

The Prosecutor v. Dominic Ongwen

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ICC-02/04-01/15

Questions and Answers on the Reparations order in the Ongwen case, 28 February 2024

FOR WHICH CRIMES WAS MR ONGWEN CONVICTED?

On 4 February 2021, Trial Chamber IX [found Dominic Ongwen guilty](#) for a total of 61 crimes comprising crimes against humanity and war crimes, committed in Northern Uganda between 1 July 2002 and 31 December 2005. On 6 May 2021, Trial Chamber IX [sentenced](#) Dominic Ongwen to 25 years of imprisonment. On 15 December 2022, the Appeals Chamber [confirmed](#) the decisions of Trial Chamber IX on Dominic Ongwen's guilt and sentence. The conviction and the sentence are now final. On 18 December 2023, Mr Ongwen was transferred to Norway to serve his sentence of imprisonment.

WHAT DID ICC JUDGES DECIDE REGARDING REPARATIONS TO VICTIMS IN THE ONGWEN CASE?

The Chamber set the financial liability of Mr Ongwen to € 52,429,000 and ordered collective community-based reparations focused on rehabilitation and symbolic/satisfaction measures, consisting of collective rehabilitation programmes, as well as a symbolic award of €750 for all eligible victims and other community symbolic measures.

WHO WILL BENEFIT FROM THE REPARATIONS?

The Chamber estimated the number of potentially eligible direct and indirect victims to be approximately 49,772 victims.

It concluded that the direct victims of the attacks, direct victims of sexual and gender-based crimes, as well as children born of those crimes, and former child soldiers suffered serious and long-lasting physical, moral and material harm. The indirect victims of all of these crimes suffered moral and material harm. In addition, the entire community of victims suffered community harm, and children of direct victims suffered transgenerational harm.

Eligible direct and indirect victims may benefit of the reparations ordered by the Chamber.

HOW DID THE CHAMBER ASSESS THE AMOUNT OF MR ONGWEN'S LIABILITY?

The Chamber took into account the harm suffered, the estimated number of direct and indirect victims (approximately 49,772 victims), the types and modalities of reparations considered to be most appropriate in the circumstances of the case, and the costs to repair the harm of victims. In order to calculate the cost to repair the harm, the Chamber focused on the cost of the rehabilitation and symbolic/satisfaction measures awarded.

First, the Chamber considered the costs to provide an adequately responsive, collective community-based rehabilitation programme, which it estimated at approximately €15 million EUR. Second, regarding the symbolic/satisfaction measures, the Chamber considered that the amount required to provide the symbolic payment of € 750 EUR to all direct and indirect victims, relying on its estimate of 49,772 victims, resulted in the sum of €37,329,000 million EUR. As to the costs of implementing other community symbolic and satisfaction measures, including ceremonies, monuments, and memorial prayers, it was estimated at € 100,000.00 EUR.

In total the Chamber set Mr Ongwen's financial liability to € 52,429,000 EUR.

Mr Ongwen was found to be indigent for the purposes of reparations. As such, the Chamber encouraged the TFV to complement the reparation awards, to the extent possible, and engage in additional fundraising efforts to the extent necessary to complement the totality of the award.

Noting Mr Ongwen's indigence, the Chamber also acknowledges that it would be for the TFV's Board of Directors to determine whether and when to use its 'other resources' to complement the reparations awarded in the present case.

WHO WILL IMPLEMENT THESE REPARATIONS AND HOW WILL ITS COST BE COVERED?

Reparations will be made through the Trust Fund for Victims (TFV) considering that they are collective community-based. The Chamber instructed the TFV to submit for the Chamber's approval by 3 September 2024, at the latest, a draft plan for the implementation of the rehabilitation and symbolic measures to be included within the collective community-based reparations awarded.

The Chamber also requested the TFV to prioritize the payment of the symbolic awards over the rehabilitation and other symbolic measures. Among victims, prioritisation should be given first to vulnerable victims who are in dire need of urgent assistance, second priority should be given to vulnerable direct participating victims; and third priority should be given to all remaining vulnerable victims.

The Chamber acknowledged that it will take time before any payments are actually distributed to the victims and that not all victims would receive the symbolic amount at the same time. Payments would be issued depending on the victims' urgent needs and vulnerability and the capacity of the TFV to complement the award.

The Chamber encouraged the States, organisations, corporations, and private individuals to support the TFV's mission and efforts and contribute to its fundraising activities.

WHEN WILL THE IMPLEMENTATION START AND HOW LONG DOES IT TAKE FOR THE REPARATIONS TO BE IMPLEMENTED?

The Chamber acknowledged that it would be for the TFV's Board of Directors to determine whether and when to use its 'other resources' to complement the reparations awarded in the present case.

The Chamber ordered the Registry to conduct and to commence as soon as possible the identification of potential beneficiaries and eligibility assessments instructing it to ensure that the administrative eligibility process is completed within two years. The Chamber instructed the Registry as well to design and conduct, throughout the duration of the administrative eligibility process, the required outreach campaign for the purposes of these reparations proceedings.

IS THIS DECISION FINAL?

No. The Defence and the Legal representatives of the victims may appeal this decision. If they appeal the order, an appeal is decided by five judges of the Appeals Chamber, who are not the same judges as those who gave the original order. The Appeals Chamber may uphold the appealed decision, amend it, or reverse it and remand the matter to the Trial Chamber for a new determination.