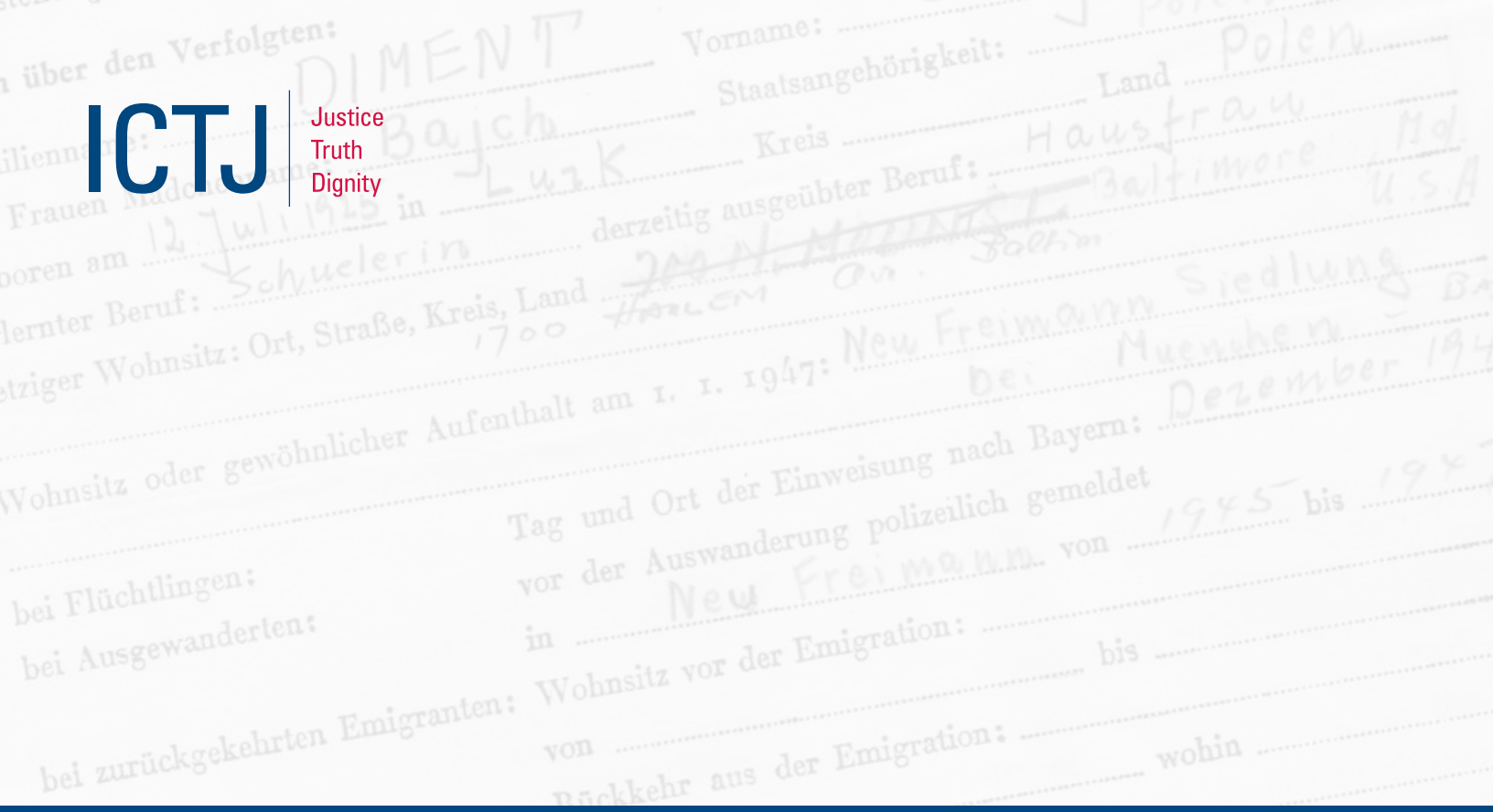


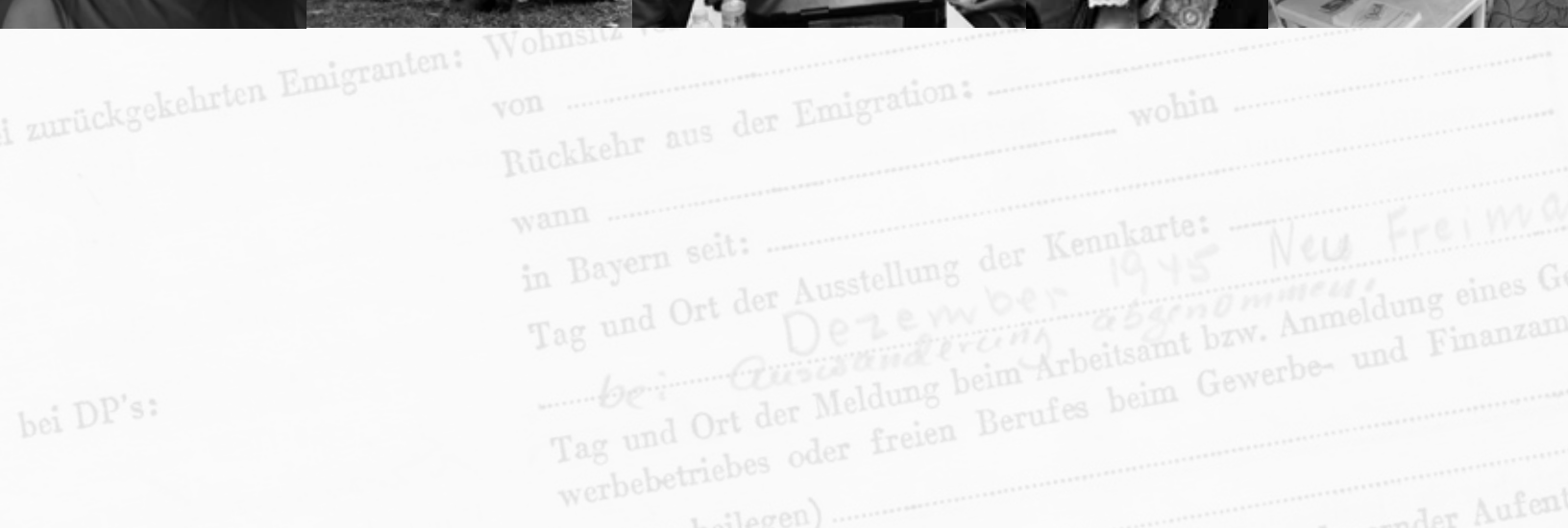
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Forms of Justice

A Guide to Designing Reparations Application Forms and Registration Processes for Victims of Human Rights Violations



Cover Images: *background*, completed application form for reparations from the German government for WWII-era crimes, dated 1950 (courtesy of Lara Diamond); *photos from left*, screenshot from *Telling Your Story*, a film made by the Canadian government explaining the application process to potential applicants for reparations for internment in government-funded Indian residential schools; in Belbari town, Nepal, conflict victims talk about their experiences applying for reparations for violations committed in the armed conflict between the State and Maoist rebels (Ruben Carranza/ICTJ); victims give statements to the Human Rights Victims' Claims Board to register for reparations for Marcos-era violations (HRVCB); woman testifying about abuses to the International Committee of the Red Cross, Ayacucho, Peru, 2012 (Ghazal Sotoudeh); victims of human rights violations committed during the 2010-2011 election crisis register for reparations in Côte d'Ivoire (National Commission for Reconciliation and Compensation for Victims).

REPARATIVE JUSTICE

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A Guide to Designing Reparations Application
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Human Rights Violations

Ruben Carranza, Cristián Correa, and Elena Naughton

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About the Authors

Ruben Carranza is director of ICTJ's Reparative Justice program. From 2001–2004, he served as a commissioner investigating the assets of the Marcos family in the Philippines and successfully recovered \$680 Million hidden in banks in Switzerland, the US, and other countries.

Cristián Correa is senior associate of ICTJ's Reparative Justice Program. Previously, he was a legal advisor for a commission of the Presidency of Chile responsible for defining a human rights policy and the legal secretary of Chile's Commission of Political Imprisonment and Torture.

Elena Naughton is a program officer for ICTJ's Criminal Justice and Reparative Justice Programs. She previously practiced law as a litigator in private practice for nearly a decade.

About ICTJ

The International Center for Transitional Justice (ICTJ) works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information about ICTJ, visit www.ictj.org

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Executive Summary

In a number of countries around the world, governments have created state-administered reparations programs for victims and communities that were most affected by massive human rights violations. The success of these programs, which often involve thousands of individuals, depends in part on the state's ability to reach victims and record their demands for justice in an effective and meaningful way. Reparations programs may be administered by government agencies pursuant to a law or policy or a court judgment. In all cases, a process of identifying, verifying, and registering those entitled to reparations is necessary. This often begins with a reparations application form.

The forms that can be used to apply and register for reparations contain a set of questions for survivors or victims' family members to answer, sometimes with the assistance of government officials or even nongovernment organization staff. They often require applicants to submit additional documentation or proof of eligibility in order to receive reparations. In many cases, an agency implementing the program will carry out this registration process to build a reparations registry that not only lists individuals who are eligible for reparations but also includes data about them, their families, and sometimes their communities. A registry may also include entire communities that may be eligible for reparations. The resulting registry and its accompanying database become the basis for distributing benefits and may itself serve as a form of official acknowledgement of victims and the violations they experienced. It can also serve as a basis for designing or implementing forms of reparations, including symbolic and collective measures.

Because reparations programs are meant to cover as many qualified victims as possible and to acknowledge them collectively and individually, forms should transcend their administrative, legal, and physical function, becoming in themselves a means of acknowledging and reaffirming the dignity of victims who apply. Yet, a complaint often heard from applicants is that the process, including filling out the form and waiting for it to be reviewed and registered, can become overly bureaucratic, inaccessible, and even oppressive. To help prevent this, it is important for policy makers and those implementing the reparations program to design an application form and registration process that meet the international standard of providing "adequate, effective and prompt reparation for harm suffered," as articulated in the 2005 *UN Basic Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of Human Rights and Serious Violations of Humanitarian Law*.¹

1 UN General Assembly, *Basic Principles on Reparation*.

A reparations form is not an ordinary form to facilitate day-to-day transactions between the state and its citizen. It is the documentary representation of what is often a one-time, extraordinary, and usually very direct and personal experience for victims of finally getting justice.

Well-designed application forms used in an effective registration process can help to secure victims' access to some forms of justice and help to identify those in need of urgent care or assistance. When filled out, these reparations forms can provide the government with data that informs the way reparations programs are implemented or support the design of the different forms of reparations that victims may need.

Foremost, reparations forms and the processes set up for managing them must reflect the economic and social context in which they are situated. In general, reparations must take into account both the needs of victims and the resources of the state.² Administering a reparations program, including designing and using the reparations form, will require a functioning bureaucracy, basic levels of information technology, banking, and transportation and communications systems.

Policy makers and administrators must have a clear idea of both what is required and what is possible, not just to carry out the program but, more importantly, to ease the burden on victims and families who will be affected. Therefore, they should consider how the documentation and information required for determining a victim's eligibility can be produced, whether victims entitled to reparations will have the resources necessary to participate in the registration process, and whether the form is easy to fill out while capturing the information that implementers need. Though the content and design of the reparations application form is only one part of a larger and longer process of registration, it has a decisive impact on whether a qualified victim or beneficiary actually receives reparations and experiences justice from the process.

Recognizing the economic and social context in which the form will be used during registration means recognizing victims' often unequal access to the state bureaucracy as well as the obstacles they may face in accessing reparations in particular. Poorer, less educated victims will likely not have advantages like social connections that can speed up the process or access to documentation.

Determining what documentation to require is as important as determining what information to ask for. Ensuring that documentation requirements are not burdensome is particularly important in situations where victims may number in the tens of thousands or live in remote locations or experience economic hardship. Because many victims and potential reparations beneficiaries are marginalized by poverty, illiteracy, ethnicity, caste, or gender, they may not be able to apply for reparations on their own. Many may not possess or easily access the documentation or information they need to support their application.

In Peru, for example, victims were supported by a state agency in filling out application forms and locating documents they needed to verify their eligibility. To increase access, registration was conducted by mobile teams of registrars who visited rural areas throughout the country to collect information.³ In the Philippines, victims were given the option of submitting a range of different types of documents to complete their application, such as a sworn statement describing the circumstances of the violation and one or more of the following: a warrant of arrest or certification of detention, court or attorney records, and "news clippings" or other "secondary

² "In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation." UN General Assembly, *Basic Principles on Reparations*.

³ Ministerio de Justicia, *Todos Los Nombres*, 27.

sources of information from reliable sources such as [a] church/NGO report.”⁴ For some victims these requirements were still too demanding.⁵

A well-designed application form will take account of contextual detail, rather than simply assume that it is just like any other form. It must reflect its own very specific context: what violations took place within a specific period (and an understanding of the larger context of war, authoritarian rule, or massive violence that occurred), how victims were affected, the challenges they face, and the specific characteristics of the various communities or organizations that victims belong to or are perceived as part of. The form used by Sierra Leone’s National Reparations Program asked victims not only about the nature of the violation and harm they suffered (for example, loss of limbs or sexual violence), but also about the particular areas of vulnerability they faced (such as lack of shelter or family or community support and whether they had children to care for). These questions helped victims to gain access to additional benefits, like handicap-accessible housing for amputees. Applications for collective reparations in Colombia, Peru, and Morocco have included an extensive process for approaching the community and identifying collective harms and possible priority projects.⁶

A well-designed reparations form and registration process must also recognize the resources and capacity of state institutions to manage both the information they collect and registering potentially large numbers of applicants. The way governments and institutions have implemented reparations varies significantly. Some countries, particularly in the Global North, clearly have more capacity and resources than others to carry out an efficient and fair reparations registration process.

Designing the form means anticipating what will be involved in the larger process: What institutions will distribute the forms? Who will help victims fill out their forms? What kind of data management and computer systems, staffing (such as registration staff, translators, and data encoders), or physical infrastructure and resources (secure registration centers, transportation, and communication) will be required? Have the necessary budget commitments been made? When these questions are not considered ahead of time, registration is delayed or becomes more difficult for victims and implementing agencies.

Like other efforts to provide acknowledgement and justice to victims of human rights violations, the form and the registration process should send a clear message to victims and society that the violations were wrong and that victims have rights that must be respected. Reparations application forms are likely to be a victim’s first personal encounter with how transitional justice is pursued, because not all victims are able to testify (or submit statements) to a truth commission or testify in or even attend a trial.

This guide recommends some basic principles to guide the process of designing a reparations application form:

- **Learn from other registration processes.** At the outset, government agencies and international organizations with previous experience of dealing with massive human rights violations, internally displaced persons, victims’ groups, and civil society organizations should be involved in the drafting and designing of reparations policies and programs.

4 HRVCB, “Application for Reparation and/or Recognition.” See Appendices.

5 Some victims complained that the Human Rights Victims’ Claims Board insisted on original news clippings rather than a photocopy. Olea, “Martial Law Victims.”

6 Collective reparations can cover harms caused by violations of collective rights, gross violations of the rights of members of collectives, and the collective impact of violations of individual rights.

- **Avoid being legalistic.** Reparations forms should be designed by a multidisciplinary group of persons and agencies. While lawyers can contribute significantly, persons with experience facilitating community outreach, managing information technology, dealing with large databases, conducting interviews, and gathering data in developing countries have equally important contributions to make in designing the form and determining how it will be used.
- **Use the design process to spark dialogue.** The process of designing an application form and registering victims is an important time of contact between, and among, victims' groups, civil society actors, and the government. Designing the form is an opportunity for dialogue about how reparations can commence. Amid the registration process, implementers will also have the chance to adjust and revise the reparations form and the registration procedure.
- **Do no harm.** Well-conceived application forms (and registration processes) should reflect the admonition to "do no harm" to victims and their families. This includes ensuring no undue administrative and financial requirements are placed on victims that add to their burdens. The process of designing the form should also consider that for many victims it is painful to remember and narrate their experiences. The form should ease the burden of recollection by giving time and space to those who fill them out, and reparations implementers should anticipate the need for psychosocial support.
- **Find ways to make filling out the form itself reparative.** Both the reparations form and the process for registering victims should be reparative in effect. The reparations form and/or the accompanying guide may include statements acknowledging victims and the harms they suffered. The registration process itself should, likewise, treat applicants with the respect and dignity accorded to victims who have suffered human rights violations.
- **Anticipate how the form will be used.** It is important to understand in advance the purpose and objectives to be served by a reparations form. What information or documentation is needed from applicants, and why? How will that information be used and analyzed? What has already been learned from truth seeking and needs assessments? The amount of information required from applicants during the registration process may be less due to what is already known about victims, the violations, and harms suffered, or where detailed recommendations already exist about the scope and content of a future reparations program. If a reparations policy has not yet been finalized or planners are still assessing victims' needs and require additional data, a different type or level of detail may be required from applicants. Sometimes a small pilot study may be conducted, followed by a full registration effort.
- **Taking poverty and marginalization into account in designing forms.** The reparations form and the registration process should be designed so as to ensure that eligible victims can access reparations, particularly low-income and marginalized victims. To that end, it is necessary to anticipate the financial, literacy, logistical and emotional challenges that low-income, marginalized victims typically face. Additionally, designers should consider the insecurity, fear, and mistrust of authorities, concerns about potential stigma, lack of formal education, social and economic vulnerability, and other difficulties victims will need to overcome to show violations or lasting harms occurred, often years after the events.

Introduction

Victims of human rights and humanitarian law violations have a right to reparations, and states have a corresponding obligation to fulfill that right.⁷ Yet, international human rights law does not establish in detail how governments and other entities that may be obligated to provide reparations can implement the established principles of reparation.⁸ Nor does it provide practical or experience-based parameters for designing reparations programs, including the two aspects of reparations implementation that are the focus of this publication: the design of reparations forms and their use in the process of registering victims to receive reparations as part of a reparations program. Most governments and institutions (such as UN-mandated bodies) that have administered a reparation program have designed their own forms and registration processes.

This guide collects and reflects on the use of reparations forms and registration processes as part of a reparations program in over a dozen countries. It compares these experiences and analyzes how reparations forms have been or are being used to register victims, and how design and approaches to registration can be made more responsive to victims' needs, in line with government resources.

Because there is no model reparations form or registration process that can be used in all contexts, this guide does not present a one-size-fits-all approach or form. Instead, it is offered as a reference and basis of comparison.

It is important to remember that reparations forms may be the first and possibly only opportunity for victims and their families to officially report the violations they experienced and its causes and consequences to the state. Hence, the simple act of filling out a form is often a moment of reflection for them. They are creating a formal record of what happened to them or a loved one, describing events that they may have had to keep hidden for years or may have tried to forget.

The stakes for victims are high: the answers they give and the supporting documents they are able to provide are often decisive in determining the kinds of benefits they will receive or even

7 Reparations take many forms and can include providing victims and their relatives with one-time or regular financial payments, pensions, access to health care and education, treatment for physical injuries or psychological trauma, professional rehabilitation, job training, and memorialization projects. They are broadly categorized as restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition by the *Basic Principles on Reparations*. For a basic introduction to the normative bases and practical challenges of defining the right to reparations, see Lisa Magarrell, *Reparations in Theory and Practice*; for an introduction to the concept of collective reparations and its implementation challenges, see ICTJ, *The Rabat Report*.

8 UN General Assembly, *Basic Principles on Reparation*. Two broad standards are provided: 1) there must be "adequate, effective and prompt reparation for harm suffered;" and 2) victims of human rights and humanitarian law violations should have "access to relevant information concerning violations and reparation mechanisms."

if they are eligible for reparations at all. If reparations in principle are to be “adequate, effective and prompt,” the forms victims use to claim benefits and the process of registering for a reparations program must try to make the fulfillment of those principles possible. The reparations form opens the door to that possibility. Registration helps victims and their families to move closer to justice.

1. Basic Elements of a Registration Process

The Application

During a registration process those seeking reparations are asked to submit an application, which is usually made up of two parts: 1) a reparations registration form (which will be referred to in this document as the “reparations form”), and 2) documents or other “proof” supporting the claim.

As will be discussed later, “proof” in this situation should not be equated with the level of proof typically needed in a court of law or even civil proceedings. Without completely dispensing with ways to prevent fraud, what matters most in designing reparations forms is that they ask for the minimum level of information needed to determine a victim’s eligibility without placing undue burdens on the victim, while at the same time offering a sense that justice is being done. In other words, while reparations laws and policies will often speak of “victims” and “violations” or even “crimes,” the reparations forms do not need to apply judicial standards of proof. Instead, it may be more appropriate to uphold administrative standards that are more in line with the resources of a government (given the often large number of victims and the scale of violations) and the capacity of victims to meet.⁹

The forms used to initiate a claim for reparations vary from country to country, largely because the kinds of reparations provided to survivors and family members have varied according to factors such as victims’ needs, political or other country-specific circumstances, and the resources of the state or reparations-granting institution.

Reparations forms may relate to both individual and collective forms of reparations benefits. These benefits may include compensation, physical rehabilitation, the restitution of legal rights, and symbolic forms of reparation, such as commemoration days and memorials.¹⁰ Comprehensive reparations programs can cover large numbers of victims and different types of violations committed over an extended period of conflict or oppression.¹¹ In some contexts, reparations

⁹ UN General Assembly, *Basic Principles on Reparation*, paragraph V.9: “A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.” Different reparations programs have different levels of flexibility when it comes to the kinds of proof applicants need to provide.

¹⁰ Reparations take many forms, including support payments, pensions, access to health care and education, treatment for physical injuries or psychological trauma, professional rehabilitation, job training, and memorialization projects, among other things.

¹¹ Chile, for instance, implemented a series of reparations programs after its military dictatorship ended in 1990, each covering different categories of victims: victims of enforced disappearances and killings, government employees dismissed for political reasons by the Pinochet regime, peasants excluded from agrarian reform or expelled from their land, and victims of political imprisonment and torture. In Peru, the Comprehensive Reparations Plan (PIR in Spanish),

programs have offered specific forms of reparation for a defined set of violations and victims covering narrower time periods.¹²

In a recent example, Tunisia's reparations program for individuals who were detained and tortured during the dictatorship due to their political or religious views and those who were wounded or whose family members were killed during the revolution offers employment in the public sector as a form of reparation. For some victims who were arbitrarily removed from their jobs by the state, government employment has been a form of restitution as well. Tunisia's reparations form, which is still in use as of publication, asks applicants to specify their level of education and academic training to try to match them with available types of government work and vacancies. The program also allows the victim or beneficiary to transfer the benefit to a family member, in case the victim or beneficiary is of retirement age, disabled, or deceased, but it similarly requires information about the family member's level of education and training. The only proof required is the victims' year of graduation from high school. Many victims saw this employment benefit as more than just a source of livelihood, but also acknowledgement of their inherent dignity and the state's wrongdoing.¹³

The Victims' Registry and Database

A crucial initial goal of the reparations process is the creation of a victims' registry. The registry is meant not only to identify those who are eligible for reparations but also to serve as a repository of data about victims, their families, and even their communities. The first step to building a registry is to design a reparations application form and determine victims' entitlement to reparations and, in some cases, the form of material or symbolic reparations that they can receive.

Like most large databases, especially those created to implement reparations, the registry is more than just a list of names of victims and their beneficiaries. It must contain basic information about applicants who filled out forms and, based on that, allow the reparations authority to determine who is (and is not) eligible to receive different forms of reparations.

Peru, for example, describes its registry (Registro Único de Víctimas) as "a public instrument that is national, inclusive, and permanent, which will register all individuals and communities affected by the violence that occurred in Peru between May 1980 and November 2000."¹⁴ It was created by law to implement Peru's Comprehensive Reparations Plan and "help the state recognize the fundamental right of victims and beneficiaries to obtain some form of reparation."¹⁵

A registry also often provides data that can serve as the basis for providing urgent forms of reparation to special categories of victims. Thus, it should contain information regarding the violations that survivors and victims suffered, the circumstances of the violations and the harms experienced by victims and their families, possibly data showing the needs that applicants and their families have, and ways that the implementing agency can meet some of those needs.

which passed into law in 2005, established the normative framework for victims of the internal armed conflict that took place from May 1980 to November 2000.

¹² For example, Tunisia's reparations program for Martyrs and Wounded of the Revolution and Terrorist Operations covered a narrow group of victims and a limited timeframe: December 17, 2010, to February 19, 2011. The reparations mandate of Cambodia's Extraordinary Chambers in the Courts of Cambodia (ECCC) is limited to "collective and moral reparations;" and reparations at the International Criminal Court can be paid for from assets confiscated from perpetrators and by voluntary contributions from donors. These mechanisms are limited in scope and reach.

¹³ See, for example, Carranza, "A Measure of Dignity."

¹⁴ Government of Peru, "Registro Único de Víctimas."

¹⁵ *Ibid.*

In the Philippines, a Human Rights Violations Victims' Claims Board (HRVCB) has registered over 70,000 claims from victims of the Marcos dictatorship (1972–1986). The HRVCB database is now being populated with claims containing information about applicants, which are then reviewed by the board to identify qualified beneficiaries.¹⁶

If the types of reparations to be offered are still under consideration or can be adjusted, data from the registry can help policy makers to decide on the types, timing, and sequencing of reparations. It will also help implementers to estimate what will be needed in terms of staffing, time, and budgets.

¹⁶ Republic of the Philippines, *Act Providing for Reparation and Recognition of Victims*.

2. Designing the Reparations Form

A well-designed reparations form can contribute to an efficient and transparent registration process that can respond to victims' right to "access to relevant information concerning violations and reparation mechanisms."¹⁷ It can help to ensure that the registry and database will lead to meaningful justice and still be a practical resource.

In contrast, a poorly conceived reparations form may fail to request and collect vital information needed by the government to provide benefits or they may demand information or documentation that victims do not have or cannot find. If designed improperly, a form can generate data that overwhelms the reparations program with irrelevant or confusing data—all of which can lead to frustration and sometimes escalate tensions between the state and victims or even among victims.

As to the question of who should design reparations forms, in many situations, they are designed by government officials, typically lawyers. They invariably use the content of legislation or other policy that mandates a reparations program to create the form and rely on existing government forms as templates.

But a complaint often heard from victims is that registering for reparations—including filling out a form and waiting for it to be reviewed and processed—can be a bureaucratic, confusing, and even oppressive experience. It should always be remembered that a reparations form is the documentary representation of what is often a one-time, extraordinary, and usually very direct and personal experience for victims of seeking justice. It is not an ordinary form between state and citizen, but a document that tries to capture information toward fulfilling what a state must do for a citizen whose human rights were violated. It is likely to be a victim's first personal encounter with how transitional justice is being pursued in the country.

Therefore, designing a meaningful and useful reparations form means anticipating what the larger process will require: What institutions will distribute the forms? Who will help victims to fill them out? What kind of data management and computer systems, staffing (such as registration staff, translators, and data encoders), or physical infrastructure and resources

17 UN General Assembly, *Basic Principles on Reparation*, paragraph VII. 11(c). Victims' right to remedies:
11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:
(a) Equal and effective access to justice;
(b) Adequate, effective and prompt reparation for harm suffered;
(c) Access to relevant information concerning violations and reparation mechanisms.

(secure registration centers, transportation, and communication) will be required? Were the necessary budget commitments made? It will be important to anticipate not only how much time victims will need to complete the form and what type(s) of assistance they may need when doing so, but also how much time reparations staff will need to gather the forms into a database and registry and whether those tasks can be completed within the established timeline. When these questions are not considered ahead of time, including when designing the form, registration may be delayed or become more difficult—or both.

To ensure that consideration is given to as many of the factors mentioned above as possible, a reparations form should be designed by a multidisciplinary set of persons, not just lawyers or a single government official. A team designing a reparations form would benefit from the participation of a statistician, a social worker, an information technology specialist, lawyers familiar with human rights work, and experts in the local languages (for translation purposes).

What Information Should Be Gathered Before Designing the Form?

Victims, survivors and their families are diverse, with different experiences, needs, and backgrounds. Understandably, they will fill out the reparations form and engage with the registration process in different but overlapping ways. The form's designers must, therefore, try to anticipate those ways. One method that implementers can use to anticipate the diversity of likely applicants is to analyze existing data from relevant sources, like a truth commission. Another method is to conduct a mapping of victims and violations (beyond what a truth commission or other institution has already reported on).

Mapping can give those writing reparations policy and those who design reparations forms an overview of the “universe” (or widest possible population) of victims. In particular, mapping that is reparations oriented and considers how many victims of certain types of human rights violations there are, what their most urgent needs might be, where they may be reached, and their access to information involving transitional justice mechanisms will be more helpful than, for example, mapping that seeks to determine what crimes were committed and who the perpetrators might be.

Reparations-oriented mapping has been and can be done by victims' groups, civil society organizations, or government institutions with narrower mandates or fewer resources. This approach may be particularly appropriate in developing countries and in situations where governments or donors require some initial information to support a more sustained reparations registration process, if not a full reparations program. This kind of mapping can focus on certain categories or groups of victims in a country. The mapping done in Myanmar by the Assistance Association for Political Prisoners of Burma and the Former Political Prisoners Society, for example, lays out the empirical bases for deciding what forms of material reparation to prioritize for former political detainees, like restitution of the right to travel or practice a profession, and, on that basis, what kind of questions to ask if a reparations policy were to be set up in Myanmar.¹⁸

Another method of gathering information that can inform the design of reparations forms and the registration process is to conduct public consultations. This can be done in person, particularly in communities where victims live or work, through large public meetings or focus groups, or in some cases through in-person or online surveys.

¹⁸ Assistance Association for Political Prisoners and the Former Political Prisoners Society, *After Release*.

Mapping, consultations, and other means of generating data that can guide policy makers should attempt to answer questions about the universe of victims, including:

- Who is likely to apply (their age, gender, culture, religion, ethnicity, economic status, history of abuse, region, and community)?
- Where do most victims live? (Cities, rural areas, as exiles, refugees, or as internally displaced persons?)
- How many victims are likely to apply?
- What kinds of violations are likely to be reported?
- What types of harms did victims and their families suffer?
- What languages do victims, their families, and representatives speak, and are they able to read and write?
- Do certain populations of victims have special needs or vulnerabilities?
- Are there certain times of the year, such as during the harvest or monsoon season, when victims may not be able to leave home or when transportation or communication systems may be disrupted?
- Are there days or periods of religious, cultural, and national observance that need to be respected?

Estimating the Number of Applicants

For planning purposes, it is important to have a general sense from the beginning of how many victims are likely to apply and where they reside—and to always assume that the number of applicants will almost always be higher than estimated.

The Canadian government, for example, underestimated by over 25,000 the number of applications for compensation from former students of Indian Residential Schools, who experienced abuse when they were forcibly removed from their homes and sent to institutions that prohibited the practice of their native culture and language: it expected 80,000 applications but received 105,032 (25 percent more than expected).¹⁹ Underestimation also occurred in the Philippines, where the number of victims of the Marcos dictatorship was originally estimated to be 10,000 (based on earlier litigation),²⁰ but 75,730 claims (more than seven times that number) applied by February 2015.

The number of victims registered and the time required for receiving claims and processing them will vary greatly for each reparations program. Therefore, it is best to plan for an influx of applicants at the start and near the end of the registration period.

It is also helpful to anticipate that a registration process may need to be extended or re-opened after the deadline, sometimes several years later, because of different obstacles victims may have faced in registering (for example, differences in access to information and location, but also trust or fear of stigma or threats). Reopening registration may also be compelled by the reparations program's failure to plan well in advance.

¹⁹ Government of Canada, *Evaluation*, 16.

²⁰ In the US Alien Tort Statute case against the Estate of Ferdinand Marcos, a court found 7,526 plaintiffs eligible and removed nearly 2,500 for failure to submit claim forms.

Using Technology

Victims' receiving reparations necessarily requires they have access to the reparations form itself. In the past, reparations programs could only be accessed by obtaining and filling in printed forms. For example, the reparations form used by the South African Truth and Reconciliation Commission (TRC) to apply for interim reparations (or reparations while the TRC was still operating) could only be obtained from the TRC itself. It is now archived digitally.²¹

But in recent years, accessing forms has become easier in many contexts due to improved technology. Some countries have made reparations forms available online for download, and updates are offered via the Internet, mobile phone, or even social media. Information technology, however, should not be seen as a panacea to the design and bureaucratic challenges of making a reparations form widely available. It can assist but not replace adequate planning and the importance of testing and closely monitoring how victims are accessing and filling out forms throughout the process.

How Can Data from Sources Like a Truth Commission Improve the Form?

It is important early on to take stock of what is already known about victims from alternate sources, like a truth commission or trials, and how it might be helpful to the registration process.²² When there is significant data already available about who the victims are, the violations that took place, or even what kinds of reparations they likely need or have already received, it may be easier to draft a reparations form. This is one advantage of a sequenced approach in which a reparations program follows a truth-seeking process, as in Sierra Leone and Chile,²³ or litigation (class-action lawsuits) involving large numbers of victims or claimants, as in Canada and the Philippines.²⁴

In many cases, the findings of a truth commission can provide an empirical basis for deciding on the priorities, timing, and sequencing of reparations measures.²⁵ In the transitional justice processes in Argentina, Chile, Guatemala, Peru, Sierra Leone, and South Africa reparations programs were implemented *after* their respective truth commissions had submitted a final report with recommendations.

One benefit of using already-existing data is that it may minimize the effect of partisan political considerations in the process of designing reparations forms and registering claims.²⁶

21 Truth and Reconciliation Commission (South Africa), "Reparations and Rehabilitation Application Form."

22 For instance, the statement-taking form used by Kenya's Truth, Justice and Reconciliation Commission (TJRC) included a section on "Recommendations" in which the person could give an "opinion on what should be done" for "individuals: (for example, compensation, medals, certificates, street names, memorials, grave stones, etc.)" and for "the community: (for example, a peace park, build a school, special ceremony, annual religious service, etc.)" and for "the Nation: (for example, a monument, national day of remembrance, etc.)."

23 The forms used by reparations programs differ from the statement-taking forms used by truth commissions.

24 Reparations forms differ from the kinds of forms used to initiate criminal complaints against alleged perpetrators of rights violations that may constitute crimes. In some cases, international agencies have been mandated to conduct registration for reparations, like the UN Register of Damage, or to implement a reparations mandate that includes registration in which its own forms are used in determining eligibility for reparations, like the "Victims Information Form" used by the ECCC. See, for example, the Extraordinary Chambers in the Courts of Cambodia, "Victim Information Form."

25 Some truth commissions in their final reports provide an overview of the kinds of human rights violations that occurred and likely numbers of victims, but they may not determine what victims need and what state resources should be made available for reparation purposes. Others do initial and individualized needs assessments as part of their victim statement-taking process, but this is necessarily limited to victims who participate in the commission. Other commissions hold hearings to explore what kinds of reparations may be appropriate for victims of different types of harms and violations. Most truth commissions do make recommendations on reparations with varying levels of detail, and a few indicate which victims might need urgent reparations.

26 Informal Sector Service Center, "Press Release."

Côte d’Ivoire: The Problem of Multiple Registries

The absence of a single, systematically designed reparations form in Côte d’Ivoire led to multiple government institutions and NGOs attempting to register victims simultaneously. It also led in 2015 to the unexplained prioritization of some victims over others in the distribution of compensation. In its final 2016 report, the National Commission for Reconciliation and Compensation for Victims (Commission Nationale pour la Réconciliation et l’Indemnisation des Victimes–CONARIV) stated that it had rejected 64 percent of the 874,056 claims it received for various reasons, including that almost 40 percent were duplicates, 36 percent did not provide required documentation, 12 percent were deemed fraudulent, and approximately 2 percent were invalid or “lacking essential information,” like the name of the victim.* This shows why a systematic registration process and well-designed form are essential.

* Commission nationale pour la réconciliation et l’indemnisation des victimes des crises survenues en Côte d’Ivoire, *Le rapport final*.

In Ghana, the government published two short reparations forms in state newspapers (one for survivors; one for persons claiming on behalf of deceased persons), alongside a list of individuals who had been named as beneficiaries by the country’s National Reconciliation Commission. The forms simply asked for the applicant’s name, date of birth, sex, postal address, residential address, workplace details, forms of identification (such as voter ID card, passport, or driving license), and a signature and thumbprint.²⁷

Likewise, in South Africa the government used a simple reparations form when it provided a one-time payment to victims who had already been identified by the TRC or during an earlier TRC-administered Urgent Interim Reparations program. Because they were already known to authorities, victims only needed to provide personal and contact information and banking details, along with an oath and a signature.²⁸ But this is not always the case.

There is no expectation that a reparations program must follow a truth-seeking process. In some countries, reparations policies have been implemented before truth commissions had been set up or even while peace talks were ongoing. For instance, the Colombian government established a comprehensive reparations policy—the Victims’ and Land Restitution Law—to address the harms that victims suffered during the country’s internal armed conflict.²⁹

Data from other government institutions involved in humanitarian assistance, human-rights monitoring, public security, census taking, archiving and data collection, economic development, and social services can also provide baseline or contextual information about the lives and experiences of those who are likely to seek reparations. Data from nongovernment sources such as community organizations documenting the local impact of violations, reports of human rights advocates who represent victims or their families, or data that may be shared by the International Committee of the Red Cross are just as important. These sources can

27 National Reconciliation Commission, *Payment of Reparations*, 10–11 (on file at ICTJ).

28 The restriction of victims to a “closed list” (those already found to be victims) may exclude victims, as happened in South Africa when the TRC adopted a “closed list” policy restricting the list of victims to those who had come forward before a cut-off date, despite recognizing that there were many thousands of victims who had been unable to access the TRC for a variety of reasons. See Truth and Reconciliation Commission (South Africa), *Final Report*, Volume 7, 2; Volume 6, Section 5, chapter 7, ¶ 36.

29 Correa, *From Principles to Practice*.

help to reveal gaps in information that the reparations form can then help to fill. Such information may also be crucial in cases where victims do not have the necessary documents or other means to support their claim and claims have to be cross-checked against non-registry databases.

Using Data from Both Governmental and Nongovernmental Sources to Design a Reparations Form

An agreement in the Philippines between the Commission on Human Rights (CHR) and the Department of National Defense has led to the declassification and turnover of files covering incidents of violent repression during the Marcos dictatorship.* Because the CHR is involved in reparations policy making under the country's reparations law, this information is now being used to design a "roll of victims" to honor those who suffered violations.

In Nepal, documentation gathered over the course of the country's ten-year armed conflict by the Informal Sector Service Center, a nongovernmental group, was used by the Ministry of Peace and Reconstruction to design the registration process for the country's Interim Relief Program.

* Burgonio, "Military Declassifies Marcos-era Documents."

3. Common Questions and Components of a Reparations Form

Basic and General Questions and Sections in a Form

While there can be no model reparations form, there are certain standard questions that all reparations forms must ask and basic sections they should include. Most have included sections asking for:

- Basic personal information about the victim and the applicant (if they are not the same person)
- Human rights violations suffered
- Verification of identity
- List of acceptable and necessary types of supporting documentation
- Declaration of truthfulness
- Guarantees of confidentiality

In addition, depending on the eligibility criteria established under the program, forms typically ask questions about:

- Victim's vulnerability or disability
- Injuries, harms, or losses suffered
- Victim's needs (as a means-testing question)
- Present-day and potential future consequences of violations

Finally, some reparations forms may include additional sections on the:

- Perpetrator
- Registration officer or statement taker, as applicable

Personal Information

The form must collect basic personal information about the applicant, who may or may not be the victim, as well as information about the intended beneficiaries. It is important to note that while sharing this type of information in other government forms may be basic and nonthreatening, seeking reparations is not merely about accessing services and support but demanding justice and acknowledgement. Giving out personal information in this case can create for victims both fear and a genuine risk of stigmatization, retaliation, or targeting. While not all the personal information specified in Table 1 below needs to be asked, every context will require some or most of the information sought by these questions.

Table 1: Questions about Personal Information to Be Included

Question or Information Sought	Reason or Purpose for Asking the Questions or Collecting the Information
<p>Who Is the Applicant or Claimant?</p>	<p>Any reparations form must ask whether the applicant or claimant is the victim. If he or she is not, then the accompanying question should be whether the applicant is applying on behalf of an underage or incapacitated victim or is a beneficiary of the victim.</p> <p>In most reparations programs, a victim is entitled to apply for reparations; but clearly victims of extra-judicial killing, those who may have survived a violation but subsequently died, or who are missing or were forcibly disappeared cannot apply themselves. In those cases, many reparations laws designate the victim’s nearest relative as the person who can apply for reparations. This does not mean that the applicant is the only beneficiary who can receive or access benefits. Many reparations forms will also ask for the names and relationships of other relatives who may be eligible to receive a share of the compensation or access a specific benefit or service.</p> <p>The form needs to anticipate and consider whether relatives of those who survived a violation and relatives of victims who are deceased or missing may be able to apply for reparations as victims themselves. Rather than describing them as “direct” or “indirect” victims, some policies simply consider family members as victims too.*</p> <p>* The transitional justice law in Tunisia, for example, explicitly adopts the language of the 2005 <i>UN Basic Principles on Reparation</i>, which specifies that “in accordance with domestic law, the term ‘victim’ also includes the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.”</p>
<p>Name of the Victim and Family Members or Beneficiaries</p>	<p>The form should consider the possibility that individuals may have used multiple or different names due to birth, adoption, and marriage or as an alias or because of a violation that directly affects their status. For example, victims who may have legal or actual names that do not reflect their past include the young children of Argentina’s left-wing political detainees who were taken and raised by families linked to the military junta,* Timorese children separated or displaced by violence during the Indonesian occupation of East Timor who were later “adopted” and taken across the border to Indonesia,† or children in Uganda born to young mothers abducted by the Lord’s Resistance Army who cannot identify their fathers.‡ Requirements for documenting name changes can have a</p>

	<p>disproportionate impact on women.[§] At the very least, it may be necessary to clarify that the use of names in forms and registries will only be used to facilitate access to reparations and not affect the resolution of the victim or claimant’s legal or civil status.</p> <p>The way names are spelled and written also need to be clarified in filling out forms and recording the names of applicants in registries. This can help to prevent fraud or confusion, facilitate the payment of compensation or other monetary benefits through banks and other financial institutions, or the recognition of victims through symbolic forms of reparations such as letters, certificates, medals, monuments, plaques, lists, or commemorative programs. Also, victims may have been known by a different name at the time the violations occurred, and thus additional time and effort may be required to prove that the victim or claimant is the same person now living under a different name.</p> <p>* Haberman, “Children Reclaim Past.” † Murdoch, “Fate of Stolen Generation.” ‡ Ladisch, <i>From Rejection to Redress</i>. § Government of Canada, <i>Evaluation</i>, 18.</p>
<p>Age or Date of Birth</p>	<p>Not all applicants are aware of their (or their family member’s) date of birth, age, or where they were born. Thus, some forms allow an applicant to estimate their age. Some flexibility is needed in most cases. For victims of violations that are criminalized and in which age has legal relevance (as in sexual violence or forced recruitment), the same flexibility should be observed for reparations purposes.</p>
<p>Citizenship</p>	<p>In contexts where most victims and applicants are citizens of the state that is obligated to provide reparations, citizenship may not be relevant and reparations forms will not have to ask for that information. There are situations where citizenship may be relevant or where a state will only provide reparations to its own citizens (and residents) or assume that applicants are eligible citizens.* However, such exclusion of noncitizens would be discriminatory under a notion of human rights that sees reparation as an obligation of the state owed to all people under its jurisdiction, not exclusively to citizens.</p> <p>In other instances, the denial or loss of citizenship is among the very harms suffered by victims and the restoration of nationality may be among the benefits given by the state. In those cases, it is often necessary to ask about the applicant’s citizenship.</p> <p>Procedurally, citizenship also may be important when applications are first received and processed, especially where national identity documents are a primary form of identification in the country. Officials sometimes need to assist applicants to obtain the necessary identification documents as a first step in the application process.† However, where questions about citizenship are being considered largely for statistical reasons, it is important to weigh the need for such information against the possible negative effects that these questions could carry.</p>

	<p>* In some situations, reparations benefits are only available to citizens of a particular state or states, as occurred with some reparations programs for victims of Nazi-era violations. Additionally, some foreign nationals who sought to reclaim lost property in Eastern Europe were precluded because they were no longer citizens, as is in Croatia. In such cases, citizenship can become a disputed issue, with victims who are no longer citizens feeling pressured to reclaim their citizenship in order to be eligible for reparations.</p> <p>† Service Canada is processing applications for those who attended Indian Residential Schools. See Government of Canada, <i>Evaluation</i>.</p>
<p>Occupation or Source of Livelihood</p>	<p>Questions about a victim’s employment status are common features of most applications. They can have particular relevance in countries like Tunisia where grievances about a lack of employment opportunities and livelihoods helped drive the 2011 revolution—and where providing government jobs was an early form of reparation offered by the state to former political prisoners who had lost their public service jobs because of their political activities or religious affiliation.</p> <p>In some cases, forms also ask for applicants to quantify the amount of lost income or resources in instances where violations affected the victim’s occupation or livelihood.*</p> <p>* See the claim form used by the UN Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (UNRoD), which was designed to “identify and quantify losses” for inclusion in the UN Register of Damage. That registry is intended to be used as a documentary record of losses in accordance with an advisory opinion of the International Court of Justice. As of July 2015, UNRoD had collected more than 48,650 claims and decided on 18,845 for inclusion in the registry. See International Court of Justice, <i>Legal Consequences</i>.</p>
<p>Gender</p>	<p>The gender of individual victims or beneficiaries may determine their access to specific services or benefits. This can include access to rehabilitation (for example, the free fistula surgery offered in Sierra Leone to victims of sexual or gender-based violence suffered during the war*) or health care (for “girl mothers” in Uganda who were abducted by the Lord’s Resistance Army).†</p> <p>Aggregated information concerning gender can help to ensure equality and fairness in allocating compensation or formulating other reparations and transitional justice measures that may depend on the number of male or female victims, survivors, or beneficiaries.</p> <p>Very few countries have asked about sexual orientation on victims’ reparations forms or asked the victim or applicant to self-identify as gay, lesbian, bi-sexual, or transgender. Sometimes this information is collected for statistical purposes, and in the case of Colombia the reparative measures provided did not vary according to applicants’ answers.‡ However, forcing self-identification in situations where victims may face an increased risk of stigmatization can be problematic.</p> <p>* See Suma and Correa, <i>Reparations in Sierra Leone</i>. † See Carrington and Naughton, <i>Unredressed Legacy</i>. ‡ Government of Colombia, “Formato para la Solicitud, Instrucciones,” 4.</p>

<p>Status in Relation to a Spouse, Parent, Child, or Other Family Member</p>	<p>This information should reflect both legal and practical considerations. Information requested should consider common-law or customary marital relationships as well as situations in which a person can marry more than one spouse.</p> <p>If not carefully considered, relationship questions can also have implications for beneficiaries. For example, in Nepal, the original regulations for the Interim Relief Program offered a lower amount of compensation to wives of the forcibly disappeared than for widows whose husbands had been killed in the conflict. In many cases, the wives of the disappeared reported their status as “widowed” in order to receive the higher amount, a decision which had both emotional and likely administrative implications.*</p> <p>In some cases, it may be important to include an option to designate a specific beneficiary in a reparations form. In Tunisia, for example, the reparations form for those victims entitled to a job in the public sector allowed the principal beneficiary to nominate another family member if he or she was past retirement age or otherwise unable to take the job.</p> <p>* On ICTJ’s recommendation, the regulation was amended and the amounts awarded to these two groups of victims were made equal.</p>
<p>Religion, Ethnicity, Language(s) Spoken, and Other Cultural Identifiers</p>	<p>The decision to include the concept of ethnicity, religion, or “race” in a reparations form may depend on whether certain characteristics such as religion, ethnicity, language, and other cultural identifiers were specifically implicated in violations, as occurred, for example, in Guatemala, Rwanda, and South Africa. In such situations, a corresponding reparations program and its form should elicit such information if it is a condition of eligibility or if the data will allow policy makers to design specific forms of reparation.</p> <p>The form used in Nepal to apply for benefits through the Interim Relief Program asks about the victim’s ethnicity and caste. Aggregating this kind of information to determine if and how certain groups were disproportionately affected as victims can be a source of information for policy makers and civil society advocates working on other issues as well. In Colombia, registration officials were instructed to allow victims to self-identify as belonging to an ethnic or indigenous community to limit the possibility of officers designating their identity.*</p> <p>The form used by the International Criminal Court makes it optional to specify the victim’s religion, ethnicity, or another identifier.</p> <p>* Government of Colombia, “Formato para la Solicitud, Instrucciones,” 4.</p>
<p>Address or Residence</p>	<p>Consideration should be given to the fact that the applicant or beneficiary may be homeless, incarcerated, in a hospital or psychiatric facility, or living abroad. Some reparations programs allow internally displaced persons (IDP) to apply from IDP camps or for refugees or exiles to apply from abroad, including through consulates. Special provisions are often needed to enable victims who are in camps and refugees and asylum seekers outside the state’s borders to access forms.</p>

<p>Banking Information</p>	<p>Forms for reparations programs that offer monthly pensions, like the Nazi Holocaust programs,* or provide a one-time, lump-sum payment, like South Africa’s program, usually ask the applicant for bank account details.†</p> <p>* See, for example, the Article 2 Fund, which provides 94,540 Holocaust survivors with monthly payments. Claims Conference, “Article 2 Fund.” † Government of South Africa, “Justice Invites TRC Beneficiaries.”</p>
<p>Contact Information</p>	<p>For many programs it is necessary to verify the information contained in a completed reparation form, which often requires follow-up interviews.* Therefore, it is important to ask for the applicant’s contact information, including, at a minimum, their address, phone number, and e-mail address. The Philippine reparations agency and the Tunisian truth commission can send text messages to applicants about the status of their reparations claims or deadlines for submitting documents or other requirements. However, in many situations, none of these modes of communications may be available to an applicant. As a result, some reparations forms, as in Peru, ask for more generalized forms of contact, like a local radio frequency, as a way of contacting persons in remote communities.</p> <p>Reparations forms should also anticipate that the applicant’s contact information may change over the course of the full application process or perhaps that the applicant may prefer not to be contacted directly. It is helpful to ask for alternative means of contacting applicants (address, village, via telephone or email) and allow them to designate a back-up means or person.</p> <p>* Sometimes verification processes fast-track applications that are complete or do not require any additional information or clarification. Doing so can sometimes help to expedite the verification process for applications that may be based on the same evidence.</p>

Eligibility-Related Questions about Violation(s) and Harms Suffered

Establishing an applicant’s eligibility for reparations requires verifying a connection between the applicant and one or more violations of international human rights or humanitarian law or the specific violations or harms specified in the national reparations policy. Some countries list physical-integrity violations in their reparations forms, but many others opt to combine harms and violations identified by victims during truth-commission hearings or mapping processes, including those that were significant in terms of the number of victims or their impact during periods of repression or conflict.

Victims are often given a list of violations that are known to have occurred and asked to identify the specific type(s) of violation they suffered. This approach, however, may lead to unintended and overly complex registration and implementation measures. For example, Tunisia’s Truth and Dignity Commission (TDC) interpreted the law authorizing it to adopt an urgent reparations policy by coming up with a list of over 100 types of harm (for example, injury from torture or inability to maintain a livelihood) and individual circumstances (such as old age or disability) based on the violations listed in the law. The possible combinations of harms and circumstances are so numerous that it has contributed to arbitrariness and unclear criteria for determining whether a person who submitted a statement to the commission needs urgent reparations.³⁰

30 Truth and Dignity Commission commissioners, in discussion with ICTJ, 2015.

Are there objective ways of assessing certain harms, like the impact of an enforced disappearance on a family member or the trauma of torture on a victim? And can they be reflected adequately in policy and the corresponding form?

Laws and their implementing regulations should define eligibility criteria for reparations in ways that reduce the number of determinations that are arbitrary, inconsistent, and unfair;³¹ but because applicants cannot be expected to be familiar with the details of the law, some room for interpreting eligibility should be built into the process of analyzing a completed form.

At the same time, assessments should not attempt to individualize types of reparations for each victim or determine victims' needs individually. Instead, assessments of harm and corresponding needs should only be used as a guide to determining what is feasible in terms of the state's resources and what might benefit most victims of the same type of harm or which types of victims have more urgent needs than others.

Questions Regarding Special Categories of Vulnerability

Many reparations policies prioritize “the most vulnerable” victims over other victims by either making them eligible for certain benefits or giving them access to services ahead of others. The standard of “vulnerability” used in countries like Timor-Leste in the recommendations on reparations made by its truth commission and in Tunisia in its Transitional Justice Law is mainly borrowed from development policy makers. It may refer to current social, economic, or physical vulnerability arising from the violation or an assumption that certain types of victims (such as widows and children) are inherently more vulnerable than others, regardless of the kind(s) of violation(s) or harm(s) they experienced. In both cases, vulnerability assumes a serious detriment to a victim's capacity to meet their basic needs or those of their family.

For example, in Canada's Independent Assessment Process (IAP) form for victims of Indian Residential Schools, a section was included for assessing any “aggravating factors” that might have made abuses even worse, such as “racist acts,” “threats,” “violence accompanying sexual abuse,” “humiliation,” “degradation,” “[being] particularly vulnerable or particularly young,” and “betrayal (that is, abuse by an adult who had built a particular relationship of trust and caring with [the victim]).” In addition to compensation for the “common experience” of being interned in a residential school, which is calculated based on the duration of internment, victims received additional payments based on an individualized assessment of other violations they experienced.

In Sierra Leone, eligibility for material reparations was restricted to five categories of the most vulnerable victims based on the type of harm they suffered, as identified in the TRC's final report: amputees, “other war-wounded,” victims of sexual violence, “war widows,” and children.³² With the help of statement takers, applicants checked boxes indicating the categories of vulnerability that applied to them (see Graphic 3 below). Each category included questions designed to elicit information about how the applicant fit into that category, which were answered by marking a tick-box or by writing a brief explanation of a line or two. Each follow-up question functioned as a trigger for identifying the victim's areas of vulnerability: Does the victim have shelter? Have they lost their earning capacity? In some instances, lines were provided for additional details.

31 Unfortunately, a lack of clarity about the meaning of certain eligibility standards (like “extremely harsh living conditions”) created a situation where tens of thousands of Italian Military Internees and Western European claimants had already submitted their claims to IOM before the meaning of key phrases were decided. International Organization for Migration, *Activity Report*, 4.

32 Truth and Reconciliation Commission (Sierra Leone), *Witness to Truth*, Volume II, Chapter 1.

Graphic 3: Parts 27 and 32 of Sierra Leone’s Reparations Form

27. Amputee

28. Applicant was under 18 at the time the violation occurred (= Child Victim)

29. Description of injury and current ailment:

30. Loss of limb: left upper limb right upper limb
 left lower limb right lower limb

31. “Vulnerability” : Currently without shelter
 Other, please provide details: _____

32. Other War Wounded

33. Applicant was under 18 at the time the violation occurred (= Child Victim)

34. Description of injury and current ailment: _____

35. Loss of earning capacity: . %

36. “Vulnerability” : Currently without shelter
 Other, please provide details: _____

In sum, questions in a reparations form should be included based on their utility for determining the types of reparations needed, not for other purposes.

Questions Designed to Assess the Applicant’s Level of Need

In situations where eligibility is based on the applicant’s social and economic needs, reparations forms often include questions about the victim’s current basic needs and ability to meet them and whether these needs are the consequence of the violation.

In Germany after World War II, a series of reparations programs were implemented over many years covering different rights violations, classes of victims, and forms of harm. Germany’s Article 2 Fund, for instance, provides monthly pensions to eligible Jewish Holocaust survivors. The fund’s reparations form was designed with a limited objective: to determine applicants’ eligibility for a monthly pension benefit, including income and asset limitations and experience of a minimum period of incarceration in a concentration or forced labor camp or labor battalion.³³

³³ Because the Article 2 Fund was originally a needs-based fund, the annual net income of applicants could not exceed the equivalent of USD \$16,000 after taxes. The Claims Conference, however, obtained “significant liberalizations in the

Similarly, means testing was included in the British Government's Victims and Survivors Service benefit program underway for those injured in "The Troubles," the 30-year conflict involving armed insurgents and the British state. To qualify, "all members of the household must provide evidence of their income and outgoings, including adult children and students living at home."³⁴

Questions about the Consequences of Violations to Determine Which Types of Reparations an Applicant Is Eligible for

Some forms ask applicants questions about the consequences of the violations they suffered. This is intended to help reparations policy makers and planners match applicants' needs with benefits whenever possible. These questions are more common in situations where the parameters of the reparations measures have not yet been established, although they are used to elicit information about the harms suffered for the purpose of tailoring benefits to applicants' needs, as in Canada's IAP. In Côte d'Ivoire, the forms used by both the Dialogue, Truth and Reconciliation Commission and CONARIV asked about harms that resulted from the violation, including physical, economic, mental, social (access to education, employment or shelter) harms, dispossession or loss of land, and sexual violence.

There is often a tendency for reparations programs to try to establish victims' degree of resulting disability from physical injuries or even sexual violence in order to determine the types of reparations they may need. Some have required victims to submit substantiating documents or undergo sometimes invasive procedures to have their injuries or psychological trauma examined by health practitioners. However, requiring such examinations has the potential of increasing costs for both the applicant and the state and the time required for registration; it may even lead to litigation over how the assessments were done. This should be avoided.

The instructions provided with Colombia's reparations form are very detailed. They include annexes with specific questions about each type of violation the applicant and/or victim suffered, including "terrorist acts," combat, armed harassment; threats; sexual violence; enforced disappearance; forced displacement; killings or massacres; explosions caused by land mines, ordinance or improvised explosive devices; kidnapping; torture; forced recruitment; eviction or forced abandonment of property; and massive events. For each of these categories, specific questions ask about the resulting consequences, with examples of possible harms. For instance, for killings and massacres, the categories of harms are physical harm, death, psychological harm (that could affect performing one's daily activities), and reduction of sources of income.

The categories defined in the annexes to the Colombian reparations form are supposed to be used after an applicant's registration and verification is completed, during an individual interview between the applicant and a "reparations liaison officer" (staff person of the Victims' Unit) during which a personal reparations plan is drawn up for the applicant. These interviews are conducted by staff of the Victims' Unit who assess the specific impacts that "conflict victims" face and match them with specific programs.³⁵ However, in concrete terms, ultimately what victims receive is a fixed compensation amount based on the categories of violations they suffered and access to rehabilitation programs. Some can also apply for housing subsidies

limits set by Germany" in 2007. See Claims Conference, "Application FAQs."

³⁴ Victims and Survivors Service, *Guide to the Financial Assistance Scheme*.

³⁵ Correa, *From Principles to Practice*.

or scholarships through different processes. It is, therefore, unclear why the reparations form requests such detailed information from applicants regarding the short- and long-term harms they have suffered, at least in relation to receiving reparations.

Measuring Disability in Nepal's Interim Relief Program

In Nepal's Interim Relief Program, school-age victims who were disabled as a result of the 1996–2006 armed conflict were offered scholarships as benefits, but only those “who have more than 50% disability.” The extent of the victim's disability was to be determined by local officials and “mentioned in the identity card made available by the District Administration Office,” part of local governments since the conflict.* Similarly, the children of those who were “more than 50% disabled” as a result of the conflict were eligible to receive scholarships in the same amount as those received by children of victims who died in the conflict. There has been no clarity on how District Administration Offices have measured victims' disabilities.

* Government of Nepal, *Interim Relief Program Guidelines*.

Questions for Determining the Amount of Compensation

Several programs, in defining amounts of compensation or access to rehabilitation, educational benefits, or other measures, have provided victims of similar categories of violations with identical payments, as in Chile, Colombia, Guatemala, and Peru. They have not tried to distinguish between victims of the same category of violations, unless the victim suffered more than one violation. This makes registration easier and more expedient, as it only requires verification of the violation and no other circumstances, which may be difficult.

A system employed in some countries to reflect the different levels of compensation for different harms is assigning points per violation, with the ultimate award for each victim determined by adding up the total number of points from the victim's form. For instance, in the Philippines victims who were killed or forcibly disappeared and still missing are given ten points; victims of torture, rape, or sexual abuse receive six to nine points; and a victim who was deprived of their livelihood is granted one. While an applicant may be classified in more than one category, “only one (1) valid claim, which corresponds to the category obtaining the highest number of points” is awarded. In order to elicit the information needed to determine how many points are to be assigned, the form provides a list of possible human rights violations to be checked off as applicable by the applicant. Applicants must submit documentation to substantiate their claims.

The reparations process for survivors of Canada's Indian residential schools used a much more complicated point system. It included a complex, multistep process for compensating former students who experienced physical, sexual, or psychological abuse and assigned points according to the levels of abuse and harms suffered, aggravating factors, and loss of opportunity.

Table 2: Categories Used in Canada’s Point-System Reparations Form

Levels of Abuse	Levels of Harm	Aggravating Factors	Levels of Consequential Loss of Opportunity
Sexual Abuse Level 5	Continued harm resulting in serious dysfunction	Verbal abuse	Chronic inability to obtain employment
Sexual Abuse Level 4		Racist acts	
Sexual Abuse Level 3	Harm resulting in some dysfunction	Threats	Chronic inability to retain employment
Physical Abuse		Intimidation or inability to complain	
Sexual Abuse Level 2	Continued detrimental impact	Humiliation; degradation	Periodic inability to obtain or retain employment
Sexual Abuse Level 1	Some detrimental impact		
Other Wrongful Acts	Modest detrimental impact	Sexual abuse accompanied by violence	Inability to undertake/complete education or training resulting in underemployment, and/or unemployment
		Age of the victim or abuse of a particularly vulnerable child	
		Witnessing another student being abused	Diminished work capacity—physical strength, attention span

In Canada, applicants were required to submit supporting documentation, although proof of actual abuse was not required. A list of required and suggested documentation was provided in an appendix.³⁶ Based on the evidence gathered, an adjudicator then assigned each applicant with a number of compensation points.

More on Open- and Close-Ended Questions

The best forms include a mixture of open- and close-ended questions as well as prompts to help guide applicants. Close-ended questions are helpful in limiting the range and types of answers applicants can provide, most often comprising check- or tick-boxes, a few choices of responses, or a short line for one- or two-word responses. Such questions give administrators more control over the amount and types of information they collect. Also, they elicit answers that are generally simpler to digitize, easily coded and aggregated, and rarely open to interpretation.

Open-ended questions, on the other hand, allow applicants to freely narrate information and describe their experiences in their own words. For applicants, free narration of events may be more meaningful. In instances where applicants’ responses are deeply personal and detailed, they may also help statement takers and reviewers to verify the truthfulness and understand the

³⁶ Applicants could submit a variety of documents to support their claims, including medical or other treatment records, workers’ compensation records, documents from their time at a Indian residential school (such as yearbooks, report cards, diploma etc.), and written statements or testimony (such as police reports, personal diary recordings). Government of Canada, *Guide to the Independent Assessment Process Application*, 38–39.

context of the violation(s) and impacts. Allowing victims to narrate their experiences may also convey the message that officials are interested in knowing the truth directly from victims, especially in contexts where there is no separate truth commission or where truth-seeking processes must limit the number of witnesses who can testify and give statements. Thus, it can make the registration process seem less bureaucratic.

For all their advantages, using primarily open-ended questions also presents serious risks. The main one is the possibility that all of the information needed will not be gathered. Victims writing or speaking freely may omit important details that are needed for verifying a claim or describing a specific violation and its impacts. Additionally, narrative responses present challenges during the coding process and when classifying claims into categories for determining who is eligible to receive different types of reparations.

Each approach has its pros and cons,³⁷ and no type of question is universally effective. For instance, the TRC in South Africa at first struggled in designing its statement-taking form with a mixture of open- and close-ended questions. The form was revised numerous times (reportedly, as many as 11) before it reached its final form.³⁸ Earlier versions reportedly had more “narrative space” for victims to provide information about what had happened. Later forms contained “mainly closed-ended questions, which essentially disregarded the complexity of the victim’s subjective statements” and were derided as a “dog license application.” Some victims reported feeling that the later “questionnaire distorted the whole story altogether . . . [and] destroyed the meaning.”

Some reparations forms include both open- and close-ended questions covering the same essential information, to improve the odds of getting a complete response. Canada’s IAP application provides some good examples of this approach. In the section on abuse(s) suffered, the reparations form provides first a columned chart for listing information about the abuse and then asks the applicant to describe the abuse “in your own words.” The open-ended question includes prompts followed by over two lined pages that the applicant can fill in; additional pages can be attached as necessary.

Canada’s Independent Assessment Process

The Canadian government used a 28-page application form for its IAP for former students of Indian residential schools. The form comprised eight modules, with over 35 questions and additional sub-questions.* To help victims navigate this complex form and the nonjudicial but still essentially adjudicative process established for assessing harms, a 44-page instruction guide was created for use alongside the form. In addition, community workshops on how to fill out forms were held and the forms themselves provided a 24-hour toll-free assistance hotline, which received over 1,300 calls per month. The Canadian form and process for assessing harm reflects the ample resources available for reparations in that country.†

* The reparations form asked applicants for personal information and information about the residential school they attended, the abuses and harms they had suffered, treatment they may have received, their education and work history, future care needs, and church involvement and a declaration. It also asked applicants to express their preferences about the hearings that were a required part of the process.

† To date, the equivalent of nearly USD \$5 billion in benefits have been paid out or approved for payment to victims in Canada.

37 Hamber, *Transforming Societies*, 61. And as the Information Systems Manager reported, “the quality of the data declined dramatically” after that change. See, O’Sullivan, “South African Truth and Reconciliation Commission,” 98–99.
38 Hamber, *Transforming Societies*, 60–61.

However, the kind of detail and resources Canada's individual assessment-based process required may not be possible in fragile post-conflict situations or impoverished developing countries. The number of victims, severity of violations, and limited resources in those countries likely make it advisable to conduct less-detailed assessments and to offer standard benefits for victims within the same group and simpler reparations forms to verify applicants' eligibility.

The application used in the Philippines to claim reparations for Marcos-era violations also uses close- and open-ended questions. It asks victims to provide both: 1) a two-page pre-printed form asking for vital information about the victim, contact information (for the applicants and those providing verification), check boxes for identifying the violation, and a declaration of truthfulness; and (2) a separate "sworn statement narrating the circumstances" of violations.

Such an approach, which provides space for victims to expand on their answers, may be helpful. Designers should be mindful in deciding how much space to provide. Commenting on the reparations form used by the United Nations to register claims of damage caused by Israel's illegal wall in the occupied West Bank, for instance, the Palestinian National Authority said that a single blank paper attached to the form where applicants could narrate their stories "remains inadequate . . . and may dissuade or impede claimants from providing all the necessary information to establish their claims." It suggested victims "be given the option of continuing their narrative on additional pieces of paper."³⁹

An alternative approach, used for example in Chile, is to include in the application process an interview with a well-trained registrar officer who, based on a mostly open-ended form, can fill in what is needed for verification purposes; although individual interviews by nature require more resources and staffing capacity.

Questions about the Perpetrator

Not all reparations forms ask applicants about the alleged perpetrator(s) of the violations. These types of questions are more common in statement-taking forms used by truth commissions.⁴⁰ While such information should not be necessary for determining an applicant's eligibility, it can be important to the verification process or allow the state to pursue accountability or truth seeking for the violation.

In some instances, these questions can be generic, asking not for the name of the alleged perpetrator(s) but a general classification by perpetrator type (such as police officer, member of the military, paramilitary or rebel group, etc.). Peru's forms, both for individual and collective victims, take this approach. They ask about the alleged perpetrator(s) and provide a list that includes state and non-state actors (for example, national police, Sendero Luminoso, the Túpac Amaru Revolutionary Movement) as well as a space for naming others. The collective reparations form asks for the dates of the violence that led to the violation and the groups suspected of involvement in the violence.

Other reparations forms ask the applicant to identify the perpetrator(s) by name. The form used by the HRVCB in the Philippines includes a box for the name, unit, group and or association ("if known") of the alleged perpetrator(s). Sierra Leone's reparations form asks

³⁹ See International Court of Justice, *Summary of Advisory Opinion*.

⁴⁰ See also the statement-taking forms used by Sierra Leone's TRC and Kenya's TJRC.

the applicant to provide the “time, location, perpetrator and other circumstances of the violation.”

When deciding whether to include this type of question, it is important to consider whether this information already exists (such as in truth commission or police files) and to weigh the potential additional burden and risk to the personal safety of victims and their families by requiring such information. Not all applicants will be comfortable providing names. Further, while the verification process should be able to establish whether the applicant was a victim of a human rights violation, it is not an adequate forum for verifying if the person named in the form is the perpetrator. If such a question is included, the existence of a functioning witness-protection and legal assistance program should also be considered.

Nepal’s IRP Form Includes Questions about the Perpetrator

Nepal’s IRP form, which was used before the country’s truth-seeking process started, asks for a number of details about the alleged perpetrator(s), including their name and address, classification (state actor, non-state actor, or other), and the name of the organization the perpetrator belonged to and its address. It also asks for the name and address of the person in command and for those who aided the group. In a departure from other cases, Nepal’s form also asks for a statement from the alleged perpetrator about the incident, much like forms used by truth-seeking bodies.

Questions for or about the Statement Taker

When a victim receives assistance in filling out an application, the reparations form usually includes questions for the registration officer or statement taker to answer. This information can be helpful in the verification process, if follow-up or clarification is necessary, or even to evaluate the reliability of statement takers (so they can be replaced or supported, as needed).

At a minimum, these questions generally ask for the statement taker or interviewer’s name, a signature, the date and place of interview, and sometimes the language in which the interview was conducted, and, as necessary, the name of the interpreter. Some forms also ask the statement taker or interviewer to provide comments or observations about the process.⁴¹

Including Diagrams or Additional Space for Drawings

In some programs, applicants are permitted (and provided with the space) to draw diagrams or pictures to help explain their claim, as necessary. Because of their directness, illustrations have sometimes been used to help survivors or victims’ family members specify parts of the body involved in physical-integrity violations, such as torture, sexual violence, prolonged detention, killing, and enforced disappearances or to assist with identifying remains.

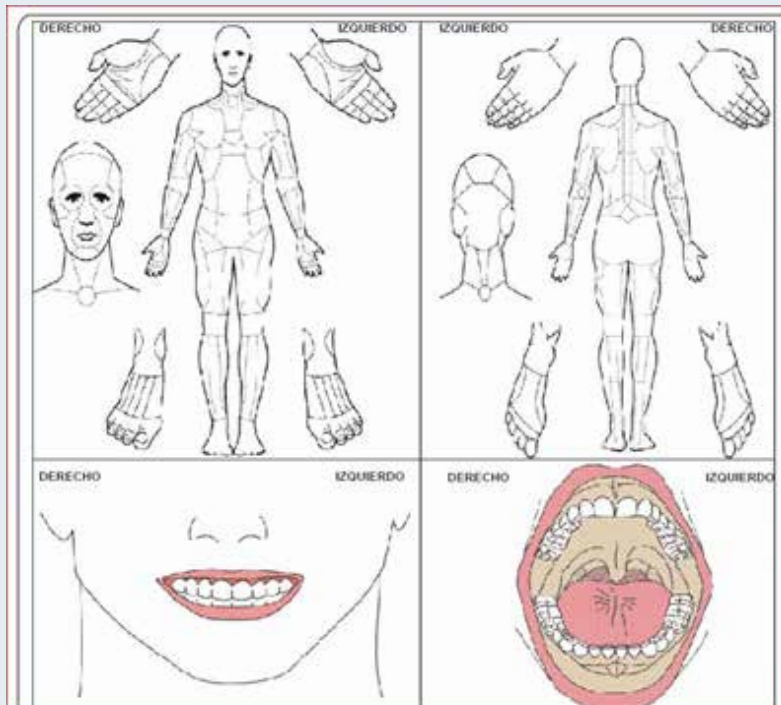
While drawings and illustrations may not impact on the type of material reparations that victims can receive, they may contribute to a sense of satisfaction that their experience or loss has been documented and described with more than words.

⁴¹ see, for example. Government of Peru, “Registro Único de Víctimas,” 6.

Including Illustrations of the Body in the Form

In Colombia, the form used to apply for government assistance in finding a victim of enforced disappearance uses an illustration of a body to help applicants identify unique marks and traits on the victim's body.*

Graphic 4: Illustration in Colombian Form for Locating the Forcibly Disappeared



* Government of Colombia, "Formato Nacional Para Búsqueda de Personas Desaparecidas."

Statements about the Confidentiality of the Application

Guaranteeing confidentiality is an important component of registering victims of human rights violations. Survivors may still fear suffering further violations, even if objective conditions of peace and security make that unlikely to happen. They may fear retaliation against themselves or members of their family should they report what happened. Women victims may feel especially vulnerable and fearful of the reactions to their victimization, particularly when they have suffered sexual violation. Some victims might not want their stories to be publicly known, out of a concern for their privacy or the privacy of others.

Thus, application efforts should be conducted with special sensitivity to the realities of victims' vulnerabilities, especially in communities where alleged perpetrators remain at large. Victims may need to provide evidence in private, at a distance, or through a proxy. Special archiving protocols and protective mechanisms, such as assigning numbers to applications to anonymize them, are often necessary to assure applicants' privacy and shield their identity.

Society, of course, also has an interest in these documents and the information they contain,

whether for truth-seeking or other accountability efforts, including criminal investigations. In some situations, as in Chile, records from the reparations process are sealed for 50 years, although this has been questioned by some human rights organizations. A similarly high standard of confidentiality affects the records of the Commission for Historical Clarification established in Guatemala.

At the end of the form used by the Philippines for registering victims of the Marcos dictatorship, a signature line is included for the claimant to grant the Board and Memorial Commission the right to share and publish information about the claimant's story (see Graphic 5 below).⁴² A museum or library is to be established in honor of the victims and their names are to be inscribed in a "Roll of Human Rights Violations Victims" as an additional form of reparations. In such instances, it is always necessary to clearly inform victims and beneficiaries of the consequences of the consent they are giving.⁴³

Graphic 5: Consent to Share/Publish Information in Philippines Form

I likewise grant to the Board/Memorial Commission my prior informed consent to share/publish information about my story for legal purposes other than the publication of the list of eligible claimants and inclusion of the victim's name in the Roll. (See Implementing Rules and Regulations of RA 10368, Sec. 21 for confidentiality in certain instances.)

*Applicant's/Legal Heir's/Authorized Representative's
Signature Above Printed Name*

Date

Information on Non-Waiver of Claims, Non-Taxability, and Other Privileges

There is some value in informing applicants whether they are waiving the right to apply for other sources of reparation and will possibly be subject to reductions in other benefits from the state (such as health care and social services).

The law establishing the Reconciliation Fund for World War II-era slave and forced laborers in Austria, for instance, stipulated that compensation payments "are not to lead to any reduction of payments made under the social security and health insurance systems."⁴⁴ The Philippines reparations law similarly allows victims to receive compensation from the state "without prejudice to the receipt of any other sum . . . from any other person or entity in any case involving" the same violations covered by the law. This provision was meant to preserve the right of victims of the Marcos dictatorship to pursue legal claims for damages against the Marcos family.

It is also helpful to inform applicants if reparations benefits are specifically exempted from taxes in the country.⁴⁵

42 Unfortunately, it is unclear from the form whether a claimant can choose not to sign this grant of informed consent and still participate. The Implementing Rules indicate that a claimant may withhold consent. It is also questionable how much victims understand about these types of clauses and if they are written for the protection of the interest of victims or the registry body.

43 See Republic of the Philippines, *Act No. 10368*.

44 Republic of Austria, *Reconciliation Fund Law*.

45 See, for example, the US State Department, "Tax Exclusion for Restitution Payments."

4. Collective Reparations Forms

Registering Communities for Collective Reparations

Collective reparations differ from individual reparations in that they target communities as a whole. They can cover harms caused by violations of collective rights, gross violations of the rights of members of collectives, and the collective impact of individual violations.⁴⁶ In some instances, the nature of the harm experienced or physical violence suffered suggests that a collective approach to providing reparations may also be more feasible or practical than an individualized approach.

Experiences with collective reparations programs are few and considerations for them are diverse. Different programs have had different ways of defining the subject of collective reparations (the community and its members), how to identify them, and how to define measures appropriate for addressing collective harms. Some collective reparations programs and recommendations have been designed or proposed to cover entire geographic regions affected by social and economic policies leading to marginalization and discrimination; others have focused on conflict-related violence and forced displacement.

In some places, including Morocco and Aceh, Indonesia, collective reparations forms were not used to provide collective reparations; instead, applicants (community representatives) submitted a project proposal rather than a claim. In Peru and Colombia, reparations have targeted communities affected by violence, and reparations forms are used to identify those suffering collective harms as a result of that violence.⁴⁷ A government-initiated needs-assessment process was used in South Africa's community reparations program, but it has been criticized for not involving victims' groups, like the Khulumani Support Group, that might have different views from the government.⁴⁸ In Tunisia, efforts are underway to register organizations and communities, even entire provinces, as "marginalized." Activists from the Kasserine governorate, which was marginalized under the Ben Ali regime and attacked by the military during the revolution, for example, have asked that the province be declared a "victim" by Tunisia's TDC.⁴⁹

⁴⁶ See, for example, ICTJ, *The Rabat Report*.

⁴⁷ In Colombia, communities are identified by a selection process implemented by the government agency responsible for reparations or they can apply for it. See Correa, *From Principles to Practice*.

⁴⁸ South Africa's program is limited to 128 communities identified by the TRC, but so far only a needs assessment was implemented in 2015 in 18 communities selected by the government without any clear criteria as to how they were selected. See Government of South Africa, *Report to Public Protector*.

⁴⁹ See Avocats Sans Frontières, "Tunisia Emergency."

Like forms used for individual reparations, forms for collective reparations can help to build a registry of victims and a database; but more importantly, forms accompanied by a process of consultation and community-focused needs-assessments can help to ensure that views within a community and the views of the community are heard by reparations policy makers.

Case Study: Peru’s Collective Reparations Form

Peru provides a useful example of how the form for community reparations has sought information about both the harm done to the community and what services or benefits the community considers to be reparative.

In Peru, collective reparations applicants first are asked to provide details of the “armed incursion” in their community, identifying who might have been responsible, for what, and during what period. (A definition of the phrase “armed incursion” is provided—“an incursion of armed people that resulted in damage, loss of property, or harm to individuals in the community.”) The statement taker is given six predefined numbered choices of the different armed groups likely to have committed the incursion (see Graphic 6 below). Other groups may be specified as well. Designated types of possible impacts are to be listed in the last column, which include: 1) a concentration of individual violations; 2) destruction, 3) forced displacement, 4) institutional breakdown, and 5) destruction or damage to community infrastructure. Follow-up questions for each numbered category appear in separate boxes later in the form.

Graphic 6: Part II of Peru’s Collective Reparations Form (unofficial translation)

II AGGRESSION (perpetrator, period, and description of facts)

How many armed incursions happened at your village during the period of violence?					
Alleged aggressors	Period				Type of aggression (*)
	1980-1986	1988-1990	1991-1996	1998-2000	
1. Shining Path ²					
2. MRTA ³					
3. Armed Forces					
4. National Police					
5. Peasant militias					
6. Self-defense committee					
7. Other (specify)					

Armed incursion is an invasion of armed people that resulted in harm or loss of material goods or persons in your community or village (deaths, enforced disappearances, tortures, injuries causing disability, widow(er)s, orphans, detainees, etc.)

(*) Describe the type of aggressions suffered:

(1) Concentration of individual violations	(4) Institutional breakdown
(2) Devastation of the community or village	(5) Destruction or harm to communal property
(3) Forced displacement	

In Peru’s collective reparations form, disaggregated data on individual violations is aggregated in a way that shows their impact on the community. The table below shows baseline data about the population when the violence began, including the number of residents in the community prior to acts of violence and at the time of the application. Next, details are requested about each type of harm, with follow-up questions to elicit information about different forms of collective harm (such as a concentration of individual human rights violations, forced displacement, damage to infrastructure, and breakdown of local governance structures and leadership).

Table 3: Factors of Harm Assessed in Peru’s Collective Reparations Form

For Groups of Individual Violations	Claims of Destruction that Prevented Community’s Return	For Forced Displacement	Institutional Breakdown
Number of people killed	Was there devastation of the community? (Yes/No)	Number of people displaced by the political violence	Number of local authorities killed
Number of people disappeared	Date destruction occurred	Start date of forced displacement	Number of local authorities disappeared
Number of people tortured	How long did the destruction last?	Number of returnees	Did the community form other organizations? Yes/No
Number of people sexually violated	When was the town reconstructed?	Locations of places that most of the displaced found temporal or permanent relocation (by department, province, district, population center)	Were new officers elected? Yes/No
Number of people abducted or forcibly recruited			Did the community continue meetings to make collective decisions? Yes/No
Other damages (specify)			Number of community organizations affected

Additionally, part of a page is left blank for the applicant to provide a narrative of the harm that affected the community. An annex sheet is attached to the form where the names, identity documents, and types of violations suffered by individual victims may be listed.

The box on infrastructure damage is comprehensive. In three columns, it asks about the damage done to the community’s infrastructure, the extent of the damage, and if it was rebuilt how long it took to rebuild. A list of potential types of damaged property is included by category: communal infrastructure (community centers, religious sites, etc.), production sites (warehouses, workshops, fisheries, irrigation canals, communal land, etc.), transportation and communications (bridges, roads, docks, communal radio, or vehicle), infrastructure for basic services (water reservoirs, electric generators, schools, or health care centers), and family property (land, housing, stores, and livestock). Space is also provided for the community to tally up the number of structures that were destroyed.

It must be noted that reparations registration officers registered both individuals and communities when they visited a community, but on separate forms. This required that the collective reparation form include the number and nature of individual violations suffered by community members, in order to assess the degree of concentration and impact of human rights violations on the community (see Graphic 7 below).*

Graphic 7: Totaling the Number of Individual Violations in Peru’s Collective Reparations Form (unofficial translation)

3.2 Concentration of individual violations	
1. Number of deceased persons	
2. Number of forcibly disappeared persons	
3. Number of persons tortured	
4. Number of persons raped	
5. Number of persons kidnapped or forcefully recruited	
6. Other type of aggression (specify and mark with "X")	YES <input type="checkbox"/> NO <input type="checkbox"/>

For verification purposes, the form also includes a box for identifying who in the community was interviewed.

* As of 2013, a total of 5,697 communities were identified as entitled to collective reparations. Of those, 1,273 were categorized as the most severely affected, followed by a second tier of 1,264 communities deemed seriously affected, but to a lesser degree. See Correa, *Reparations in Peru*, 12.

5. The Registration Process

How Long Does Registration Typically Take?

The duration of the registration process varies greatly from country to country. The time needed to prepare for registration and complete the process includes not only the time needed to distribute forms and deploy registration officers but also to review the claims and render decisions. Estimates should allow for variations in the potential number of applicants and the time they need to read and complete the form and, if necessary, for an interview to be conducted and transcribed.

In Canada, the application and registration process for the IAP took over five years. It was launched with an advocacy and public information program in April 1, 2007, followed by the distribution of reparations forms a few months later (in August). Registration closed in September 2012, although appeals and efforts to track down proof of some applicants' residency in an Indian residential school continue.

The target time set by Service Canada for processing each individual application for common experience payments had been 28–35 days, although in practice processing took much longer. Many applications were missing information or required follow-up. Thus, the actual processing time increased to an average 78.4 days per individual claim, 189.7 days for estate claims, and 284.9 days for claims filed by a personal representative on behalf of an applicant.⁵⁰

In the Philippines, the process of registering victims of the Marcos dictatorship took over three years. The relevant reparations law was passed in 2013, 27 years after the dictatorship was brought down.⁵¹ The law originally established a six-month period for victims to file a claim.⁵² Under its implementing regulations, it was to run from May 12, 2014, to November 10, 2014.⁵³ Eventually, the period to file applications was extended to May 30, 2015, due to the unexpectedly large number of applicants.⁵⁴

⁵⁰ Government of Canada, *Evaluation*, 29.

⁵¹ Co-author Ruben Carranza drafted the first version of the law in 2003, as a Philippine government official involved in prosecuting the Marcos family and recovering ill-gotten assets.

⁵² Republic of the Philippines, *Act No. 10368*, section 23.

⁵³ Republic of the Philippines, *Act No. 10368*, section 29.

⁵⁴ Congress of the Philippines, *Joint Resolution No. 03 (2015)*.

Table 4: Number of Applicants for Reparations, by Country

Country	Registration Process	Number of Applications Received	Number of Victims Registered	Period
Argentina*	Arbitrary detention	13,600	7,800	10 years, with process reopening several times
	Enforced disappearance and killing	8,200	8,000	10 years, with process reopening several times
Brazil†	Several violations (Amnesty Commission)	68,219	60,000	8 years
Chile‡	Enforced disappearance and killing (Rettig Commission)	3,550	2,298	9 months
	Enforced disappearance and killing	1,452	899	3 ½ years
	Political Imprisonment and Torture	35,868	28,459	18 months (6 for receiving and 12 for processing)
	Reopening of registry	32,453	9,825	18 months
Colombia§	Different registration processes	Not available	8,131,269	12 years
Côte d'Ivoire**	Consolidation of registries of different violations	743,496	316,954	10 months
	Registration and verification by CONARIV	130,560		
Guatemala††	National Program for Redress	Not available	130,000	9 years
Peru††	Several violations	Not available	182,350	5 years

The Philippines	Human rights violations	75,730	Not available	1 year for receiving. Mandate now extended 2 years, to May 2018
<p>* Guembe, “Economic Reparations,” 33 and 41. In both cases, registration was later reopened, so these are not the final numbers.</p> <p>† Abrão and Torelly, “Reparations Program as Lynchpin,” 460.</p> <p>‡ Comisión Nacional de Verdad y Reconciliación, Informe; Corporación Nacional de Reparación y Reconciliación, Informe, 579; Corporación Nacional de Reparación y Reconciliación, Informe, 576 and 579; Comisión Nacional sobre Política y Tortura, Informe, 68, 73, 784; and Comisión Presidencial Asesora para la Calificación de Detenidos Desaparecidos, Ejecutados Políticos y Víctimas de Prisión Política y Tortura, Informe, 15, 23.</p> <p>§ Total number of victims in the Unified Registry of Victims, which includes victims registered by different policies and new registries, consolidated in one registry, according to Law 1448 of 2011. The registry is still open. See Government of Colombia, “Registro Único de Víctimas.”</p> <p>** CONARIV consolidated previous registries compiled by state institutions and victims’ groups, NGOs, and other institutions, and conducted its own registry process. All files were later verified for a final registry. Report on file with ICTJ.</p> <p>†† Government of Guatemala, <i>Plan Estratégico</i>, 28.</p> <p>‡‡ Government of Peru, <i>Todos Los Nombres</i>, 14–15.</p>				

What Can Be Done to Ensure the Application Process Is Fair?

Fairness and the perception of fairness are essential components of earning the trust of victims and the rest of society needed to carry out a reparations process. If the institution responsible for managing the registry is viewed as fair and independent, then the public is more likely to trust its processes as well. In national settings, reparations agencies are state-established institutions; but some are considered more independent than others, either because of the persons who lead them or because their mandate is part of an existing agency with a reputation for independence.

In Colombia, registration is being carried out by the staff of autonomous state institutions, like the Ombudsman (Defensoría del Pueblo), and municipal commissioners (personeros municipales), which are independent comptrollers appointed by, but autonomous from, each municipal council.⁵⁵ In some cases, the commissioners have been perceived as partisan, especially in municipalities where they have strong links with armed groups or political parties.⁵⁶

The issue of autonomy has been significant in several places. In Nepal, initial steps to register and verify claimants for the IRP were carried out by the chief district officer, the appointed head of the political unit just below the national government. Local Peace Committees set up as part of a peace agreement and composed of representatives from the different political parties were part of the registration process. This led to perceptions that political parties at both national and local levels worked to get their party members or constituents into the registry. This also led victims without links to any political party to distrust the process.⁵⁷ A similar issue arose in Malawi, where the post-authoritarian National Compensation Tribunal implemented a reparations program in 1995. During implementation, “claims of bias in favor of the political elite

55 Government of Colombia, *Decree 4800*, article 27.

56 Victims’ and human rights groups in Medellín and Bucaramanga, interviews by ICTJ, July 2014.

57 For criticism of this registration structure, see ICTJ, *From Relief to Reparations*, 8–10.

surfaced early as well-connected individuals benefited substantially . . . when procedures were loosely defined.”⁵⁸ Despite a first-come-first-served system, “application numbers were often interchanged to benefit certain individuals,” according to a 2004 study by the Centre for the Study of Violence and Reconciliation.⁵⁹

Identity issues involving reparations agency staff can also arise. In Sierra Leone, some politicians complained that “92% [of statement takers] are northern based” and not representative of the country’s ethnic composition.⁶⁰

What Can Be Done to Ensure the Application Process and Registry Are Reparative?

The process of designing an application and then registering victims should be seen as an opportunity to listen to victims, inform victims and stakeholders about their needs and challenges, and encourage dialogue. It is also an important time for fostering contact among victims’ groups, civil society actors, and the government. Each step in the process can be a chance to acknowledge victims, their families, and wrongdoings, making the process and the benefits victims will receive reparative.

To accomplish that, victims must be treated with dignity and respect throughout the process. The staff and leadership of the implementing body must be trained in how to communicate in a way that recognizes victims’ dignity while also fulfilling the administrative necessities of a large reparations program. By doing so, victims will likely find the very process of registering to be a more fulfilling experience. The act of meeting an officer of the government who acknowledges the gravity of what happened to victims and seeing others who also suffered can itself be reparative. Victims come to know that they are not alone, were not to blame, and are owed respect and justice.

Of course, the state’s capacity to provide personalized levels of attention and services may be limited in some situations, especially in fragile, post-conflict settings. A country like Canada, for example, may have the resources to train staff in implementing reparations in ways that are victim-friendly and to provide facilities that are comfortable for claimants;⁶¹ whereas reparations programs in developing countries may have to do more with fewer resources.

Yet, no matter the context, it is possible to attend to the details that can help to mitigate problems for victims, such as the availability of pens; discipline in lines; seating for elderly, pregnant, or disabled claimants; and helpful announcements to waiting crowds. All such considerations can alleviate aggrieved feelings of “being victimized twice over,” as one applicant expressed.⁶²

What Entities Are Usually Responsible for Managing Registration?

Some states create a new agency to administer the registration process, while others designate an existing one. For instance, the Chilean government established a new National Corporation for Reparation and Reconciliation by law with a two-year mandate to implement reparations.⁶³ In Ghana, reparations registration was undertaken by the Ministry of Justice, and in South Africa by the Office of the President.⁶⁴

58 Buford and van der Merwe, *Reparations in Southern Africa*, 16.

59 *Ibid.*

60 Awoko, “NACSA’s Reparation Staff Is 92% Northern.”

61 Government of Canada, *Evaluation*, vii.

62 Gaspar, “Victimizing the Victims.”

63 Government of Chile, *Ley No. 19123*.

64 See Oduro, *Reparations in Ghana*. In South Africa, the TRC Act requires the President and the Ministers of Justice and

In a few cases, international institutions like the United Nations and their agencies have been mandated to conduct victim registration for reparations.⁶⁵ Some international criminal tribunals have assisted in implementing reparations, including registering victims. For instance, the trial chamber of the ECCC was given a limited mandate to grant “collective and moral” reparations, while the International Criminal Court ICC, under Article 75 of the Rome Statute, has greater discretion to order “reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.”⁶⁶ Consistent with their rules, mandates, and the contexts they addressed, these UN and international institutions have adopted different structures and operate in different ways, including when drafting the reparations forms to be used in determining applicants’ eligibility.⁶⁷ There is no UN-standardized or international “model” reparations form.

In most national examples, when a new agency is created to implement reparations, it is its only task. In some cases, the entity created to register victims is different from the one responsible for implementing reparations. In Peru, a new Reparations Council (Consejo de Reparaciones) was established within the Prime Minister’s Office and later moved to the Ministry of Justice and Human Rights, to administer the country’s Comprehensive Reparations Plan. Its mandate was to create a victims’ registry to be used by different state agencies responsible for various components of the plan.⁶⁸ It has a Technical Secretariat divided into separate units responsible for carrying out its work, including registering victims. Its board is composed of a combination of respected human rights defenders, an indigenous leader of a victimized community, an entrepreneur, and, because many victims of the internal armed conflict were members of the military or the police, retired officers of the police and armed forces.

In the Philippines, the board responsible for overseeing the reparations program is divided into three divisions, which meet daily (for the whole day) to decide on applications. The divisions are supported by lawyers and paralegals that review applications, verify details, and write summaries. They also refer to supporting data, much of it from the Catholic Church-based Task Force Detainees-Philippines, which documented thousands of human rights violations cases and helped detainees and their families during the Marcos dictatorship.⁶⁹

In contrast, pre-existing national agencies that are assigned reparations-implementing functions usually continue to perform their other standard functions in tandem. Although embedding responsibility for registering victims within an existing government structure can create some efficiencies in capacity and effort, it does not guarantee a stronger commitment by the government to complete the task.

In Sierra Leone, for example, the pre-existing National Commission for Social Action (NaCSA) was tasked with registering victims for reparations in addition to its humanitarian and development-related responsibilities.⁷⁰ To manage the new responsibilities required for implementing

Finance to establish a President’s Fund for victims who qualify for assistance. See, for example, Government of South Africa, *Annual Report*.

65 Such as UNRoD.

66 See ECCC, “Victims Information Form.”

67 Created fairly close in time to one another, the ICC and ECCC victim reparations forms bear many marked similarities.

68 “The mandate of the Reparations Council is to develop the National Register of Victims, RUV, an instrument that will be used by state institutions responsible for implementing the Comprehensive Reparations Plan. The Reparations Council is a collegial body that is part of the Ministry of Justice and Human Rights. Its members were appointed by Ministerial Resolution No. 0036-2014-JUS, perform their functions ad honorem (without compensation) and cannot be part of the public administration. It has a Technical Secretariat, a body of administrative and technical support.” Government of Peru, *Mandate of the Reparations Council*.

69 HRVCB received 75,730 applications during the application period. The first 4,000 claimants who were approved and received an initial partial payment of compensation in May 2017. See HRVCB, “HRVCB Starts Distribution.”

70 Established in 1996, originally as the National Commission for Reconstruction, Resettlement and Rehabilitation, NaCSA had a wealth of experience delivering services to people in need. It played a key role in resettlement, rehabilitation and reconstruction efforts soon after the war; it had implemented a range of socio-economic programs

reparations, NaCSA created a Reparations Unit “to identify victims and provide the necessary support and/or social services to them,” with funding from the UN Peacebuilding Fund,⁷¹ as well as a steering committee composed of representatives from government ministries, representatives of international organizations, and four members of civil society organizations (two victims’ groups and two human rights groups).⁷² These entities succeeded in registering over 32,000 victims and delivering limited reparations measures. However ultimately, those reparations were inadequate in type, reach, and scope, reflecting the government’s overall ambivalence about providing reparations as an obligation distinct from humanitarian and long-term development objectives, which was NaCSA’s original mandate and which the government prioritized in its funding allocations.

Decisions, Notifications, and Appeals

When registration closes, there is a need to ensure that decisions are rendered promptly, explanations are provided for denials, and an expedited appeal process is available. An essential part of a transparent and effective registration process are clear procedures and sending notifications of a likely decision to victims and giving them an opportunity to supplement their application or, if denied, apply for reconsideration. Although these measures require the investment of additional time and government resources, they can mitigate the potential for mistakes and allow victims to overcome deficiencies in their applications so that they can gain access to the reparations they are owed.

In Canada, applicants who were denied “common experience” reparations payments through the Indian Residential School Agreement, for instance, could ask to have their application reconsidered, and they could appeal if they were unsatisfied with the outcome of the reconsideration process. Appeals were heard by the seven members of the National Administration Committee. Applicants had six months to appeal.

In Chile, similarly, victims of torture whose applications for reparations were rejected received a letter stating the reasons for the rejection and information about how to request a second interview where they could find out why and submit documentation necessary for reconsideration. Although victims who were approved did not receive individual notification of that fact, due to the large number of cases, their names were published in the final report of the National Commission on Political Imprisonment and Torture, which was first made public online and later distributed to each victim individually.

What Can Be Done to Ensure an Effective Reparations Registration Process?

The effectiveness of a victim application form is contingent on the effectiveness of the overall registration plan and process. Even the most carefully designed form cannot overcome shortcomings in planning, such as inadequate funding, ineffective dissemination strategies, untrained statement takers, and poorly designed data collection and storage systems.

Inevitably there will be complications at different phases of the process, and adjustments will need to be made. Peru’s registration process had a rocky start: “The first year was very difficult. I think one of the positive things is that criteria have been developed, and these criteria have been increasingly open. At the beginning, there was more fear, more suspicion, now I feel it has become more a climate of trust and a common search.”⁷³

involving the refurbishing of basic infrastructure and empowerment of rural communities.

71 UN Development Programme, *Final Reparations Proposal*.

72 *Ibid.*, 13.

73 Ministerio de Justicia y Derechos Humanos and Consejo de Reparaciones, *Todos Los Nombres*, 75.

Ultimately, Peru's registration was carried out by the Reparations Council as well as staff from local municipalities, NGOs (including victims' groups), churches, and other entities that made agreements with the council to reach certain areas. The council trained all registrar officers and requested them to pass a proficiency exam, to guarantee they had the knowledge and skills to undertake the work. Council staff also verified each form that was filled out by non-council staff, for quality control. "The system responded to the demands of victims' groups that some of their members work as registrar officers, which was accepted on the condition that officers passed an evaluation."⁷⁴ Without compromising the Council's supervisory role, Peru's approach resulted in better access to areas and more trust in the process for some victims.

Considerations for Planning a Registration Process

First, whenever possible, it is essential to **minimize the hardship and inconvenience for applicants**. That includes anticipating that there will almost always be more applicants than expected. Shortfalls in capacity and staffing have plagued some registration efforts, especially early on. In the Philippines, for example, registration centers were initially overwhelmed by crowds of applicants seeking to register, sometimes under arduous conditions; some were even reported to have collapsed from sun exposure and lack of food.⁷⁵ In contrast, the commission registering victims of political imprisonment and torture in Chile organized a call center to set up interviews for victims filling out the form, giving applicants precise interview times. These options will, of course, not be practicable in all settings for any number of reasons, including inadequate resources or large numbers of prospective applicants, but whenever possible such preplanning can help to mitigate the inconvenience to victims.

Second, it is good practice from the beginning to **gather input from victims and victims' organizations on how registration can be carried out efficiently** without diminishing its reparative or dignifying potential. This can be part of consultations on reparations policies or a smaller process of testing and obtaining feedback on draft reparations forms and procedures that occur before the process rolls out for wider use.

No Consultation on Nepal's Interim Relief Program Form

In Nepal, victims and civil society were not consulted in the design of the Interim Relief Program's reparations form, registration process, or the content of the program, nor was outreach undertaken with victims without the mediation of political parties and government officials not directly involved in the program's implementation. The registration process went through local peace committees staffed by representatives of political parties and NGOs identified with political parties, despite significant funding to the program from donors, including the World Bank, which alone provided approximately USD \$23 million.* The reparations form itself underwent several revisions during the five years it was used, but no consultations with victims or NGOs on the form or changes were done. As a result, many victims remained unaware that they were eligible for benefits and they did not receive updates about changes in coverage as they occurred.

74 Jairo Rivas, former executive secretary of the Consejo de Reparaciones, interview by Cristián Correa, October 2017.

75 Tejano, "Claimants Treated Like Paupers." Marie Hilao-Enriquez, the leader of a Filipino victims' group, said: "I was asking them why the victims are made to wait under the heat of the sun when many of them are already old. We were the ones who suggested to bring in water because on the first day, they did not even prepare water to drink. Many are now losing their temper because they have been told to just return the following day several times."

Among the observations relayed to ICTJ by victims' families and local officials alike was that some applicants, including many wives of the forcibly disappeared and widows who had never previously engaged with government agencies, found it intimidating and difficult to fill out and submit applications. Many allowed the political parties they or their missing or deceased family members supported to carry out the registration process on their behalf. This contributed to an outcome in which the political parties at the national and local levels effectively took control of the registration process.[‡]

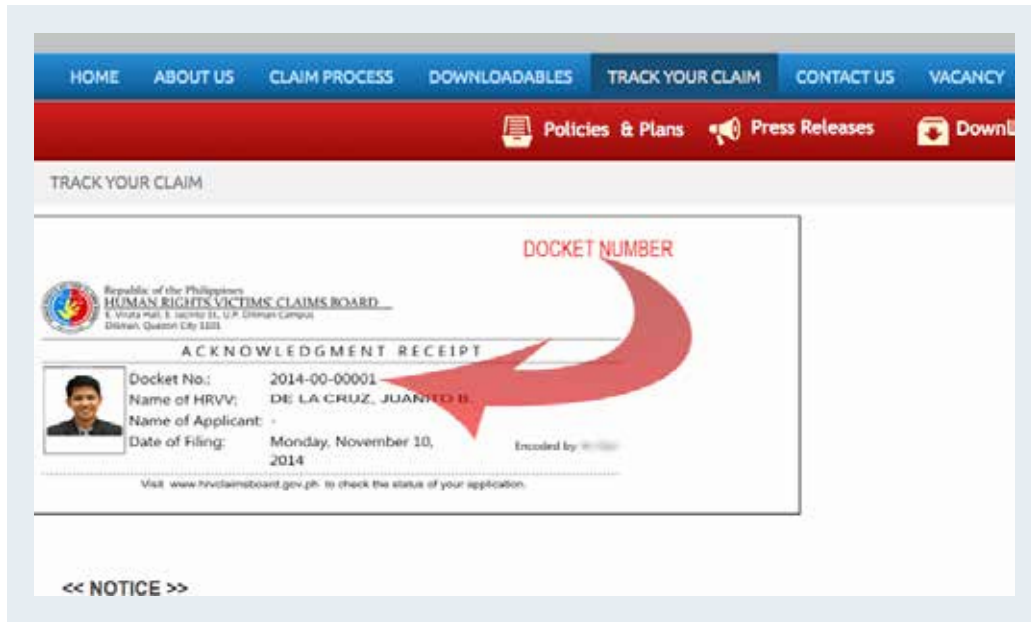
* For an assessment of the program, see Carranza, *Relief, Reparations*.

† According to the International Organization for Migration, "evidence suggests there has been little consultation with victims, women or other vulnerable groups in the design and implementation of the programme." See International Organization for Migration, *Report on Mapping Exercise*.

‡ ICTJ, *From Relief to Reparations*, 9.

Finally, it is important throughout the registration process to provide timely updates to applicants and help applicants overcome any difficulties in locating information or accessing documents. An applicant's registration process usually ends with an acknowledgement or verification that his or her application was received and, in some instances, is complete.

Graphic 8: Document Given to Applicants in The Philippines after Registration



Feedback on the Process

Carrying out a pilot or test phase can be helpful to ensuring that reparations forms and planned procedures are operational and will facilitate an effective and fair process. In many cases, reparations forms are not tested by those administering registration for reparations. While manuals and guides for how to fill out reparations forms may be helpful, they are one-directional tools. They do not provide feedback about the accessibility or quality of the form itself.

Of course, victims are the best source of feedback regarding the accessibility of reparations forms. Other sources of feedback are statement-takers or reparations registration staff. Their experiences and knowledge about how victims deal with or respond to the forms is essential. NGOs and victims' groups that assist victims in filling out forms and answering questions about reparations should also be asked to provide information about the clarity of the forms and any difficulties victims encountered in the process.⁷⁶ To be effective, feedback must be sought early on, during a testing or pilot phase, before the full process has been rolled out.

Feedback from journalists can also be useful. A good example is the series of columns written by Ma. Ceres P. Doyo for *Inquirer.net* about the reparations process in the Philippines, which describes in detail what applicants—and the author (herself a claimant)—felt and the practical challenges they encountered while applying for reparations (see box below). Taking this and other feedback into account, the Philippines reparations agency adopted a policy of allowing victims to amend their applications, even after they were submitted.

What It Was Like: A Journalist-Reparations Applicant Tells Her Story about Registering for Reparations for Marcos-Era Victims*

"A claimant whose son was killed sent this text message: 'To put monetary value on the suffering of the Marcos victims is adding insult to injury. If the claims board's intention is equitable reparation through the points system, what will prevent anyone from exaggerating? How much for a blow on the head?'

"I see her point. Better to have only two categories of victims: those killed/missing and those who suffered but survived. It is hard to further classify the latter. How compare one who was sexually abused with one who went on involuntary exile and suffered a nervous breakdown?

"When asked to check, I checked No. 3 for torture, because there was nothing very specific about my case: prolonged torment (military interrogations, raid of my house, being seized in the night by armed military men, with a fellow journalist) . . .

"I observed first-time claimants, some in their sunset years, writing their narratives under the shade of the trees, recalling the bad years. I advise first-time claimants first spill it all out in writing at home and come prepared with everything. My heart broke for those who came with only their pain and memories."

* Doyo, "Claiming Reparation."

Feedback from beneficiaries of any initial or interim reparations program may also help to improve the design of the reparations form and process for subsequent, or more comprehensive, measures. In 2013, ICTJ and the UN Development Programme collaborated on a qualitative evaluation of how the initial 2011 reparations program in Tunisia, covering various categories of victims, impacted beneficiaries from the impoverished town of Gafsa, in the interior region, where important movements leading to the 2011 revolution had begun. It was found, for ex-

⁷⁶ In 2016, ICTJ along with victims' groups and other NGOs in Nepal conducted a monitoring study of the process for registering complaints with Nepal's two truth commissions: The Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons. One purpose of the monitoring was to obtain feedback on the complaint registration process. A report was submitted to both commissions.

ample, that most recipients were jobless and that the two-installment compensation payments they received were only sufficient to support them for a brief period. This led to discussions about whether public sector employment, even if it adds to the State budget, can provide dignity and a small but regular income for victims. In 2014, Tunisia's TDC commissioned a study to evaluate how former political prisoners perceived the 2011 reparations programs, including the registration process.⁷⁷ Although not as detailed as it could be, the study informed the way the TDC designed its Urgent Reparations Program and contributed to ongoing discussions about the establishment of the comprehensive reparations program required by Tunisia's 2013 Transitional Justice Law.

77 Truth and Dignity Commission, "Perceptions et Attentes."

6. Outreach and Ensuring Victims' Access

There are at least three ways that government agencies and NGOs can promote access to reparations through the reparations form:

- 1) **Conduct outreach to victims and their organizations** prior to the distribution of forms and commencement of registration
- 2) **Provide forms and information about registration to marginalized groups** and in less accessible locations
- 3) **Make the form intelligible** in the language(s) of likely applicants, to the extent possible, and avoid legal jargon or abstract language

Before reparations forms are disseminated and filled out, a registration process must begin with an outreach campaign to inform—and in some cases, persuade—victims to come forward to file applications. This requires reaching out not only to victims, their families and local victims' groups but also their communities, including local officials, community leaders, religious institutions, schools, and even local political party officials. In the Philippines, the reparations agency enlisted the association of towns and city mayors to help in outreach.⁷⁸ In Peru, the registration process in each province was preceded by a large meeting between representatives from different victims' groups and state authorities. In these meetings, participants were asked to draw a map of the most important areas to be covered and provide input on how to cover them, identifying potential key contacts.

Beyond local outreach events, a comprehensive advertising strategy needs to be prepared to take advantage of all available media (including newspapers, posters, radio, the Internet, and call centers) to reach and inform victims, and in some cases persuade them, of their rights in the languages they speak and read, so they know how they can participate.⁷⁹ Careful consideration of the types of radio stations to be used is important. In Sierra Leone, the English-language radio station United Nations Radio, which was reported to be widely listened to in the country, was initially used for outreach purposes; however, community leaders in provincial areas later pointed out that in rural areas nobody listened to it and people who speak local dialects tune into local radio stations.⁸⁰ It may seem obvious, but for effective outreach, the selected radio stations need to be the ones people listen to.

⁷⁸ Marissa Lérias, an official of the League of Municipal Mayors involved in the outreach campaign, interview by ICTJ, August 2013.

⁷⁹ The Conference on Jewish Material Claims Against Germany for Holocaust victims enlisted the help of 1,750 organizations and advertised in newspapers in 26 countries and 17 languages. They also set up a call center and website. Redress Trust, *Report of Proceedings*, 11.

⁸⁰ See Suma and Correa, *Report and Proposals*.

Similarly, reparations forms and plans for distributing them must also be adapted to reach victims in remote communities and help those who are unable to fill out a form on their own or because of work or household responsibilities. This will help to overcome disparities between those who have better access to information, more time, and greater proximity to government offices than those without. In Nepal, for example, victims who resided in municipalities along or close to main highways were generally better informed and had an easier time applying for reparations benefits than those in hard-to-access rural areas.⁸¹ In the Philippines, the HRVCB established various application sites, including 14 regional desks and nearly 30 remote intake sites in regional and provincial centers, some of which were open 24 hour a day during the registration period.

Posters, radio broadcasts, social media posts, text messages, and other means of announcing the application process should not only explain the steps involved in registering for reparations but also include a list of documents that an applicant will be required to provide. That is particularly important in situations where applicants need to travel in order to fill out an application. In those instances, applicants, especially those from rural areas who may have already traveled great distances to file an application, will need to have the required documents in hand because they cannot easily go back home to retrieve them.

Reparations forms should also be available in as many languages that survivors or victims' family members speak or read as possible. Because there will be victims who are illiterate or who may not know any of the languages in which the form is available, registration staff should be available for interpretation and translation, either in person or by phone. One factor to consider related to language is the identity of those officially assisting victims in filling out forms. Although not an example of a reparations form, the statement-taking form used by Kenya's Truth Justice and Reconciliation Commission (TJRC) was filled out by 42,465 persons with the help of 300 statement takers who were recruited from all the regions of the country to ensure geographical and linguistic diversity.⁸²

Using Accessible Language in Forms and in Software

Victims of Nazi Persecution were able to apply for monthly pensions from the German Government through its "Article 2 Fund" using forms available in English, German, Hebrew, Russian, and Spanish. The Central and Eastern European Fund form allowed applicants to designate their preferred language from among English, German, Hungarian, and Russian. The International Organization for Migration's forms for reparation claims related to slave and forced labor for the German Forced Labour Compensation Programme were translated into 19 languages. And the Canadian government used aboriginal language interpreters in its compensation process for violations linked to the country's Indian residential schools.*

Because the software used to aggregate the information in reparations forms may only be available in English, some programs translate their forms into the software language after registration. UN Registry of Damages allows reparations forms to be submitted in Arabic and then translates them and their supporting documents into the language the software requires.†

* Government of Canada, *Evaluation*, vi.

† UNRoD, *Rules and Regulations*, article 6.

81 ICTJ, *From Relief to Reparations*, 20.

82 See Truth, Justice and Reconciliation Commission, *Final Report*, volume 1, chapter 3, 83.

What Challenges Will Victims likely Face When Registering?

The reparations process, including the reparations form, should anticipate the likely difficulties and challenges to be faced by some victim groups in applying, especially those who suffer from vulnerabilities or are marginalized, and make special accommodations for them.

Disabled and Elderly Victims

Accommodations need to be made for elderly, frail, and disabled applicants, especially at registration sites where victims may face extended wait times. Victim mapping and truth commission reports can help to identify applicants and groups who are likely to be in need of help, including those who were disabled as a result of violations or who were already of a certain age when the violation(s) occurred. As a next step, it may be possible for reparations agencies to reach these groups where they live, instead of expecting them to travel to government registration offices. In cases where large numbers of victims were disabled as a result of violations, it is possible to enlist the assistance of organizations tasked with helping the disabled. The work of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan is a good and clear example of how support groups can be made available for elderly victims when they claim reparations.

Victims of Sexual Violence and Their Children

For victims of sexual violence, special measures for establishing trust and guaranteeing confidentiality are almost always necessary. Because sexual violence is generally shrouded in stigma, most victims will find it difficult to acknowledge or speak about what happened. Many may even face stigma within their families and communities if they seek to register and claim reparations as a victim of sexual violence.

The reparations form should be written in such a way as not to be considered too invasive or have a re-traumatizing effect on applicants. Questions should be evaluated with a view to avoiding social stigma, while keeping in mind cultural notions of intimacy, taboos, and privacy.

In this regard, it is important to carefully consider exactly how much information and detail is needed about the violation for the state to provide victims of sexual violence with reparations. For instance, the reparations form used in Colombia unnecessarily asks victims to select one category of sexual violence that they experienced among a list of different types (forced penetration, sexual slavery, forced sterilization or abortion, other violent sexual acts, or forced prostitution), although all victims of sexual violence, regardless of type, are entitled to the same reparations measures. Showing a sensitive approach, in South Korea's form for "comfort women," who were sexually enslaved by Japanese military forces during WWII,⁸³ questions about the applicant's specific wartime experiences are limited to asking: when and where she was abducted and released, how she was taken, the conditions of the slavery, how she was released, and her current living situation.

It is also important to ask questions about any children possibly born as a result of sexual violence so that they can be included in the registry and database and to ensure that this population and the children's rights are discussed with sensitivity and care. In Peru, registration officials received special training on how to register victims of sexual violence, including how to ask sensitive questions regarding children. As of November 2015, from a universe of more than

83 Government of South Korea, *Act for Sexual Slavery Victims*. The form was used to access livelihood stability and memorial services under South Korean law.

3,000 sexual violence victims, 149 children born as a result of violations were registered, mostly because they were reported by their mothers in the forms they had filled out.⁸⁴

Children

Recognizing children and youth as a special category of victims and understanding their unique needs may be critical to breaking intergenerational cycles of abuse and impunity. Yet, children victims of human rights violations are often omitted from victim registries because policy makers choose to focus on adult victims. In addition, children are not seen as rights holders in many contexts, but as victims within a family unit.

Because of this, it may be necessary to build into reparations forms, if not in the reparations policy itself, space and provisions for people victimized as children to be afforded more flexibility in terms of when they can apply and how much information is expected from them.

Some children, for example, were illegally detained along with their parents, yet many of them lack the prison records to corroborate their claims. Oftentimes, organizations defending human rights during periods of violence focus on finding those who were forcibly disappeared or detained, not registering the names of children who were detained with them.

In some cases, children victims may still be underage or young adults when the registration process is launched, making them difficult to reach. Some might not be conscious that they were victims at all or have no memories of the events. In some countries, children of the forcibly disappeared were taken from their families by military or civilian officials with links to a dictatorship (as in Argentina) or armed groups (as in Uganda⁸⁵ and Timor-Leste⁸⁶). Without knowing their true identity or whether they are aware of or can access the reparations programs, such children victims will find it difficult, if not impossible, to access reparations forms and participate in the registration process.

Issues and questions about legal representation for children victims arise frequently. In Colombia, for instance, the statement of children were taken in the presence of their legal representatives or the Colombian Institute for Family Welfare.⁸⁷

Questions may also be included on whether victims have lost children as a result of violations, as was done for former slave and forced laborers of World War II (see Graphic 9).

Graphic 9: Germany’s Form for Slave or Forced Labour Reparations

DEATH OF CHILD – Child Lodged in Home for Children of Slave or Forced Labourers									
94. Are you (or was the deceased) the parent of a child who died while lodged in a home for children of slave or forced labourers?								Yes <input type="checkbox"/>	No <input type="checkbox"/>
95. Child's Last Name				96. Child's First Names					
97. Name the camp where children's home was situated				98. Name the home for children, if known					
99. Date of birth of child			100. Date of death of child			101. Date placed in home for children			
Year	Month	Day	Year	Month	Day	Year	Month		

84 As reported to ICTJ by a senior officer of the registration process, most children victims were registered by their mothers. Few children directly applied for reparations. Children are listed as relatives of victims, not as victims themselves. Jairo Rivas, former executive secretary of the Consejo de Reparaciones, in discussion with ICTJ, November 2015.

85 Ladisch, "Children Born of War."

86 Wandita, "Reuniting Timor Leste."

87 Government of Colombia, *Decree 4800 of 2011*, article 31, paragraph 2.

Women and Girls

The social roles and economic burdens placed on women and girls, particularly in rural regions of the Global South, may effectively leave them out of reparations programs. Household obligations, responsibilities around child care, and lack of education or social status may prevent women and girls from accessing reparations forms.

In Nepal, for instance, female victims were almost three times more likely to be illiterate than their male counterparts. This meant that when information was provided in writing or when reparations forms were filled out, many women could not access the process without support.⁸⁸ Thus, alternative arrangements are often needed to ensure women and girls can participate. In Sierra Leone, when the government sent out two-person registration teams to encourage victims to apply for reparations and to take statements from applicants, the reparations agency included at least one woman on each team as frequently as possible to encourage female victims to apply and make them feel more comfortable about participating in the process.⁸⁹

Can Accessing Forms and Conducting Registration over the Internet Increase Access?

Today, some reparations programs have set up special websites specifically for the reparations process and applications. Most have links to downloadable and printable reparations forms, along with online instructions.

In some countries, like Colombia, reparations forms are available from a digital platform that is filled in by registration officers or staff from local human rights agencies. In the Philippines, where an estimated four out of ten Filipinos have smartphones, the HRVCB has an agreement with mobile phone companies by which those who subscribe to a free messaging service can receive notices of registration dates in nearby cities or reminders of deadlines for submitting reparations forms and other necessary documents.

But in many other countries in the Global South, Internet access is still inadequate for such purposes, particularly for those living in rural areas. There may not be Internet access at all in some places affected by conflict. Many victims' families may be too poor to own mobile phones or computers needed to register online.

From an administrative perspective, electronic systems for registering reparations applications may reduce the overall costs of the program, especially in overhead, and may ultimately expedite key parts of the process, particularly by linking the manual, paper-dependent registration and intake process to the cross-checking and disaggregation of information that is more efficiently done digitally, because it involves large databases.⁹⁰ But in most countries in the Global South, the cost of installing the hardware and software necessary to turn information on paper forms into data that is digitalized and capable of being aggregated and disaggregated electronically is prohibitive. This means that reparations forms will likely continue to be paper based while the process that deals with the form will increasingly be digital and even Internet based.

Additionally, many aspects of a registration process (such as signing the form, fingerprinting, and printing a receipt) may be better done manually than digitally, not only as a matter of

88 ICTJ, *From Relief to Reparations*, 20.

89 NaCSA staff, interviews by ICTJ, April 2009.

90 For a good comparative discussion of the importance of large databases in transitional justice work across several countries, see Ball et al., *Making the Case*.

efficiency but as a way of showing empathy. That was the conclusion in Canada, where it was decided that an “Internet-based client interface and electronic application—was not suitable for the initiative,” given the “high degree of human interaction and sensitivity” required of the registration process.⁹¹ For some victims, however, electronic filing may be more expeditious or even necessary, like for those living in the diaspora (see next section).

How Can Refugees and Those Living in Diaspora Register and Apply for Reparations?

Refugees, exiles, asylum seekers, overseas workers, and others living abroad have as much right to reparations as those living in their country. Some countries direct their consulates abroad to offer reparations forms, accept completed forms, or provide some services linked to the reparations registration process. In the Philippines, for instance, victims who reside abroad are given a special dispensation when registering that allows them to scan and submit parts of their application (for example, proof of identity, documents establishing a violation like an arrest warrant, a photo), including the form itself, and have their documents notarized at a Philippine embassy or consulate, with a hard copy to follow.⁹² An electronic receipt of acknowledgment is then returned to the applicant by e-mail.⁹³

Similarly, Colombians displaced by armed conflict who live in neighboring countries have been allowed to apply at a local Colombian consulate.⁹⁴ As a form of acknowledgement of violations, the South Korean government has asked its consulates and embassies to disseminate information about South Koreans abducted by North Korea so that their families can apply for economic and other types of assistance from the government and help to expatriate them.⁹⁵

While these approaches help those who can access consulates in foreign capitals, they do not necessarily assist refugees living in remote border areas where no consulate exists or those in hiding or living abroad under witness protection. In Côte d’Ivoire, for example, the registration process at first did not cover those living in refugee camps in neighboring Ghana and Liberia, although many victims were known to live there.⁹⁶ National reparations policy makers should explore working with humanitarian agencies to find ways to help to make reparations forms and information about the registration process accessible in such situations. The forms themselves may need to be adapted to include questions about the applicant’s likelihood of returning and assessing how reparations could be provided in the event that they are unable or unwilling to return.

91 Government of Canada, *Evaluation*, ix.

92 HRVCB, “Claimants Abroad.”

93 *Balita Filipino News*, “Martial law.”

94 See for example, Government of Colombia, “Director of Victims Unit.” The Victims’ Unit reported that “(the) United States is the third country from where Colombia has received more applications for registration in the Register of Victims (870), behind Ecuador (1171) and Canada (909). Of these, 106 statements were presented at the consulate in New York and were referred to the Victims Unit for evaluation.”

95 South Korean Ministry of Unification, “POWS.”

96 N’Guessan Kouamé, Chief of Cabinet of the Ministry of Solidarity, discussion with ICTJ, August 2016.

7. Considering How Victims Will Fill Out Forms and Submit Required Documents

How Will Reparations Forms Be Filled Out?

Reparations forms are usually filled out directly by victims, sometimes with assistance from a legal representative, registration officer, or statement taker. In some cases, a victim may be incapacitated or deceased, so others, oftentimes a family member or a legal representative, have to do so on his or her behalf.

Several reparations programs have required that the reparations form be filled out by a statement taker during an interview—which has some important advantages. Trained statement takers can make the application process more efficient for victims because they are already familiar with the form. They can write down what victims say, verify their identity, and collect pertinent documents. They can also make the registration process feel more personal by listening to victims and acknowledging their suffering (see the More on Open- and Close-Ended Questions section above).

Statement takers can also help to obviate the need for follow-up in completing applications. They may check on the completeness of the application and supporting documents while an applicant is still present. In Sierra Leone, for example, NaCSA dispatched statement takers to all four provinces and collected almost 30,000 applications.⁹⁷

In any scenario, a good practice is to include an instruction guide in the form itself or a separate instruction booklet to be used in filling out reparations forms, whether by victims or registration officers. Like the reparations form, the instructions should be sensitive to the harms suffered by victims and avoid dense presentations of information that may discourage victims from reading them.

What Kinds of Documents Are Generally Required to Complete an Application?

Reparations forms usually require that applicants provide specific documents to establish their identity and demonstrate their eligibility for benefits. In most cases, reparations forms will (and should) include a list of required documents. A few programs have allowed applicants to submit a set of alternative documents in lieu of the required documents if they are unable to produce them. The number and kinds of documents required vary greatly from program to program. Typically supporting documents are used to establish:

⁹⁷ NaCSA staff, interviews by ICTJ, April 2009.

- Applicant's identity
- Applicant's relationship to the victim, if not the victim
- Violation(s) that occurred
- Nature of the harm(s) suffered
- Applicant's needs
- Applicant's income, property, or source of livelihood
- Indicators of vulnerability or disability

Flexibility regarding documentation requirements is essential, because eligible victims who encounter difficulty producing them may be barred from participating. To prevent this, some countries accept documents that might not be official but may be used to substantiate a fact. In Peru, a baptism certificate rather than a birth certificate can establish the birth and relationships of a beneficiary to a victim for reparations purposes. Because access to records is often a barrier to submitting proof, it also helps when government agencies and civil society organizations systematically assist victims to obtain the documents they need (this is discussed in more below, in the section on registration processes).

Presumptions can also override some of these requirements, including when proof no longer exists or is difficult for claimants to obtain given the nature of authoritarian regimes or the vicissitudes of war. For example, the Property Loss Program for German Forced Laborers granted a presumption in favor of claimants, presuming that the loss happened due to the involvement of German companies if a property loss “happened during a certain period in a certain territory occupied by the (German) Reich.”⁹⁸

Presumption of Eligibility in the Philippines and Burden of Proof

Under the Philippines' reparations law, victims who were part of an Alien Tort Claims Act class-action lawsuit filed in the United States against Ferdinand and Imelda Marcos can invoke a “conclusive presumption” that they suffered violations during the dictatorship without presenting proof other than the federal court record showing that they were part of the lawsuit. Similarly, beneficiaries of victims who were killed or forcibly disappeared or are deceased and whose names are inscribed in a memorial administered by a victim-organized nonprofit foundation (Banayog ng mga Bayani Foundation) can also invoke the presumption. However, claimants who were not part of the lawsuit or failed to show certificates and records with details proving their relationship to victims have faced major challenges.*

* Republic of the Philippines, Act 10368, section 17:
Conclusive Presumption That One is an HRVV (Human Rights Violation Victim) Under This Act. — The claimants in the class suit and direct action plaintiffs in the Human Rights Litigation Against the Estate of Ferdinand E. Marcos (MDL No. 840, CA No. 88-0390) in the US Federal District Court of Honolulu, Hawaii wherein a favorable judgment has been rendered, shall be extended the conclusive presumption that they are HRVVs: Provided, That the HRVVs recognized by the Bantayog Ng Mga Bayani Foundation shall also be accorded the same conclusive presumption: Provided, further, that nothing herein shall be construed to deprive the Board of its original jurisdiction and its inherent power to determine the extent of the human rights violations and the corresponding reparation and/or recognition that may be granted.

⁹⁸ See Niebergall, “Overcoming Evidentiary Weaknesses,” 160. Presumptions can also run against claimants, as

Sometimes, however, policymakers conflate the requirement of documentation with requirement of *proof*, which leads to reparations laws that impose rigid documentation requirements covering nearly every aspect of the form. Although such requirements can enhance certainty for those implementing reparations, they add to the burden and anxiety for victims. In addition, these rigid legalistic and formal requirements can raise such a high bar that applicants may be forced to resort to the black market to get required certificates or pay bribes.⁹⁹ Both have the potential to undermine or distort the truth that the reparations application form seeks.

In Kosovo, the reparations forms used to register victims, including noncombatants who were killed and families of the missing, require not only an identification document and an original copy of a death certificate but also a separate (and most likely redundant) certificate issued by a competent municipality establishing the proof of a killing during the period covered by the program.¹⁰⁰ Similarly rigid documentation requirements in Côte d'Ivoire led to the exclusion of two-thirds of those who applied for registration, a troubling statistic given the high level of informality and lack of documentation in the country, particularly in rural and conflict-affected areas. Some victims had to incur significant expense to obtain the required documents.¹⁰¹

A good practice is for the state to procure the required official documentation such as government identification cards, birth certificates, or certifications of residency on behalf of otherwise-eligible applicants. This transforms registration into a substantive and reparative process in itself. Such documents are often ones that victims should possess or can acquire as a matter of right as citizens.¹⁰²

In Myanmar, for example, while recently released former political prisoners have been hesitant to demand material forms of reparation like rehabilitation or compensation, some have specifically asked for passports, which were previously withheld from them under the dictatorship.¹⁰³ This has the additional value of providing ex-political prisoners with the means of facilitating their access to possible future reparations measures requiring identification.

How “Legalistic” Should a Reparations Form Be and How Can It Be Kept Simple Enough So Victims Can Complete Them without Legal Assistance?

Designers of the reparations form must consider the fact that many victims and their families, particularly in the Global South, will not have access to higher education or funds for legal services and may be illiterate. This makes it more challenging to fill out a form with questions that have legal implications challenging to answer. Because of this, reparations forms should limit the legal formalities that need to be followed in applying, like swearing under oath, in favor of less formalistic approaches, like putting a signature or a thumb print on the form.

happened in Rwanda. Tutsi women who were married to Hutu could be denied benefits under the Assistance Fund for Genocide “because of a presumption that they enjoyed protection and hence were not persecuted.” Hamber and Palmary, “Gender, Memorialization, and Symbolic Reparations,” 337.

99 According to Iraqi officials ICTJ spoke with in 2008, one consequence of the 2003 US invasion of Iraq was the looting and loss of Iraqi intelligence and security agency files that recorded the names of political detainees and victims of the Saddam Hussein regime. As a result, many former political prisoners and relatives of “martyrs” [those who died for their political beliefs] resorted to buying records from those claiming to have access to looted files, so that they could submit the required documentations under Iraq’s reparation laws.

100 Government of Kosovo, *Law No. 04/L-054*.

101 Confédération des Organisations de Victimes des Crises Ivoiriennes, *Report*.

102 For example, in Kenya, a key finding of the TJRC was the need of Kenyan citizens of Somali origin to have access to citizenship documents so that they can access their rights, including reparations.

103 Assistance Association for Political Prisoners and the Former Political Prisoners Society, *After Release*.

In Nepal, victims complained to ICTJ about the “overly long and complicated bureaucratic procedures” for filling out forms and submitting documents for the IRP.¹⁰⁴ It took one man from Udayapur district three years to produce all of the supporting documents and multiple visits to the district headquarters before he was finally able to collect relief money. Such problems compelled some victims to hire lawyers to help them navigate the process, including filling out forms. Some human rights lawyers offered free legal services. But the better solution is to simplify both the form and the documentation requirements to avoid putting victims in situations where such choices are necessary.

In situations where victims feel the need to hire lawyers, efforts should be made to monitor or even regulate the legal services given. The implementing agencies that register victims can do so, as can victims’ groups and bar associations. In Canada, to ensure professional, competent, and respectful treatment of victims filing for compensation, Canada’s Bar Association developed legal guidelines on “issues specific to representation of Aboriginal residential school abuse claimants and the professional conduct expectations for lawyers.”¹⁰⁵ The Canadian reparations program also offered an additional sum of up to 15 percent of the compensation payment as reimbursement for those who hired lawyers.¹⁰⁶

What Measures Can Be Taken to Prevent Fraud?

Fraud can occur at any stage of the registration process, against both applicants and the reparations fund itself. Because reparations programs are often administrative in nature (and therefore not meant to be rigid legal processes), the absence of proof or even the seeming unlikelihood of some claims should not be automatically considered to be an indication of fraud. Rather, they are difficulties common to victims of human rights abuses, especially those affected by mass atrocities committed during a conflict.

To prevent and combat fraud, a number of steps can be taken; but none should be implemented in a way that risks harming victims. It is important to note that concerns about fraud often unfairly focuses on applicants, although corruption and favoritism by persons implementing reparations happens too.¹⁰⁷ In Sierra Leone, some victims reported that they had to provide registrations officers with extra payments or food in order to be registered.¹⁰⁸ To protect applicants from being fraudulently charged a fee, the registration packet should include a notice that registration is free, preferably both on the form itself and in any accompanying instruction booklet. The notice should be readily visible to applicants, as has been done in many previous programs.¹⁰⁹

104 ICTJ, *To Walk Freely*.

105 In Canada, to protect victims against potential fraud, lawyer’s fees are reviewable by a claims adjudicator, to “make sure that they do not exceed 30% of the award.” However, despite that safeguard, some applicants have been overcharged. As a result, the Canadian Bar Association issued “Guidance for Lawyers Acting for Survivors of the Indian Residential Schools,” though advisory in nature, “to identify appropriate practices in the area of residential school litigation with a view to ensuring the competence and professional conduct of the Ontario Bar in providing legal services and nondiscriminatory access to legal services in Ontario for claimants in these actions.” Canadian Bar Association, *Guidelines for Lawyers*.

106 See Indian Residential School Adjudication Secretariat, “Legal Fees.”

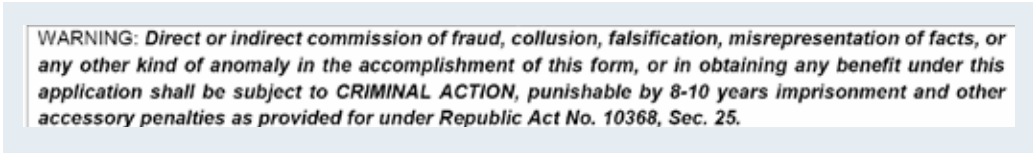
107 Even if individual claimants may commit fraud, the scale of such cases is unlikely to match the magnitude of fraud or unethical conduct that officials implementing reparations can potentially commit. For example, a ranking official of the US organization implementing reparations for the German Holocaust was convicted in a fraudulent \$57.3M scheme. US Department of Justice, “Former Holocaust Claims.”

108 Ottendorfer, *The Fortunate One*, 20.

109 Each page of the Peruvian form, for example, bears a watermark stating that “This procedure is free.” Less prominent, the instruction materials used by the Claims Conference on Jewish Material Claims against Germany, Inc. begin with the line: “There is no fee to obtain or submit this application.” The form used by South Korea’s Committee on Fact-Finding into Korean War Abductions and the Restoration of the Reputation of the Victims bears a similar notice.

To discourage fraud by applicants, warnings against fraud should be displayed prominently in the form and accompanying materials, not buried in the body of the form, where they are unlikely to be read. The form used in the Philippines, for instance, admonishes applicants against fraud at the very top of the first page (see Graphic 10).

Graphic 10: Warning against Fraud and Misrepresentation in the Philippines Form



WARNING: Direct or indirect commission of fraud, collusion, falsification, misrepresentation of facts, or any other kind of anomaly in the accomplishment of this form, or in obtaining any benefit under this application shall be subject to CRIMINAL ACTION, punishable by 8-10 years imprisonment and other accessory penalties as provided for under Republic Act No. 10368, Sec. 25.

Well-trained reparations officials are often best placed to detect fraud. Using rigorous record-keeping protocols (even paper-based ones), they can review and compare the content of completed reparations forms. For example, the Philippine reparations board acted on a case of “claimants who submitted the same documents” using “the same documentary stamp,” indicating that the claims were prepared by one person for several unrelated individuals and thus concluded that the claims were false.¹¹⁰ Computer systems can also help with implementing such fraud detection measures, where available.

Administrative oversight may also be used to verify the information in completed forms. In Austria, the registration of former slave and forced laborers was carried out by partner organizations, which then submitted a list of victims that was spot-checked by teams of three to four persons and broadly approved by a committee.¹¹¹

Common patterns of fraud by staff can be tracked through the use of standard auditing protocols. Claims of relationship, for example, are a well-known area of fraud in reparations programs. In Rwanda, for example, the audit of a reparations program for genocide victims found it was “prone to fraudulent practices by the selection committee members as well as parents who provide names of children that are not theirs.”¹¹²

¹¹⁰ UNTV News, “Martial Law Victims.”

¹¹¹ Fund for Reconciliation, Peace and Cooperation, *Forced Labor in Austria*, 214.

¹¹² Fonds d’Assistance aux Rescapés du Genocide, *Impact Assessment Report*, 83.

8. Learning Lessons from the Process

Those implementing reparations programs face constant pressure to expedite the release of compensation payments and other benefits to victims, but they are often hampered by a lack of resources and personnel to register victims, review applications, and distribute benefits. Some reparations laws and policies specify timelines or set deadlines for implementing reparations. In those situations, there is often little incentive for implementers and policy makers to take the time to assess how the registration process, including the design of the reparations form(s), could have been improved. This can become a costly financial and political mistake.

Revisiting Reparations Registration in South Africa

In South Africa, the government continues to insist on using the approach to registration implemented by the truth commission for Urgent Interim Reparation. The TRC did not have the time or the resources for an open registration process; thus, it gave interim reparations forms only to victims registered with the TRC during the statement-taking process. However, the TRC's early list was never meant to constitute a "closed list" or be the sole victims' registry but to serve as a starting point. Still, the government has excluded many victims not registered with the TRC from receiving compensation and future health- and education-related benefits through the comprehensive reparations program.*

This closed-list policy has meant leaving a substantial balance in the USD \$150 million President's Fund unused for years, when it could have compensated non-TRC registered victims. While part of this unused balance is now intended for health- and education-related benefits, only the 16,000 persons who received compensation earlier will be eligible.† These inequities could have been remedied by reassessing the "closed-list" policy and reviewing the earlier process and reopening registration.‡

* For instance, the South African government only called on "TRC-identified victims of Apartheid that were declared as such by the Truth and Reconciliation Commission" to come forward for the education- and health-related benefits to be distributed in 2016. See, for example, Government of South Africa, "Education Assistance."

† South Africa's largest apartheid victims' group, Khulumani, asserts that "victims of apartheid, as envisaged by the TRC, were not consulted properly in the process of drafting the new regulations and will not benefit directly from them." Alison, "The President's Fund."

‡ ICTJ has advocated for a more expansive reparations program in South Africa through the South African Coalition for Transitional Justice. See, for example, South African Coalition for Transitional Justice, *Comments*.

Reparations Forms Can Be Used to Define a Future Reparations Policy or Adjust an Existing One

Information from reparations forms can help to identify any gaps in reparations policy and determine whether collective reparations may be called for or whether development programs can prioritize victims whose needs cannot be met by existing resources for reparations. They can also help policy makers to understand the importance and relative costs and consequences of different types of benefits and approaches to addressing the consequences of violations.

For example, setting up a comprehensive health care program for victims, as in Chile, may be more meaningful for victims and efficient than only addressing their injuries from torture or other violations of physical integrity. But information is needed to make those decisions; reparations forms and registries provide an opportunity to gather that information. By using advances in technology, data collection, and management systems, the accumulated information can be readily aggregated and disaggregated for consideration by state agencies, international donors, and others who may need it.

The government of Nepal used its IRP registration forms not only to support the implementation of the program as it originally existed but also as a basis for introducing new benefits, for example, for orphans, whose status came to be known through the registration process and whose numbers were aggregated after registration. They were also used to adjust existing policy, including for the wives of the forcibly disappeared, some of whom indicated in their completed reparations forms that their husbands were deceased, not disappeared, in order to claim benefits initially only offered to widows.¹¹³

Further, Nepal's IRP form sought information from the applicant about the family's income level ("high, medium, or low"); surface of arable land at the family's disposal (based on three categories of measuring surface, from a big plot to a garden); the family's main source of income-generating activity; and an estimate of the family's yearly harvest and income; if the family had been displaced by the conflict; if any family members suffered health problems as result of a violation; and if they had received any other form of relief or compensation from the government. While the IRP did not attempt to directly address families' conditions of extreme poverty or lack of access to land, the data collected in the form could, for example, drive policy-making discussions regarding collective forms of reparation that acknowledge that victims from certain castes, classes, or ethnic groups have faced more acute hardship than other victims.

113 ICTJ, *To Walk Freely*.

9. Conclusion

The victim application process is a critical component of implementing a reparations program. While there are as many types of reparations forms and effective ways of collecting information as there are reparations measures, some key principles should guide the process.

First, victim application processes should be designed with the overall reparative purpose of the program in mind, as these processes have both a practical necessity and a symbolic value for victims. How they are designed and used directly impacts victims and their sense of dignity. Therefore, processes should be designed and carried out in a way that respects victims and facilitates their participation without imposing undue legal, financial, or emotional burdens on them.

Second, it is important to define exactly what information and types of documentation are needed from victims and how best to collect it. Knowing this will help to determine what questions need to be asked in the form and how to ask them. These decisions will impact the extent of detail sought, the length of the form, and the amount of effort it will take for victims to complete it. They will also impact the level of intrusion made into victims' lives and the likelihood that victims may be re-traumatized by the application experience. Designing a reparative and effective reparations form and registration process is less about rigid adherence to some bureaucratic prescriptions; rather, it is about understanding the people who will be using the form and the circumstances they face as victims and survivors of human rights violations and creating a process that works for them and those implementing it.

Key questions need to be asked: Who will be filling out the form? What levels of literacy, trust, language, and other social, economic, and cultural barriers do they likely face? What specific difficulties will women, children, and other marginalized groups likely face? Are staff and officials capable of responding to what applicants might need during the registration process? Where resources are scarce and bureaucracies are ill equipped to carry out large, complicated reparations processes, as in the Global South, will the form require that victims have access to information, documentation, cities (especially capitals), offices, and persons that impoverished or marginalized persons in such contexts typically do not have and thereby hamper victims' access to reparations?

Third, although a reparations form is an official document, it should not require legal knowledge or a lawyer's assistance to complete. Instead, special consideration should be given to reaching victims where they are and enabling them to access and fill out forms and participate in the implementation process in a safe, meaningful, and effective way. This requires consulting victim communities and civil society from the beginning and testing different approaches with pilot registration programs or trial runs.

Finally, it is essential to always consider the years of immense loss, suffering, and neglect that most victims have had to endure, which often generates a mix of despair and distrust of both the government and outsiders. When combined with most people's unfamiliarity with legal vocabulary and human rights language, the seemingly simple act of filling out a reparations form can turn into just another painful episode of victimization. But if designed with victims' rights and needs in mind, claiming reparations can be a cathartic and reparative experience of justice. At the same time, it is important to remember that reparations forms may lead to expectations on the part of applicants that they are guaranteed compensation or other benefits. Further, victims of human rights violations may not know that they have a right to reparation and so they may see money or other benefits provided through a reparations program as another form of government assistance and not as an acknowledgement of wrongdoing on the part of the state. Therefore, the task of those designing reparations forms and implementing reparations programs is to introduce or reinforce the understanding of reparations as a right of victims and an obligation of the state and those responsible. A reparations form is not, therefore, just another official document, but a threshold in which justice becomes possible.

Recommendations

The recommendations below are intended to assist policy makers and civil society actors in developing effective and meaningful registration processes, focus on reparations forms.

- **Carry out mapping exercises and planning that anticipate how a form will be rolled-out and then used and understood by applicants.** It is important to consider in advance the purpose and objectives to be served by the reparations form: What information or documentation is needed from applicants and why? How will that information be used and analyzed? What information has already been collected through truth seeking and needs assessments? If detailed recommendations already exist about the scope and content of reparations measures, what further information is needed from applicants? If a reparations policy has not yet been finalized or planners are still assessing victims' needs and require additional data for understanding how to address them, a different type or level of detail may be required. Sometimes it is helpful to conduct a small pilot study first, followed by a full registration effort.
- **Involve institutions with prior experience dealing with human rights violations and internally displaced persons, victims' groups, and civil society organizations in the country in the drafting and design of reparations policies and programs from the outset.** Their involvement will help to ensure policies and programs meet victims' needs and the resources of the state (or institutions offering reparations). This will also help to ensure that the processes and forms used to register victims and beneficiaries are accessible to victims and effective for implementers while providing meaningful data for policy makers.
- **Design reparations forms with a multidisciplinary team of persons and agencies.** While those with legal training can contribute significantly to designing reparations forms (and the overarching implementation process), those with experience facilitating community outreach and managing information technology, for instance, have an important role to play, with important tasks like creating and managing large databases. Those with experience implementing social-assistance programs, conducting interviews, and gathering data in less-developed settings are likely to have the skills necessary for designing reparations processes.
- **Take account of and reflect the admonition to “do no harm” by being sensitive to victims' needs and vulnerabilities.** Avoid inadequacies in design that detract from or distort the larger message that gives meaning to reparations: that society acknowledges the violations that occurred and recognizes victims' suffering and dignity. Also consider that for many victims it is painful to remember and narrate their experiences, so the reparations form should anticipate the likely need for psychosocial support for claimants.
- **Make the application and the process of registering victims reparative in effect, whenever possible.** For example, the reparations form and any accompanying guide may include statements acknowledging victims and the harms they suffered. The registration processes themselves should likewise treat applicants with the respect and dignity accorded to those whose human rights have been violated.

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Appendices

D. HUMAN RIGHTS VIOLATIONS (Please check applicable box)

- (1) Killed
- (2) Disappeared and still missing
- (3) Tortured
- (4) Raped or sexually abused
- (5) Illegally detained
- (6) Involuntarily exiled
- (7) Unjust or illegal takeover of business; confiscation of property; detention of owner/s and/or their families; deprivation of livelihood
- (8) Victim's child kidnapped or exploited;
- (9) Sexually offended during detention and/or in the course of military and/or police operations
- (10) Other violations and/or abuses similar or analogous to 8 and 9, please specify:

Place/s and approximate date/s of incident/s
Alleged perpetrator (Name of Person/Unit/Group/Association)(if known)

ATTACHED DOCUMENTS: (Please check applicable box)

- Proof of human rights violations
- Sworn statement* narrating circumstances of Human Rights Violation/s (HRV).
 - Sworn statement* of two (2) co-detainees or two (2) persons who have personal knowledge of the circumstances surrounding the HRV
 - Warrant of arrest, seizure orders (PDA, PCO, ASSO), mission order and other similar documents
 - Certification by custodial government agencies on fact of detention, *carpeta*, police blotter, NBI files, and other similar documents
 - Release papers
 - Declassified documents from the Department of National Defense
 - Court records
 - Original or duly certified lawyer's records
 - Photographs with affidavit of proper authentication
 - Secondary sources of information from reliable sources such as church/NGO report, books documenting HRVs, news clippings or other similar documents
 - Other documents: _____

- Proof of identity of HRVV, legal heir/s or authorized representative
- NSO-issued or Local Birth Certificate/s
 - NSO-issued or Local Marriage Certificate
 - NSO-issued or Local Death Certificate
 - Affidavit* of two (2) disinterested persons
 - Notarized authorization showing proof of identity of the authorized representative (In case HRVV is physically incapacitated to file personally)
 - Government issued identification card

*Must be compliant with 2004 Rules of Notarial Practice. PAO and IBP offer free notarization.

I hereby swear and affirm that the information/s provided herein is/are true and correct of my own personal knowledge and the document/s submitted is/are authentic. I further swear that I am fully aware that I may incur criminal liability under the Revised Penal Code for any false information.

Applicant's/Legal Heir's/Authorized Representative's Signature Above Printed Name	Date
--	------

I likewise grant to the Board/Memorial Commission my prior informed consent to share/publish information about my story for legal purposes other than the publication of the list of eligible claimants and inclusion of the victim's name in the Roll. (See Implementing Rules and Regulations of RA 10368, Sec. 21 for confidentiality in certain instances.)

Applicant's/Legal Heir's/Authorized Representative's Signature Above Printed Name	Date
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INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)

CLAIM FORM FOR SLAVE LABOUR, FORCED LABOUR, PERSONAL INJURY OR DEATH OF A CHILD



Please read the attached guidelines carefully before you begin. This **IOM claim form** is for claimants who are **not Jewish** and who do **not live** in one of following countries: the Czech Republic, Poland, the Russian Federation or a country that was a republic of the former Soviet Union. Type or neatly print all requested information in black or blue ink. Attach photocopies, not originals, of any requested documents. Please submit to the IOM one original and one copy of the claim form and two copies of all attached documents.

CLAIMANT'S PERSONAL INFORMATION

1. Claimant's Last Name		2. Claimant's First Names	
3. Claimant's Maiden Name, if applicable			4. Sex Male <input type="checkbox"/> Female <input type="checkbox"/>
5. Current Citizenship	6. Citizenship at Birth	7. Ethnic Origin	

Other names used by claimant during the Nazi era, if applicable

8. Last Name		9. First Names	
10. Date(s) of birth Enter any birth date used during the Nazi era Year Month Day		11. City of birth as known at that time	
		12. Country of birth as known at that time	

Permanent Residence

13. Street name and number, apartment number		14. City, Town or Village	
15. Province or State	16. Country	17. Postal Code	
18. Telephone-home		19. E-mail	
20. State your Country of permanent residence on 16 February 1999, if different from Country at number 16			

Mailing Address, if different from Permanent Residence

21. Street name and number, apartment number		22. City, Town or Village	
23. Province or State	24. Country	25. Postal Code	
26. Telephone-home		27. E-mail	

28. Are you claiming for a former slave labourer, forced labourer, personal injury victim or parent of a deceased child who died on or after 16 February 1999 ?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
29. If "Yes", what is your relationship to the deceased?	<input type="checkbox"/> spouse	<input type="checkbox"/> child	<input type="checkbox"/> heir under a will
	<input type="checkbox"/> grandchild	<input type="checkbox"/> sibling	
30. If "Yes", have you attached proof of relationship to deceased by submitting a copy of a marriage certificate, birth certificate, family registration booklet, will, etc.?			Yes <input type="checkbox"/> No <input type="checkbox"/>
31. Were you (or the deceased) a prisoner of war (POW) at any time from 1939–45?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
32. If "Yes", you may file a claim only if you (or the deceased) were sent to a concentration camp or were discharged as a POW		POW Date of Discharge	
		Year	Month Day

Claimant's name

INFORMATION ABOUT DECEASED PERSON

You need to fill in this page only if you are claiming for a deceased person who died on or after 16 February 1999. If you are claiming on your own behalf, please go to next page.

33. Last Name of deceased	34. First Names of deceased
35. Maiden Name of deceased, if applicable	36. Sex of deceased Male <input type="checkbox"/> Female <input type="checkbox"/>
37. Citizenship of deceased at birth	38. Ethnic Origin

Other names used by deceased during the Nazi era

39. Last Name of deceased	40. First Names of deceased

41. Date(s) of birth of deceased Enter any birth date used during the Nazi era	43. City of birth of deceased as known at that time
Year Month Day	44. Country of birth of deceased as known at that time
	45. Country where deceased died
42. Date of death	
Year Month Day	

46. You must attach a copy of the death certificate. Is a copy attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>For official IOM use Please leave blank</i>	Y <input type="checkbox"/> N <input type="checkbox"/>
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INFORMATION ABOUT PERSONS OTHER THAN CLAIMANT WHO ARE CLAIMING FOR DECEASED

Each person claiming must submit proof of relationship to the deceased by submitting a copy of a marriage certificate, birth certificate, family registration booklet, will, etc. If more space is required, please attach additional sheets.

	Second Person Claiming (other than claimant)	Third Person Claiming (other than claimant)	Fourth Person Claiming (other than claimant)
47. Last Name			
48. First Name			
49. Street name and number, apartment number			
50. City, Town or Village			
51. Province or State			
52. Country			
53. Postal Code			
54. Relationship to deceased	<input type="checkbox"/> spouse <input type="checkbox"/> child <input type="checkbox"/> grandchild <input type="checkbox"/> sibling <input type="checkbox"/> heir under will	<input type="checkbox"/> spouse <input type="checkbox"/> child <input type="checkbox"/> grandchild <input type="checkbox"/> sibling <input type="checkbox"/> heir under will	<input type="checkbox"/> spouse <input type="checkbox"/> child <input type="checkbox"/> grandchild <input type="checkbox"/> sibling <input type="checkbox"/> heir under will
55. Is proof of relationship to deceased attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Claimant's name

SLAVE LABOUR

You need to fill in this page only if you, or the deceased for whom you are claiming, were held in a concentration camp, ghetto or another place of confinement under comparable conditions and were subjected to slave labour. Comparable conditions include inhumane prison conditions, insufficient nutrition and lack of medical care. Otherwise please go to next page.

56. Indicate the types of place(s) where you (or the deceased) were held

Concentration camp Ghetto Other place of confinement

Name the place(s) where you (or the deceased) were held and indicate for which time periods

57. Concentration Camp	58. From		59. To	
	Year	Month	Year	Month
a.				
b.				

60. Ghetto	61. From		62. To	
	Year	Month	Year	Month
a.				
b.				

63. Other place of confinement	64. From		65. To	
	Year	Month	Year	Month
a.				
b.				

66. Name the company(ies) for which you (or the deceased) performed slave labour, if known			
a.		c.	
b.		d.	

Indicate which documents you have provided in support of your claim

For official IOM use Please leave blank		67. Document (photocopies only)	68. Number on document
a.	<input type="checkbox"/>	<input type="checkbox"/> Liberation certificate	
b.	<input type="checkbox"/>	<input type="checkbox"/> Repatriation document	
c.	<input type="checkbox"/>	<input type="checkbox"/> Displaced persons card	
d.	<input type="checkbox"/>	<input type="checkbox"/> Prison record (<i>Personalakte</i>)	
e.	<input type="checkbox"/>	<input type="checkbox"/> Search result from the International Tracing Service (<i>Internationaler Suchdienst, Bad Arolsen</i>)	
f.	<input type="checkbox"/>	<input type="checkbox"/> Other (please specify)	

Claimant's name

FORCED LABOUR

You need to fill in this page only if you, or the deceased for whom you are claiming, were deported to Germany or a German-occupied area and were subjected to forced labour and were held in extremely harsh living conditions. Otherwise please go to next page.

Where were you (or the Deceased) deported from	69. Town/City deported from	70. Country deported from
Where were you (or the Deceased) deported to	71. Town/City deported to	72. Country deported to
73. Date deported	74. Date released	
Year	Month	Year Month
75. Did you perform forced labour for a company or public authority?		Yes <input type="checkbox"/> No <input type="checkbox"/>
76. Did you perform forced labour in agriculture?		Yes <input type="checkbox"/> No <input type="checkbox"/>
77. Were you held at anytime in a Work Reform Camp (<i>Arbeitserziehungslager</i>)?		Yes <input type="checkbox"/> No <input type="checkbox"/>
78. Were you occasionally (for example on Sundays) allowed to move in the village or town or city where you were held?		Yes <input type="checkbox"/> No <input type="checkbox"/>
79. Were you held under guard and subjected to constant searches and controls by guards or police both during and outside working hours?		Yes <input type="checkbox"/> No <input type="checkbox"/>

Fill in numbers 80-81, if you performed forced labour for a **company or public authority**

80. Name the company(ies) or public authority(ies) for which you (or the deceased) performed forced labour	
a.	b.
81. Name the Work Reform Camp (<i>Arbeitserziehungslager</i>) or forced labour camp(s) or other place(s) where you (or the deceased) were held	
a.	b.

Fill in number 82, if you performed forced labour in **agriculture**

82. Name the person or entity for whom you (or the deceased) performed forced labour in agriculture, if known	
a.	b.

Indicate which documents you have provided in support of your claim

<i>For official IOM use Please leave blank</i>	83. Document (photocopies only)	84. Number on document
a. <input type="checkbox"/>	<input type="checkbox"/> Work book for foreigners (<i>Arbeitsbuch für Ausländer</i>)	
b. <input type="checkbox"/>	<input type="checkbox"/> Work card (<i>Arbeitskarte</i>)	
c. <input type="checkbox"/>	<input type="checkbox"/> Company work record (<i>Arbeitsbescheinigung</i>)	
d. <input type="checkbox"/>	<input type="checkbox"/> Work requisition labour office (<i>Arbeitsamt</i>)	
e. <input type="checkbox"/>	<input type="checkbox"/> Deportation card or attestation	
f. <input type="checkbox"/>	<input type="checkbox"/> Prison record (<i>Personalakte</i>)	
g. <input type="checkbox"/>	<input type="checkbox"/> Discharge certificate (<i>Entlassungsschein</i>)	
h. <input type="checkbox"/>	<input type="checkbox"/> Repatriation document	
i. <input type="checkbox"/>	<input type="checkbox"/> Displaced persons card	
j. <input type="checkbox"/>	<input type="checkbox"/> Search result from the International Tracing Service (<i>Internationaler Suchdienst, Bad Arolsen</i>)	
k. <input type="checkbox"/>	<input type="checkbox"/> Passport for foreigners (<i>Fremdenpass</i>)	
l. <input type="checkbox"/>	<input type="checkbox"/> Other (please specify)	

Claimant's name



You need to fill in this page only if you are claiming for a personal injury or death of a child. Otherwise please go to next page.

PERSONAL INJURY – Medical Experiments

85. Were you (or the deceased) subjected to medical experiments under the Nazi regime? If No, go to number 88.	Yes <input type="checkbox"/> No <input type="checkbox"/>
86. Name the Camp where the medical experiments were conducted	

Indicate which documents you have provided in support of your claim

<i>For official IOM use Please leave blank</i>	87. Document (photocopies only)
<input type="checkbox"/>	<input type="checkbox"/> Medical certificate
<input type="checkbox"/>	<input type="checkbox"/> Other (please specify)

PERSONAL INJURY – Child Lodged in Home for Children of Slave or Forced Labourers

88. Were you (or the deceased) lodged in a home for children of slave or forced labourers and was your (or the deceased's) health, either mental or physical, severely damaged? If No, go to number 94.		Yes <input type="checkbox"/> No <input type="checkbox"/>
89. Date placed in home for children	90. Name the camp where children's home was situated	
Year	Month	
91. Date released from home for children	92. Name the home for children, if known	
Year	Month	

Indicate which documents you have provided in support of your claim

<i>For official IOM use Please leave blank</i>	93. Documents (photocopies only)
<input type="checkbox"/>	<input type="checkbox"/> Medical certificate
<input type="checkbox"/>	<input type="checkbox"/> Other (please specify)

DEATH OF CHILD – Child Lodged in Home for Children of Slave or Forced Labourers

94. Are you (or was the deceased) the parent of a child who died while lodged in a home for children of slave or forced labourers?		Yes <input type="checkbox"/> No <input type="checkbox"/>
95. Child's Last Name	96. Child's First Names	
97. Name the camp where children's home was situated	98. Name the home for children, if known	
99. Date of birth of child	100. Date of death of child	101. Date placed in home for children
Year Month Day	Year Month Day	Year Month

Indicate which document you have provided in support of your claim

<i>For official IOM use Please leave blank</i>	102. Document (photocopies only)
<input type="checkbox"/>	Please specify

OTHER PERSONAL INJURY

103. Did you suffer other personal injury in connection with National Socialist wrongs?	Yes <input type="checkbox"/> No <input type="checkbox"/>
---	--

Indicate which document you have provided in support of your claim

<i>For official IOM use Please leave blank</i>	104. Document (photocopies only)
<input type="checkbox"/>	<input type="checkbox"/> Medical certificate
<input type="checkbox"/>	<input type="checkbox"/> Other (please specify)

Claimant's Name



PARTICIPATION IN ANOTHER GOVERNMENT PROGRAMME

Please indicate below whether you (or the deceased) participated in another Government programme. Information about whether you (or the deceased) participated in another programme may help IOM process your claim faster. Any money previously received from such a programme **will not be deducted** from any payment made by IOM.

105. Government Programme	106. Your (or deceased's) Programme Identification Number
a. <input type="checkbox"/> Germany, Federal Indemnification Law – <i>Bundesentschädigungsgesetz/BEG</i>	
b. <input type="checkbox"/> Germany, Hardship Fund – <i>HNG Fonds</i>	
c. <input type="checkbox"/> Germany, Hardship Fund – <i>Wiedergutmachungs – Dispositions-Fonds</i>	
d. <input type="checkbox"/> Germany, Hardship payments for medical experiments	
e. <input type="checkbox"/> Belgium, granted status of <i>Prisonnier Politique</i>	
f. <input type="checkbox"/> Belgium, granted status of <i>Déporté pour le Travail Obligatoire</i>	
g. <input type="checkbox"/> France, granted status of <i>Déporté Résistant</i> or <i>Déporté Politique</i>	
h. <input type="checkbox"/> France, granted status of detainee in Work Reform Camp (<i>Arbeitserziehungslager/AEL</i>)	
i. <input type="checkbox"/> France, granted status of <i>Personne Contrainte au Travail (PCT)</i>	
j. <input type="checkbox"/> Italy, granted status under Law 791	
k. <input type="checkbox"/> Italy, confirmed as <i>Internato Militare Italiano (IMI)</i>	
l. <input type="checkbox"/> Slovenia, granted status under the Law on Victims of War – <i>ZZVW</i>	
m. <input type="checkbox"/> Other (please specify)	

POTENTIAL ENTITLEMENT UNDER THE HOLOCAUST VICTIM ASSETS LITIGATION (SWISS BANKS)

You may be entitled to further payment pursuant to a settlement under the Holocaust Victim Assets Litigation (Swiss Banks) that was brought before the United States District Court, Eastern District of New York. Please answer the questions below so that IOM may send you the necessary information when it becomes available.

107. Were you (or the deceased) a Jehovah's Witness, Roma, homosexual or disabled and were you (or the deceased) held in a concentration camp, ghetto, another place of confinement, forced labour camp, prison, SS brigade, or a similar place and forced to work? Yes <input type="checkbox"/> No <input type="checkbox"/>
108. Were you (or the deceased) forced to work for a Swiss company, or a German company owned by a Swiss company, during the Nazi era? Yes <input type="checkbox"/> No <input type="checkbox"/>
109. If "Yes", name the Company for which you worked
110. Were you (or the deceased) a Jehovah's Witness, Roma, homosexual or disabled and were you (or the deceased) either i) denied entry into or expelled from Switzerland by the Swiss authorities or ii) admitted into Switzerland as a refugee and detained, mistreated or abused by the Swiss authorities? Yes <input type="checkbox"/> No <input type="checkbox"/>

PAYMENT INFORMATION

111. If your claim is approved by the IOM, indicate how you would like to receive payment. Please note that heirs awarded compensation for the deceased will only be sent cheques in their own name for equal shares of the award. <input type="checkbox"/> Cash (distributed by IOM offices only) <input type="checkbox"/> Cheque <input type="checkbox"/> Bank transfer (if bank transfer, provide banking information below)
--

Banking Information and Address

112. Bank	113. Account holder's name	114. Bank account number
115. Bank street name and number		116. Town or City
117. Province or State	118. Country	119. Postal Code
120. Bank telephone number	121. Bank routing number	



Claimant's name

PERSONAL STATEMENT

Please provide a brief description below of what happened to you, or the deceased for whom you are claiming, during the period that you (or the deceased) were a **slave labourer** or **forced labourer**. Describe the conditions in which you (or the deceased) were held.

If you are claiming for **medical experiments**, describe the nature and impact of the experiments on your health (or that of the Deceased). If you are claiming for **severe damage to health** while lodged in a home for children of slave or forced labourers, describe your (or the deceased's) injuries. If you are claiming for the **death of a child** while lodged in a home for children of Slave or forced labourers, describe the circumstances of the child's death. If you are claiming for **other personal injury**, describe the specific National Socialist wrong that caused the other personal injury.

Claimant's name



SIGNATURE, CONSENT AND WAIVER

Please sign where indicated. You must sign the official IOM claim form before a notary public or other official authorized to attest to the authenticity of signatures and documents. If you are homebound, you may sign the IOM claim form before an attending physician.

- a) If you received compensation after 1945 from a German company for Nazi injustice, please indicate the name of the company and the amount below. This previously received compensation will be deducted from any payment that may be awarded to you by IOM. However, the information you provide here may help IOM process your claim faster.
Name of Company 122..... Amount Received 124.....
b) I understand that my entitlement to receive payment under the German Forced Labour Compensation Programme is dependent on the conditions specified in the German Law.
c) I (or the deceased) have not applied for or received any payments under this Programme for the same Nazi injustice for which I claim on this claim form.
d) I (or the deceased) have not applied for or received a payment from the Austrian Reconciliation Fund for the same Nazi injustice for which I claim on this claim form.
e) I agree that in connection with the processing and checking of this claim my data and that of the deceased will be kept in a central database and a check will be made for claims that may have been filed by me with the other partner organizations.
f) I authorize the IOM to inspect all relevant third party files and databases to verify my claim, for example, German Government archives, Red Cross International Tracing Service archives, etc.
g) I waive irrevocably on receipt of a payment under the German Forced Labour Compensation Programme the assertion of any of the following claims outside the German Law:
i. Against the Federal Republic of Germany, German Federal States and other German public institutions in respect of slave labour, forced labour or property losses.
ii. Against German companies with regard to all claims connected with National Socialist injustice.
iii. Against the Republic of Austria and Austrian companies in respect of slave labour or forced labour.

This waiver does not apply to claims and payments to be made under German laws on the consequences of war or Indemnification measures or to any claims relating to the return of works of art. The latter may only be asserted, however, in Germany or in the country from which the work of art was taken.

h) I attest that the information provided in support of this claim is true and made to the best of my knowledge. I am aware that false information may lead to action for the return of any payment made and further legal action.

Signature of claimant

Type of current Identification document 125..... Number of current Identification document 126.....

I have verified the claimant's identification card or passport and documentation of the claimant's permanent residence as of 16 February 1999. Where applicable, I have verified the relationship of the claimant to the deceased.

Stamp and signature of notary public/other official/attending physician

Date City

Printed name of notary public/other official/attending physician

.....
Last Name First Name

Address of notary public/other official/attending physician

.....
Telephone number of notary public/other official/attending physician.....



Registro Único de Víctimas

Ficha de registro de información sobre potenciales víctimas directas e indirectas afectadas por la violencia entre 1980 y 2000

Libro Primero

Código N°					

Fecha		

I. INFORMACIÓN GENERAL DEL REGISTRO

1.1 Ubicación geográfica

1. Departamento		3. Distrito	
2. Provincia		4. Centro poblado	
UBIGEO		4.1 Categoría	

1.2 Idioma en que se realizó la entrevista

--

1.3 Apellidos y nombre(s) del registrador

Primer apellido	Segundo apellido	Nombre(s)

II. DATOS DE LA POTENCIAL VÍCTIMA

2.1 Nombres y apellidos

Primer apellido	Segundo apellido
Primer nombre	Segundo nombre

2.2 Lugar de nacimiento

1. Departamento	
2. Provincia	
3. Distrito	
4. Centro poblado	
4.1 Categoría	
5. Grupo étnico	
6. Otro país	

2.3 Fecha de nacimiento

Exacto		
1. Día	2. Mes	3. Año
Aproximado		

2.4 Estado civil

1. Soltero(a)	
2. Casado(a)	
3. Conviviente	
4. Viudo(a)	
5. Divorciado(a)	
6. Separado(a)	

2.5 Género

1. Hombre	
2. Mujer	

2.6 Condición de la potencial víctima

1. Viva	
2. Con discapacidad a consecuencia de hechos	
3. Desaparecida	
4. Muerte por consecuencia de hechos	
5. Muerte por otras causas	
6. Fecha de la muerte	Día Mes Año

2.7 Documentos de identidad

1. N° de LE o DNI	
2. N° de Libreta Militar	
3. Partida de nacimiento	
4. Otro documento	
5. No tiene	

2.8 Ubicación geográfica del domicilio actual

1. Departamento	
2. Provincia	
3. Distrito	
4. Centro poblado	
5. Extranjero	

2.9 Dirección

Vía / Nombre				
N°	Piso	Interior	Km	Otro

2.10 Medios de contacto

1. Teléfono	(N°)
2. Radio	(Frecuencia)
3. Correo electrónico	
4. Mediante autoridad	(Nombre / Cargo)
5. Otro medio	

V. FAMILIARES DE LA POTENCIAL VÍCTIMA (De las personas fallecidas o desaparecidas e hijos producto de la violación sexual)

Primer apellido	Segundo apellido	Nombres	Género		Fecha Nacimiento / Edad		Documento de identidad		Vive		
					1:	Fecha de Nacimiento día / mes / año	1:	LE o DNI	Sí	No	No sabe
			2:	Edad actual (años)	2:	Libreta Militar	3:	Partida Nacimiento			
Hombre	Mujer	Código		Código	Nº / Municipalidad / Especifique						
5.1 DATOS DEL(A) ESPOSO(A) O CONVIVIENTE											
5.2 DATOS DE LOS HIJOS DE LA POTENCIAL VÍCTIMA											
1.											
2.											
3.											
4.											
5.											
6.											
7.											
8.											
9.											
10.											
5.3 DATOS DE LOS PADRES DE LA POTENCIAL VÍCTIMA											

7.7 Documentación adjuntada		
N°	Nombre del documento	N° páginas
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

VIII. AUTORIZACIÓN Y DECLARACIÓN JURADA DEL SOLICITANTE

8.1 AUTORIZACIÓN

Autorizo mi inscripción y/o la de mi familiar en el Registro Único de Víctimas.

8.2 DECLARACIÓN JURADA

Declaro bajo juramento que los datos consignados y los documentos presentados expresan la verdad de acuerdo a lo regulado por la Ley 27444 - Ley del Procedimiento Administrativo General.

Nota: La comprobación de la falsedad en la declaración, información y/o documentación presentada, dará lugar a las sanciones administrativas y penales correspondientes, según el artículo 32 numeral 32.3 de la Ley 27444 y el artículo 427 del Código Penal.

IX. FIRMA Y HUELLA DIGITAL

9.1 Firma del declarante

9.2 Huella (Índice derecho)

4.7 Relato brindado por el entrevistado sobre los hechos de violencia que ha vivido la potencial víctima (apreciaciones, denuncias, demandas, sugerencias y otros). Nombres de potenciales víctimas relacionadas con el evento.

Código(s) presunto(s) causante(s):

--	--	--	--	--

Presuntas víctimas relacionadas al evento

Apellido paterno	Apellido materno	Nombre(s)	Apellido paterno	Apellido materno	Nombre(s)
1.			6.		
2.			7.		
3.			8.		
4.			9.		
5.			10.		

Firma del declarante

Huella (índice derecho)

Comentarios y apreciaciones generales del(la) entrevistador(a)



Registro Único de Víctimas

Ficha de registro de información sobre comunidades andinas, nativas y centros poblados afectados por la violencia entre 1980 y 2000

Libro Segundo

Código N°					

Fecha		
(día)	(mes)	(año)

I. INFORMACIÓN GENERAL

1.1 Ubicación geográfica

1. Departamento		4.1 Categoría	
2. Provincia		5. Grupo étnico	
3. Distrito		6. Idioma predominante	
4. Centro poblado		UBIGEO	(No llenar durante encuesta)

1.2 Apellidos y nombre(s) del registrador

Primer apellido	Segundo apellido	Nombre(s)

II. AFECTACIÓN (agentes, período y hechos)

¿Cuántas incursiones armadas hubo en su centro poblado durante la violencia?

Presuntos causantes de la afectación	Período				Tipo de afectación (*)
	1980-1985	1986-1990	1991-1995	1996-2000	
1. Sendero Luminoso					
2. MRTA					
3. Fuerzas Armadas					
4. Policía Nacional					
5. Rondas campesinas					
6. Comité Autodefensa					
7. Otro (especificar)					

Incursión armada es una irrupción de personas provistas de armas que tuvo como consecuencia el daño o la pérdida de bienes materiales o de personas de su centro poblado (muertos, desaparecidos, torturados, discapacitados, viudos(as), huérfanos(as), presos, etc.).

(*): Detallar el tipo o tipos de afectación que provocaron:

- | | |
|---|--|
| (1) Concentración de violaciones individuales | (4) Quiebre institucional |
| (2) Arrasamiento | (5) Destrucción o daño de infraestructura comunal. |
| (3) Desplazamiento forzoso | |

III. EFECTO DE LA VIOLENCIA

3.1 Población

1. Fecha de inicio de la violencia interna	
2. Número de habitantes cuando se inició el proceso de violencia	
3. Número actual de habitantes	

3.2 Concentración de violaciones individuales			
1. Número de personas fallecidas			
2. Número de personas desaparecidas			
3. Número de personas torturadas			
4. Número de personas violadas sexualmente			
5. Número de personas secuestradas o reclutadas forzosamente			
6. Otra afectación (especificar y marcar con un aspa "X")	Sí	<input type="checkbox"/>	No <input type="checkbox"/>

3.3 Arrasamiento 1/			
1. ¿Hubo arrasamiento en este centro poblado? (Marcar con un aspa "X")	Sí	<input type="checkbox"/>	No <input type="checkbox"/>
2. Fecha de arrasamiento del centro poblado			
3. Tiempo que duró el efecto del arrasamiento (años, meses)			
4. Fecha de reconstrucción o de retorno al centro poblado			

1/ Arrasamiento es la casi destrucción total del centro poblado, que impidió la permanencia de los sobrevivientes, hasta su proceso de repoblamiento.

3.4 Desplazamiento forzoso			
1. Número de personas desplazadas por la violencia política			
2. Fecha de inicio del desplazamiento forzoso			
3. ¿Cuántas personas retornaron?			
¿Cuáles fueron los lugares adonde se desplazaron con mayor frecuencia? (máximo 3)			
Departamento	Provincia	Distrito	Centro poblado
1.			
2.			
3.			

3.5 Quiebre de la institucionalidad comunal			
1. Número de autoridades muertas			
2. Número de autoridades desaparecidas			
3. Número de autoridades desplazadas			
4. ¿Se organizaron al perder sus autoridades? (Marcar con un aspa "X")	Sí	<input type="checkbox"/>	No <input type="checkbox"/>
4.1 ¿Se eligieron nuevas autoridades? (Marcar con un aspa "X")	Sí	<input type="checkbox"/>	No <input type="checkbox"/>
4.2 ¿Continuaron reuniéndose para tomar decisiones colectivas? (Marcar con un aspa "X")	Sí	<input type="checkbox"/>	No <input type="checkbox"/>
5. Número de organizaciones comunales afectadas			

IV. INFORMANTES DE LA FICHA

N°	Apellidos y nombres	Cargo	Documento de identidad	Firma, huella digital y/o sello
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

TODO TRÁMITE ES GRATUITO

ANEXO I: VERIFICACIÓN SOBRE CONCENTRACIÓN DE VIOLACIONES INDIVIDUALES

(CAP. III – Pregunta 3.2)

N°	Apellidos y nombres	Documento de identidad	Condición de potencial víctima (*)	Observación
1.				
2.				
3.				
4.				
5.				
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39.				
40.				
41.				
42.				
43.				
44.				
45.				

TODO TRÁMITE ES GRATUITO

(*) Condición de víctima:

(1) Fallecida	(3) Torturada	(5) Secuestrado o Reclutado forzosamente
(2) Desaparecida	(4) Violación sexual	(6) Otros

ICTJ
40 Fulton Street, 20th Floor
New York, NY 10038
Tel +1 917 637 3800
www.ictj.org