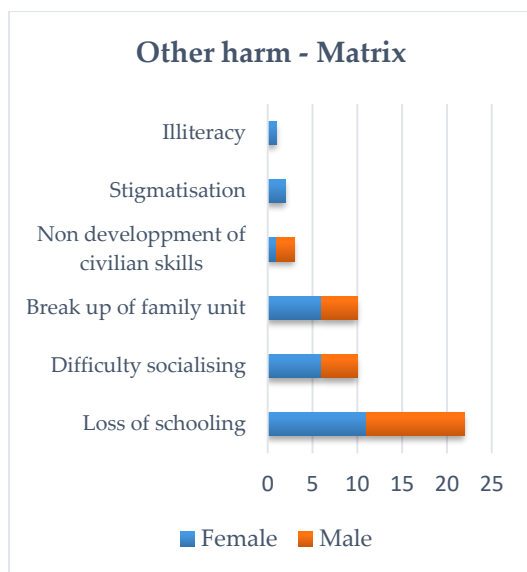
The category “**Anxiety symptoms**” includes: anguish/ fear/ distress/ anxiety/ bad memories/ worries.

The category “**Depression symptoms**” includes: depression/ sadness/ regrets/ low self-esteem/ feeling of self-blame/ loneliness/ hopelessness/ suicidal thoughts.

The category “**Unspecified mental harm/disorder**” includes: trauma and psychological harm/ behaviour disorder/ mental disability or disorder.



The category “**other**” includes *inter alia* vertigo/ weight loss/ tuberculosis/ genital organ damage/ gynaecological issues.



[Table Redacted]

The category “**other**” includes *inter alia*: loss of economic opportunities/ loss of professional and personal opportunities.

The category ‘**Difficulty socializing**’ includes *inter alia* : difficulties to socialize within the community or with the family/ difficulties of the family to socialize with the community.

3. Types of reparation measures desired in the *Lubanga* case

[Tables Redacted]

4. Pie chart on desired reparation measures – desk review

37. The following pie charts are based on data extracted from victim application forms during the desk review.⁴³

Detailed chart on desired material support :

[Table Redacted]

Detailed chart on medical/psychological/addiction support:

[Table Redacted]

C. Victims who are potential newly identified beneficiaries (Category III)

⁴³ Data retrieved from the sample matrix alone was deemed insufficient to be provided in a pie chart as above.

38. In its Decision on Reparations Process, the Chamber further instructed the Registry to include potential new identified beneficiaries in its "sample constituted of a limited but representative pool of potential beneficiaries" of reparations.⁴⁴ To the extent that this exercise would also entail the registering of said potential new beneficiaries, the Chamber directed the Registry to use a specifically tailored victim application form.⁴⁵
39. So far, the Registry managed to consult 25 potential new identified beneficiaries on the harm they suffered and on their current needs. The Registry notes that this number is still rather limited and not yet representative of the pool of at least 1100 potential new beneficiaries of reparations in the present case.⁴⁶ COVID-19-related constraints and the complex situation on the ground have compounded the challenge to quickly implement a strategy to reach out to potential new beneficiaries while applying all necessary health and security precautions, as outlined in further detail below. However, the Registry is confident that this number will increase significantly during the next reporting period in light of its current activities of registering potential new beneficiaries following the mapping exercise.

(i) Information on the sample selection process

40. In light of the security situation and COVID-19 related restrictions of contact and/or movement, the Registry selected a sample of individuals from displaced victims more easily accessible.⁴⁷
41. To date, the Registry consulted, via videoconference, altogether 25 individuals.⁴⁸ 16 women and nine men provided information regarding their victimisation and current needs.⁴⁹ The following issues are of particular note in this context:

⁴⁴ Decision on Reparations Process, paras. 37, 38.

⁴⁵ *Id.*, para. 35 ("[t]he form should be specifically tailored for reparations purposes, taking into account that the Chamber has not yet determined the types and modalities of reparations and that some forms of collective reparations do not require any form of victim screening").

⁴⁶ On the current estimated number of potential new beneficiaries of reparations, see Decision on Reparations Process, para. 32.

⁴⁷ Some of these victims have been displaced for several years. The identification process was facilitated by [Redacted]selected intermediaries who have been specifically trained to assist the Registry for that purpose. [Redacted]

⁴⁸ The interviews were conducted individually between the respective potential new beneficiary and the Registry VPR field staff via video link.

⁴⁹ The Registry met with two additional individuals who however did not complete the consultation process.

- the consulted individuals referred to relevant crime locations such as Mongbwalo, Kobu, Bambu, Kilo, Lipri, Tsili, and Nyangaray, thus providing a certain margin or geographic representation;
- most of them suffered crimes in more than one of these locations;
- two of them reported to have been victims of sexual violence;⁵⁰
- all consulted individuals became internally displaced persons between 2018 and 2020 as a result of the conflict which erupted again in Ituri at the end of 2017;
- most of them are in a situation of high vulnerability (exacerbated by their displacement) and lack the means to cover the basic needs for themselves and their families;
- most of them used to be traders, teachers, farmers [Redacted](currently on unpaid pause due to the security situation); they are currently unemployed and try to make a living as casual daily workers in the fields of other people;
- the consulted individuals did not have any previous acquaintance with a legal representative of victims or with Registry representatives; hence, they only had little knowledge about the Court.

42. During the consultation process, a number of other potential beneficiaries expressed interest in being consulted. These individuals are displaced to a number of different localities, including to neighbouring countries. Given the current operational limitations alongside infrastructural challenges (eg. internet/telephone connectivity), the Registry has not yet been in a position to meet with them.

(ii) Information on the conduct of consultations

43. In the Registry's experience, the issue of reparations at the Court is a complex concept for many victims, who have rarely had previous experience or understanding of judicial proceedings, even within their own communities. It is also the Registry's experience that consulting victims on reparations is a difficult exercise due to many factors, such as the time elapsed since the events, the complexity of the topic, the management of expectations and the short amount of time to establish a relationship of trust for the purpose of obtaining this information. For victims displaced and

⁵⁰ The Registry offered the possibility to choose to be interviewed either by a woman or by a man for the purpose of the consultation.

those living in fear for their security, expressing their choices about reparations for crimes that happened almost two decades ago proved difficult.

44. The Registry applied a combination of (i) an informative session with each potential beneficiary, followed, in a separate meeting, by (ii) the administration of an individual questionnaire.⁵¹ Of particular note:

- during the informative session, the Registry provided the respective individual with *inter alia*: information on the Court and the rights of victims; updated information on the procedural developments in the *Ntaganda* case (including on the ongoing appeal); the purpose of the current consultation; information about the duration of the process and the measures or reparations that might be awarded (in order to provide a realistic picture of what can and cannot be expected); and any clarifications and explanations on questions they may have had;
- consulted individuals were allotted sufficient time to digest the information provided and consider whether they wished to participate further in the consultation exercise through a second meeting;
- during the second session, the Registry used the form designed for the purpose of this consultation.⁵² The form includes questions on the victims' harm, the impact of that harm today, as well as the victims' current needs. Victims were also consulted on the type of reparations they consider would be most suitable in light of their harm.

45. Many victims consulted were surprised that their suffering and needs would still be relevant 17 years after the events. For many this was a unique opportunity that they did not want to lose. The Registry found that victims expressed their views during the consultation with caution.

(iii) *Overview of results*

46. The views and information conveyed by potential beneficiaries under Category III are presented in the charts below. A summary of the findings and general trends are presented in the paragraphs that follow, including any particular issues linked to these victims' current situation.

a) Harm experienced by victims

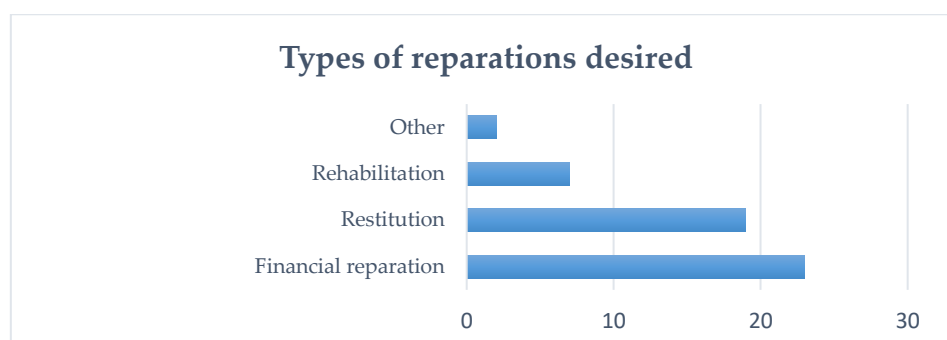
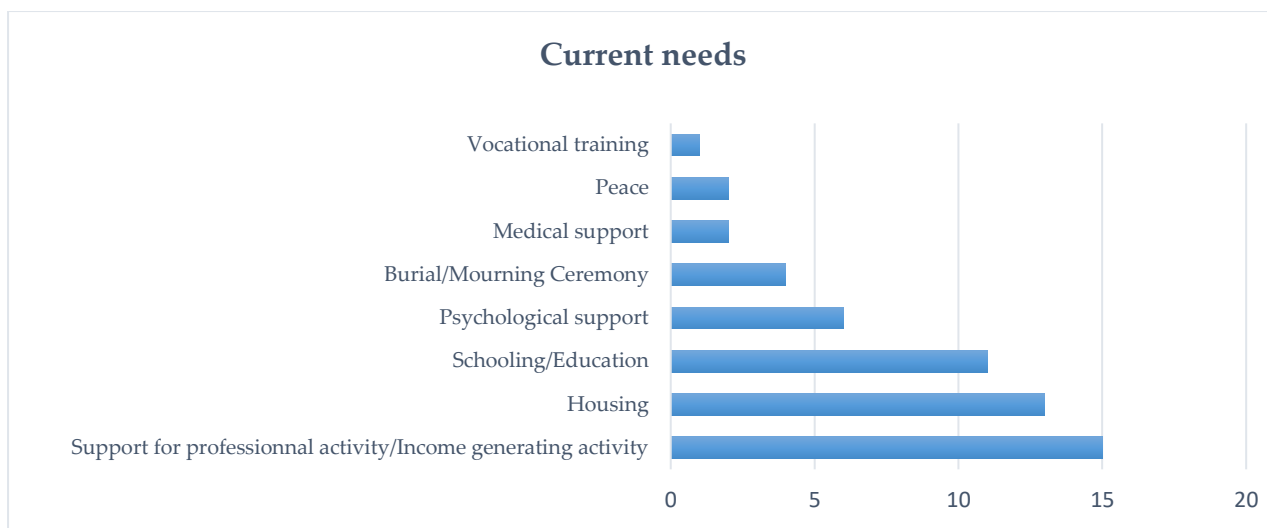
⁵¹ Victims were given time to reflect on whether or not they had an interest in engaging in this process and return for a second meeting during which the actual consultation would take place.

⁵² See Decision on Reparations Process, para. 35; see also First Report on Reparations, Annex II.

47. Considering the time that has elapsed since the commission of the crimes in question, the Registry focused its enquiries (i) on victims' harm suffered (*ie.* what happened to them); and (ii) whether, and if so how, said harm continues to impact their lives today.
48. All of the victims interviewed to date under Category III reported to still suffer material harm:
 - In most of the cases they mention the loss of their house and their possessions (22 individuals),⁵³ of the source of their income (10 individuals) or the loss of a breadwinner/ a person who generated income for the family (11 individuals). It transpired that these crimes impacted specifically women and children at their charge. After losing the family's main financial provider (father, husband or brothers), women had to assume alone the entire charge of the family. They had to provide for their dependants' primary needs and were unable to send their children to school, disrupting their education;
 - Many of the victims whose houses were destroyed never managed to rebuild their houses since the conflict in 2003. Those who did manage to rebuild their houses lost everything again in the recent Ituri conflict and live with host families or in rented houses that they struggle to pay for.
49. The Registry further notes that the most recurrent harm expressed by victims from Category III are:
 - a. persistent physical harm as a result of the crime they suffered from in 2003 (16 individuals);
 - b. the loss of a relative (12 individuals); and
 - c. the continuing adverse effects of being displaced (9 individuals).
50. Lastly, the Registry found that the current conflict in Ituri revives the trauma and fear experienced by these individuals in 2003, also with the same locations being targeted again.⁵⁴ This appears to negatively impact the victims' frail psychological situation.
 - b) *Current needs and desires for reparations*

⁵³ Many of the victims whose houses were destroyed reported that have never managed to rebuild their houses since the 2003 conflict. Some others who did manage to do so lost everything all over again in the recent conflict and live with host families or in rented houses that they struggle to pay for.

⁵⁴ 12 individuals mentioned during the consultation that the resurgent violence in Ituri has affected them again.



Preference for financial measures to be awarded

51. The Registry notes that many victims did not expressly correlate the loss of their income/source of revenue with a potential entitlement to compensation.⁵⁵ Many also expressed doubts as to how one could compensate for the loss of loved ones.
52. A clear trend emerging from the consultation exercise to date has been the consulted individuals' preference for some form of economic development or financial help to be awarded individually to redress the harm that they suffered. Most of the desires expressed concerned financial measures, regardless of whether they were labelled by the victim as compensation,

⁵⁵ This is the case of victims who depended on others as the main source of income (husbands or other family members). As a result of the crimes suffered, they lost their income and could not return to the level of life they used to enjoy (also because of their vulnerable situation or the trauma suffered). The Registry found that many of the victims in that situation were unable to make a connection between the trauma and their difficulties to improve their life.

rehabilitation or restitution measures.⁵⁶ Most of the consulted individuals requested economic support to buy a plot of their own, build a house or rebuild the family house destroyed during the attacks in 2003.

53. [Redacted], none of the individuals consulted under Category III to date have mentioned measures for the benefit of the collectively/community as desired reparation measures.

Implementation of reparation measures and security

54. Lastly, the Registry notes that many of the victims consulted in this category do not express security concerns as a result of their interaction with the Court or of the implementation of any potential reparation measures in the future. However, they consider peace as a pre-condition to enjoy reparations and/or to rebuild their lives. They appeal to the international community to ensure peace in Ituri.

III. Update on the mapping of potential new beneficiaries

55. In its Decision on Reparations Process, the Chamber instructed the Registry to “finalise the mapping of potential new beneficiaries, in accordance with relevant instructions” set out previously in its decision.⁵⁷
56. The Registry refers to the results of its mapping activities of potential new victim communities as previously reported to the Chamber.⁵⁸ Current efforts concentrate on reaching out to individuals and groups previously mapped (the victim identification exercise of Category III victims as part of the sampling outlined under *lit. C supra* being just that). It is noted that as part of this identification/consultation exercise, a margin of individuals previously unaccounted for during the mapping may come forward, altering the figures provided previously from Registry mapping efforts. This, however, is not expected to generate a major diversion from the previously reported approximate figure resulting from the Registry mapping efforts to date.

⁵⁶ 10 applicants out of 25 made specific claims for compensation as a result of their sufferings or the loss of a family member. The majority of claims for restitution concerns household items or belongings which were in the house they lost. The majority of the rehabilitation measures concern support for the victim’s economic development such as income generating activities, financial support for professional activities or for schooling of the victim’s children.

⁵⁷ Decision on Reparations Process, p. 19, referring to instructions in paras. 34-35 of said decision.

⁵⁸ Registry First Report on Reparations, para. 25; Decision on Reparations Process, para. 32.

57. The Registry will continue to report to the Chamber as part of its periodic reports if any notable alterations of the previously reported mapping results⁵⁹ occur.

IV. Conclusion

58. Despite the Registry's best efforts to produce the most comprehensive amount of relevant information of potential beneficiaries in the sample matrix, the task has been challenging. Current restrictions associated to COVID-19, the security situation in the field and mobility difficulties for victims and other stakeholders have resulted in significant limitations in terms of access and communication: hence, the sample for Categories I and III has remained small against the background of the entirety of potential reparation beneficiaries (be that participating victims or potential new beneficiaries). The Registry will continue the consultation of potential new beneficiaries identified in the course of the mapping exercise, in order to best inform the Chamber of victims' experience of harm, specific needs and desired reparation measures; this is hoped to facilitate the Chamber's efforts of designing the most appropriate implementation process for all victims concerned.

⁵⁹ See Decision on Reparations Process, para. 32.