

## Annex A

## Trust Fund for Victims

Draft Implementation Plan for Prospective reparations to victims  
 Submitted to the Amended Reparations Order of 3 March 2015  
 Thomas Lubanga Dyilo (C/01/04/06)

Table of Contents

- I. Introduction (paragraph 1)
- II. Requirements and Procedures (paragraph 3)
  - A. Victim Eligibility
  - B. Direct victims
  - C. Indirect victims
  - D. Institutional victims
  - E. Temporal scope
  - F. Geographic scope
  - G. Harm
  - H. Causality standard of proof
  - I. Issues related to the ethnic composition of prospective victims
- III. Operational Procedures (paragraph 10)
  - A. Considerations related to the number of victims and funds available
  - B. Victim screening process
  - C. Options for the Trust Fund approach to address gender dimensions of reparations
  - D. Gender disaggregated approach and response to the harm of conscription, and use
- IV. Intake and Screening (paragraph 16)
  - A. Communication and consultation with prospective victims
  - B. Identification of eligible victims
  - C. Harm assessment
  - D. Prioritization

Trust Fund for Victims Implementation Plan for collective reparations to victims  
 Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
 (ICC-01/04/06)

- E. Selection of the reparation modality
  - F. Ensuring transparency and confidentiality
- V. Modalities and forms of the reparations proposed  
 (para 651-72)
- Psychological trauma as a cross-cutting issue and a priority  
 mindful of this dimension in implementation
- A. Presumption of psychological harm
  - B. Mitigating stigma and avoiding harm
  - C. Supporting personal and collective narratives
  - D. Psychosocial health is key to integrated programming
  - E. Group opportunities for former child soldiers
  - F. Community engagement programmes
  - G. Physical rehabilitation
  - H. Socio-economic support
- VI. Duration of the programme  
 (para 73)
- VII. Complementarity  
 (para 74)
- VIII. Management Oversight  
 (para 75)
- A. Procurement process for programming
  - B. Applicant organisation eligibility
  - C. Collaboration and partnership
  - D. Grant amounts
  - E. Proposal format
  - F. Application process
  - G. Evaluation and selection of applications
- IX. Communication and outreach to stakeholders and victims  
 (para 78)
- X. Monitoring and evaluation and reporting mechanism of  
 program (para 79)
- A. Monitoring
  - B. Monitoring reports
  - C. Tools
  - D. Evaluation

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order in the Case of the Lubanga  
(ICJ 1/04/06)

XI. Other issues (para 237)

XII. Collaborating and coordinating (para 239)

Eligibility Screening Tool

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

## Annex A

### Trust Fund for Victims

Draft Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
Thomas Lubanga (ICC-01/04/06)

#### I. Introduction

1. This Draft Implementation Plan (DIP) is a response to the filing that the Trust Fund for Victims (TFV) has submitted to the Trial Chamber pursuant to the Appeal Chamber's Amended Order of 15 March 2015 and the Trial Chamber's Decision of 10 June 2015. The DIP is submitted in response to the Trial Chamber's request to submit the Draft Implementation Plan by 15 August 2015. Moreover, specifically, the DIP is a response to the filing on Reparations and Draft Implementation Plan of 31 November 2015 in the case against Mr. Thomas Lubanga Dyilo.
2. In developing the DIP, the Trust Fund has benefited greatly from its information informally shared by the Legal Representative, the Expert Group discussions and the Registry's victim mapping efforts and have also helped to inform the approaches implementing collective reparations on this case.

#### II. Requirements and Procedures

3. The key parameters that guided the DIP, the DIP, are summarized below.

##### A. Victim Eligibility

4. The Court has detailed criteria as to who may be eligible for reparations in the present case.

---

<sup>11</sup>see VPRS victim mapping report in Annex 1.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

5. In particular, Appeals Chamber directed collective reparations to be awarded to victims of Lubanga in consideration of the extent of the harm. The Appeals Chamber determined that collective reparations are appropriate where the number and the scope, forms and modalities of reparations are deemed more appropriate.

6. Reparations may be direct and indirect. Eligibility criteria are considered cumulatively. The beneficiary of reparations must fall within the definition of victim. This may include:

#### B. Direct victims

7. Direct victims are those who, younger than 15 years of age at the time of their conscription, enlistment, and service of a sea or land force of the Union Patriotique du Congo (UPC)/Force Patriotique pour le Congo (FPLC).

#### C. Indirect victims

8. Indirect victims are family members of direct victims who attempted to prevent the commission of one or more of the crimes, persons who suffered harm when helping or intervening to assist victims, and persons who suffered personal damage as a result of the crimes.

#### D. Institutional victims

9. In accordance with Rule 85(b) of the Rules of Procedure and Evidence, victims may include institutions that have sustained harm to any of their property which is dedicated to religious, scientific or charitable purposes and to their historic monuments, hospitals,

<sup>2</sup>Paragraph 53, Amended Reparations Order, 3 March 2015.

<sup>3</sup>Rules 97.1 and 98.3, Paragraph 53, AC Order for Reparations. Reg. 69 Regulations of the Trust Fund for Victims.

<sup>4</sup>Rule 85, RPE. Paragraphs 6 and 8 of the AC Order for Reparations, 3 March 2015.

<sup>5</sup>Paragraphs 6.b.i., 7, and 63 of the AC Order for Reparations.

<sup>6</sup>Paragraph 60.b.ii. of the AC Order for Reparations.

<sup>7</sup>Paragraph 6.b.iii., of the AC Order for Reparations.

<sup>8</sup>Paragraph 6.b.iv., of the AC Order for Reparations.

Trust Fund for -Direct Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber I in the case of Lubanga  
(ICC-01/04/06)

other places and objects for humanitarian purposes, as a  
instance school participated as a victim in the trial process  
within the definition of Rule 185 of the Rules of Procedure and Evidence  
may also benefit from reparations, as victims may only  
be considered a form of indirect victim.

#### E. Temporal scope

10 The period over which a victim must have been suffering from this crime is  
September 2002 to 13 August 2003. In the case of direct victims,  
those minors under the age of 15 were forced to be recruited, child soldiers  
enlisted, conscripted, or otherwise recruited by the UPC/FPLC within  
of 1 September 2002 through 13 August 2003. These victims are  
direct victim beneficiaries

11 In the case of indirect victims, the temporal requirements are, in  
other words, only those close family members whose child was  
soldiers within the relevant time frame or those who attempted to  
commission of one of the crimes who suffered harm when helping or intervening on behalf of  
suffered personal harm as a result of the offenses can be considered indirect victims  
suffered was caused by an event that falls within the time frame of  
2002 through 13 August 2003.

#### F. Geographic scope

12 Those former child soldiers who possess an association with the  
Ituri Province may be eligible for reparations if they meet the geographic  
conviction parameters of the conviction in the context of paragraph 915 of the  
conviction decision. The localities mentioned in the context of paragraph 915 of the  
conviction decision are not limited to: Bunia, Tchomia, Kasenyi, Bogoro, Kobu, Songolo, Mongwalu, R

<sup>9</sup> Paragraph 6.b.ii., of the AC Order for Reparations.

<sup>10</sup> Paragraph 6.b.iii., of the AC Order for Reparations.

<sup>11</sup> Paragraph 56, Appeals Chamber Order for Reparations. 3 March 2015

<sup>12</sup> Paragraph 915, [ & proves that children were deployed as soldiers in Bunia, Tchomia, Kasenyi, Bogoro, Kobu, Songolo, Mongwalu, R, and  
including &]. The relevant geographic parameters of the conviction decision are not limited to a finite list of localities. Lubanga conviction decision. 14 March 2012.

Trust Fund for Direct Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICD 1/04/06)

Aru, Nyamankiatoto, Central Equatoria, Tchenyanabu (Tinyama  
Mabanga, Watsa, Bambu, Nizi, Kilo, and elsewhere

13. In the Trust Fund's understanding, relevant language in the context of  
elsewhere and including is illustrative of eligible locations for  
limiting or proffering a finite list of eligible locations

#### G. Harm

14. For direct victims, the Appeals Chamber listed as forms of relevant harm:

- physical injury and trauma;
- psychological trauma and the development of psychological problems, inter alia, suicidal tendencies, depression and dissociation;
- interruption and loss of schooling;
- separation from families; exposure to an environment of violence;
- difficulties socializing with family and communities;
- difficulty controlling aggressive impulses; and
- the non-development of civilian life skills resulting in the victim being disadvantaged, particularly as regards employment.

15. For indirect victims, the Appeals Chamber listed as forms of relevant harm:

- psychological suffering experienced as a result of the death of a family member;
- material deprivation that hampers the family member's ability to make contributions;
- loss, injury or damage suffered by the intervening person that could prevent the child from being further harmed as a result of the death and

---

13b d.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

- psychological and material sufferings aggressiveness on part of the former child soldiers being relocated to communities.

16 The harm associated with Mr. Lubanga's physical and psychological, as well as biological and material prospects by diminished educational opportunities and disadvantages

#### H. Causality standard of proof

17 The harm must be caused by the crimes for which Mr. Lubanga is convicted. Persons shall provide sufficient proof that the harm would not have occurred but for the crimes as the proximate cause of their injury

18 The wealth of social science and the Appeals Chamber acknowledge that it is appropriate to make a presumption of psychological harm where it has been established that a child participating in military activities considers the fact of a child being separated from his community to participate in military activities to be sufficient to interrupt a healthy developmental pathway typically experienced by children in their communities, that harm should be assumed.

19 Children under the age of 15 years enlisting in the UPC/FPLC, and all indirect victims must be presumed to have suffered at least some psychological harm

#### I. Issues related to the composition of victims

20 In addition to application of the above mentioned cumulative criteria for identifying victims, two further dimensions will be addressed. Firstly, the ethnic dimension and the likely causal link will be taken into consideration in implementing reparations

<sup>14</sup> Paragraph 58, Appeals Chamber Order for Reparations. 3 March 2015

<sup>15</sup> Paragraph 11, 22, and 59, and 65 Appeals Chamber Order for Reparations. 3 March 2015

<sup>16</sup> *ibid.*

<sup>17</sup> See discussion in the Trial Chamber II Judgment at paragraph 2782-2790

Trust Fund for Victims Implementation Plan for collective reparations to victims  
 Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
 (ICC-01/04/06)

performance of certain reparation initiatives in the view of  
 require the inclusion of other persons not characterized  
 victims.

21 The children recruited by the UPDF were primarily from his ethnic group  
 Hema. In addition to Hema, other ethnic groups within the ranks of the UPDF  
 included those from the Alur ethnic group. The definition of  
 victim in this case is the ethnic representation of those that may benefit from  
 collective reparations. The exclusion of other prominent groups  
 The ethnic dimension of eligibility for collective reparations  
 exacerbates existing ethnic tensions in the region.

22 The problem is exacerbated when consideration is given to the other  
 affiliated cases before the Court, the case of the Prosecutor versus  
 the Prosecutor versus the Respondent from the Lubanga  
 could very well receive reparations in the hands of the  
 while the Lendu and other civilians will not benefit

### III. Operational Issues

23 Implementing reparations that benefit victims is important  
 because it will recognize the rights of those victims  
 to reparations. The participatory process of developing and implementing  
 collective reparations programs recognizes victims' central role  
 the process of designing and implementing reparations that are meaningful  
 beneficial to victims. The process in section III of the filing is  
 the consultative process and participatory role that community  
 victims have contributed thus far in the process of collective level  
 reparations for rehabilitation programmes ensure that victims  
 treatment and involve culturally appropriate and locally relevant  
 Reparations serve to acknowledge wrongdoing, restore victims  
 raise public awareness about the impact of the violence

<sup>18</sup>The Trust fund for Victims, Public Redacted Version of the Trust Fund for Victims Report on Reparations,  
<sup>19</sup>Para. 10, of the Trust Fund Reparation filing Nov. 2015.

<sup>20</sup>Public redacted Trust Fund for Victims Report on Reparations, ICC-01/04/06, para 174.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICD 1/04/06)

communities; and when appropriate, assist with enabling transformation.

A. Considerations related to the victims given the limited funds available

24 As discussed in the filing, the number of victims is very difficult to estimate and it is likely that in the thousands, therefore almost certain that because of the large number of victims will exceed those who will in the end be able to benefit outlined in this draft implementation plan.

25 As has been explained<sup>22</sup>, the disability of Mr. Lubanga exceeded may be complemented by the Trust Fund and there will be harm caused to victims by the crimes that he committed that cannot be redressed by the activities outlined in this plan.

26 In practical terms of the limited separation program, its implementation will take place in a geographic region, i.e. Ituri Province, where the highest number of victims exist and most direct link with the crimes. The limited resources with a maximal number of eligible victims within the region whose resources will be utilized in an efficacious manner to the benefit of the victims. The Trust Fund considers it likely that some victims may have relocated to other areas; and while these victims should ideally be able to benefit from the redress, this will unfortunately not be feasible.

27 As discussed below, the limitations caused by the limitation of available funds will also result in the need to prioritize victims who should benefit.

28 The Trust Fund also notes that for planning purposes, it is necessary to formulate an estimate of the potentially eligible victims (direct and indirect) of the

<sup>21</sup> Advancing Justice and Making Amends: The Role of Reparations in Transitional Justice, Kristin Kalla, Chapter 5 in *Transitional Justice and the Rule of Law*, Oxford Handbooks, (expected 2016).

<sup>22</sup> Para. 115 and 116, Trust Fund filing Nov. 2015.

<sup>23</sup> See discussion on potentially eligible victims in the filing at paras 237

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Se Magnaim et al. Trial Chamber I  
(ICC-01/04/06)

the implementation of which is set at 3,000. The estimated number of 3,000 potentially eligible victims is accompanied by the determination of the number of eligible victims will be made of the Adt Implementation Plan. As discussed in detail, the estimate for purposes of collective reparation program budgeting at the design stage, and a final tabulation will be of implementation.

## B. Victims screening process

29 The Trust Fund proposes a screening process during the implementation which obviates the need for prior submission of application documentation by victims. The identification of a eligible victim entry into the programme, based on the eligibility criteria. Once eligibility is confirmed, it will be the terms of the vulnerable victims with priority needs. The screening process is IV of potentially eligible victims shall be performed by the Trust Fund in conjunction with the implementing partners selected and contracted purpose of implementation of the reparations plan

30 The Trust Fund shall utilize the criteria set out in the annex (see details at the end of this document) in conjunction with its implementing partners to apply the definitional criteria of victims as defined in the Amended Reparations Order. Careful application of the eligibility criteria will identify the beneficiaries of the collective reparations initiative in accordance with the strictures of the Order. The Trust Fund will perform its duties in the screening process

31 The victims screening process will likely identify a number of victims higher than the number for whom, due to the limited funds, reparations is not available. The eligibility criteria will be applied in a manner that prioritizes the most vulnerable and those with the most urgent need for attention to benefit from the reparations initiatives. The vulnerability will be explained to the communities to avoid any confusion or

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

### C. Options for the Trust Fund to address gender dimensions of reparations

32. In the DRC, gendered social norms work to generally disadvantage women in social, political, economic and cultural arenas. In its 2010 Party report by the DRC, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) stated that in the DRC:

33. Family relations are built on underlying inequality between men and women, and father who is head of the family, and woman, the wife who manages the household.

34. The Court has limited the scope of reparations to direct victims of child soldiers. Clear within this case is that:

- boys and girls were enlisted, conscripted and used as child soldiers;
- that gender norms and dynamics of this specific context were instrumentalised in this crime and that the crime was committed on a gendered basis by boys and girls;
- that specific harms were experienced by boys and girls during capture; and
- that the impacts of gendered harms are being felt in the lives of victims and their experiences, particularly for girls who live with the emotional impact of assault, stigma and branding and other harms as a result of rape.

35. The Decision and Order on Reparations provides for:

- a concept of harm that denotes damage personal to the victim that may be material, psychological (para 10);
- a process whereby reparation is to be awarded based on the concept of harm (para 11);

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

- a process of reparation that addresses any underlying gender inequality, provides for a gender-sensitive, non-discriminatory approach and tackles and transforms gender inequalities (paras 16, 17, 18); and
- modalities of reparation that, if they are to be successful, require a gender-sensitive understanding of the harm experienced, tackle inequalities and a process of repair and rehabilitation and address the gendered nature of the crime harms.

36 The Trust Fund is presented with a number of strategic approaches to addressing the gendered dimensions of the filing.

37 The approach to integrating a gender perspective into reparation programmes requires elucidation, including the scope and impact of the harm, the standard of causation and the scope of Mr. Lubanga's reparation. This will need to be further elaborated for identification and consultation processes included in subsequent reports to the parties and Chambers, as needed.

38. A gender sensitive approach to implementing the collective reparation programme implies consciously creating an environment that shows an understanding of the realities of the lives of women or men in their social setting. This means that there should be an attempt to understand the lives of women in their social setting. By this it means that the mechanism in question should take into account the manner in which marginalised status negatively affects their justice within their own local settings. Integrating a gender dimension to reparations ensure that women are involved in the design, implementation and the reparation process; and that reparations also take into account women's vulnerability and their role in their communities.

39 The Trust Fund will also continue to apply its own independent assistance mandate within the bounds of the Statute and the Rules of Procedure and Evidence.

<sup>24</sup>Advancing Justice and Making Amends: The Role of Patriarchal Considerations, Kristin Kalla, Chapter 5 in Oxford Handbook of Transitional Justice, (expected 2016).

<sup>25</sup>UN WOMEN In Pursuit of Justice: Report of the Working Group on Women's Equality available at <<http://progressreportwomen.org/pdf/Progress.pdf>>

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Magistrate Trial Chamber I  
(ICC-01/04-01/06)

support victims and ensure they can continue to advance  
its gender policy as Trust Fund for Victims Strategic Plan

#### D. Gender disaggregated and response to the harm of enlistment and use

40 The Trust Fund in a holistic approach when addressing  
dimensions and manifestations of harm suffered by victims  
thick description of human behaviour is one that explains not just  
but its context<sup>27</sup> and will be impossible to disaggregate  
harm of sexual violence from the range of other harms  
male and female have experienced as a result of their en-  
listment and use under the command. In providing psychological  
rehabilitation the counsellor will have to address harm in-  
order to enable healing and cannot simply deny a part of the person  
that he/she is trying to rehabilitate

#### IV. Intake and screening

41 Reparations intake and screening are to be consistent  
with the provisions of the Amended Reparations Order and  
filing

#### A. Communication and consultation with prospective victims

42 Once the Court approves the Trust Fund Plan, relevant sections of the  
Registry, Legal Representatives and implementing partners  
initiate the identification of victims consulted to concerning  
the case and the particulars of the victims. The community

<sup>26</sup> On the interplay of the Trust Fund and the Court.

<sup>27</sup> Anthropology other fields, a descriptive human behavior is one that explains not just the behavior, but its context. The behavior becomes meaningful. Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture". In Interpretation of Cultures. New York: Basic Books, 1973. 3

<sup>28</sup> Trust Fund implementing partners are a necessary aspect of the victim identification process and of communication with the community in addition to their administrative and programmatic functions.

<sup>29</sup> The community dialogue may be done in cooperation with the victims and their representatives.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

better understand what forms of collective reparations support the identification process. Implementing a pair of communication channels with the various stakeholders within the area include but not limited to, local government, traditional village elders, women's groups, youth groups, religious associations and NGOs and individuals to assemble comprehensive understanding of the pertinent population given area.

43 During the consultative dialogue, the implementation team will consult with local stakeholders to identify reparations available with the community. The identification criteria will be understood. They may have to refine their identification eligibility by community, household, or at an individual level. The findings of the consultation. Stakeholder consultations are part of the process to reduce resentment and reduce possible contestation of the selected victims.

44 Collective reparations require the inclusion of more persons who have applied to the Court may seek eligibility as direct or indirect victims in order to be successful and relevant to the victims. The Appeals Chamber clearly stated that collective reparations will be extended to those that have not filed an application with the Court. The prospective pool of beneficiaries will be screened for implementation.

## B. Identification of eligible victims

45 The Trust Fund, in conjunction with the implementation team, will conduct interviews with victims to establish their status as an eligible victim in accordance with the reparations criteria. At this stage, victims represented by (local) representatives may wish to choose their legal representatives during the interview. Victims or applicants have their legal rights

<sup>30</sup> Paragraphs 9, 12, 14, 29, 54, and 79 of the Amended Order for Reparations and the Appeals Chamber's Judgment on the appeals against the Decision establishing the principles and procedures to be applied to

<sup>31</sup> Each partner and project will have distinct responsibilities to address certain harm categories of victims (soldier psychosocial, trauma counselling, and medical treatment, etc.) within a particular geographic location.

Trust Fund for -Direct Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Magistrate's Office  
(ICD 1/04/06)

represented by the Office of the Prosecutor (OPCV) during  
interviews. No other entities (Prosecution) shall be present during  
interviews

46. Indirect victim interviews will be conducted by the Trust  
with implementing partners in the presence of counsel or  
representatives.

47. Victims seeking reparations whose identity verified through  
methods that may include identification card, voter registration card,  
cards, lists obtained from former commanders, demobilization  
passed through a formal DDR process, card, school identification  
card, or a statement signed by witnesses denoting identity.

48. The Trust Fund will need to take into account women's  
complying with formal requirements for obtaining reparations  
identification, certificates, official documents (etc.) in the  
accessing information (linguistic barriers, illiteracy, etc.)  
account; their degree of involvement in the conflict as  
intermediaries in either the identification and registry of  
of services; and their geographical distance from the agencies  
reparations or deliver services.

49. To establish the interviewees status as former combatants, the Trust  
elicit their knowledge, understanding of the structure of the  
armed group that would illustrate tenure. Additionally, P/C/FPL  
interviewee may offer or present military effects or personal  
clothing, or kit) as a basis of illustrating eligibility for the  
group.

50. DDR information will not be utilized in a manner to exclude  
benefiting from collective reparations merely because they  
the received materials. The Trust Fund is well aware of the limited  
data. DDR records that may be maintained will not be a  
complete and definitive record of demobilized persons.  
processes do not adequately reflect the gender composition

---

32 Gender and Reparations: Challenges and Opportunities at Roundtable for Transitional Justice, 2010, white  
Gender of Reparations Unsettling Sexual Hierarchies while Rebuilding Rwanda's 2010, *Journal of*

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

which they are drawn processes underrepresent the female composition  
of the forces from which they were drawn; females are more  
demobilized and return to their communities of origin without  
through a formal DDR process.

51 Should information be framework of previous Demobilization, Disarmament, and Reintegration (DDR) programmes be reviewed by  
United Nations agencies, governmental organisations, and government  
sources, the Trust Fund proposes to use this information as a  
corroborating victim status. In other words, it would be a  
piece, not a prerequisite, of information to be collected by prospective  
victims or their reference persons.

52 Implementing provisions in place to ensure that victims, including  
traditionally less visible in the community such as people with  
survivors of sexual violence and other traumatized persons, and  
handicapped persons are given due consideration

53 There may be instances when testimony is contradictory or inconsistent  
there may be reasons to believe that the person does not meet  
criteria. However, the Trust Fund is very aware that the inclusion  
of a person may be due to his/her trauma, the absence of corroborating  
evidence should not be a reason to disqualify a victim. Careful and  
will be applied to trauma and help the person to express  
herself.

### C. Harm assessment

54 As part of the interview process, the Trust Fund in partnership with  
implementing partners shall collect the information needed to determine  
whether the victim has suffered harm as a result of the conflict  
which Mr. Lubanga was involved in, and what that harm is.

55 The time required to make this harm assessment will vary according to the  
characteristics of each interviewee and the degree to which the

<sup>33</sup> Between 2004 and 2006 the demobilized children numbered 30,594 children of whom 15% were girls within the  
DDR process. Research indicates that nearly 40% of the children associated with the armed forces and group  
External Affairs summary on the DDF in DRC, <http://ascolapau.uab.cat/img/programas/desarme/mapa/rdcongo08i>

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

available or becomes available on which to render material instances that the Fund participates that a determination may immediately following an interview. In the instance that required to adequately consider or corroborate information eligibility criteria period of determination shall be 14 days. In either case, victims shall be promptly informed of their eligibility status.

#### D. Prioritization

56 The Trust Fund in conjunction with implementing partners one interview determine their victim status and eligibility to collective reparations program. The selection criteria will be applied in a manner that prioritizes selection of the most vulnerable and will consider those in urgent need and those suffering from harm that can be addressed by the program. The selection criteria shall be explained to the communities to avoid frustration.

57 Selection criteria for the victims shall be not cumulative:

- Victims exhibiting an injury or harm requiring an immediate urgent care,
- Single parent heads of households, including women with children, widows and widowers, orphans, and the elderly,
- Persons with disabilities and handicaps,
- Victims who have not previously benefitted from rehabilitation.

58 The Order for Reparations recognizes that [p]riority may be given to certain victims who are in a particularly vulnerable position and require urgent assistance. This includes affirmative action applied when necessary, which tends itself towards accounting for the needs of specific harms that require specific forms of redress. The awards that ought to be appropriate to the harm, injury, and loss established by the Court, shall be for scheduling a reparations regime that repairs harm in a way that is responsive to the nature of the harm that has occurred.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

59 Organisations that work in the DRC context to assist and  
recognize the gendered realities of victims of harm. As  
they adopt gendered approaches to their work in order to  
the lived experiences of the communities they serve, and  
which the conflict is experienced by protected women  
conducted by international NGOs, have shown that violence  
and abuse is highly gendered in terms of its targeting and  
short term and longer term. This thereby requires approaches  
to the ways in which men and women experience harm.

60 The Trust Fund has the responsibility of implementing  
partners on the identification and selection process. A good  
acceptance of the process is key to successful and focused projects.  
Fund ensures that each implementing partner will benefit from  
practical training on the screening process. Concrete examples  
giving an opportunity to partners to experience the type of  
the Court training will be based on the criteria caused the type of  
collective reparation projects to be implemented.

#### E. Selection of the reparation modality

61 Selection of the type of reparation appropriate for the victim should  
be done by the Trust Fund in conjunction with implementing  
the presence of equal representation. Following a positive  
determination of the victim's eligibility, the Trust Fund in conjunction  
implementing partners conduct an injury and placement assessment.  
For example, a victim with a manifest physical injury will  
consider the necessity of therapeutic and medical rehabilitation. An  
interview and diagnostic consultation will be conducted to inquire about  
the nature and circumstances of the individual's injury, how  
did it occur, what treatment they may have received for the  
injury and medical records they possess.

62 Based on the information obtained the victim will be informed of  
reparation modalities and how to obtain it. The victim will have  
option to elect the reparation modality that pertains to the

<sup>34</sup>Inquiring about the circumstances will enable the implementing partners to distinguish between an injury  
accident (e.g. common automobile accident) versus a conflict related incident directed against a civilian.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

## F. Ensuring transparency and confidentiality

63 As a matter of respect and transparency, the Trust Fund should be able to identify eligible victims (direct and indirect) and the negative impact of the violence. An effort to dispel conjecture, rumors, and animosity against victims selected for reparations by the Trust Fund in conjunction with implementing partners should explain the rationale as to why one action was not selected.

64 The Trust Fund ensures the need for the implementing partners' information about the potential beneficiaries and selection management information (MIS) is kept confidential in accordance with the assistance of the Registry as required, the Trust Fund provide training and guidance management of information

## V. Modalities for reparations proposed

65. Regardless of the reparations mechanism, designing multiple programs maximize impact, resources, and <sup>35</sup>When a minor enters an armed group, the first thing he or she loses is identity and a family to have ties to in the community. His time, education, mental health, social protection and aid.

66 Based on the community consultations in Ituri, discussions and consultations with the Legal Representatives for Victims, several former child soldiers said that they would feel comfortable with an education and job opportunities. They requested help to avoid rejection, which prevents them from finding employment, as well as psychological support and access to medical services for them.

67 Collective reparation measures for these former child soldiers should acknowledge their status as victims, and demand that they be recognized as victims of recruitment as a result of collective reparations

<sup>35</sup>Advancing Justice and Making Amends: The Legal and Reparational Considerations, Kristin Kalla, Chapter 5, *Conflict, Oxford Handbook*, (expected 2016).

Trust Fund for -~~Direct~~ Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Magistrate of the District of Lubanga  
(ICC-01/04/06)

should also take into ~~existing~~ mechanisms for child protection  
the reintegration of ~~former child soldiers~~ must also consider  
different effects of recruitment, ~~on girls and women~~ communities  
Reparations should remedy the loss of ~~the child~~ that they can  
the opportunities lost with it. The process of reparation should  
helping ~~to~~ rebuild his or her personal, family, community  
economic networks, ties, and links.

68 Therefore, ~~The~~ Trust Fund proposes the following collective  
program, ~~emphasizing~~ rehabilitation ~~and~~ complemented with ~~the~~  
Trust Fund's voluntary contributions. ~~reparations~~ will be  
assisting ~~and~~ former child soldiers ~~and~~ affected  
communities ~~and~~ indirect victims ~~at~~ strengthening the community  
acceptance, healing, ~~and~~ ~~the~~ ~~reparations~~ program  
promote rehabilitation ~~and~~; will contain provisions for medical  
psychological treatment of trauma experienced ~~by~~, ~~and~~ recruit  
offer ~~economic~~ support. ~~In~~ ~~addition~~ there will be a group  
therapy programme, in order to ~~use~~ ~~it~~ ~~to~~ ~~counteract~~ ~~illegal~~ ~~practices~~, ~~and~~  
time in the armed ~~forces~~ to counteract illegal practices, ~~and~~  
and socialization models.

69 Other aspects of the collective ~~reparations~~ supported by the Trust  
Fund's resources will ~~include~~ ~~and~~ accelerated ~~and~~ ~~the~~  
improving the capacity of victims to access economic ~~and~~  
resolution ~~and~~ gender ~~and~~ training for victims and ~~and~~  
development ~~and~~ sensitive ~~and~~ ~~the~~ ~~and~~ ~~the~~  
education and promotion of a culture of peace in affected ~~and~~

70 One ~~of~~ the ~~challenges~~ ~~of~~ the reparations program ~~is~~ that it must  
ensure ~~that~~ the projects are perceived as constituting ~~and~~ ~~the~~  
humanitarian ~~and~~ development projects. While collective reparations  
important for communities, in many cases they are activities  
is already obligated ~~to~~ ~~do~~ ~~and~~ communities as components  
development, and not reparations policies specifically. ~~The~~  
regards to building or improving roads, schools, and health  
ensuring proper messaging through ~~and~~ ~~the~~ ~~and~~ ~~the~~  
victim participation strategy will be key elements during ~~the~~

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order in the Case of the Magrini et al. et al. Lubanga  
(IC01/04/06)

Psychological trauma as a cross cutting issue and a purpose to  
be mindful of this dimension in implementation

#### A. Presumptive psychological harm

71 It is feasible and appropriate to make a presumption of psychological harm  
has been established<sup>37</sup> for participants in military activities. A  
basic eligibility to be made as part of a reparations program the  
Trust Fund use against a full harm assessment as part of any  
check.

72 The same point put forward by others in this case<sup>38</sup> has been  
argued extensively in academic sources. Cabrejo (2010),  
of child soldier recruiters, argues that:

Indeed criminalizing the act of recruitment per se, un-  
not only the forcible abduction, the prohibition is built on  
presumption of harm stemming from the posterior pa-  
hostilities. To create a prohibition based on a presu-  
harm is certainly an original but legitimate decision w-  
likely to happen and there is a political will to proacti-  
more interpretative step could be done to further  
preventive power of the prohibition would be highly  
putting the recruiters in front of responsibilities for the who  
consequences of child<sup>39</sup> recruitment.

<sup>36</sup> Conceptualized and drafted by one of the experts from the Center for Victims of Torture (CVT) and Dr. Shannon Golden from the  
Center for Victims of Torture (CVT), the Center for Victims of Torture has worked toward a future in which t-  
victims have hope for the year 2015. An international organization dedicated to healing survivors of torture and violent co-  
provide direct care for those who have been tortured, train partners around the world to help prevent an-  
rights and an end to slavery more. at: <http://www.cvt.org/>.

<sup>37</sup> There has been debate surrounding definitions of child, as notions of childhood vary widely across conte-  
individual assumes adult status in a community or undergoes specific rites of passage. For others, childho-  
processes (puberty) or psychological processes (going to school) at the time of the international legal stan-  
as any individual under the age of 18. See the Rights of the Child, <http://www.ohchr.org/Documents/ProfessionalInterest/crc>

<sup>38</sup> Decision Establishing the Principles and Procedures to be Applied in the Reparations Program (ICC Trial Chamber I, August  
2012), <http://www.iccdocs/doc/pdf/1447971>

<sup>39</sup> Amanda Cabrejo, A Proposal to Come Full Circle: Recruitment of Children to Participate in Hostilities, At  
Coherent Responsibility of Recruiter (Masters, University of Aberdeen School, 2009).

Trust Fund for -~~Victims~~ Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations ~~Order of the Se Magnaim 2015~~ ~~Dr. Lubanga~~  
(IC 01/04/06)

73 A child separated from his or her family and community to  
form of military activities is such a significant disruption  
developmental pathway ~~that should~~ be assumed. Caring and de  
relationships between a child and significant adults in his  
healthy psychosocial development. When such relations  
lasting negative consequences for ~~the child~~, ~~psychological~~, and  
social development <sup>40</sup> ensue.

74 While contextual and cultural factors do influence attachment  
need for secure attachment is universal. Importantly, chi  
from primary attachment figures ~~is~~ ~~with~~ ~~often~~ attachment need  
bonding strongly with the military unit, a survival strate  
process of demobilization and reintegration into the con  
difficult <sup>41</sup>. One of the key roles that attachment ~~mediates~~ ~~the~~ ~~play~~  
child's experience of the ~~inappropriate~~ ~~age~~. Through this pr  
children develop the internal capacities and interpersonal  
world as independent adults. When these relationships ar  
may be prevented from achieving their full adult potential.

75 The Trust Fund ~~submits~~ ~~the~~ ~~presumption~~ of harm is valid regardl  
at which the child was recruited, the circumstances under  
recruited, or the activities ~~to which the~~ ~~child~~ was exposed. Wh  
true, for example, that ~~many~~ ~~of~~ ~~the~~ ~~men~~ in the DRC work in v  
capacities ~~as~~ work remains within the ambit of the fami  
community (to the extent that it does not, such work may  
children's healthy psychosocial development). Such wo  
designed to prepare older children ~~to be~~ ~~account~~ ~~in~~ ~~the~~  
community. These children work under guidance from c  
gradually assume greater responsibility as they grow in ex

76 This is not the situation for children engaged in military a  
with ~~war~~ military exposure are likely to develop skills an

---

40 Carlo Schuengel, Mirjam Oosterman, and Paula S Sterkenburg, Children with Disrupted Attachment  
Psychophysiological Indices of Effects Adolescent Psychiatry and 1M (2009) ~~Head~~ ~~2009~~ ~~206~~ /1753

41 Roos Haer and Lilli Banholzer, Group ~~social~~ ~~reintegration~~ of ~~children~~ ~~with~~ ~~development~~ ~~effectiveness~~  
(2014): 271.1

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

that will put them at odds with community life in times of peace and  
the risk of perpetuating cycles of violence.

77. It is true that some children have been recruited into military groups  
rather than being forcibly abducted. However, in healthy families and close  
community take responsibility for protecting children from dangers borne out of  
youthful inexperience. Such protection is essential for the children in affected  
communities. Children have no legal consent, both under the law and in terms of  
capacity to participate in research. Scientific research has confirmed that  
between twelve and eighteen years of age is a time of very significant  
cognitive, and emotional development. Adolescents typically engage in  
risky activities than adults and are highly vulnerable to peer pressure and  
powerful people in their community. Thus, claims that a child should not  
volunteer should not make him or her ineligible to benefit from a reparations  
programme.

78. It may be argued that some children, despite spending time in military groups,  
were not directly exposed to traumatic events. Given general knowledge about  
military life, this seems unlikely. However, exposure to traumatic events such as  
the removal of children from their homes, close family and community ties,  
who protected and guided them, represents sufficient disruption to normal  
and healthy development that harm must be presumed.

79. Finally, the Trust Fund should be based on the expert advice that may receive  
in-depth psychological assessment to determine harm is likely to result from  
stigmatization and discrimination, especially in a context where victims  
suffering from mental illnesses are, often, not identified and properly  
treated.

80. Implications: For these reasons, psychological and psychosocial harm assessment  
should be a precondition for participation in reparations programmes and  
all eligible persons should be offered a foundational level of psychosocial  
support. Any eligibility checks should be based on a limited number of  
questions at a low level of invasiveness.

<sup>42</sup>Larry Cunningham, A Question of Capacity: Towards a Comprehensive and Consistent Approach to Children and  
Juvenile Law 180, Public 2 (2007): 275



Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

the implementation of reparations is not carried out carefully to avoid  
to new tensions or to animosity against the victims.

85. In the interest of the victims, and for the ownership and  
projects, it may be required to integrate members of the  
community into certain aspects of collective reparation  
causing additional harm, stigmatisation, and discrimination  
through the action of the Trust Fund. In addition, objectives such as reintegration,  
reintegration, and mitigating stigma demand the inclusion of  
households for the community to achieve.

86. In addition to current power differentials within communities,  
programs could potentially sow division by being seen to provide  
some people but not to others. It should not be assumed that  
philosophy (and associated processes and selection criteria)  
supported by the victims which stand to benefit from a  
reparations program is quite possible that extending reparations to  
particular group within the communities will cause harm to  
the communities themselves, in particular as a result of  
those that are intended to assist.

87. Implications. Given these facts, the Trust Fund should take  
steps for the protection of victims, their families, and their  
aspects of their lives. Key to such care is to:

- a. Build a package of collective reparations that acknowledge  
war to communities broadly, not merely a selected group.
- b. Develop methods for eligibility checks that are inclusive, respectful,  
collective reparations that are inclusive, respectful, and  
and collective dignity, -trauma sensitive, and  
sensitive, and
- c. Train all personnel involved in eligibility checks, the  
delivery of reparations in how to avoid stigma and  
principle of fairness when working with vulnerable people.
- d. Support and supervise all personnel involved in the  
reparations to ensure that potential harm and stigma  
reduced.



Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Se Magnaim et al. Trial Chamber I  
(ICCD/01/04/06)

violence, or might be limited in his or her capacity to resolve  
disputes that might arise in the course of a collaborative  
project. Therefore, addressing core elements of psychosocial  
precondition to any measure of reparations

92. The Trust Fund should fund a broad-based skills  
program and psychosocial support included as core components  
of the proposed reparations scheme. After completing the program,  
participants should receive ongoing support from a mentor, to help  
applying skills learned to their daily lives and supporting them through  
difficult times during the life span. The program should focus on skills  
programs that have been used successfully with former child soldiers  
contexts, most notably by the International Committee of the Red Cross (ICRC).<sup>44, 45</sup>

### 1. Conceptual model of psychosocial health from child soldiering

93. The psychosocial consequences of a child's involvement in war  
should be considered based on a broad understanding of the impact  
on psychosocial health and adjustment. As various research  
conceptual models focus on traumatic stress, overly medical  
aftermath of war, and presents a picture that is highly  
removed from the experiences of people in other parts of the world.<sup>46, 47</sup>

- a. A focus on deficits and symptoms is like many strengths  
resources that are essential to beneficiaries' health and well-being.
- b. Theories of traumatic stress are essentially psychoanalytic  
dynamics such as intrusive thoughts and memories, and  
the world, and so forth. However, many cultures (as in  
health and mental health in more relational terms. The  
person is defined primarily as someone who is able to

44. How To Guide on Economic Reintegration: Children Formerly Associated with Armed Forces and Groups  
[http://www.ilo.org/wcmsp5/groups/public/@ed\\_emp/documents/publication/wcms\\_159089.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_emp/documents/publication/wcms_159089.pdf).

45. Mark JD Jordans et al., Reintegration of Child Soldiers in Cambodia, *Journal of the American Academy of Child and Adolescent Psychiatry*, 2002, 41(12): 1505-1512.

46. Derek Summerfield, A Critique of Seven Assumptions Behind Psychosocial Trauma in Post-Conflict Settings, *Journal of the American Academy of Child and Adolescent Psychiatry*, 1999, 38(10): 1449-1456.

47. Derek Summerfield, *Effects of War: Moral Knowledge, Revenge, Reconciliation, and Healing*, *Journal of the American Academy of Child and Adolescent Psychiatry*, 2005, 44(10): 1105-1112.

Trust Fund for -~~Direct~~ Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Se Magnaim et al T5 Dya also Lubanga  
(IC 01/0041/06)

the family and community, such as in participative events or  
customs and developing appropriate relationships.

c. Models that emphasize traumatic stress run the risk of  
another layer of stigma that will not be easily overcome.

94 The Trust Fund proposes a simple conceptual model that locates trauma  
as one of several ways in which wartime experiences impact families  
alongside disrupted development pathways and lowered social support  
community due to stigma. Trauma, unmet needs, disrupted  
development, and social stigma result in reduced internal resilience  
which then lead to poorer psychosocial health and adjustment.  
The model is summarized in Figure 1 below.

95 With respect to the literature, it is important to note that the experiences  
of child soldiers are extremely varied. Public media (and to some extent  
work) has tended to portray former child soldiers as either suffering from  
psychological disorders or as ill-equipped without remorse or moral  
conscience. For example, an article<sup>48</sup> describes the years of therapy  
in rebuilding of [a child soldier's] personality. NN article<sup>49</sup>  
speculates that without intervention, child soldiers will grow up to become  
lost generation of migrant professionals, with little or no connection to  
soldiers fit either of these descriptions, and, given the evidence,  
most grow up to become healthy and productive members of their  
communities.<sup>50,51,52</sup>

96 Some children spent many years as soldiers, while others spent  
the military situation for a few weeks or months. This has implications  
for understanding the impacts on development. A child who spent  
years as a soldier has a much more disrupted development profile

48 Will Storr, Kony's Child Soldiers: When You Kill for the First Time, *Telegraph* (February 2014),  
<http://www.telegraph.co.uk/news/worldnews/africaandthemiddleeast/kony-the-kill-for-the-first-time-you-change.html>.

49 Ann O'Neill, Stolen Kids Turned into Child Soldiers, *CNN* (February 2007), <http://www.cnn.com/2007/WORLD/africa/02/12/kids.soldiers.html>.

50 Liliana Cortes and Marla Jean Buchana, *Child Soldiers: A Review of the Literature*, *International Journal for the Advancement of Counselling* (2007): 43.

51 Boothby, J Crawford, and J Halperin, Mozambique Child Soldier Life Outcome Study: Lessons Learned  
Effort, *Global Public Health* (2006): 87.

52 Jordans et al.

Trust Fund for -~~Direct~~ Implementation Plan for collective reparations to victims  
 Submitted to the Amended Reparations ~~Order of the Magistrate~~ ~~2015~~ ~~Also~~ Lubanga  
 (IC~~01/04/06~~)

development is somewhat plastic and many children displaced  
 children are able to compensate for the developmental impact  
 time as a ~~social~~ ~~limited~~.

97 Also, the means by which a child became a soldier is important  
 children are violently abducted and tortured in order to motivate  
 children willingly join and others are sent by their families  
 important implications for the degree to which they are traumatized  
 they attach to their experiences as young adults, and the support  
 are received by their families and communities when they return  
 nature, duration and frequency of traumatic experiences while a  
 important. Each of these factors interacts with the others and  
 child's personality and developmental state.

98 However, despite these important variations in the nature of  
 soldier's experience the Trust Fund should address child soldier experience at  
 psychosocial harm.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II in the Lubanga  
(ICC-01/04/06)

99. Traumatic stressors to the emotional and physical effects of experiencing or witnessing horrifying or life-threatening events. Although much of the research on child soldiers focuses on post-traumatic stress disorder (PTSD), childhood exposure to war has been linked to a much broader range of symptoms, including higher rates of physical illness with symptoms ranging from depression and suicidality, disorientation and impaired cognitive functioning, and developmental delays.<sup>53, 54, 55</sup>
100. Disrupted developmental pathways that interrupt changes in the healthy development of children in the communities in the region. This element of the model applies to children and adolescents who experience war, particularly prolonged experiences through child soldiering; while war exposure to adults as well, exposure to war can severely affect the life course of psychosocial harm. Key examples of disrupted development include:
101. Separation from families and peers and being placed in authoritarian military environments when children are developing interpersonal and social skills;
102. Loss of learning and educational opportunities during developmental periods;
103. Physical injury to the growing body and possible chronic health problems due to forced long marches, military training, injury, increased exposure to disease and infection, inadequate nutrition, and premature sexual activity;
104. Inappropriately early role definition (such as soldier or fighter) when individual identity is still emerging; and,

<sup>53</sup>Elisabeth Schauer and Thomas Elbert, *The Psychological Impact of Childhood Soldiering and Conflict: Complex Individual Perspectives* (New York: Springer, 2010), 311.

<sup>54</sup>Fionna Klasen et al., *Multiple Trauma and Mental Health in Former Child Soldiers*, 18 *Journal of Traumatic Stress* 573 (2005), doi:10.1002/jts.20557.

<sup>55</sup>Christophe Pierre Bayes and Humbertus Adam, *Association of Trauma and PTSD Symptoms With Openness to Feelings of Revenge Among Former Ugandan and Congolese Child Soldiers*, 20 *Medical & Social Work Journal* 55 (2002).

Trust Fund for -~~Direct~~ Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Magistrate of the Lubanga  
(ICD 1/04/06)

105. Inappropriate early exposure to alcohol and drug abuse  
and often forced sexual debut.<sup>56758</sup>

106. Stigma and lower social status is a common situation of former  
soldiers who, upon returning home, discover that they have  
relegated to a much lower status than people who were not.  
Again, lower social status may also affect adults who experienced  
effect is particularly harmful for children who have a difficult life  
where support from their community is particularly influential  
long-term adult trajectories, including the social support that  
(or withheld from) their own children.<sup>5960</sup>

107. They may be teased by others as a result of their association  
with military forces and so are not given the support or opportunities  
otherwise have enjoyed. Even if they are genuinely welcomed in their  
community, they have not had the opportunity to develop social  
networks. Such social capital is essential for finding work and so on.  
Social stigma may be particularly pernicious for women, many of whom  
returned home with children born during their time as combatants.  
Individuals with higher stigma may be those who have been involved in  
committing particular violent acts, those with marked psychological  
trauma or those with physical disabilities. These Trust Fund programs  
specifically seek out highly stigmatized individuals as they are likely  
to be particularly vulnerable but also unwilling to seek help of their  
own volition. Such outreach must be sensitive, however, to avoid  
further stigmatizing these individuals.

108. As a result of the parallel pathways of traumatic exposure and  
development, and stigma and low social status, young people

<sup>56</sup>Schauer and Pfeiffer,

<sup>57</sup>Beth Verhey, Reaching the Girls: Study on Girls Associated with Armed Forces and (Save the Children UK and the NGO Group: CARE, in *File 2 (04)*, IRCTp Nomapss.net/?-beta-54/hg36848d63.pdf.

<sup>58</sup>Raphael Kabangwa Senga and Prosper Mukobelwa Lutala, High Prevalence of Syphilis Among Demobilized  
Cross-Sectional Study of Conflict and Health (2011), <http://www.doi.org/10.1186/1475-2875-175-2>.

<sup>59</sup>TS Betancourt et al., Past Horrors, Present Struggles: The Role of War Experiences and Psychological  
Among Former Child Soldiers *Social Science & Medicine* (2010): 17

<sup>60</sup>Verhey, cit.

Trust Fund for -~~Direct~~ Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations ~~Order of the~~ Magistrate ~~at~~ ~~the~~ ~~ICTY~~ ~~also~~ Lubanga  
(IC~~01/04/06~~)

associated with ~~frictions~~ as children will have fewer internal resources.

109. Internal Resou~~rces~~ includes a sense of oneself as a competent connected to other people in healthy and fulfilling ways. T~~o~~ notice feelings and ~~to~~ ~~take~~ ~~self~~ difficult situations, the talk about problems ~~with~~ others, the ability to find solutio~~n~~ challenges, a spiritual life that helps make sense of the v~~al~~ and purpose in existence, and so on. Other internal reso~~urces~~ skills, language and occup~~ational~~ ~~skills~~, ~~use~~ conflict manag~~ement~~ skills, and many more.

110. External Resou~~rces~~ includes social support ~~systems~~, friendships, circles, faith communities, and geographic communities wh~~en~~ when life is difficult. ~~Other~~ ~~resources~~ include access to land an~~d~~ employment opportunities, and basic social services.

111. Human beings depend on both their internal and exte~~rnal~~ adjust to change and to stay physically and emotional~~ly~~ challenges. ~~When~~ these resources are lacking or compromised, likely to struggle with a broad range of lasting medical, personal problems, and less likely to be able to function. Research bears ~~the~~ ~~fruit~~ that soldiers who have not received ~~have~~ shown: lower school performance and more learning to solve problems in the workplace, troubled interaction~~s~~ employment levels than their peers, ~~chronic~~ ~~adversity~~, and increased risk of a range of emotional disorders, notably ~~of~~ posttraumatic stress disorder.

## 2. ~~Recommend~~ psychosocial components ~~of~~ ~~collective~~ ~~reparations~~ programming

112. The ~~Trust~~ Fund ~~proposes~~ a holistic ~~program~~ of psychosocial interventions designed to strategically mitigate the negativ~~e~~ development, traumatic experiences, and lower social statu~~s~~ soldier recruitment. Our proposed ~~intervention~~ ~~is~~ ~~discussed~~ in Figure 2 and ~~discussed~~ ~~below~~ strengthen both the internal and ~~external~~ resources available to help ~~address~~ ~~depression~~ ~~and~~ ~~distress~~. It is

Trust Fund for Victims Implementation Plan for collective reparations to victims  
 Submitted to the Amended Reparations Order in the Case of the Lubanga  
 (ICC-01/04/06)

emphasize that community support and understanding is a need  
 for a psychosocial program effectiveness.

113. The best practices recommendations are based on, from CVT's  
 extensive experience of offering psychosocial services to  
 torture in Sub-Saharan Africa, including the provinces of the DRC.  
 First, required staff and training. Second, two based  
 interventions for former child soldiers: 1) skills training and 2)  
 group counselling. Third, a community education component to  
 reception of former child soldiers. Fourth, follow up and sustain  
 practice. Such multidimensional and layered intervention  
 strategy is in line with the Inter-Agency Standing Committee (IASC) guidance

Trust Fund for -~~Direct~~ Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Se Magnaim et al. T5 Dya also Lubanga  
(IC 01/0041/06)

for mental health psychological support in emergency settings guidelines suggest layered interventions including basic community and family supports; specialized supports (life skills training and mentoring); and specialized counseling

### 3. Staff recruitment and training

#### Recruiting and supervising mental health professionals

114. Highly qualified mental health professionals (master's degree in clinical social work or psychology) are essential to the creation of any psychosocial program. Given the extreme scarcity of such professionals in the DRC, it is necessary to recruit and train workers into these roles. CVT's experience is that training at a local level is most sustainable; workers are trained and able to interact under offered terms similar to other international agencies providing services in humanitarian emergencies. Key considerations in recruiting include: fluency in French, experience living and working in low resource and conflict environments-cultural competence, knowledge and experience working with traumatized children and adults, and experience in training non-professional counselors

115. These mental health professionals will in turn require supervision. Under the CVT model, this supervision is provided by advisors at the headquarters office. Supervisors are in telephone contact with field staff at least a weekly basis program visits for at least two weeks per year.

#### Recruiting and training professional psychosocial counselors

116. The supervising mental health professionals must include a range of local professional psychosocial counselors. The counselors should include a wide range of people from the community that experience trauma. Counselors are often drawn from existing pools of local

61 IASC Guidelines on Mental Health and Psychosocial Support in Emergency Situations (IASC), 2007  
[http://www.who.int/mental\\_health/emergencies/guidelines\\_iasc\\_mental\\_health\\_psychosocial\\_june\\_2007.pdf](http://www.who.int/mental_health/emergencies/guidelines_iasc_mental_health_psychosocial_june_2007.pdf).

Trust Fund for -~~Direct~~ Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Se Magnaim et al. T5 Dya also Lubanga  
(IC 01/04/06)

already involved in work helping people in their communities, women's groups, traditional leadership, A psychiatric mental health professionals can train, supervise, and manage the non-professional psychosocial workers

117. These workers are hired on a regular basis and offered terms similar to those of others providing services in the considerations in recruitment will be fluency in French and communication and relationship skills, empathic ability, cultural knowledge and skills, capacity to accept others as they are, religious or cultural judgments or personal convictions, and supervision. The team will need roughly equal numbers of matching gender to be vital in many cases, particularly in instances of gender-based violence.

118. Under the CVT model, psychosocial workers receive an initial two weeks of intensive training that covers the psychosocial rights abuses that the beneficiary population have survived and best assist members of that population. The training covers counsellors' experiences of both the consequences of human rights abuses and helping with particular cultural, economic, and political contexts and the findings of international research on intervention strategies. In addition, counsellors are trained to administer a basic psychosocial assessment and to deliver group intervention tailored to the needs and context of the community. Ongoing training for counsellors is also recommended.

119. Thereafter, pairs of psychosocial workers in collaboration with mental health professional to conduct assessments and of During this process, they receive ongoing training and individual supervision. Assessments of competency are conducted on a basis to provide a formal opportunity for supervisors to jointly reflect on each other's strengths and areas for development. The workers will also be responsible for counsellors able to cope with the emotional and physical risks implicit in this type of work.

120. In addition to the direct services that the psychosocial workers will provide to former child soldiers, the training is

itself an important form of collective reparations. After the  
conclude, this coordination will remain as a unique resource  
communities, equipped with specialized skills and knowledge  
dealing with the effects of trauma.

Training of others involved in providing other forms of collective

121. Central to the success of collective reparation is the  
the emotional and interpersonal functioning of each intended  
true whether people are conducting assessments of eligibility  
medical care, teaching skills or cooperative income generation  
project. Psychosocial awareness and education helps people  
many reactions and behaviours part of the problem that collective  
are intended to address, rather than a separate victimized  
Such training should be provided to others involved in  
reparations and conducted by mental health professionals  
later by professional counsellors who have demonstrated competence  
proclivity to training work.

122. This process should also contribute to the integration  
of a collective reparations and increase the chances that practice  
in other spheres will draw on the experiences of the  
beneficiaries who are struggling with their

#### E. Group opportunities for child soldiers

##### Eligibility, documentation, and referral

123. As submitted previously, the likelihood of harm should be  
any individual who experienced child soldiering. All people  
collective reparations should be encouraged to participate in  
programme. Due to the significant risks assessments causing  
secondary victimization, it is recommended that any legal eligibility check  
conducted prior to participation be extremely limited in asking  
about any traumatic experiences. As the discussion below  
psychological assessment should only be undertaken under  
mental health counsellors a context of providing support  
mitigating harm. Additionally, it is recommended that the eligibility check

process be conducted with the guidance or advice of professionals described above.

124. The life skills and group counseling program will include documentation of each beneficiary's experiences and an assessment. Such documentation and assessment will be a reparations program within the ambit of redress for past human rights violations and will take into account the integration of different forms of reparation, with beneficiaries being directed to the service that will have the greatest positive impact in their lives.

125. Next, the Trust Fund would make specific recommendations for the life skills program, the group counseling program, and the community engagement program. It is recommended that all affected individuals have the opportunity to participate in the life skills training and that they receive a community program to support positive reintegration of former child soldiers and to address myths or misunderstandings about child soldiers. For the most severely or more heavily traumatized individuals, an additional opportunity to participate in group counseling sessions is recommended.

#### Requirements

126. The most significant resources required for the program are in terms of recruiting, training, and managing qualified personnel. Without skilled counselors, the program will be ineffective at best and harmful at worst. Thus, the most significant investment is in personnel. Other logistical considerations are comparatively minimal.

127. The Trust Fund should be utilizing found spaces in the community, such as holding group meetings in schools, churches, or other important considerations, as spaces for participants to participate freely in group conversations and exercises.

128. Another logistical alternative is to construct small, safe spaces for affected community members, designed to be safe spaces to hold group meetings. For example, CPTI has successfully constructed healing huts using local materials and located in convenient proximity to the community, in projects in Katanga Province in DRC; the Dadaab Refugee

and Northern Uganda. After the closure of these camps, the camps can be transitioned to be used in community memorialization (see below).

#### Life skills programme

129. The life skills programme is designed to address the damage done by soldiering experiences to victims' external resources, as developed in Figure 1. The programme will strengthen affected individuals' internal and equip them to more effectively identify and utilize external resources available to them. Life skills training must be holistically integrated with other two psychosocial group counselling for those who need additional therapeutic interventions and community engagement. The actual external resources available to victims should be identified with the other parts of the reparations package.

130. In CVT's experience in the DRC and other countries in sub-Saharan Africa, this work is most successfully conducted when facilitated by a professional psychologist. The group process should be highly structured and supervised. Supervisors should be sufficiently skilled and confident to be able to tailor the programme to the needs of particular groups. The groups meet weekly for twelve sessions (roughly 3 months) and should be located early in each beneficiary's engagement with the collective reparations programme.

131. It is also recommended that group participants be given the opportunity to participate in individual groups, as some individuals may find it more comfortable sharing their perspectives among only members of their own group.

132. Key components of the programme include:

1. Broad-based psychosocial assessment which include a personal history with emphasis on childhood and military activities, demographic details, family structure and support, educational and medical conditions and treatments, and injury and disability, as well as key measures of mental health including quality of life indicators, somatic expressions of distress, anxiety, depression, and post-traumatic stress disorder.

133. A full assessment takes between two and three hours and should be conducted individually. Psychosocial assessments should be conducted by an interviewer trained in the effects of trauma exposure on victims. Repeated assessments are exhausting and potentially retraumatizing. Each assessment should be limited to a few essential questions and comprehensive assessments should be conducted only by trained psychosocial workers.

2. Coping and resilience. Participants reflect on the ways that they coped during the war and how they are coping with current life. Healthier coping is supported by helping participants identify their existing internal resources and applying them to new coping strategies described by their peers. This involves paying attention to ways of coping that are healthy and recognizing that these represent desperate attempts to cope with overwhelming situations. After the former child soldiers talk about unhealthy coping strategies without shame and stigma, alternatives are discussed.

3. Staying calm when you have a violent situation. Participants are helped to identify and name the different emotional states that they experience. They practice skills of self-regulation so that they can remain calm, and skills for which others even when feeling bad. This includes skills for coping with feelings of helplessness, frustration, anger, sadness, guilt, and shame.

4. Skills for living in an insecure environment. Participants are likely to remain somewhat insecure for some time. For some, especially adults and those with previous involvement with military, there is a particular risk of being further victimized in local and international contexts. Also, childhood traumatic exposure can have profound effects on people's ability to respond to risk in healthy ways. For some, the whole world seems more dangerous and even innocuous situations are interpreted as threatening. Others may lose the ability to respond to signs of danger. In either case, their capacity to live in a world is compromised.

134. During this part of the program, participants reflect on the strategies that they use to protect themselves and their families from further harm.

have an opportunity to refine their aspirations and their work planning.

5. Hope, resourcefulness, and positive action in a reparative program will depend upon the resourcefulness and what beneficiaries bring to it. It is sometimes difficult for those who have been disadvantaged and who have limited support to remain hopeful and positive. They may not persist through difficult periods in a project. They may, in changing situations, drop out of development opportunities at the earliest signs of adversity. This Life Skills intervention is designed to inspire hope and self-focused and persistent positive action.
6. Effective communication skills, the ability to listen, understand, and to express oneself clearly are key to success in a project, particularly important for young people who are often misunderstood by peers and elders, if they are to build supportive adult relationships.
7. Managing personal conflict is an extension of effective communication. It is the capacity to resolve conflict, rather than becoming angry or withdrawing. This training will also include gender sensitivity training in the aim to reduce violence and the outcome of the conflict to stay calm in conflict, to understand what is being communicated, and to understand your own and others' experience are essential skills for staying connected in situations of adversity and struggle.
8. Reflecting on the impact of war provides an opportunity for people to reflect on how they and their communities as a large have changed as a result of their exposure to war. Ranging discussions normalize the experiences of the war, reduce shame by recognizing that civilians and especially women are often powerless in the face of military forces, and develop a sense of the work that needs to be done to heal, both as individuals and communities.
9. Narratives of child soldier experiences and other human rights violations described above, shared and acknowledged as victimization

central to individual and community recovery, as well as anticipated programs within a reparations framework, as opposed to that of more general health programming. Participants mentioned aspects of their experience during eligibility processes and during the broader psychosocial assessment above. The narrative process will provide opportunities for participants to further document as their personal experiences as they choose. Participants should be able to tell their own story (or to have someone else write their story or dictate the story). This narrative process should focus on factors as experienced by each victim.

135. This is not a psychological exposure exercise (as in narrative exposure therapy, or other forms of therapy for PTSD related mental health concerns). Participants are not asked to describe the thoughts and feelings they experienced. Each participant will decide whether they wish to have their experience and what should be done with the finished document. Some may tell the story themselves, perhaps to share with their families. Some may want their stories to be added to a more public record of the history. The objective of this exercise is to locate individual and collective memory.

10. Building healthy families. Finally, the intended beneficiaries of the program are entering young adulthood and building families with already parents. They will have the opportunity to reflect on their experience for a healthy and happy family in their communities. In addition, one of the intervention will be to discuss and promote positive child-rearing practices.

136. In summary, the life skills program is not a psychotherapeutic program. It is intended to redress some of the lost developmental opportunities that these young people would have grown up within the context of a family. Of course, it would be unrealistic to expect that a short group intervention can make up for years of deprivation. However, it is possible to raise young people's awareness of their situation, to help them question some unhealthy assumptions and beliefs, and to encourage them to develop skills for living in a challenging world.

137. This intervention should be supported by ongoing mental health support for participants and further mental health intervention for those with lasting emotional disturbances.

### Group counselling programme

138. A large body of research about young people whose lives have been disrupted by war suggests that they are more likely to suffer severe and lasting emotional and mental health problems. This percentage varies greatly between contexts and depends upon the length of exposure, the nature of that exposure, as well as the opportunities available to young people after the war. While the reparations programme broadly and the life skills programme specifically will go a long way towards meeting these needs, the Trust Fund should expect that a minority of participants (likely 25 percent) will require more intensive individual counselling to the life skills programme because they demonstrate lasting and severe trauma that compromise their ability to function in the work environment.

139. In CVT's experience, an effective individual counselling intervention can be successfully provided by a social worker with close supervision from qualified clinical psychologists and social workers experienced in trauma interventions. The CVT model advocates for small groups of eight to ten people for approximately three months. Again, the option of a group is strongly recommended particularly as participants may have been victims of sexual violence. The counselling model has the following core components:

**SESSION 1:** Orientation and creating a safe environment of trust and safety in the setting and relationships is the first task of counselling, this includes the relationship between counsellor and client, relationships among clients. Counsellors should help participants develop a positive therapeutic relationship through warmth, connection, and authenticity that should remain throughout the programme.

---

<sup>62</sup> Schauer and Elbert.

<sup>63</sup> The descriptive notes in this section are excerpted from the Training Manual.

SESSION 2 Using resources by bringing awareness to external resources that allowed them to survive traumatic experiences, identify their existing strengths and resilience, thus strengthen ability and deepening their sense of safety and stabilization improvement. Furthermore, understanding the connection between feelings, behaviours and physical reactions, clients can better manage their symptoms.

SESSION 3 Cultivating body awareness. The body and mind are deeply connected, and constantly affecting each other. When a body is injured, his or her emotional responses and beliefs change. Similarly, emotional states (such as fear or sadness) affect energy levels and the body's capacity to fight off pain and fatigue. When the functioning of mind and body are compromised, the ability to function in the world is immediately compromised. The body as memory. In trauma, the fear that it is literally physiological and psychological experience can override mind-body connection. This is one of the things that makes being so difficult: the disconnection between what is felt in the body and in the mind. Increased understanding of the relationship between body, and the way in which this relationship is disrupted by trauma, helps people to understand and manage their symptoms.

SESSION 4 Honouring the stories as natural healing process. The brain integrates difficult memories into an autobiographical narrative in chronological order. This autobiographical memory includes the events that happened and integrates difficult memories with other memories. Severe traumatic experiences often disrupt this process, so that memories that are unprocessed become fragmented and disconnected from context. These memories trigger overwhelming feelings. Traumatic events feel as if they are happening in the present time. These traumatic memories intrude in the brain, taking over and making it difficult to process traumatic memories.

By placing events in chronological order and then talking about the memories can be integrated into autobiographical narration, allows client to place the events in time and place. Creating a narrative helps clients recall a more accurate and positive experiences and gain

on their lives. They are able to see their life, a life full of painful and joyful experiences.

SESSIONS: 5 Learning to negotiate difficult emotions to person to recover from the effects of trauma, the mind and brain must be able to process fear responses by opening up and allowing the individual to express fear/trauma in a safe context, traumatic memories begin to happen, such that the fear will begin to lessen over time. The process of change occurs naturally over time without any intervention, but often due to avoidance of the fear/trauma, the natural process is not given space to happen. Often, survivors try to avoid them, fear memories become a burden. The human mind: we try to make sense of what happened and our memories enter into everyday life, both at night and during the day. We may suddenly get upset, anxious, or detached from reality, wondering why. Reliving feelings, pictures, and bodily sensations feel like reliving actually a normal, healthy reaction that indicates the mind is trying to digest the trauma, to make it understandable. But this is difficult because survivors push the memories away before they can be digested, they are so painful and horrifying. This creates an endless cycle of avoiding, remembering, and avoiding. A victim should begin to face these fears and memories, and should be encouraged to explore them together with others and hopefully open a path for them to understand and digest other very difficult memory fragments.

SESSION: 7 Reconnecting with memories. Many survivors have lost traditional ways of supporting the mourning process when a loved one dies. This session is not intended to replace that cultural practice but to support and supplement it. There are many cases, especially with traumatic experiences, individuals still need time to work through their grief, even after the traditional mourning period is over. Through feelings of loss, the participant can find meaning in their lives, things that the lost loved one brought to them, and find ways to look to the future while still living with the pain of the loss.

SESSION: 8 Living with loss. The usual process model of coping with bereavement draws attention to the fact that bereavement is a process that tests one's capacity to commit personal resources to coping with bereavement. The challenges of rebuilding a life without the deceased are often challenging for people who are living without the usual support.

family and community sessions will strengthen participants and help them respond more effectively to life under difficult circumstances with the support of the deceased.

SESSION 9 Reconnecting to self, community, and the future with the dignity of the self and the support and interaction of the group. The primary goals of this session. Consolidating the gains of the previous session in order to apply it to their life outside of the group through group drama, activation and reflection. Important to the healing process is the person's participation as a productive member of society and community functioning.

SESSION 10 Consolidating gains and finding a sense of purpose. Reinforcing the positive work that participants have done with and setting the stage for positive expectation going forward. The important work of reconnecting with their selves and their families, demonstrating their goodbyes and reinforcing the relationships made in the group. This can model important relationships they may have in the future, as well as acknowledge the time they have spent together, and how they supported each other.

#### F. Community engagement programs

140. The two programs described above involve individuals who were personally victims of child soldiering and related human rights violations. Much of the focus of both the life skills and cognitive behavioral therapy on strengthening the internal resources of the individual with a supplemental focus on strategies they can use to integrate with their families and communities. However, this is just one side of the equation.

141. No matter how much work individual victims do to heal their wartime traumas and to mitigate the development of PTSD experienced as a result of their victimization (see Figure 1), they personally change the external resources available to them. If the community programs help beneficiaries to maximize external resources and if community reception remains hostile and they continue to experience social stigma, they will likely be unable to access community support for reintegration. For this reason, a psychological intervention that contributes to improving the community's attitudes toward

former child soldiers. If the community environment is hostile, the mental health gains made in the defence and prosecution will be undermined.

142. Community participation in the reparation projects will be an important aspect of the programme to ensure community services and also to mitigate any additional stigma, discrimination for the victims will benefit from the reparations programme.

143. In the context of reparation initiatives designed to promote reconciliation, the participation of the crimes, the Trust Fund is mandatory to engage with persons and activities that may exist within the victims' household and or from the wider community to achieve the intended objective of such reparations initiatives. To foster reconciliation, promote the reintegration, the active or passive participation of the victims is necessary.

144. As the Appeals Chamber Amended Reparations Order states that reconciliation should occur between victims and their<sup>65</sup> family and community. Mitigating stigma, promoting reconciliation, and fostering trust within the context of the family and or community and the active and participation in collective reparations is required to achieve the objective.

145. The Trust Fund has several community engagement components to strengthening the external community resources available to directly affected by child soldier recruitment:

1. Community leaders. This group should bring together strategic leaders or community stakeholders, including religious leaders, elders, and others. A particular focus should be on men and women from a diverse range of tribes and positions that this group meet weekly for about a month with the psychosocial supervisor, but then periodically thereafter as needed.

---

<sup>65</sup>Para. 46, Appeals Chamber Order for Reparations. 3 March 2015.

This group is the cornerstone of the program and its continuity will provide local knowledge to identify the challenges faced by former child soldiers in their community and identify the resources that can be used to improve community performance. It will also provide support to former child soldiers.

Community leaders would discuss how the community has been affected by the return of former child soldiers and, on the other hand, how individuals have been affected by the community. This includes training on resolving conflicts, addressing stigma, providing mentorship. Specifically, they should provide training to help shift community perceptions through training and support family members of former child soldiers; and provide support from psychosocial and memorialization initiatives.

2. Community dialogue initiatives: of community dialogue directly combat negative perceptions about or stigma against former child soldiers. If the broader community context is ultimately not supportive, other psychosocial interventions are unlikely to succeed. All efforts should be guided by the idea of a conversation. It is important to listen to the concerns and perceptions of community members, as the basis for a conversation about how former child soldiers can live in their community.

The specific nature of community dialogue should be determined in direct consultation with the community. Dialogue may be pursued through large community gatherings, shows, integration into activities of religious institutions, or existing groups (such as women's or youth groups), or other possibilities.

3. Reconciliation and public education campaign: The Trust Fund proposes to conduct a reconciliation and public education campaign in Ituri District and throughout the communities identified in the Reconciliation and public education campaign to strengthen social cohesion. It is intended to promote reconciliation within groups and communities, more particularly so to help reintegrate former child soldiers into their respective communities.

Reconciliation public education and building may comprise of carrying out traditional rites and other practices meant to reconcile those who have fallen apart or reunite members of the community who were enlisted, abducted, and conscripted. Other activities to promote reconciliation include music, dance, and drama and community sensitization. The music, dance, and drama contain messages of peace and reconciliation by illustrating the consequences of conflict. These interventions will contribute to the establishment of social networks, safety networks, and a reduction in the level of vengeful attitudes, stigmatization, and increase in the number of victims. MDD help to strengthen group cohesion and reduce stigmatization towards former child soldiers permits the participation of other members of the community and participation in group activities.

Public education campaigns intended to promote reconciliation through the market place, gatherings and through radio programming reach a larger audience. Music, Dance, and Drama groups may be formed within the community as a way of sensitising the community and communicate their perspective to the public. Such public sensitization initiatives, and group activities may result in a reduction in stigmatization. In similar Trust Fund programming former child soldiers reported a positive reduction in the finger pointing experience in the community, the rate at which it occurred was significantly reduced enough to affect their association with the re-

Reconciliatory initiatives may include the building of trust by members of the community are capacity building interventions containing peace building and conflict management. These interventions have a mandate towards the community and they will work with the government, other stakeholders depending on the nature of the matter to resolve disputes and build trust at the local level. This model could be embedded into the design of interventions to build trust and foster reconciliation among members of the community. It is sustainable but it is also of teaching the wider community a-

The public education and building component strives to foster reconciliation among the members and households who are members of the victim beneficiary groups. It helps in reducing the level of stigmatization against former child soldiers and promotes their reintegration. This intervention also helps in strengthening group cohesion and

campaign shall focus on community dialogue involving community  
and local authorities.

4. Family support The family members of former child soldiers  
perhaps their most essential social relationships. Supportive  
relationships can create a safe and supportive space for them  
with their past experiences and move ahead towards a positive future.  
On the other hand, hostile or violent family relationships can do a significant  
amount of damage to healing processes. It is important to ensure that  
family members themselves were also victims of the trauma of the war  
if one taken from them.

The specific methods of engagement should be developed  
in consultation with the community leaders group. It could be through  
family support groups in the context of other community activities such as  
churches or schools, or could be more intentionally formed for this purpose  
that commit to meeting together for a set period of time. Psychosocial  
counselors should facilitate these conversations.

The purpose of this initiative is to allow family members of  
former child soldiers in close relationships with affected individuals to  
share their experiences, in whatever format might be most useful and meaningful for them. This  
will support their processing of what happened to their family members  
and their fears about the future. Part of this initiative will be to provide  
the opportunities to develop skills and strategies to support the  
affected family member.

5. Memorialization Memorialization is an important step in  
coming to terms with the past and integrating traumatic events into a  
new narrative. Memorials can promote healing for both individuals and  
communities. Life skills and counseling programs give parents  
opportunities to create narrative accounts of their experiences. Some  
individuals may wish to integrate their stories into a larger  
initiative. This process can also help to reduce stigma and  
improve the collective understanding of suffering during  
the war.

A memorialization project should be developed in  
collaboration with the individuals sharing their stories.

community leaders group. Memorials may take an including written, audio, artistic, events, or other mediums.

146. Other elements of the holistic reparations package may include memorialization. In that case, research should be done on the memorialization program and the psychosocial program. The psychosocial program will generate individual narratives that may lead to memorialization. Beyond this, a psychosocial approach that prioritizes survivors' mental health needs and their ownership of their narratives and their participation in re

6. Symbolic initiatives: topic closely related to reconciliation and psychological rehabilitation is that of symbolic initiatives. Symbolic initiatives are part and parcel of initiatives such as reconciliation and psychological recovery. The content of these concurrent initiatives are mutually beneficial and reinforcing comple

Through a participatory project design process open to all (including victims, community leaders, community members, and relevant stakeholders), discussions will be organized in multiple locations among victims (including victims, community leaders, community members, and relevant stakeholders) to discuss the impact and consequences of child soldierhood and to identify mechanisms to counter those consequences. The dialogues will examine the merits and value of various initiatives that will be proposed by the participants. Symbolic reparations are a reparations process that is directed by the responses of victims through a participatory process. The Trust Fund will undertake symbolic initiatives that have wide popular support and group and cultural resonance in the context.

One aspect of a symbolic reparations process will be the public condemnation of the crime of utilizing children as soldiers to combat. This sort of symbolic reparation that may have special meaning to a number of victims in the region to know that the perpetrators were pursued and convicted for those criminal acts.

## 7. Mental health sustainability plan

### Ongoing mentoring

147. In order to extend the benefit-term from the psychosocial programs to daily life, Trust Fund should ensure that beneficiaries meet with an older mentor at least once per month (or as often as the mentor feels helpful) on a regular basis. It is envisaged that these would be the same group of participants described above and that the mentoring relationship would be an ongoing relationship that developed in the course of the program. The community leaders group is also uniquely positioned to provide insight and guidance on how to develop mentoring relationships to beneficiaries in their communities.

148. It is recommended to use terms such as skills programme, coaching, and mentoring as they are likely to be more familiar to beneficiaries and less stigmatizing than the word mental health.

149. Each mentoring conversation could include:

- a) A check with the mentee to review what has happened since the last meeting;
- b) A review of particularly difficult or upsetting incidents the mentee desires guidance;
- c) A discussion of the significance of these incidents, as well as their underlying causes;
- d) A discussion of various options for resolving the problem;
- e) The development of an action plan which the mentee agrees to follow and report back on at the next meeting.

150. Mentoring provides opportunities for beneficiaries to monitor their progress and early support and referral when participants are not receiving the hoped for benefits. This process also provides a mechanism for follow up assessment.

### Six month follow up assessments

151. The Trust Fund should fund that participants undergo formal, in follow up psychosocial assessments six months after the completion of the program three months after the completion of the life skills program. This should be conducted by external participants of the regular mentoring meetings. This assessment should comprise psychosocial indicators that made up the original psychosocial

152. On an individual basis, this assessment will facilitate identification of participants who need additional support if they significantly differ from the program on an aggregate level, assessment will produce evidence of the lasting impact of counseling programs on beneficiaries psychosocial health.

### Scale challenges

153. The ultimate scale and long-term sustainability of interventions depend on the need and on the resources available. In CVT's experience, professionals can effectively train 20 non-qualified local counsellors. These counsellors work in pairs; each pair can simultaneously manage three groups of 10 individuals each per cycle. We expect that per year; in a year, two supervisors provide support to 90 beneficiaries. We expect that 15 to 25% of these (135 to 225) participate in counseling while the remainder will participate in sessions. These estimates are based upon operating at full capacity that it takes at least six months for a team to be able to have counseling operating at full capacity.

154. There are certainly significant challenges to the implementation of these programs. First, programs may lack local credibility, leading to individuals coming forward either to participate in the group programs or it is essential to get community buy-in for implementing these programs. The community leaders are a crucial component of this process. If community leaders become diluted or suffer from reduced effectiveness without sufficient supervision, control, emphasis must be on training, supervision structures, and monitoring practices. Third, if community returned former child soldiers remain hostile, any mental

life skills counselling sessions will quickly become an essential part of the community programs described below are particularly essential in preventing violence. There is certainly a risk that a conflict or violence may erupt in the region, derailing psychosocial programs. While this would be a disaster in many ways, lower levels of local conflict will not necessarily prevent psychosocial programs. Rather, these interventions are designed to equip participants with the skills necessary to live in unstable environments. Programs leave managed to operate successfully in the midst of low intensity conflicts.<sup>66,67</sup>

#### 8. Navigating complex interpersonal relationships

155. The success of a former child soldier's engagement and reintegration program will depend upon that person's capacity to navigate complex and changing interpersonal relationships with peers, family, neighbors, and other community members, community leaders, and course representatives of the various agencies that will be involved in the program itself. This is likely to be challenging in its own right, particularly for people who have not had the usual opportunities to develop these skills and build a strong network of supportive relationships in their community. These reasons are foundational to the program and are effectively connected to all other components of a broader reintegration program, which is essential.

156. Finally, the Trust Fund would draw attention to the fact that the experience of vicarious trauma is likely to present a challenge to all service providers involved in the reintegration process. While this is accounted for in the supervision structures proposed in the program, all components of the program should consider building in similar processes and structures. Psychosocial practitioners in the field are likely to be a key resource people in this regard.

---

66 Garth Stevens et al., Continuous Traumatic Stress: Conceptual Conversations in the Context of Global Conflict, *Journal of Peace and Psychology* 75 (2009).

67 A. Thabet, P. Vostanis, and K. Karim, Group Crisis Intervention for Children and Adolescents, *Journal of Child Psychology and Psychiatry* 14, no. 5 (2002).

68 Karen W. Saakvitne and Laurie A. S. Briar, *Living with Pain: A Workbook on Coping with Trauma* (W.W. Norton, 1996).

## G. Physical rehabilitation

157. Physical rehabilitation is an important component for victims, most half of respondents in the consultations on collective reparations in Ituri Province expressed a strong interest. The Trust Fund shall develop physical rehabilitation initiatives to respond to the consequences of the enlistment, conscription, and service of soldiers. However, due to the poor health care services available in the region, the Trust Fund will not be able to provide comprehensive services to address every sort of injury. The Trust Fund will provide rehabilitative services and treatment in accordance with the capabilities and facilities available.

158. Injuries and ailments that may be treated through the reparations initiative include deformities ranging from limb loss to treatment of bullet and fragmentary injuries, of mobility assistance, and environmental complications, injuries, and other categories of injuries.

159. Physical rehabilitation initiatives will seek to improve injured victims and to improve their mobility. Physical rehabilitation will help victims to pursue occupations as well as to self-reliance and promote the welfare of their community.

## H. Socio-economic support

160. The integrated reparatory response designed by the Trust Fund will develop a variety of socio-economic support initiatives that respond to the particular circumstance of the victims and their injuries. Economic support projects will be coupled with either psychosocial support or other support depending on the requirements and needs of the victims. Integrated projects correspond to the individual requirements and reflect the complex layer of injuries and other consequences endured by victims. The Trust Fund should therefore offer a variety of programmatic responses that may include livelihood support, micro-loan association, improved agriculture, vocational training, and educational programming.

161. (1) Livelihood support may be provided in terms of product inputs including seeds and other materials including tools and implements. Animal husbandry may be considered appropriate for victims and situations including goats, chickens and pigs. Vocational training may be offered to victims with a view to business development and or scholastic interest.
162. (2) Village Saving and Loan (VSLA) The VSLA (Mutuelles de Solidarité) methodology is used not only as a means to improve victims livelihood. The VSLAs help to identify different categories of victims including those who need physical rehabilitation, those who need psychosocial support, those who need vocational training, and those who need economic support among others. Support to VSLA VSLA kits and the relevant VSLA training materials are provided.
163. Once trained by the implementing partner the VSLA train their respective group members in the VSLA management. A major source of advice is participants.
164. At the group level, VSLA contributes towards strengthening of social facilities and the building of social capital. The VSLAs are a major source of support for members, particularly the most vulnerable and traumatized.
165. VSLA methodology emphasises a business oriented Village Saving and Loan Associations where members take their own choices and decisions. Outcomes include increased accumulation of assets such as, cattle, and ability to afford school fees and scholastic materials. Ability to meet domestic requirements. Other outcomes include increasing building construction, income, and utilizing funds for agricultural uses.
166. Other than enabling people to acquire assets, VSLA is instrumental in fostering social cohesion within the community. It provides a forum through which groups meet to discuss issues that affect them and also

---

69 MUSEO is the French acronym for the methodology, Solidarité, Village and Savings and Loan Associations methodology.

functions as a platform for group therapy and psycho-social counselling were traumatised.

167. (3) Agricultural inputs of different types of products and inputs provided to victims in the form of improved agricultural production and improved food security for the victims. Inputs may be in the form of seeds or seedlings (sprouts, suckers, nursery seedlings) implements may be provided to victims household seedlings of wood trees may be distributed and tree seed nurseries for timber may also be available through technical support from agents.

168. Agriculture projects will require the participation of technical personnel and victims to learn and apply the improved agricultural techniques. Participation creates a sense of responsibility and ownership. Only a good practice-based approach to projects must integrate

169. Livelihood support through provision of agricultural inputs leads to increased productivity and improved security and better nutritional outcomes for victims and their households. The outcomes of the victims will be the ability to meet household domestic requirements and improve their

170. (4) Vocational and technical training. Vocational skills training is a part of the package for victims that manifest a proclivity for development and motivated to develop a vocation. The particular vocational training opportunity offered to victims will depend on the workforce and business environment in a given area. Training in consideration of the service gaps present in the area to which certain services are being or planned. Victims may receive different vocational training such as motor vehicle mechanics, carpentry and masonry, and concrete painting etc.

171. Vocational skills training will contribute significantly to transformation of victims. Those receiving vocational training will be capable of providing for themselves in a sustainable way. Victims may be empowered to establish enterprises and acquire assets from the proceeds of their trade.

172. Accelerated literacy training and educational training designed to improve the capacity of victims to access opportunities.

## VI. Duration of the programme

173. The reparation programme duration is planned to be scheduled to be implemented over a period of, commencing on completion of the International Criminal Court's procedures, year implementation periods communication and outreach, screening and selection service delivery and implementation, monitoring, reporting.

## VII. Complement

174. Considering the types of interventions that the Trust Fund necessary and relevant to collectively redress the harm currently present, as outlined in the draft implementation plan, the victims' needs against the overall availability of financial resources to complement reparations orders for all cases currently before the Court, the Trust Fund is prepared to complement an amount of EUR 10 million from its reparations reserve for funding collective reparations in the present case.

175. However, the Trust Fund Board respectfully notes that the figure is merely an indicative estimate and that it has not yet taken a decision on the issue. As discussed in the final decision, it is contingent on a formal declaration of Mr. Lubanga's indigence for reparations by the Court, and the end of the implementation period as proposed in this submission.

---

<sup>70</sup>See para. 12 of the finding.

Trust Fund for Victims Implementation Plan for collective reparations to victims  
Submitted to the Amended Reparations Order of the Trial Chamber II of the International Criminal Tribunal for Rwanda  
(ICTR/01/06)

176. The Board of Directors in accordance with Rule 71 has provided a reasonable determination of the complement with activities and initiation of ongoing legal proceedings (that may give rise to reparation awards) has determined complement accordingly.

177. In the assessment of the Trust Fund program outlined in this draft implementation plan taking into consideration the geographical prospective program, the persons eligible and the mix of programmatic responses up to \$10 million.

178. Should the Court determine that Mr. Lubanga is in purposes of reparations the Trust Fund Board of Directors complement the draft implementation plan with funding in million dollars over a three-year period for collective reparation implementation. The complement funding is derived from the sequestered reserve within the Trust Fund's voluntary contributions.

## VIII. Management Overview

179. The Trust Fund of the collective reparations awards designed as a matter of policy to provide awards and support avoid obvious discrimination across the project area. Any award and form of support should be based on merits and educational reasons.

### A. Procurement and programming

180. Under the collective reparations provisions of Chapter IV of the Trust Fund for Victims, Rule 98(3) stipulates that the Trust Fund may identify interim partners, or invite proposals for the implementation of the Trust Fund's financial rules and procurement provisions.

---

<sup>71</sup>RTFV, 56. The Board of Directors shall determine whether to complement the resources collected through the resources of the Trust Fund and shall advise the Court accordingly. Without prejudice to the activities of the Board of Directors shall make all reasonable endeavours to manage the Fund taking into account the complement payments for awards.

the Trust Fund will conduct a screening of its partners  
conduct an open procurement process in the selection of  
partners under the collective reparations process

181. Once the implementation plan is approved, the Trust  
Fund shall consider the intermediary and their respective  
sets present in Ituri at that time against the technical pro-  
qualities of the approved implementation plan to determine whether  
appropriate to sole source of some reparations implementing partner  
that an open procurement process is merited.

182. In the instance that an open tender procurement process  
is appropriate to solicit competent and experienced implementing  
partners, the Trust Fund will coordinate with the procurement unit to conduct  
an open tendering process. Requests for proposals will be issued using an open  
and transparent process through the release of tenders (RFPs) to  
identify and geographically registered organisations. Proposals  
will be drafted in response to specific geographical and budgetary requirements,  
which will be fully detailed in the RFP. Each proposal application will be scored  
against the selection criteria specified in the RFP and evaluation process  
permits the Trust Fund to allocate resources to grantees in a transparent  
and effective manner. The Trust Fund will also seek to leverage and complement  
existing programmes supported by other donors where possible.

183. The Trust Fund will have programme staff who will  
conduct planning meetings with grantees. The planning process will  
include orientation and guidance to comply with the grant guidelines  
strategy, technical, and standards practice. Programme and  
reporting formats and procedures will also be disseminated.

184. The Trust Fund Secretariat also ensures the monitoring  
of the implementation of the reparations plan in accordance with  
Regulation 72 of the Rules of Procedure and Evidence. Implementing partners  
must possess a proven programme, budgetary/financial management competency to  
implement projects in eastern DRC. Implementing partners must not be  
involved in any activities or associations that conflict with the ICC by way of their  
activities or associations that avoid conflict of interest, the Trust

implementing partnerships engage as intermediaries with the  
organs or sections.

#### B. Applicant eligibility

185. The Trust Fund will consider proposals from national non-  
organisational and technical service providers that:

- Ø Are legally registered in DR Congo for at least 5 years, and are in  
compliance with all required laws, regulations and other  
the Government of the Democratic Republic (must submit a  
copy of registration certificate);
- Ø Have in place appropriate and adequate internal governance  
structures with decision-making authority positioned in
- Ø Are DR Congo entities in accordance with the requirements a  
national NGO policy.
- Ø Have a demonstrable record of sound financial management  
successful implementation of community development projects
- Ø Additional technical competencies with collective experience in  
reparation proposal template

#### C. Collaboration partnership

186. Partnership between government organisations encouraged as an  
effective way of building capacity and coordination. Applicants  
encouraged to form referral networks and complementary.  
Applicant organisations strongly encouraged to explore and  
partnerships to craft a project that offers the range of  
rehabilitate victim injuries, (For example: patient mobilisation  
medical treatment and or surgery, and physiotherapy).

187. The applicant organisation will act as the prime grantee organisation  
if selected, will be the party entering into an agreement with  
with full managerial responsibility, financial accountability  
implementation and reporting responsibilities.

## Subgrants

188. Should the implementation of the RFP by an organisation that applies for a grant require financial support be given to that organisation, the applicant organisation may propose working in partnership with governmental non-governmental organisations, including the awarding of subgrants to NGOs. However, subgranting may not be the main purpose of the proposed project unless it is duly justified.

189. In cases where an applicant proposes to award subgrants, it must specify in its RFP the total amount of the grant which it is awarding-grants. It should also highlight the criteria for the selection of grantees. The total amount awarded as subgrants to third parties must be limited to not more than 50% of the total amount of the grant.

190. The applicant organisation will act as the lead organisation and, if a grant will be awarded a grant from the Trust Fund, it is responsible for taking responsibility for oversight and accountability over the activities and the awarding of subgrants to third parties.

## D. Grant amounts

191. All grant amounts are indicative. Budgets must demonstrate the relationship between the proposed intervention and the capacity to implement, the funding required and the delivery of value.

## E. Proposal format

192. A proposal for a project should specify the purpose, the objectives and the activities of the collective reparation project. It should clearly state how the project will be managed and implemented and the applicant organisation should be written in the proposal.

193. The receipt of a proposal does not constitute a contract award, nor does it commit the Trust Fund to reimburse any costs incurred in during the preparation and submission of proposals. The Trust Fund reserves the right to accept any or none of the proposals submitted.

## F. Application process

194. Applicants will be invited to electronically submit a typed proposal by email to the Procurement Section. Any applicant found to have submitted false or misleading information in their proposal subsequent to their proposal submission will be disqualified.

- Publication of Expressions of Interest,
- Request for Proposal invitation to applicants
- Applicant interview Request for Proposal requirements submit clarification questions
- Clarification responses sent to applicants
- Deadline for submission of Applications

## G. Evaluation and selection of applications

195. Applications will be examined and evaluated by all proposals submitted by applicants will be assessed according to criteria articulated in the call for proposals in regards to cost programming

1. Proposals will be opened by the Procurement Section of the Trust Fund/ICC
2. The Trust Fund/ICC reserves the right to select applicants whose proposals may be subject to a further evaluation and process.
3. After its completion of its evaluation of applicants and proposals, the Trust Fund/ICC may invite one or more applicants to a meeting.

4. The Trust Fund/ICC may, at its sole option, terminate an agreement has not been reached within a reasonable period of time determined by the Trust Fund/ICC in its sole discretion.
5. The Trust Fund/ICC objective is to select the applicant(s) of the best overall value and service to the Trust Fund.
6. Evaluation criteria for collective reparations will include, without limitation and in no particular order of importance:
  - a. Service offering/ability to complete program commitments.
  - b. Price and value for money.
  - c. Ability, competence, and previous experience of applicant.
  - d. Outcome of reference checks and general reputation of applicant.
  - e. Value added skills and services that applicant can provide.

#### IX. Communication outreach strategy vis communities and victims throughout the process

196. The success of implementing reparations programme rests not only on the individuals affected by the programme but also on the surrounding community. Therefore, public involvement is crucial to achieve transitional justice goals. Outreach programme is fundamental to publicly inform the programme, promote transparency, build a sense of local ownership, address perceptions, and fill any gap between the Trust Fund and the communities. If not addressed, it will be difficult to achieve the goals set.

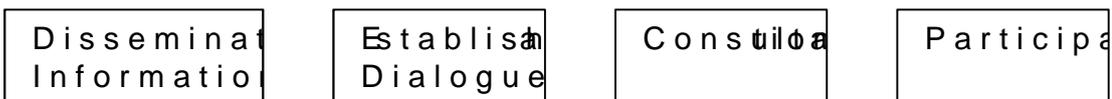
197. In the transitional justice, outreach refers to a set of activities between materials and activities, in order to build d

---

72 Ramir Barat, Clara, Making an Impact: Guide to Designing and Implementing Outreach Programs for Transitional Justice. International Center for Transitional Justice.

communication with the affected individuals<sup>73</sup> and their communities is needed to raise awareness of the justice process and help people. This will be measured. Therefore, it is important that outreach programs provide knowledge and necessary tools for the people to actively participate in the process, so that their input into the affected individual and community. The final aim of outreach is to promote public engagement in the justice process, thereby contributing to building its legitimacy and impact.<sup>74</sup>

198. There are several levels of community outreach activities. A good outreach programme should not focus solely on disseminating information but also address expectations and concerns of the affected people, answer their questions, engage in consultation with people and encourage their participation in the process. The whole process should be cumulative and interconnected.



#### 199. Dissemination of Information

In general, people should have access to all information needed to understand the reparation programme, type of assistance available, organizational structures and updates on the progress of implementation. A proactive approach needs to be adopted to guarantee that all groups receive the information adequately and understand it.

#### 200. Establishing a Dialogue:

After the initial step of disseminating information, the next step is to promote a two-way communication process, where people can ask questions of the Trust Fund staff. A dialogue will improve people's understanding of the reparations process, and strengthen the Trust Fund's mandates, in particular the reparations implementation.

---

<sup>73</sup>Ramirez-Barat, Clara. Making an Impact: Guidelines on Designing and Implementing Outreach Programs for Transitional Justice. International Center for Transitional Justice.

<sup>74</sup>bid.

<sup>75</sup>bid.

Lubanga case. This process should be implemented without agenda involving various target groups. It is important to do this by creating a genuine space for a dialogue, implies that concerns can be raised. Therefore, those who are part of the ICC/Trust Fund should be prepared to address the negative views ready to address the issues that are discussed.

#### 201. Consultation

In this process, victims and families have an opportunity to have voice in the outreach process. This is essential in providing and give acknowledgment in their participation. Gathering information from the targeted population is valuable in order to know their demands, which will be useful in shaping the implementation. The consultation process also empowers victims in articulating their claims and their rights.

#### 202. Participants

The final component of a successful outreach approach is participation in the process of designing and implementing measures using local practices, local ownership, and capacity building and legacy.

203. From a programmatic perspective, the TFV communication efforts will aim to manage expectations about reparations beneficiaries and affected communities. This is coordinated with the Public Information and Outreach Department of the Registry.

204. There will also be a focus to build the communications capacity of organisations who are implementing the outreach programme on behalf of the Trust Fund. This covers their capacity to document narratives in multimedia formats, their ability to interact with host media visits if and when opportune (ensuring also confidentiality of victims and their families). Finally, the proposed communication strategy can also contribute to the reconciliation of victims and communities by promoting dialogue, creating safe spaces for expression and facilitating the process of victims and their families through the use of media for development and appropriate theory of change.

205. The communication and outreach strategy for the collective reparations programme in the Lubanga case is based on the principle that it should be integrated into the proposed implementation timeline. This approach enables incremental planning with measurable results to facilitate management and progressively build up towards achieving the overall communications goal. It also offers a way of strengthening the institution (global) and programmatic (in DRC aspects of the communication strategy) by providing evidence of impact and building on past achievements.

206. The proposed implementation plan includes the following phases:

Communication Strategic Phases	Time Frame
PHASE ONE	Months/Year prior to the start of the Lubanga reparations programme
PHASE TWO	Year 3 of the reparations programme
PHASE THREE	After the implementation of the reparations programme

207. The strategy presents a comprehensive vision, with specific and measurable objectives for each implementation phase in order to better focus all Trust Fund communication efforts and have clear parameters for monitoring and evaluation. The communication plan, which is represented by the list of activities necessary to achieve the stated objectives, is designed to remain flexible enough to harness unforeseen opportunities and continually refine itself as more evidence and resources arrive.

208. The successful implementation of this strategy is contingent upon adequate resources (both human and financial) being allocated to carry out the activities. The Trust Fund will assess the strategy and budgetary implications of the implementation based on available resources. Clearly, this will reduce overall impact and will require modification of the specific and measurable objectives.

#### X. Monitoring and reporting mechanisms for the programme

209. The Trust Fund will closely monitor and evaluate the application of guidance by the implementing partners. The identification and selection will be verified by the Trust Fund with particular attention to dialogue with the community and identified vulnerable persons. Selected victims will be chosen by the Trust Fund to verify they do fit the criteria. They will be identified in cases where established that the project benefit persons with who are not precepts of the case do not fit the criteria and/or who are not person of the community

210. The Trust Fund considers monitoring and evaluation as a key component of the Trust Fund's design and implementation of the reparation mandate. The aim of the M&E strategy and system is to determine whether the design and implementation of the programme is effective, efficient, and meets the needs and satisfaction of the victims and is required by the reparation order; measure and document programme achievements; lessons learned to improve programme quality and learning; communicate early to the legal representatives, communities, government donors and stakeholders about the achievements and progress most importantly to the Trial Chamber

211. In order to track the programme's interventions and explore learning opportunities, the Trust Fund will adopt a collaborative approach with beneficiaries and communities, other relevant entities, PIDS, Legal representatives, multiple partners, government institutions in DDR and other stakeholders. The Trust Fund will ensure successful paths predicted outcomes. As this is a learning programme, the Trust Fund sees this programme to be a learning opportunity. Evaluations at different levels are an important component so as to inform future reparation and programme changes where necessary during the implementation. The evaluation will be a key aspect of the M&E system for reparation programme.

## A. Monitoring

212. It is through monitoring that potential successes or failures are identified early as possible and timely adjustments to implementation and operations. Monitoring will be used as a continuous assessment of the reparation programme and regard to the planned objectives, and results and activities will take place at all levels of programme management and uses both formal and informal communications between implementing partners well as other key stakeholders that will be actively engaged including beneficiaries themselves.

213. Monitoring will enable the Trust Fund collaborators to review progress and to propose action to be taken in order to achieve objectives. The Trust Fund will establish format for progress and monitoring on interventions that will be approved to be delivered. Each implementing partner will have to write a narrative report that will be identified for each and submit the report to the Trust Fund office every month. The Trust Fund will submit reparation progress reports to the Court annually.

214. For the reparation programme, both qualitative and quantitative indicators will be developed for the programme. Qualitative indicators will measure satisfaction of beneficiaries with the services provided, including psychological improvement indicators and to the larger community.

215. The following are issues to be addressed:

- i. Relevance of reparation programme and its anticipated outcome/impact;
- ii. Extent to which the programme achieved its objectives;
- iii. Effectiveness of the programme: causal relation between the results achieved and the fulfilment of purposes of the programme including the gender dimensions; of the programme;
- iv. Efficiency of activities: whether the quantity and quality of results achieved justify the quantity and quality of means used.

216. In order to monitor a b a v e l e m e n t s , s p e c i f i c i n d i c a t o r s w i l l b e d e v e l o p e d a n d a p p r o v e d f o r t h e p r o g r a m m e t o b e i m p l e m e n t e d . L o g i c a l r e h a b i l i t a t i o n a n d g e n d e r w i l l h a v e i n d i c a t o r s a t e v e r y s t a g e o f t h e p r o c e s s , o u t p u t a n d i m p a c t . T h e p r o c e s s e s w i l l b e t h e s a m e a c r o s s r e p a r a t i o n i n t e r v e n t i o n s s o a s t o e n s u r e p r o p e r c o n s i s t e n c y t h r o u g h o u t . A s a n e x a m p l e , i n d i c a t o r s m e a s u r e w h e t h e r t h e b e n e f i c i a r i e s h a v e a c c e s s , a r e u s i n g , a n d a r e s a t i s f i e d w i t h t h e p r o g r a m . T h e p r o g r a m g i v e s a n i n d i c a t i o n t h a t t h e p r o g r a m o f f e r i n g r e l e v a n t s e r v i c e s a n d t h a t t h e p u r p o s e i s l i k e l y t o b e m e t .

217. Since no programme can be planned nor implemented in a stable environment, the external factors are equally important to the success of the programme. In this case, the external factors that can influence either negatively or positively the reparation programme in the DRC will be expressed as assumptions in the programme logical framework and the likelihood of their occurrence must be monitored. This will be explicitly documented in the programme logical framework before and during the implementation phase.

## B. Monitoring reports

218. Through annual progress reports, the Trust Fund will provide a summary of the results achieved and the activities implemented under the reparation programme. The reports will primarily contain indicators of the impact of the intervention, as well as victims' views and perceptions collected through focus group discussions with key informants among beneficiaries, as well as through informal meetings and formal meetings with the beneficiaries. The results will be reported by implementing partners and verified by the Trust Fund before submission to the Trust Fund in the Hague.

219. The Trust Fund will actively monitor and undertake periodic and continuous and periodic informal surveys to measure beneficiaries' perceptions of changes with respect to the reparation programme and their perceptions of changes with respect to the programme. Sample groups will be used to avoid complex and costly surveys.

### C. Tools

220. Various tools at different levels will be used to ensure proper recording and reporting of programme activities. Tools will

- Eligibility Screening Tools: during the screening process
- Paper registers: implementing partners will record individual beneficiary cards and store them in the same local longitudinal follow-up beneficiaries and compile reports on regular basis. Implementing partner shall maintain victim observance of confidentiality protocols
- Electronic database: a simple database either in excel developed to keep all records of beneficiaries of the reparation programme. The database will be user-friendly and updated by implementing partners. The database will be checked regularly by the Trust Fund for Victims. The Hague compilation and storage. Trust staff will regularly check the quality of data collected by implementing partner shall maintain victim records confidentiality protocols.
- Reports templates: reporting formats will be designed for compilation of indicators data and harmonization across communities.

### D. Evaluation

221. Throughout the reparation process the Trust Fund will explore opportunities for evaluation to determine the effectiveness. This will inform future reparation programme design, implementation and decision-making through lessons learned and the provision of basis of accountability, including the provision of the public.

222. The Trust Fund's commitment to evaluation:

223. Baseline study to describe and analyse the harm suffered and economic and other conditions and trends of individuals who receive reparation programme through the baseline study will

used at a later date as reference point to demonstrate that the programme has been reached and that a change has occurred.

224. Programme evaluation: to the monitoring, evaluation upon completion of the programme look at the relevance, effectiveness and efficiency of reparations programme. It may also be included in the issues to be evaluated.

225. The following are the potential evaluation questions:

226. Relevance Was the reparation programme appropriate with environment?

227. Relevance concerns whether the results, purpose and the programme are in line with the requirements set by the Court, the aspirations of the beneficiaries, and with the programme is delivered.

228. Impact What has happened (or is likely to happen) as reparation programme

229. Impact concerns whether there has been a change achievement of the overall objective as a consequence of achievement of the programme. Both intended and unintended are reviewed. Trust Fund does not intend to carry out impact evaluation that requires comparison; will rather use the baseline study to measure before and after situation so as of reparation programme.

230. Effectiveness To what extent reparation programme has been achieved, and to what extent has been achieved

231. Effectiveness describes how well the results achieved achievement of programme purpose

232. Efficiency Does the quantity and quality of the results programme justify the quantity and quality of achieving the

233. Efficiency concerns the relation between the result whether the process of transforming the means into results is effective. Although this might be a very good study to inform programme costing studies which help resources available to implement reparations. A decision to do this kind of study will be implemented at a later stage.

234. Sustainability: What has happened or is likely to happen to the programme after the reparations programme ends?

235. Sustainability can be described as the degree to which the results produced by the programme can be maintained and resources allowed would be available to look at the sustainability of this first programme again to inform future reparations programmes.

#### XI. Other issues to consider

236. Similar to the Trust Fund for Victims mandate, an environmental assessment will be conducted by a panel of experts to monitor the effects of the reparations programme on the environment. This is to ensure that the reparations programme does not have a negative impact on the environment. The Trust Fund for Victims will be engaged in the assessment process and assessment results will be shared with the programme implementing partners; and the Trust Fund may conduct an assessment during the implementation of this programme.

237. Gender-related indicators data/results will be disaggregated to enable the assessment and monitoring programme to monitor both women and men, girls and boys.

#### XII. Collaborating and coordination approach

238. Collaborating and coordinating approach will be utilized in the programming and strategic direction from the outset to the implementation of the reparations programme. By building the reparations programme,

Trust Fund for Victims Implementation Plan for collective reparations to victims  
 Submitted to the Amended Reparations Order in the Case of the Magistrate Trial Chamber I  
 (ICTD/04/06)

the Trust Fund will be able to quickly respond to identified through regular  
 assessments potentially arising from the sensitive regional  
 and country context which seems unpredictable

239. This approach will allow the Trust Fund to monitor reparations  
 implementation and that extenuating circumstances do not  
 constitute significant inhibitors to the achievement of its mandate. The Trust Fund  
 will incorporate the following activities into programme design:

Actions	Potential collaborators
Victim identification and screening	Trust Fund VPRS, PIDS, communities, implementing Representatives
Programme review sessions with beneficiaries and their families, communities and implementing partners through focus group discussions to assess the progress and perceptions of the programme; this will serve as an opportunity to assess the programme and the emerging trends as well as necessary changes to the programme	Trust Fund implementing beneficiaries
Creation of a reparation technical group; to regularly discuss the progress of the programme, challenges and to the Court	Trust Fund VPRS, PIDS, other the Court as deemed necessary, Legal Representatives, stakeholder including government representatives
Ensure that availability of information informs programming; this will prove progress of implementation	Trust Fund implementing partners

Eligibility Screening Tool

INSTRUCTIONS DO NOT READ OUT LOUD ANY TEXT IN BIG LETTERS

(2) PLEASE RECORD ANSWERS IN KINSHASA OR ENGLISH

(3) IF INTERVIEWEE REFUSES TO ANSWER A QUESTION, SAY "NO" AND SKIP IT

(4) INTERVIEW SHOULD BE CONDUCTED IN PRIVATE

I. READ TO INTERVIEWEE:

- 1) SCREENING PURPOSE: We are conducting this screening to assess collective reparations for the Lubanga case before we ask some personal information about you and about some of your experiences during the conflict.
- 2) NO ASSISTANCE: You will not receive any assistance or help in answering these questions.
- 4) VOLUNTARY: This interview is voluntary. You do not have to answer any question that you do not want to. You can also stop the interview at any time if you do not want to be interviewed.
- 5) PRIVATE & CONFIDENTIAL: All answers will stay private and confidential.
- 6) QUESTIONS: If you have any questions, you can ask me at any time.

1 May I have your permission to ask you these questions?  Yes  No  
If NO, PROCEED TO NEXT INTERVIEWEE

2 IF INTERVIEWEE IS UNDER 18 YEARS OLD, DOES HE OR SHE HAVE PARENT OR RESPONSIBLE ADULT APPROVED THE INTERVIEW?  Interviewee is older than 18 years old. CONTINUE TO NEXT QUESTION.  
 Yes! IF YES, CONTINUE TO NEXT QUESTION.  
If NO, STOP INTERVIEW AND RETURN WITH GUARDIAN.

3 GENDER OF INTERVIEWEE:  Male  Female

3a GENDER OF INTERVIEWEE  Male  Female

3b IS INTERVIEWEE COMFORTABLE WITH INTERVIEW?  Yes IF YES, CONTINUE TO  
FEMALE INTERVIEWER?  No IF NO, STOP INTERVIEW AND  
RESCHEDULE WITH A DIFFERENT INTERVIEWER

4 DATE OF INTERVIEW |\_\_|\_\_|\_\_| (day) |\_\_|\_\_|\_\_| (month) |  
(year)

5 INTERVIEWEE CODE |\_\_|\_\_|\_\_|\_\_|\_\_| (4 or 5 numbers)

6 OTHER ENTITY CODE |\_\_|\_\_|\_\_|\_\_| (2 or 4 numbers)

### II. BACKGROUND

READ: I am going to start by recording some general information

7 AGE |\_\_|\_\_|\_\_|  10-17  18-24  25-30  31-40  over  
(years)  18-24  25-30  31-40

8 DATE OF BIRTH

9 Where do you currently reside? |-----|

10 Where did you reside during the conflict in from 2003?

CIRCLE ALL LOCATIONS WHERE YOU LIVED THEN

- |              |                 |                           |
|--------------|-----------------|---------------------------|
| 1) Bunia     |                 | 18) Bambu                 |
| 2) Rwampara  | 10) Aru         | 19) Nizi                  |
| 3) Mandro    | 11) Nyamavi     | 20) Kilo                  |
| 4) Mongbwalu | 12) Katoto      | 21) Mbidjo                |
| 5) Tchomia   | 13) Centrale    | 22) Komanda               |
| 6) Kasenyi   | 14) Igbarriere  | 23) OTHER (SPECIFY) _____ |
| 7) Bororo    | 15) Tchenyanabu | 24) OTHERS _____          |
| 8) Kobu      | 16) Mabanga     | 25) OTHERS _____          |
| 9) Songolo   | 17) Watsa       | 26) OTHERS _____          |

11 What was your occupation that time?

CIRCLE ALL OF OCCUPATIONS YOU HAD AT THAT TIME:

- |                                 |                               |   |
|---------------------------------|-------------------------------|---|
| 1) Child                        |                               | 15) As a teacher, nurse, or employee      |
| 2) Student                      | 9) Brewing alcohol            | 16) Working as hired help or hotel        |
| 3) Soldier/Fighter              | beer                          | 17) As an employee of a company or firm   |
| 4) Taking care of               | 10) Work for an NGO           | 18) In the military                       |
| 5) Taking care of               | 11) Bodaboda or taxi driving  | 19) Selling items at the market (SPECIFY) |
| animals                         | 12) Construction or carpentry | 20) Agriculture                           |
| 6) Making bricks or charcoal    | 13) Baking                    | 21) Quarrying                             |
| 7) Collecting firewood or grass | 14) Mechanics                 | 22) OTHER (SPECIFY) _____                 |
| 8) Tailoring or weaving         |                               |   |

12 Now I will read to you a list of living conditions. What were the conditions of the conflict period? You can say good, acceptable, poor, or very poor.

	Good	Acceptable	Poor	Very poor
Your housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Your access to food	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your opportunities to fi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your income	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your savings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your access to land for	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access to education for children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your access to health s	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your physical safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

QUESTIONS ONLY IF INTERVIEWEE WAS ABDUCTED, ENLISTED  
 USED IN ARMED GROUP(S):

13 Which armed groups were you in? Name (U)P.C/FPLC eligible

14 When were you in contact with the armed group from 2002 to 2002? When were you part of an armed group from 2002 to 2002? Did the interviewee indicate 1 September 2002 and 13

Number(s) or (Specify) which armed groups)

15 How many times were you in contact with an armed group?  
 -----  
 -----  
 -----  
 -----

(SELECT ALL THAT APPLY)

- 16 What were your roles in the armed group(s) you played?  
 Please indicate the roles.
- |   |                                  |                                       |
|---|----------------------------------|---------------------------------------|
| <input type="checkbox"/> Member           | <input type="checkbox"/> Fighter | <input type="checkbox"/> Cook         |
| <input type="checkbox"/> Porter assistant | <input type="checkbox"/> Spy     | <input type="checkbox"/> Medical      |
| <input type="checkbox"/> Childcare        | <input type="checkbox"/> Wife    | <input type="checkbox"/> Collect Food |
| <input type="checkbox"/> OTHER:           |                                  |                                       |

QUESTION ONLY IF INTERVIEWEE S FAMILY MEMBER (UNDER CHILD WAS CONSCRIPTED, ENLISTED, OR USED BY T INDIRECT VICTIM

- 17 Which armed groups was your family member in contact with? Name(s):
- Number(s), (Specify which groups):
- 18 How many times was family member in contact with the identified armed group(s)?
- -----  
 -----  
 -----

(SELECT ALL THAT APPLY)

- 19 If known, what was your family member's or child's role in the armed group(s) you played?  
 Please indicate the roles.
- |   |                                  |                                       |
|---|----------------------------------|---------------------------------------|
| <input type="checkbox"/> Member           | <input type="checkbox"/> Fighter | <input type="checkbox"/> Cook         |
| <input type="checkbox"/> Porter assistant | <input type="checkbox"/> Spy     | <input type="checkbox"/> Medical      |
| <input type="checkbox"/> Childcare        | <input type="checkbox"/> Wife    | <input type="checkbox"/> Collect Food |

OTHER:

---

QUESTION ONLY IF INTERVIEWEE WAS HARMED AS A RESULT  
A CHILD WAS CONSCRIPTED, ENLISTED, OR USED BY

INDIRECT VICTIM

20 Have you been harmed as a result of the FPLC/PC used children to stop a child 15 years old or younger from going to school? Where did this happen? conscripted, enlisted, or used to

Names

21 Are there any witnesses who can confirm that this happened?

-----  
-----  
-----  
-----

22 Have you experienced harm as a result of the FPLC/PC used children the age of 15 years as soldiers?  EXPLAIN: