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No.: **ICC-02/04-01/15**
Date: **28 February 2024**

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

**SITUATION IN UGANDA
IN THE CASE OF
*THE PROSECUTOR v. DOMINIC ONGWEN***

Public
**with Confidential *Ex Parte* Annex I only available to the Legal Representatives of
Victims, the Common Legal Representative of Victims, the Defence, and the Registry
and Public Annexes II and III**

Reparations Order

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

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**Unrepresented Applicants for
Participation/Reparation**

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Republic of Uganda

Others

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TRIAL CHAMBER IX (the ‘Chamber’) of the International Criminal Court (the ‘Court’), in the case of *The Prosecutor v. Dominic Ongwen* (the ‘Ongwen case’ or the ‘case’), having regard to articles 75 and 79 of the Rome Statute (the ‘Statute’), rules 85, 86, and 96 to 98, and 144 of the Rules of Procedure and Evidence (the ‘Rules’), regulation 117 of the Regulations of the Court (the ‘Regulations’), regulation 118 of the Regulations of the Registry and regulations 50, 54 to 58, 69 to 72 of the Regulations of the Trust Fund for Victims (the ‘Regulations of the TFV’), issues the following ‘Reparations Order’.¹

I. PROCEDURAL HISTORY

1. On 4 February 2021, the Chamber issued its Judgment (‘Conviction Judgment’), convicting Dominic Ongwen (‘Mr Ongwen’) of 61 counts, comprising crimes against humanity and war crimes, committed in Northern Uganda between 1 July 2002 and 31 December 2005, namely: attack against the civilian population as such, murder and attempted murder, torture, enslavement, pillaging, outrages upon personal dignity, destruction of property, persecution, forced marriage, rape, sexual slavery, enslavement, forced pregnancy, conscripting children under the age of 15 into an armed group, and using them to participate actively in hostilities.²
2. On 6 May 2021, the Chamber issued the Sentence, imposing on Mr Ongwen a joint sentence of 25 years of imprisonment.³
3. On the same date, the Chamber issued an Order for Submissions on Reparations (‘6 May 2021 Order’), in which it, *inter alia*: (i) instructed the parties,⁴ i.e. the Defence and the victims’ representatives (the latter hereafter referred to individually as the ‘LRVs’ and the ‘CLR’),⁵ the Registry and the Trust Fund for Victims (‘TFV’) to make submissions on a

¹ To the extent that the present Order refers to confidential documents, the Chamber considers that the reference to these documents does not undermine the relevant classification of the information concerned.

² Trial Judgment (‘Conviction Judgment’), 4 February 2021, ICC-02/04-01/15-1762-Conf, public redacted version filed on the same day [ICC-02/04-01/15-1762-Red](#).

³ Sentence (‘Sentence’), 6 May 2021, ICC-02/04-01/15-1819-Conf, public redacted version filed on the same day, [ICC-02/04-01/15-1819-Red](#) (with Annex of Partly Dissenting Opinion of Judge Raul C. Pangalangan, [ICC-02/04-01/15-1819-Anx](#)).

⁴ For the purposes of reparations proceedings, the term ‘parties’ refers to the Defence and the victims’ representatives. All other participants in the proceedings, including the Prosecutor, the Trust Fund for Victims (hereafter the ‘TFV’), the Registry, Uganda, and the *amici curiae* are referred to hereafter as the ‘participants’.

⁵ In the present case, out of the 4,096 participating victims, Mr Joseph Akwenyu Manoba and Mr Francisco Cox (hereafter the ‘LRVs’), represent 2,594 victims who appointed them as their legal representatives, and Ms Paolina Massidda (hereafter the ‘CLR’), as Counsel from the Office of the Public Counsel for Victims (hereafter the ‘OPCV’), was appointed to represent 1,502 victims admitted to participate in the proceedings who were unrepresented. *See, inter alia*, Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights (‘Decision on victims’ participation November 2015’), 27 November 2015, [ICC-02/04-01/15-350](#), paras 19-24; Decision on issues concerning victims’ participation (‘Decision on victims’

series of issues relevant to reparations;⁶ (ii) invited the Office of the Prosecutor (the ‘Prosecutor’) and the relevant authorities of the Republic of Uganda (‘Uganda’) to make submissions on the abovementioned issues; (iii) invited any persons or organizations, particularly with local expertise, interested in making submissions on the same issues, to request leave from the Chamber as *amicus curiae*; (iv) instructed the Registry, with the assistance and cooperation of the LRVs as appropriate, to undertake a comprehensive mapping of direct and indirect victims potentially eligible for reparations in the case; and (v) requested the Registrar, assisted by the information that may be provided by the Prosecutor, to report on Mr Ongwen’s current financial situation.⁷ The time limits as set in the 6 May 2021 Order were extended by decisions of 19 July 2021⁸ and 18 November 2021,⁹ with deadlines for the submissions on reparations, report on the mapping, and *amici curiae* observations set for 6 December 2021 and 7 February 2022 and responses due on 7 March 2022.

4. On 17 June 2021, the Chamber issued the Decision on the requests for leave to submit *amici curiae* observations,¹⁰ granting the requests from ten organisations and groups of organisations and persons, namely: (i) the Acholi Religious Leaders Peace Initiative

participation 15 December 2015’), 15 December 2015, [ICC-02/04-01/15-369](#), paras 8-10; Second decision on contested victims’ applications for participation and legal representation of victims (‘Decision on victims’ participation 24 December 2015’), 24 December 2015, [ICC-02/04-01/15-384](#), paras 19-21; Decision concerning 300 Victim Applications and the Deadline for Submitting Further Applications, 26 September 2016, [ICC-02/04-01/15-543](#), para. 8; Decision Concerning 610 Victim Applications (Registry Report ICC-02/04-01/15-544) and 1183 Victim Applications (Registry Report ICC-02/04-01/15-556), 04 November 2016, [ICC-02/04-01/15-586](#), paras 9, 15-16; Updated Consolidated List of Participating Victims, 29 June 2020, [ICC-02/04-01/15-1746](#); Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

⁶ The specific issues identified by the Chamber were: (i) the need for the Chamber to consider additional principles on reparations, apart from those already established by the consistent jurisprudence of the Court, as recently adapted and expanded in the case of *The Prosecutor v. Bosco Ntaganda* (the ‘*Ntaganda* case’); (ii) the estimated total number of the direct and indirect victims of the crimes for which Mr Ongwen was convicted, who may be potentially eligible for reparations; (iii) any legal and factual issues relevant to the identification of eligible victims; (iv) any victims or groups of victims who may require prioritisation in the reparations process; (v) specification of the types and extent of the harm suffered by the victims of the crimes for which Mr Ongwen was convicted; (vi) whether recourse to factual presumptions should be considered; (vii) the types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Ongwen was convicted. In particular, the suitability of collective reparations with individualised components, the appropriate modalities to be included therein, and whether certain modalities could be expeditiously implemented; (viii) concrete estimates as to the costs to repair the harms suffered by the victims in light of the appropriate modalities for repairing them, including costs of running rehabilitation programmes in the region with the potential to address multi-dimensional harm of individual beneficiaries for the purposes of reparations; (ix) information as to whether the victims of the crimes for which Mr Ongwen was convicted have received any form of compensation or reparations for the harm suffered as a result of these crimes; and (x) any additional information relevant to reparations. *See* Order for Submissions on Reparations (‘6 May 2021 Order’), 6 May 2021, [ICC-02/04-01/15-1820](#), para. 5 (i).

⁷ 6 May 2021 Order, [ICC-02/04-01/15-1820](#).

⁸ Decision on requests for extension of time, 19 July 2021, [ICC-02/04-01/15-1865](#).

⁹ Decision on the Victims’ Request for an extension of the time limit to submit their observations on reparation proceedings (‘Decision on Victims’ request for extension of time’), 18 November 2021, [ICC-02/04-01/15-1910](#).

¹⁰ Decision on the requests for leave to submit *amicus curiae* observations, 17 June 2021, [ICC-02/04-01/15-1860](#).

(‘ARLPI’); (ii) the Foundation for Justice and Development Initiatives (‘FJDI’) and the War Victims and Children Networking (‘WVCN’); (iii) the International Center For Transitional Justice (‘ICTJ’) and The Uganda Victims Foundation (‘UVF’); (iv) the Uganda Association of Women Lawyers (‘FIDA-Uganda’); (v) the African Youth Initiative Network (‘AYINET’); (vi) the Refugee Law Project (‘RLP’); (vii) Avocats sans Frontières (‘ASF’), the Emerging Solutions Africa (‘ESA’), the Essex Transitional Justice Network at the University of Essex (‘Essex TJN’), the Global Survivors Fund (‘GSF’), the Gulu Women’s Economic Development and Globalization (‘GWED-G’), the Institute for Peace and Strategic Studies at Gulu University (‘Gulu IPSS’), the International Federation for Human Rights (‘FIDH’), REDRESS, Watye Ki Gen, and the Women Advocacy Network (‘WAN’); (viii) the Amuria District Development Agency (‘ADDA’); (ix) the United Nations (‘UN’), on behalf of the Office of the High Commissioner for Human Rights (‘OHCHR’), the Office of the Special Representative of the Secretary General on Sexual Violence in Conflict (‘OSRSG on Sexual Violence in Conflict’), the United Nations Entity for Gender Equality and the Empowerment of Women (‘UN Women’), and Other United Nations Offices, Funds, Programmes, and Representatives; and (x) The Populace Foundation International (‘TPFI’), Makmot Kibwanga & Co. Advocates, Lango War Claimants' Association (‘LAWCAS’), and Lango Camp Host Association (‘LACHA’), to submit observations limited to the issues identified by the Chamber.

5. On 5 July 2021, the Registry submitted a progress report on mapping, detailing the guiding principles and approach to be followed, objectives, and planned activities.¹¹ On 6 December 2021 and 7 February 2022, the Registry submitted the results of its mapping exercise.¹²

6. On 15 October 2021, the Registry filed its submissions on the financial situation of Mr Ongwen, whereby it informed the Chamber that no information was available to the Registry regarding the financial situation of Mr Ongwen at the time.¹³ On 15 November 2021, the Chamber issued an order for a request for cooperation to Uganda for the identification, tracing,

¹¹ Registry Progress Report on Mapping and Request for Extension of Time (‘Registry’s Progress Report on Mapping’), 5 July 2021, [ICC-02/04-01/15-1863](#).

¹² Registry’s Mapping Report and Submission on Reparations, 6 December 2021, [ICC-02/04-01/15-1919](#), with public Annex I, (‘Registry’s Mapping Report’) [ICC-02/04-01/15-1919-AnxI](#), and Annex II (‘Registry’s December 2021 Observations’), [ICC-02/04-01/15-1919-AnxII](#); and Registry’s Additional Submissions on the Mapping Exercise and Reparations (‘Registry’s February 2022 Observations’), 7 February 2022, [ICC-02/04-01/15-1975](#).

¹³ Registry submissions on the financial situation of Mr Dominic Ongwen (‘Registry Submissions on Mr Ongwen’s Financial Situation’), 15 October 2021, ICC-02/04-01/15-1877-Conf-Exp (public redacted version submitted on 7 February 2024, [ICC-02/04-01/15-1877](#)), para. 1.

freezing, or seizing of assets and properties of Mr Ongwen and instructed the Registry to obtain information within three months of any seizure carried out in execution of the order and any financial information concerning Mr Ongwen.¹⁴ On 11 May 2022, the Registry transmitted Uganda's submission on tracing and financial information concerning Mr Ongwen.¹⁵

7. On 30 November 2021, 21 December 2021, 4 and 7 February 2022, the FJDI and WVCN;¹⁶ the ARLPI ('ARLPI's Observations');¹⁷ the FIDA-Uganda ('FIDA-Uganda's Observations');¹⁸ ASF, ESA, Essex TJN, GSF, GWED-G, Gulu IPSS, FIDH, REDRESS, Watye Ki Gen, and WAN ('ASF *et al.*'s Observations');¹⁹ the UN;²⁰ TPFI, Makmot Kibwanga & Co. Advocates, LAWCAS, and LACHA ('TPFI *et al.*'s Observations');²¹ the ICTJ and UVF ('ICTJ and UVF's Observations');²² the ADDA ('ADDA's Observations');²³ submitted their *amici curiae* observations.

¹⁴ Order for a Request for cooperation to the Republic of Uganda for the identification, tracing, freezing, or seizing of assets and properties of Mr Dominic Ongwen ('Order for Request for Cooperation to Uganda'), 15 November 2021, [ICC-02/04-01/15-1898](#).

¹⁵ Transmission of the Republic of Uganda's submission on tracing, freezing, or seizing of assets and properties of Mr Dominic Ongwen ('Uganda's Submission on Tracing, Freezing or Seizing of Assets and Properties'), 11 May 2022, [ICC-02/04-01/15-1994](#) (with confidential *ex parte* Annexes I, II, and III).

¹⁶ Request for leave to file submission on reparations issues pursuant to Article 75 of the Statute and rule 103 of the Rules ('FJDI and WVCN's Observations'), 30 November 2021 (notified on 6 December 2021), [ICC-02/04-01/15-1922](#).

¹⁷ Submissions of amicus curiae observations ('ARLPI's Observations'), 30 November 2021 (notified on 9 December 2021), [ICC-02/04-01/15-1925](#).

¹⁸ Submissions on amicus curiae observations on legal questions presented in Order No. ICC-02/04-01/15-1820 on reparations ('FIDA-Uganda's Observations'), 21 December 2021 (notified on 14 January 2022), [ICC-02/04-01/15-1947](#).

¹⁹ Amicus Curiae brief pursuant to article 75 of the Statute and Rule 103 of the Rules of Procedure and Evidence ('ASF *et al.*'s Observations'), 4 February 2022, [ICC-02/04-01/15-1971](#).

²⁰ Joint Submission by the United Nations on Reparations pursuant to Rule 103 of the Rules of Procedure and Evidence ('UN's Observations'), 4 February 2022, [ICC-02/04-01/15-1972](#).

²¹ Submission on Amicus Curiae Observations on Reparations ('TPFI *et al.*'s Observations'), 7 February 2022, [ICC-02/04-01/15-1973](#).

²² Amicus Curiae observations by the International Center for Transitional Justice and the Uganda Victims Foundation, pursuant to article 75 of the Statute and Rule 103 of the Procedure and Evidence ('ICTJ and UVF's Observations'), 7 February 2022, [ICC-02/04-01/15-1974](#).

²³ Public Order for Submission of Reparations ('ADDA's Observations'), 6 February 2022, [ICC-02/04-01/15-1980](#).

8. On 6 December 2021 the Defence,²⁴ the Registry,²⁵ the TFV,²⁶ the LRVs,²⁷ and the CLRV,²⁸ filed their initial submissions on reparations. On 7 February 2022, the Registry,²⁹ the Prosecutor,³⁰ the LRVs,³¹ and Uganda³² filed additional submissions on reparations. Finally, on 7 March 2022 the CLRV,³³ the Defence,³⁴ the TFV,³⁵ and the LRVs³⁶ submitted their responses to the submissions on reparations.

9. On 16 November 2022, following developments at the reparations stage of the proceedings in the case of *The Prosecutor v. Bosco Ntaganda* (the ‘Ntaganda case’),³⁷ the Chamber ordered the Registry, through the Victims Participation and Reparations Section (‘VPRS’), to provide the Chamber with additional information regarding the victims participating in the proceedings.³⁸

²⁴ Defence’s Submissions on Reparations (‘Defence’s December 2021 Submissions’), 6 December 2021, [ICC-02/04-01/15-1917](#).

²⁵ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#).

²⁶ Trust Fund for Victims’ Observations relevant to Reparations (‘TFV’s December 2021 Observations’), 6 December 2021, [ICC-02/04-01/15-1920](#).

²⁷ Victims’ Preliminary Submissions on Reparations (‘LRVs’ December 2021 Submissions’), 6 December 2021, [ICC-02/04-01/15-1921](#).

²⁸ Common Legal Representative of Victims’ Submissions on Reparations (‘CLRV’s December 2021 Submissions’), 6 December 2021 (notified on 7 December 2021), ICC-02/04-01/15-1923-Conf (public redacted version submitted on 7 December 2021 and notified on 8 December 2021, [ICC-02/04-01/15-1923-Red](#)), with public Annex 1 (‘CLRV’s Tables of costs’), [ICC-02/04-01/15-1923-AnxI](#), Annex 2 (‘CLRV’s List of existing infrastructures’), [ICC-02/04-01/15-1923-Anx2](#), Annex 3, [ICC-02/04-01/15-1923-Anx3](#), Annex 4, [ICC-02/04-01/15-1923-Anx4](#), and Annex 5 (‘CLRV’s List of relevant existing programs’), [ICC-02/04-01/15-1923-Anx5](#).

²⁹ Registry’s February 2022 Observations, 7 February 2022, [ICC-02/04-01/15-1975](#).

³⁰ Prosecution’s Observations on Reparations (‘Prosecutor’s February 2022 Observations’), 7 February 2022, [ICC-02/04-01/15-1976](#).

³¹ Victims’ Further Submissions on Reparations (‘LRVs’ February 2022 Submissions’), 7 February 2022, [ICC-02/04-01/15-1977](#).

³² The Government of the Republic of Uganda’s Submissions on Reparations (‘Uganda’s February 2022 Observations’), 7 February 2022, [ICC-02/04-01/15-1978](#).

³³ Common Legal Representative of Victims’ Additional Submissions on Reparations (‘CLRV’s March 2022 Submissions’), 7 March 2022, [ICC-02/04-01/15-1990](#).

³⁴ Defence Omnibus Response to the Submissions on Reparations (‘Defence’s March 2022 Submissions’), 7 March 2022, ICC-02/04-01/15-1991-Conf-Exp-Corr (public redacted version submitted on 8 March 2022, [ICC-02/04-01/15-1991-Red-Corr](#)), with public Annexes A, [ICC-02/04-01/15-1991-AnxA](#), and C, [ICC-02/04-01/15-1991-AnxC](#), and confidential ex-parte Annex B, ICC-02/04-01/15-1991-Conf-Exp-AnxB.

³⁵ Trust Fund for Victims’ Final Observations on Reparations (‘TFV’s March 2022 Observations’), 7 March 2022, [ICC-02/04-01/15-1992](#).

³⁶ Victims’ response to the amici curiae submissions on reparations (‘LRVs’ March 2022 Submissions’), 7 March 2022, [ICC-02/04-01/15-1993](#) (with confidential annexes A, B, and C).

³⁷ See, *inter alia*, Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, Judgment on the appeal against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order” (‘Ntaganda Judgment on Reparations Order’), 12 September 2022, [ICC-01/04-02/06-2782](#); Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order”, 25 October 2022, [ICC-01/04-02/06-2786](#).

³⁸ E-mail from Trial Chamber IX Communications, 16 November 2022, at 15:01.

10. On 15 December 2022, the Appeals Chamber delivered two Judgments confirming both the Conviction Judgment and the Sentence.³⁹

11. On 16 December 2022, having received the requested information from the Registry,⁴⁰ the Chamber issued a decision: (i) detailing its approach for ruling on a limited but representative sample of victims' dossiers in the case file, amounting to 5% of the universe of participating victims; and, (ii) inviting the parties, the Prosecutor, the Registry and the TFV to make additional submissions on the estimated total number of potential beneficiaries of reparations and transgenerational harm.⁴¹

12. On 16 January 2023, in light of the Registry's transmission of the list of victims included in the sample and their relevant details,⁴² the Chamber issued a decision, *inter alia*: (i) approving the sample of 205 victims, assembled by the VPRS, as sufficiently representative of the universe of potential victims in the case ('Sample'); (ii) setting out deadlines for the victims' representatives to make submissions and complement the victims' dossiers, and for the Defence to make final submissions; (iii) establishing a procedure for the transmission of victims' dossiers by the VPRS to the Defence with the necessary redactions, depending on the victims' consent; and, (iv) establishing the relevant procedure for the Defence to challenge the applied redactions.⁴³

³⁹ Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled 'Trial Judgment' ('Appeals Judgment on Conviction'), 15 December 2022, [ICC-02/04-01/15-2022-Red](#); and Judgment on the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX of 6 May 2021 entitled 'Sentence' ('Appeals Judgment on Sentence'), 15 December 2022, [ICC-02/04-01/15-2023](#).

⁴⁰ Registry Additional Information on Victims ('Registry's Additional Information'), 21 November 2022 (notified on 22 November 2022), [ICC-02/04-01/15-2019](#).

⁴¹ Decision on the Registry Additional Information on Victims ('Decision on the Sample'), 16 December 2022, [ICC-02/04-01/15-2024](#).

⁴² Registry Transmission of List of Individuals and Relevant Information for Reparations Sample ('Registry's Transmission'), 9 January 2023, [ICC-02/04-01/15-2026](#), with two Confidential *ex parte* Annexes only available to the Registry, ICC-02/04-01/15-2026-Conf-Exp-AnxI and ICC-02/04-01/15-2026-Conf-Exp-AnxII.

⁴³ Decision on the Registry Transmission of List of Individuals and Relevant Information for Reparations Sample ('Decision on the Registry Transmission'), 16 January 2023, [ICC-02/04-01/15-2027](#), with public annex 1, [ICC-02/04-01/15-2027-Anx1](#), paras 10-13, disposition.

13. On 17 February 2023, the Defence,⁴⁴ the CLRV,⁴⁵ the LRVs,⁴⁶ and the TFV⁴⁷ filed additional submissions on the estimated total number of potential beneficiaries and transgenerational harm. On 22 March 2023, the Defence⁴⁸ responded to such submissions.

14. On 17 April 2023, the victims' representatives filed submissions on the Sample, by way of a joint submission ('Victims' Joint Submissions on the Sample')⁴⁹ and a separate submission by the CLRV ('CLRV's Submissions on the Sample').⁵⁰ On 19 May 2023, the Defence filed its submissions on the Sample ('Defence's Submissions on the Sample').⁵¹

15. On 8 February 2024, the Registry filed its updated submissions on the financial situation of Mr Ongwen, whereby it informed the Chamber that no additional information is available to the Registry regarding the financial situation of Mr Ongwen.⁵²

16. The Chamber notes that 4,096 victims, including 2,087 female and 2,008 male victims, participated in the trial proceedings.⁵³ Their views and concerns were presented and considered throughout the Court's proceedings.

⁴⁴ Defence Additional Submissions on Beneficiaries and Transgenerational Harm ('Defence's February 2023 Submissions'), 17 February 2023, [ICC-02/04-01/15-2030](#).

⁴⁵ CLRV Submissions on transgenerational harm and estimated number of potential beneficiaries for reparations ('CLRV's February 2023 Submissions'), 17 February 2023, ICC-02/04-01/15-2031-Conf, public redacted version filed on 20 February 2023, [ICC-02/04-01/15-2031-Red](#).

⁴⁶ Victims' Additional Submissions on the Issues Identified by the Trial Chamber Pursuant to the Forthcoming Order on Reparations ('LRVs' February 2023 Submissions'), with Confidential *ex parte* annexes A, B, C and D available to the Registry and Chamber Only, 17 February 2023, [ICC-02/04-01/15-2033](#).

⁴⁷ Trust Fund for Victims' Submission pursuant to the "Decision on the Registry Additional Information on Victims" of 16 December 2022, ICC-02/04-01/15-2024 ('TFV's February 2023 Submissions'), 17 February 2023, [ICC-02/04-01/15-2032](#).

⁴⁸ Defence Response to the Additional Submissions on Beneficiaries and Transgenerational Harm ('Defence's March 2023 Response'), 22 March 2023, [ICC-02/04-01/15-2035](#) (with public Annex A, [ICC-02/04-01/15-2035-AnxA](#)).

⁴⁹ Legal Representatives of Victims Joint Submissions on the Sample Application Forms for reparations ('Victims' Joint Submissions on the Sample'), 17 April 2023, [ICC-02/04-01/15-2040](#).

⁵⁰ CLRV submission of information related to the Sample Applications for reparations ('CLRV's Submissions on the Sample'), 17 April 2023, [ICC-02/04-01/15-2041](#) (with confidential *ex parte* only available to the OPCV and confidential redacted annexes 1 to 8).

⁵¹ Public Redacted Version of "Corrected Version of 'Defence Submissions on the Victim Sample Pool', filed on 19 May 2023" ('Defence's Submissions on the Sample'), 22 May 2023, ICC-02/04-01/15-2050-Conf-Corr, public version filed on 23 May 2023, [ICC-02/04-01/15-2050-Corr-Red](#) (with public Annex A, [ICC-02/04-01/15-2050-AnxA](#)).

⁵² Public Redacted Version of 'Registry Submission on the Financial Situation of Mr Ongwen' ('Updated Submission on Mr Ongwen's Financial Situation'), 8 February 2024, [ICC-02/04-01/15-2070-Red](#).

⁵³ Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

II. EVIDENTIARY MATTERS

A. General considerations

17. Prior to addressing specific evidentiary matters arising in the course of the reparations proceedings, the Chamber deems it necessary, for the purposes of clarity and consistency, to discuss a number of general evidentiary considerations and principles that apply to this reparations proceeding. While the Chamber offers only a brief overview of such considerations in this initial section, it makes reference to these factors where relevant and applicable in this Reparations Order.

18. First, from an evidentiary matters perspective, the Chamber is aware of the importance of adequately explaining how it relied on the parties' submissions in ruling on the reparations to be awarded in the present case. The Chamber therefore states in a clear and concrete manner how and why it arrived at its conclusions, including monetary figures and amounts to be awarded as reparations.⁵⁴ During its decision-making process, the Chamber has also been cognisant of the need to articulate any uncertainties or inconsistencies relating to specific calculations or amounts, and to illustrate, where relevant, how these were resolved in favour of the convicted person as required by the Court's jurisprudence.⁵⁵

19. Second, the Chamber notes that, per the Court's case law, a paramount consideration in any determination of an award for reparations is that it must be based on a sufficiently strong evidential basis.⁵⁶ To achieve this objective, the Chamber has, in addition to considering the evidence submitted during the trial proceedings, conducted an in-depth assessment of and ruled upon a limited but representative Sample of victims' dossiers in the case file, amounting to 5% of the universe of participating victims, which fairly represents the universe of potential victims entitled to reparations.⁵⁷ This approach, which is in line with this Court's jurisprudence,⁵⁸ has allowed the Chamber to extrapolate the makeup of the entire group of beneficiaries,

⁵⁴ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 249; *see also* Judgment on the appeals against Trial Chamber II's 'Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable' ('*Lubanga* Judgment on Size of Reparations Award'), 18 July 2019, [ICC-01/04-01/06-3466-Red](#), para. 108.

⁵⁵ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 259; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 90. In the present Order, the Chamber has resolved a number of uncertainties in favour of Mr Ongwen. *See, inter alia*, paras [713](#), [722](#), [724](#), [788](#) below.

⁵⁶ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 335, stating that the 'available body of facts and information, which may include, *inter alia*, the decision on conviction, sentencing decision, submissions by the parties or *amici curiae*, expert reports and the applications for reparations, must be sufficiently robust in order for a trial chamber to make the required findings as to the fundamental parameters of the award'.

⁵⁷ Decision on the Registry Transmission, [ICC-02/04-01/15-2027](#), paras 8-9.

⁵⁸ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 343-346; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 109-110, 120.

according to the types of harm suffered by victims from each sub-group, which is relevant to determine the costs to repair those harms and thus to the ultimate determination of the amount of the reparations award.

20. Third, the Chamber notes that, in line with the Court's jurisprudence,⁵⁹ it has remained within the confines of the Conviction Judgment and Sentence when awarding reparations in the present case. This means that, at this juncture of the proceedings, the Chamber is no longer open to the possibility of the parties raising new issues or challenging findings that stem from or relate to the Conviction Judgment and Sentence, nor has the Chamber entertained reparations for acts and conduct whose authorship or causation was not determined beyond reasonable doubt in the Conviction Judgment and Sentence.

21. Fourth, with regard to the use of evidence from the trial phase to these reparations proceedings, the Chamber notes that where it made a specific evidentiary finding in the Conviction Judgment or Sentence, it will, in the present Reparations Order, also rely on that finding. This is because, in such instances, the finding has already been established beyond reasonable doubt – a higher standard of proof than the one applicable to reparations proceedings. In this regard, the Chamber notes that the parties had an opportunity to provide their observations regarding the relevance and probative value of items of evidence submitted during the course of the trial proceedings.⁶⁰ The Chamber recalls that the Conviction Judgment was based on the entire proceedings and on the Chamber's evaluation of all evidence submitted or heard pursuant to article 74(2) of the Statute.⁶¹ In this regard, as part of its deliberation on the guilt or innocence and sentence of Mr Ongwen during the trial phase, the Chamber duly assessed the relevance and probative value of all evidence submitted as well as any related arguments raised by the parties and participants during those proceedings.⁶² Therefore, as part of its deliberations in this reparations proceeding, in addition to the relying on the findings beyond reasonable doubt reached in the Conviction Judgment and Sentence, the Chamber has made findings for purposes of reparations by relying on evidence on the record that has not been found unreliable or lacking in credibility during the trial proceedings.

⁵⁹ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 482; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 311.

⁶⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 248.

⁶¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 232; see Trial Chamber I, *The Prosecutor v. Thomas Lubanga Dyilo*, Judgment pursuant to Article 74 of the Statute ('*Lubanga* Conviction Judgment'), 14 March 2012, [ICC-01/04-01/06-2842](#), para. 94; Trial Chamber I, *The Prosecutor v. Germain Katanga*, Judgment pursuant to article 74 of the Statute, 7 March 2014, [ICC-01/05-01/08-2981-Red](#), para. 7.

⁶² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 237.

22. For example, in this Order, the Chamber relies on testimony given by experts during the course of the trial proceedings. In particular, the Chamber has relied on the evidence provided by five experts – Dr Teddy Atim,⁶³ Professor Daryn Reicherter,⁶⁴ Professor Michael Wessells,⁶⁵ Professor Seggane Musisi,⁶⁶ and Professor Tim Allen⁶⁷ – all of whom testified live before the Chamber during trial and whose reports were also introduced at trial pursuant to rule 68(3) of the Rules. In the Conviction Judgment, the Chamber noted the content and methodology of these experts’ reports and provided its views regarding the quality and characteristics of their in-court testimony.⁶⁸ With regard to four of the five experts, the Chamber took note of their evidence, but also observed that it did ‘not directly underlie any part of the Chamber’s analysis as to whether the facts alleged in the charges are established’.⁶⁹ While in the Conviction Judgment, the Chamber did not rely on the expert testimony to establish the veracity of the facts or otherwise prove or disprove the facts at issue at trial, the Chamber did articulate its assessment of the credibility and reliability of those experts or their respective testimony. Such evidence is also of significant value and relevance to the Chamber for the purposes of reparations.⁷⁰ Consequently, and having already conducted its evidentiary analysis of the expert reports and testimony during the trial phase, the Chamber does not

⁶³ V-0001, Transcript of Hearing, 4 May 2018, [ICC-02/04-01/15-T-174-ENG-ET](#), (T-174); *see* Expert Report of Dr Teddy Atim, ‘Assessment of Victim Participant Population in Prosecutor v. Dominic Ongwen’ (‘Expert Report Dr Atim’), UGA-V40-0001-0010.

⁶⁴ PCV-0001, Transcript of Hearing, 14 May 2018, [ICC-02/04-01/15-T-175-Red-ENG](#), (T-175); *see* Expert Report of Professor Daryn Reicherter, ‘Mental Health Outcomes of Rape, Mass Rape and other Forms of Sexual Violence and Forced Marriage and Forced Pregnancy’ (‘Expert Report Reicherter’), UGA-PCV-0001-0020.

⁶⁵ PCV-0002, Transcript of Hearing, 15 May 2018, [ICC-02/04-01/15-T-176-ENG-ET](#), (T-176); *see* Expert Report of Professor Michael Wessells, ‘The Consequences of the Abduction of Children Under 15: Implications for Individuals, Families, Communities and Acholi Society’ (‘Expert Report Professor Wessells’), UGA-PCV-0002-0076.

⁶⁶ PCV-0003, Transcript of Hearing, 23 May 2018, [ICC-02/04-01/15-T-177-ENG-ET](#), (T-177); *see* Expert Report of Professor Seggane Musisi, ‘Expert Report on the Interplay of Acholi Culture with the Traumas Meted out to the Acholi People of Uganda by the Lord’s Resistance Army, LRA: The Crimes, the Harm Suffered by Victims and the Impacts of the Crimes on the Victims’ (‘Expert Report Professor Musisi’), UGA-PCV-0003-0046.

⁶⁷ P-0422, Transcript of Hearing, 16 January 2017, [ICC-02/04-01/15-T-28-ENG-ET](#), (T-28).

⁶⁸ For example, regarding Dr Atim, the Chamber noted that her testimony was ‘candid, clear and comprehensive’; regarding Reicherter, the Chamber observed that his testimony was ‘comprehensive, structured, clear and specific’; and regarding Professor Allen, the Chamber highlighted that ‘[h]is expert testimony, which was not contested, is credible and reliable’; *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 595, 599-600.

⁶⁹ *See* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 599-602.

⁷⁰ *See* Appeals Chamber, *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals against the ‘Decision establishing the principles and procedures to be applied to reparations’ of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2 (‘Lubanga Judgment on Principles’), 3 March 2015, [ICC-01/04-01/06-3129](#), para. 185, providing that a Trial Chamber may make a finding in an order for reparations of a harm that is based on evidence presented during the trial which was not relied upon for factual findings relevant to the conviction and sentence of the person; *see also* Trial Chamber II, *Prosecutor v. Germain Katanga*, Order for Reparations pursuant to Article 75 of the Statute (with public Annex I and confidential *ex parte* Annex II) (‘Katanga Reparations Order’), 24 March 2017, [ICC-01/04-01/07-3728-tENG](#), para. 31, noting that the assessment of the extent of that harm for the purposes of determining the nature and or the size of the reparation awards may be undertaken by a Trial Chamber in handing down the order for reparations.

consider it necessary to revisit the admissibility of evidence that has already undergone an evidentiary assessment in this case. As a result, the Chamber will refer to such evidence where relevant and applicable in this Reparations Order.

23. Lastly, as consistently stressed by the Court’s jurisprudence,⁷¹ the Chamber underlines that it will not address in this Reparations Order all of the arguments raised by the parties and every item of evidence in the record. When it does not refer to certain evidence, even if contradictory to its findings, the Chamber stresses that it has assessed and weighed the evidence but concluded that it did not prevent it from arriving at the finding made. That said, the Chamber emphasises that it discusses hereafter the evidence and submissions that it considers necessary to provide its full and reasoned findings and conclusions. In this regard, the Chamber notes that, in certain cases, it has explicitly set out the considerations underlying its assessment of the evidence and submissions. In other cases, despite having carefully scrutinized the evidence to ascertain that it is credible and reliable to form the basis of a specific finding, it has not necessarily referred to every detail of its assessment in writing.

B. Issues related to the *amici curiae* observations

24. As previously noted, in the present proceedings the Chamber granted requests from ten organisations and groups of organisations and persons to submit *amici curiae* observations on the issues identified by the Chamber.⁷² The parties and the participants have made submissions pertaining to the *amici curiae* observations, some of which included procedural and substantive

⁷¹ See, *inter alia*, Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, Public Redacted version of Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659 (*‘Ntaganda Reparations Addendum’*), 14 July 2023, [ICC-01/04-02/06-2858-Red](#), para. 23, referring to Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Judgment (*‘Ntaganda Conviction Judgment’*), 8 July 2019, [ICC-01/04-02/06-2359](#), para. 52; see also Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, [ICC-01/05-01/08-3343](#), para. 227, noting that this approach has been upheld by the Appeals Chamber ‘provided that it indicates with sufficient clarity the basis for its decision’ in Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba et al.*, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute”, 8 March 2018, [ICC-01/05-01/13-2275-Red](#), paras 105-106; Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled “First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81”, 14 December 2006, [ICC-01/04-01/06-773](#), para. 20; and Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba et al.*, Judgment on the appeal of Mr Jean-Jacques Mangenda Kabongo against the decision of Pre-Trial Chamber II of 17 March 2014 entitled “Decision on the ‘Requete de mise en liberte’ submitted by the Defence for Jean-Jacques Mangenda”, 11 July 2014, [ICC-01/05-01/13-560](#), para. 116; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 239.

⁷² Decision on the requests for leave to submit amicus curiae observations, 17 June 2021, [ICC-02/04-01/15-1860](#).

challenges.⁷³ In this section, the Chamber addresses such challenges and makes determinations with regard to the parties' submissions.

1. Potential amicus curiae observations beyond the scope of the charges

25. In their respective submissions, the LRVs and the Defence both raise questions with regard to whether the observations submitted by ADDA⁷⁴ fall under the scope of the crimes for which Mr Ongwen was convicted.⁷⁵ In particular, the LRVs note that ADDA's observations discuss the attack on Lwala Girls Secondary School and provide general information regarding abductions by the Lord's Resistance Army ('LRA') and sexual and gender-based crimes ('SGBC') committed by the LRA in the Teso sub-region, and state that 'further information is required as to whether the victims of these crimes fall into the territorial, temporal, and substantive scope of the *Ongwen* case'.⁷⁶

26. The Defence highlights that ADDA's observations make reference to an attack on Lwala Girls Secondary School while also mentioning that the Sinia Brigade, led by Mr Ongwen, was the most active brigade in the Teso sub-region from June 2003 to December 2004.⁷⁷ The Defence argues that the Chamber should disregard ADDA's submission because it is beyond the scope of the charges and conviction.⁷⁸ The Defence also notes that, in the Conviction Judgment, the Chamber found that there was minimal 'evidence attributing the abduction of the girls from Lwala Girls School to Dominic Ongwen'.⁷⁹

27. The Chamber also notes that ADDA's submission discusses specific crimes allegedly committed by the Sinia Brigade led by Mr Ongwen, including abductions, sexual and gender-based crimes, children born of war, child soldiers, missing persons, loss of life, and acts of torture.⁸⁰ ADDA's observations also describe a 24 June 2003 attack allegedly committed by the Sinia Brigade on the Lwala Girls Secondary School in the Kaberamaido district.⁸¹ In particular, in its submissions, ADDA exclusively refers to criminal acts that allegedly occurred

⁷³ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#); LRVs' March 2022 Submissions, [ICC-02/04-01/15-1993](#); TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#); Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#).

⁷⁴ ADDA's Observations, [ICC-02/04-01/15-1980](#).

⁷⁵ LRVs' March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 9; Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 7-9.

⁷⁶ LRVs' March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 9.

⁷⁷ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 7.

⁷⁸ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 7.

⁷⁹ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 9.

⁸⁰ ADDA's Observations, [ICC-02/04-01/15-1980](#), pp. 8-12.

⁸¹ ADDA's Observations, [ICC-02/04-01/15-1980](#), p. 7.

in the Teso sub-region in Eastern Uganda, as opposed to the locations in which Mr Ongwen committed crimes that are the subject of the current proceedings.

28. With respect to the alleged attack on the Lwala Girls Secondary School, the Chamber notes that, contrary to ADDA's assertion that Mr Ongwen was convicted for such crime, none of the alleged crimes ADDA discusses appear, in fact, to relate to the crimes for which Mr Ongwen was convicted. While ADDA's observations undoubtedly highlight what appear to be serious criminal acts, such conduct does not relate to the specific crimes for which Mr Ongwen was ultimately convicted. As a result, and in accordance with the foregoing, because the only acts for which reparations can be granted in the present case are those for which the Chamber convicted Mr Ongwen, the Chamber must disregard ADDA's Observations in full.

2. Potential conflict of interest

29. In its submission, the Defence notes that one of the counsel who signed on to the observations submitted by TPFI *et al.*, Mr Rajab Adams Makmot Kibwanga ('Mr Kibwanga'), in fact previously served as a member of Mr Ongwen's Defence team for a period of one and half months.⁸² The Defence posits that the inclusion of this person in the *amicus* brief violates articles 12(1)(a)⁸³ and 16(1)⁸⁴ of the Code of Professional Conduct for counsel.⁸⁵ The Defence further submits that during the time Mr Kibwanga served as a member of the Defence team, he had access to several confidential and *ex parte* filings.⁸⁶

30. The Defence argues that Mr Kibwanga 'has a professional responsibility to Mr Ongwen and the Court'⁸⁷ and did not alert the Chamber of his involvement in the *Ongwen* case and therefore requests that the Chamber disregard TPFI *et al.*'s observations.⁸⁸

31. The Chamber notes that articles 12 and 16 of the Code of Professional Conduct for counsel establish clear obligations for counsel and their staff members in relation to conflicts

⁸² Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 11.

⁸³ See Article 12(1)(a), [Code of Professional Conduct for counsel](#) ('Code of Conduct') (Article 12(1)(a) of the Code of Conduct provides: 'Counsel shall not represent a client in a case: (a) [i]f the case is the same or substantially related to another case in which counsel or his or her associates represents or formerly represented another client and the interests of the client are incompatible with the interests of the former client, unless the client and the former client consent after consultation [...].').

⁸⁴ See Article 16(1), [Code of Conduct](#) (Article 16(1) of the Code of Conduct provides: 'Counsel shall exercise all care to ensure that no conflict of interest arises. Counsel shall put the client's interests before counsel's own interests or those of any other person, organization or State, having due regard to the provisions of the Statute, the Rules of Procedure and Evidence, and this Code.').

⁸⁵ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 10.

⁸⁶ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 14.

⁸⁷ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 15.

⁸⁸ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 17.

of interest.⁸⁹ In particular, article 16 provides that, ‘[w]here a conflict of interest arises, counsel shall at once inform all potentially affected clients of the existence of the conflict’. In such cases, counsel shall either withdraw from the representation or seek the full and informed consent of the potentially affected clients in order to be able to continue representation. Bearing in mind these provisions, the Chamber highlights the importance of the ethical principles that bind all counsel appearing before the Court, particularly with regard to the manner in which counsel must address, manage, and resolve potential conflicts of interest.

32. In light of the above, the Chamber considers that, at the moment of requesting leave to submit *amicus curiae* observations, Mr Kibwanga ought to have disclosed the fact that he previously served as a member of Mr Ongwen’s Defence team. By failing to do so, Mr Kibwanga did not exercise the requisite level of care with regard to the conflict of interest or take a proactive step to mitigate any such conflict. The Chamber regrets that Mr Kibwanga did not take any proactive measures to clear or eliminate the conflict of interest by withdrawing as counsel to the relevant *amicus curiae* observations, as doing so would have enabled the Chamber to consider the views submitted by the other three organisations.

33. As a result, and in accordance with the abovementioned, the Chamber must disregard TPFI *et al.*’s observations in full.

3. *Potential violations of regulation 36(3) of the Regulations*

34. In its submission, the Defence argues that the observations submitted by ASF *et al.*,⁹⁰ TPFI *et al.*,⁹¹ and ICTJ and UVF,⁹² violated regulation 36(3) of the Regulations, which provides that all documents shall have 1.5 line spaces for the text and single spacing for the footnotes.⁹³ With regard to ASF *et al.*’s Observations, the Defence notes that the document is 20 pages with incorrect spacing and would thus exceed the 20 page limit if proper spacing is applied.⁹⁴ With respect to TPFI *et al.*’s Observations, the Defence notes that the document is 14 pages but if proper spacing is applied, it will more likely exceed the 20-page limit.⁹⁵ Lastly, the Defence notes that the observations submitted by the ICTJ and UVF are 18 pages but that if they

⁸⁹ See [Code of Conduct](#), Articles 12 and 16; *see also* Article 7(4), extending these obligations to staff members of the Counsel.

⁹⁰ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#).

⁹¹ TPFI *et al.*’s Observations, [ICC-02/04-01/15-1973](#). The Chamber notes that, in light of paragraph 33, it considers moot the Defence’s submissions regarding the TPFI *et al.*’s Observations which the Chamber now considers moot in light of paragraph 33.

⁹² ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#).

⁹³ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 5.

⁹⁴ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 5.

⁹⁵ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 5.

contained the proper spacing, they would ‘most likely violate the 20-page limit’.⁹⁶ As a result, the Defence requests that the Chamber disregard these observations for the purposes of this Reparations Order.⁹⁷

35. The Chamber does not find that the violations alleged by the Defence warrant a dismissal of the challenged *amici curiae* observations. The Chamber notes that two of the three submissions challenged by the Defence were within the 20-page limit that the Chamber imposed.⁹⁸ Equally, the Chamber does not find the remaining single violation to rise to such a level as to warrant its dismissal by the Chamber. The Chamber refers to regulation 29(1) of the Regulations and finds that dismissing the observations would run contrary to the interests of justice. Further, the Chamber notes that the violation alleged by the Defence does not result in undue prejudice to Mr Ongwen, and further considers that dismissing the observations in question would be a disproportionate and unfair measure given the limited nature of the alleged violation.⁹⁹ Accordingly, the Chamber rejects these Defence’s challenges.

C. Conclusions

36. Based on the findings above, the Chamber hereby concludes the following:

- i. ADDA’s Observations will not be considered in this Reparations Order because they relate to crimes that fall outside of the scope of the Conviction Judgment and Sentence and otherwise contain insufficient information to enable the Chamber to determine whether the observations fall within the scope of Conviction Judgment and Sentence;
- ii. TPFi *et al.*’s Observations will not be considered in this Reparations Order due to the conflict of interest discussed above; and
- iii. The Chamber dismisses the Defence’s challenges to the observations submitted by ASF *et al.* and the ICTJ and UVF and will consider these observations in this Reparations Order.

⁹⁶ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 5.

⁹⁷ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 6.

⁹⁸ 6 May 2021 Order, [ICC-02/04-01/15-1820](#), para. 5(iii).

⁹⁹ See Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Decision on “Defence Request to Strike Out the ‘Prosecution’s closing brief”, dated 2 June 2014, as inadmissible”, 17 June 2014, [ICC-01/05-01/08-3091](#), para. 13.

III. NATURE OF REPARATIONS PROCEEDINGS

A. Judicial and administrative stages of reparations proceedings

37. At the outset, and consistent with the findings in the *Ntaganda* case,¹⁰⁰ the Chamber underlines the unique nature of reparations proceedings before the Court, which chambers of this Court have indicated ‘are not to be treated as criminal, civil, or human rights proceedings, directly applying the relevant rules of these areas of law’.¹⁰¹

38. The Chamber underscores and fully shares Trial Chamber II’s view regarding the distinction between, on the one hand, the judicial stage of reparations proceedings, during which chambers will play a preponderant role, providing the necessary framework for the reparations to be awarded in the case under examination; and, on the other hand, the administrative stage of the reparations proceedings, where other organs are also tasked with the execution, implementation, and enforcement of the reparations orders. As such, reparations proceedings before this Court are neither exclusively judicial nor exclusively administrative.¹⁰²

39. As noted in the *Ntaganda* case, the purpose of the judicial stage of reparations proceedings is to issue the reparations order, which sets out the framework for the appropriate reparations in the relevant case.¹⁰³ The execution, implementation, or enforcement of such an order is, however, administrative in nature and no longer judicial.¹⁰⁴ The administrative stage of reparations will generally commence when the reparations order becomes final, but it may also run in parallel with any possible appeals.¹⁰⁵ During the administrative stage of reparations, the Court remains seized for the purposes of supervision, cooperation, and any other measures required for the correct implementation of the reparations order.¹⁰⁶

40. As to the authority in charge of supervision during the administrative stage of reparations, as detailed in the *Ntaganda* case, pursuant to article 75(5) of the Statute and rules

¹⁰⁰ Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, Public Redacted Version of First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations, ICC-01/04-02/06-2860-Conf (‘*Ntaganda* First DIP Decision’), 30 August 2023, [ICC-01/04-02/06-2860-Red](#), paras 10-15.

¹⁰¹ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 11, referring to Trial Chamber II, *The Prosecutor v. Thomas Lubanga Dyilo*, Public Redacted Version of Corrected version of the “Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable” (‘*Lubanga* Decision on the Size of Reparations Award’), 21 December 2017, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 55; Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on the admissibility of appeals against Decision on Reparations, [ICC-01/04-01/06-2953](#), 14 December 2012, para. 70; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 16.

¹⁰² *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 11.

¹⁰³ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 12.

¹⁰⁴ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 14.

¹⁰⁵ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), paras 12-14.

¹⁰⁶ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 14.

217 to 222 of the Rules, when States are required to give effect to a reparations order, enforcement is undoubtedly a responsibility of the Presidency.¹⁰⁷ For reparations orders to be made through the TFV, given the lack of other rules apart from those detailed above within the Court's applicable law, as prescribed for by article 21(1)(a) of the Statute,¹⁰⁸ chambers of the Court, within their discretion, have adopted different approaches as to their involvement regarding the enforcement of reparations orders.¹⁰⁹

41. In the case at hand, considering the high number of victims who will be entitled to benefit from reparations and the type of reparations awarded, the Chamber considers that its judicial role should conclude once this Reparations Order becomes final. During the administrative stage of the implementation and execution of the Reparations Order, the Chamber will retain limited oversight to rule on the TFV's Draft Implementation Plan ('DIP'), consider the TFV's periodic reports, and rule on exceptional matters only. As part of its

¹⁰⁷ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 15, referring to Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Reparations Order ('*Al Mahdi* Reparations Order'), 17 August 2017, [ICC-01/12-01/15-236](#), para. 114.

¹⁰⁸ The only provisions providing for a role for Chambers during the implementation of reparations are regulations 57 and 58 of the Regulations of the TFV.

¹⁰⁹ In the *Lubanga* case, in which collective reparations were awarded, the Appeals Chamber instructed the Trial Chamber to 'monitor and oversee the implementation stage of the present order, including having the authority to approve the draft implementation plan submitted by the Trust Fund. The Chamber may be seized of any contested issues arising out of the work and the decisions of the Trust Fund', see Annex A to the *Lubanga* Judgment on Principles, Order for Reparations (amended) ('*Lubanga* Amended Reparations Order'), 3 March 2015, [ICC-01/04-01/06-3129-AnxA](#), para. 76; in the *Katanga* case, in which individual and collective reparations for a total of 297 victims were awarded, Trial Chamber II ruled that '[t]he decision whereby the Chamber approves the Draft Plan will enjoin the TFV to carry it out in its every respect – individual and collective. The Chamber will require regular updates from the TFV in order to monitor and oversee the implementation of the Draft Plan [...] Lastly, it must be made clear that any matter of contention arising from the activities and decisions of the TFV may be brought before the Chamber at any point in the procedure', see *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 313-314; in the *Al Mahdi* case, in which individual and collective reparations were awarded, Trial Chamber VIII indicated that it 'sees the reparations proceedings in terms of three core judicial decisions: the Reparations Order; the DIP Decision approving the TFV's draft implementation plan; and the present decision, whereby the Chamber will approve the selected projects identified in the UIP. After the present decision, the Chamber regards its role in the implementation of the reparations as limited to considering the TFV's periodic reports, reviewing any decisions by the TFV to reject applications for individual reparations during the administrative screening, and resolving any exceptional matters unrelated to the reparations. That said, the Chamber will retain oversight over the entire process for the implementation of the Reparations Order and will invite submissions or intervene *proprio motu* whenever warranted', see Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, [ICC-01/12-01/15-324-Red](#), para. 14; lastly, in the *Ntaganda* case, in which collective reparations with individualised component were awarded, Trial Chamber II decided that 'its role during the administrative stage of implementation consists of retaining limited oversight over the process for the proper compliance of the Reparations Order [...] the Chamber considers that its judicial role after issuing the reparations order includes deciding on the TFV's DIP and, as instructed by the Appeals Chamber, retaining oversight over the administrative eligibility assessment of victims. After the DIP is fully approved, the Chamber regards its role during the administrative stage of implementation of reparations as limited to overseeing the administrative eligibility determinations of victims, considering the TFV's periodic reports, and ruling on exceptional matters only. As part of its oversight role, the Chamber may invite submissions or intervene *proprio motu* whenever warranted', see *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 16; and *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 387, 419.

oversight role, the Chamber may invite submissions or intervene *proprio motu* whenever warranted.

B. Complementary nature of reparations before the ICC

1. Submissions

42. The Chamber notes that the ASF *et al.* invited the Chamber to consider including a principle on complementarity between international and domestic reparation remedies.¹¹⁰ In particular, the ASF *et al.* argue that ‘reparations by the ICC should not be crafted in isolation from other forms of reparation that are taking place, and that could be enhanced or diminished by ICC orders’.¹¹¹ The *amici* highlight that in Uganda, both the Juba Agreement on Accountability and Reconciliation as well as the National Transitional Justice Policy recognise the right to reparation and the need to establish a domestic reparation programme, while also pointing out that other remedies exist before domestic courts to claim reparation.¹¹² As a result, they submit that the Chamber should consider applying a principle of ‘positive complementarity’ by which the Court would invite Uganda to provide it with information on existing adequate and prompt remedies and their effectiveness.¹¹³

43. The ASF *et al.* further argue that if such information is indeed of relevance to the Chamber, the Court could embrace positive complementarity by considering how its own reparations orders could potentially be replicated and or complemented by national efforts.¹¹⁴ The *amici* further advance that such a principle would not relieve the Court of its reparations mandate by delegating it to national authorities, but would generate a harmonious co-existence of different reparations regimes, thereby augmenting the possibility that victims obtain reparations while preventing horizontal inequalities of the same violations and situations.¹¹⁵

44. In their submissions, the LRVs invite the Chamber to develop a principle of complementarity, as proposed by ASF *et al.*, which the LRVs note would allow the Chamber ‘to interact with states, in this case the Republic of Uganda, to reinvigorate existing health facilities and systems by expanding and equipping them to regional status as the Chamber may determine; so as to respond to community health care needs’.¹¹⁶ Additionally, the LRVs note

¹¹⁰ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 14.

¹¹¹ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), paras 14-15.

¹¹² ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 16.

¹¹³ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 18.

¹¹⁴ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 18, referring to national examples such as domestic reparation programmes or domestic court decisions.

¹¹⁵ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 19.

¹¹⁶ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 18.

that in 2014, the Ugandan Parliament debated and adopted a resolution to establish programmes for victims of the LRA conflict, and that such engagement with Uganda would complement and fulfil the reparations order by the Chamber not only for the victims of Mr Ongwen's crimes but potentially all other victims to whom Uganda refers in the context of the conflict.¹¹⁷

45. In its submissions, the Defence highlights that reparations proceedings should be narrowly tailored to the goal of repairing victims who have suffered as a result of the crimes for which Mr Ongwen was convicted.¹¹⁸ In this regard, the Defence notes that such proceedings should not be construed as a process to rehabilitate an entire region affected by armed conflict and emphasises that victims receiving benefits from this reparations proceeding does not relieve Uganda of its obligation to compensate victims.¹¹⁹ The Defence underlines that this reparations proceeding is without prejudice to Uganda's responsibility to protect and repair its nationals on the basis of their national domestic and international obligations.¹²⁰

46. The TFV highlights the draft transitional justice legislation under consideration in Uganda that could 'possibly engender reparations for victims of Mr Ongwen's crimes' and further underlines that 'reparations for mass atrocities require the support, commitment, and action of the state, in which the mass atrocities were committed and where victims live'.¹²¹ The TFV agrees with ASF *et al.*'s observation that reparations ordered by the Court should not be crafted in isolation from other forms of reparations that could be either enhanced or diminished by the Court's order and that the Court should therefore consider how its own orders can be replicated or complemented by national efforts.¹²²

47. Lastly, Uganda advances that its judicial system does not have a victims' programme through which reparations can be paid and that therefore no formal reparations have been awarded to victims of the LRA conflict.¹²³ Nonetheless, Uganda posits that it has endeavoured to establish national programmes for rebuilding the region and has provided assistance to rehabilitate the victims,¹²⁴ including a Peace Recovery and Development Plan ('PRDP'),¹²⁵ a

¹¹⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 169.

¹¹⁸ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 55.

¹¹⁹ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 56-57.

¹²⁰ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 55, 57.

¹²¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 170.

¹²² TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 72.

¹²³ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39.

¹²⁴ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39.

¹²⁵ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39. Per Uganda, this PDRP plan was 'designed to provide a Government-led and harmonised approach to recovery efforts in Northern Uganda, relative to the ad hoc provision of support during the years of insurgency, while also addressing the drivers and

Cattle Restocking Programme,¹²⁶ Compensation for War Debts Claimants,¹²⁷ a Northern Uganda Social Action Fund,¹²⁸ a Development Initiative for Northern Uganda ('DINU'),¹²⁹ and a Northern Uganda Reconstruction Project.¹³⁰

2. Analysis and conclusions

48. The Chamber underscores the complementary nature of reparations and victims' right to reparations before the Court, pursuant to article 75(6) of the Statute. The right of victims to obtain reparations before the ICC is linked to their rights under international criminal law – as the source and origin of this right – and is to be distinguished from the victims' rights under domestic law or international human rights law.¹³¹ As recently highlighted in the *Ntaganda* case:

[w]ithin the context of mass-atrocities that the countries under investigation by the Court have generally experienced – which may involve thousands of victims – reparations proceedings before the ICC deal with the very limited duty of a convicted person to repair the harm caused to the victims of the crimes for which the person was ultimately convicted. This ensures realisation of the right of the direct and indirect victims included in the conviction to obtain reparative justice. However, as much as the Chamber would like to see the reparative right of all victims of the situation fully realised, the scope of these reparations proceedings is strictly limited in reach and scope to the terms of the conviction. As noted by commentators, also in

consequences of the conflict. [...] The PRDP was launched and started in October 2007 [...]. The four core objectives of PRDP are: (a) consolidation of state authority; (b) rebuilding and empowering communities; (c) revitalization of the northern economy; and (d) peace building and reconciliation.

¹²⁶ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39. Per Uganda, it implemented a cattle restocking programme under the PRDP which was 'intended to help hundreds of vulnerable, low income and poverty stricken households enjoy a better livelihood. The program was necessary following the destocking of livestock as resulting from civil unrest and cattle rustling.'

¹²⁷ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39. Per Uganda, it 'adopted a direct approach in compensating the war debt claimants and as of September 2021, the Government had verified a total of 16,946 claimants in the Acholi Region in Northern Uganda from the Districts of Gulu, Omoro, Agago, Nwoya Kitgum, Amuru and Lamwo. Some of these have received compensation for the livestock lost during the times of insurgency in the region occasioned by armed groups such as, the Lord's Resistance Army.'

¹²⁸ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39. Per Uganda, the Northern Uganda Social Action Fund was designed for the social-economic recovery of the Northern and Eastern regions of Uganda that were affected by the actions of the LRA and the central objective for the projects was to provide effective income support to and build the resilience of poor and vulnerable households in Northern and Eastern Uganda.

¹²⁹ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39. Per Uganda, the Development Initiative for Northern Uganda (DINU) is a programme supported by the European Union and supervised by the Office of the Uganda Prime Minister which ran from December 2017 until June 2022, and which was designed to consolidate stability in Northern Uganda, eradicate poverty and malnutrition, and strengthen the foundation for sustainable and inclusive socio-economic development.

¹³⁰ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 39. Per Uganda, the Northern Uganda Reconstruction Project (NURP) was carried out in the 1990s and was intended to address the imbalance in recovery assistance to the Northern districts recognised by the Government as disadvantaged from the beginning.

¹³¹ For a similar approach *see* Special Criminal Court of the Central African Republic, Appeals Chamber, *SP v. Adoum Issa Sallet alias Bozizé et al.*, Arrêt no 13 relatif à l'appel interjeté contre le jugement no001-2023 du 16 juin 2023 de la Première Section d'Assises ('*Sallet Reparations Appeal*'), 23 October 2023, [N°13-2023](#), para. 60.

the context of reparations the role of international criminal justice is only to complement domestic justice systems.¹³²

49. As noted by the LRVs, the present case has a ‘relatively narrow scope [...] when the entirety of the conflict between the LRA and the Government of Uganda is taken into consideration’.¹³³ Considering that ‘reparations proceedings [are] strictly limited in reach and scope to the terms of the conviction’,¹³⁴ the Chamber rejects both the Defence’s¹³⁵ and Uganda’s¹³⁶ submissions that both of them should be considered victims in the present proceedings. Similarly, the Chamber rejects the Defence’s request for the Chamber to order a determination as to whether any victims in the present proceedings are also beneficiaries of a decision of the High Court of Uganda at Lira related to victims from Abok.¹³⁷ The Chamber reiterates that pursuant to article 75(6) of the Statute, domestic proceedings do not impact reparations before the Court.

50. Nonetheless, the Chamber recalls the Defence’s submission that this reparations proceeding should be narrowly tailored to the goal of repairing victims who have suffered as a result of the crimes for which Mr Ongwen was convicted.¹³⁸ In this regard, the Chamber notes that this Order is indeed limited in reach and scope to the terms of the Conviction Judgment, and therefore, is not meant to address the rehabilitation needs of individuals beyond the direct and indirect victims of the crimes for which Mr Ongwen was convicted. However, this is without prejudice to Uganda’s responsibility to protect and repair its nationals who may have been affected generally by the conflict in Northern Uganda.

51. The Chamber does, however, wish to briefly address those individuals who have experienced harm as a result of the conflict in Northern Uganda but who do not qualify as victims in this case. The Chamber understands that individuals who have experienced harm as a result of the same conflict but are not entitled to reparations in this case may be confused, frustrated and disappointed. The Chamber recognises these individuals and acknowledges their suffering. However, as discussed above, the Court’s reparations proceedings are not designed to rectify all harm suffered throughout the conflict in Northern Uganda reparations in this case must be tied to the specific harm caused by Mr Ongwen. The Chamber therefore considers that

¹³² *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 17.

¹³³ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 17.

¹³⁴ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 17.

¹³⁵ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), paras 31-36.

¹³⁶ Uganda’s February 2022 Observations, [ICC-02/04-01/15-1978](#), paras 14-15.

¹³⁷ Public Redacted Version of “Defence Notification of Potential Issues with Representation of Victims”, filed on 25 October 2023, 17 November 2023, [ICC-02/04-01/15-2063](#), para. 11.

¹³⁸ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 55-57.

clear communication and outreach is essential for communities to understand the limited scope of reparations in this case as compared to the widespread harm caused by the entire conflict.

52. As to ASF *et al.*'s suggestion for the Chamber to consider adding a principle on complementarity and apply a 'positive complementarity approach' to reparations, the Chamber notes the limitations imposed by the legal statutory and procedural framework that govern the Court's proceedings. The Chamber reiterates that the present proceedings deal exclusively with the duty to repair the harm caused by the crimes for which one single individual was convicted by this Court, while not otherwise affecting the rights of victims before national, regional, and or other international bodies.¹³⁹ Any other domestic, regional, or international reparations proceedings or measures addressing the harm caused by the wider conflict in Northern Uganda, regardless of their nature or status, are thus outside the scope of the present proceedings. The Chamber acknowledges that the Court's reparations proceedings do not exist in isolation and are indeed part of the wider context of different national and international efforts to address the victims' harm, which ASF *et al.* argues should ideally harmoniously co-exist.¹⁴⁰

53. Nonetheless, cognisant of the importance and merit of moving towards a more complementary reparations process and regime, the Chamber encourages the TFV when developing its DIP and implementing reparations in this case, Uganda, and all related stakeholders and entities within the country to cooperate with the goal of complementing each other's plans and activities. The Chamber further urges Uganda to adhere to its international law obligations and recalls its duty, as a State Party to the Statute and pursuant to articles 75(4) and 109 of the Statute and rules 217 to 222 of the Rules, to provide the necessary support for the effective enforcement of the Court's reparation orders.¹⁴¹

IV. SCOPE OF REPARATIONS IN THE ONGWEN CASE

54. Considering the submissions received as to the scope of the present reparations proceeding, as detailed in the section above, the Chamber deems it necessary to recall that the crimes for which Mr Ongwen was convicted in the present case were committed in the context of and in association with a non-international armed conflict between the LRA and the forces of the Government of Uganda associated with local armed units in Northern Uganda, spanning

¹³⁹ See Trial Chamber I, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision establishing the principles and procedures to be applied to reparations ('Lubanga Reparations Decision'), 7 August 2012, [ICC-01/04-01/06-2904](#), para. 181.

¹⁴⁰ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 19.

¹⁴¹ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#).

the entire period relevant to the charges, i.e. 1 July 2002 to 31 December 2005.¹⁴² The Chamber recalls that it also found that, through the period of the charges, the LRA conducted a widespread and systematic attack against the civilian population of Northern Uganda.¹⁴³

55. Within the context of both the armed conflict and attack against the civilian population, pursuant to the charges brought by the Prosecutor and the evidence in support of those charges provided at trial, the Chamber found Mr Ongwen responsible for the commission of sixty-one counts of the charges – the only acts for which reparations can be granted in the present case – which can be divided into two groups of crimes, namely:

- a. **The ‘attacks’, i.e. crimes committed in the context of four attacks against camps for internally displaced persons (the ‘IDP camps’):** at or near the Pajule IDP camp, on 10 October 2003, (Counts 1-5, 8-10);¹⁴⁴ at or near the Odek IDP camp, on 29 April 2004, (Counts 11-17, 20-23);¹⁴⁵ at or near the Lukodi IDP camp, on or about 19 May 2004, (Counts 24-30, 33-36);¹⁴⁶ and at or near the Abok IDP camp, on 8 June 2004, (Counts 37-43, 46-49).¹⁴⁷ Specifically, these counts refer to: the war crime of attack against the civilian population as such;¹⁴⁸ the crime against humanity and the war crime of murder;¹⁴⁹ the crime against humanity and the war crime of attempted murder;¹⁵⁰ the crime against humanity and the war crime of torture;¹⁵¹ the crime against humanity of enslavement;¹⁵² the war crime

¹⁴² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2807-2817.

¹⁴³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2798-2806.

¹⁴⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 1233, 2874, 3116 (p. 1068-1069).

¹⁴⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 159, 1429, 1435, 2927, 3116 (p. 1069-1070).

¹⁴⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1704, 2973, 3116 (pp. 1070-1072).

¹⁴⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 190, 1877, 1885, 3020, 3116 (pp. 1072-1073).

¹⁴⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2824, 2874, 3116 (p. 1068) (Pajule); paras 2876, 2927, 3116 (p. 1069) (Odek); paras 2929, 2973, 3116 (p. 1070) (Lukodi); paras 2975, 3020, 3116 (p. 1072) (Abok).

¹⁴⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2826-2827, 2874, 3116 (p. 1068) (Pajule); paras 2878-2880, 2927, 3116 (p. 1069) (Odek); paras 2931-2933, 2973, 3116 (p. 1071) (Lukodi); paras 2977-2979, 3020, 3116 (p. 1072) (Abok).

¹⁵⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2882-2883, 2927, 3116 (p. 1069) (Odek); paras 2935-2936, 2973, 3116 (p. 1071) (Lukodi); paras 2981-2982, 3020, 3116 (p. 1072) (Abok).

¹⁵¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2829-2833, 2874, 3116 (p. 1068) (Pajule); paras 2885-2889, 2927, 3116 (pp. 1069-1070) (Odek); paras 2938-2942, 2973, 3116 (p. 1071) (Lukodi); paras 2984-2988, 3020, 3116 (p. 1073) (Abok).

¹⁵² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2839-2840, 2874, 3116 (p. 1069) (Pajule); paras 2895-2896, 2927, 3116 (p. 1070) (Odek); paras 2948-2949, 2973, 3116 (p. 1071) (Lukodi); paras 2994-2995, 3020, 3116 (p. 1073) (Abok).

of pillaging;¹⁵³ the war crime of outrages upon personal dignity;¹⁵⁴ the war crime of destruction of property;¹⁵⁵ and the crime against humanity of persecution;¹⁵⁶

b. **The ‘thematic crimes’, which include:**

- i. **sexual and gender based crimes directly perpetrated by Mr Ongwen** (Counts 50-60), between 1 July 2002 and 31 December 2005,¹⁵⁷ specifically: the crime against humanity of forced marriage, of P-0099, P-0101, P-0214, P-0226, and P-0227;¹⁵⁸ the crime against humanity and war crime of torture, of P-0101, P-0214, P-0226, and P-0227;¹⁵⁹ the crime against humanity and war crime of rape of P-0101, P-0214, P-0226, and P-0227;¹⁶⁰ the crime against humanity and war crime of sexual slavery of P-0101, P-0214, P-0226, and P-0227;¹⁶¹ the crime against humanity of enslavement of P-0099, P-0235, and P-0236;¹⁶² the crime against humanity and war crime of forced pregnancy of P-0101 and P-0214;¹⁶³ and the war crime of outrages upon personal dignity of P-0226 and P-0235;¹⁶⁴
- ii. **sexual and gender-based crimes not directly perpetrated by Mr Ongwen** (Counts 61-68), from at least 1 July 2002 until 31 December 2005,¹⁶⁵ specifically: the crime against humanity of forced marriage;¹⁶⁶ the crime against humanity and war crime of torture;¹⁶⁷ the crime against humanity and war crime of rape;¹⁶⁸ the crime against humanity and war crime of sexual slavery;¹⁶⁹ and the crime against humanity of enslavement;¹⁷⁰ and

¹⁵³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2842-2844, 2874, 3116 (p. 1069) (Pajule); paras 2898-2900, 2927, 3116 (p. 1070) (Odek); paras 2951-2953, 2973, 3116 (p. 1072) (Lukodi); paras 2997-2999, 3020, 3116 (p. 1073) (Abok).

¹⁵⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2902-2904, 2927, 3116 (p. 1070) (Odek).

¹⁵⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957, 2973, 3116 (p. 1072) (Lukodi); paras 3001-3004, 3020, 3116 (p. 1073) (Abok).

¹⁵⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2846-2849, 2874, 3116 (p. 1069) (Pajule); paras 2906-2908, 2927, 3116 (p. 1070) (Odek); paras 2959-2961, 2973, 3116 (p. 1072) (Lukodi); paras 3006-3008, 3020, 3116 (p. 1073) (Abok).

¹⁵⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3116 (pp. 1073-1075).

¹⁵⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3022-3026, 3116 (pp. 1073-1074).

¹⁵⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3028-3034, 3116 (p. 1074).

¹⁶⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3040-3043, 3116 (p. 1074).

¹⁶¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3045-3049, 3116 (pp. 1074-1075).

¹⁶² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3052-3055, 3116 (p. 1075).

¹⁶³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3057-3062, 3116 (p. 1075).

¹⁶⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3064-3068, 3116 (p. 1075).

¹⁶⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3100, 3116 (pp. 1075-1076).

¹⁶⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3070-3071, 3100, 3116 (pp. 1075-1076).

¹⁶⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3073-3077, 3100, 3116 (p. 1076).

¹⁶⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3080, 3100, 3116 (p. 1076).

¹⁶⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3082-3082, 3100, 3116 (p. 1076).

¹⁷⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3086-3087, 3100, 3116 (p. 1076).

- iii. **the war crime of conscripting children under the age of 15 into an armed group and using them to participate actively in hostilities** (Counts 69 and 70), between 1 July 2002 and 31 December 2005 in Northern Uganda.¹⁷¹

V. PRINCIPLES ON REPARATIONS

A. General considerations

56. Article 75(1) of the Statute provides that:

[t]he Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and will state the principles on which it is acting.

57. Principles on reparations are to be distinguished from the order for reparations. They are general concepts that, while formulated in light of the circumstances of a specific case, can nonetheless be applied, adapted, expanded upon, or added to by future trial chambers.¹⁷² The Chamber notes that principles on reparations have been adopted by different chambers of the Court in previous cases, and were most recently adapted and expanded in the *Ntaganda* case.¹⁷³ These (hereafter the ‘*Ntaganda* Principles’) include the following six groups of principles:

(i) Principles related to victims:

- a. Beneficiaries of reparations;¹⁷⁴
- b. Dignity, non-discrimination, and non-stigmatisation;¹⁷⁵
- c. Victim-centred approach: Accessibility and consultations with victims;¹⁷⁶
- d. ‘Do no harm’;¹⁷⁷
- e. Child victims;¹⁷⁸

¹⁷¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3102-3104, 3115, 3116 (p. 1076).

¹⁷² *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 55; and *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 5.

¹⁷³ Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Reparations Order (‘*Ntaganda* Reparations Order’), 8 March 2021, [ICC-01/04-02/06-2659](#), paras 30-103; see also *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), paras 1-49; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 29-30; *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), paras 26-50.

¹⁷⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 31-40.

¹⁷⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 41-44.

¹⁷⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 45-49.

¹⁷⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 50-52.

¹⁷⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 53-59.

- f. Gender-inclusive and sensitive approach to reparations;¹⁷⁹ and
- g. Sexual and Gender-Based violence;¹⁸⁰

(ii) Principles related to harm:

- a. Concept and types of harm;¹⁸¹
- b. Causation;¹⁸² and
- c. Standard and burden of proof;¹⁸³

(iii) Principles related to the types and modalities of reparations:

- a. Types and modalities of reparations;¹⁸⁴
- b. Proportional, prompt, and adequate reparations;¹⁸⁵
- c. Prioritisation;¹⁸⁶ and
- d. Transformative reparations;¹⁸⁷

(iv) Principles related to liability:

- a. Liability of the convicted person;¹⁸⁸ and
- b. No over-compensation;¹⁸⁹

(v) Principle related to the rights of the Defence;¹⁹⁰ and

(vi) Other principles:

- a. States and other stakeholders;¹⁹¹ and
- b. Publicity of the proceedings¹⁹²

¹⁷⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 60-62.

¹⁸⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 63-67.

¹⁸¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 68-75.

¹⁸² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 76.

¹⁸³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 77.

¹⁸⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 78-88.

¹⁸⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 89-91.

¹⁸⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 92-93.

¹⁸⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 94-95.

¹⁸⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 96-98.

¹⁸⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 99-100.

¹⁹⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 101.

¹⁹¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 102.

¹⁹² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 103.

58. As noted in the *Ntaganda* case, there may be some overlap between the principles due to their complementary nature, which requires that they be considered as a whole rather than in isolation, in order to adequately assess and address the victims' harms in a holistic manner.¹⁹³

59. For the purposes of this Reparations Order, the Chamber adopts the *Ntaganda* Principles, as it considers them to be of general application. In addition, the Chamber notes that in the 6 May 2021 Order, it asked the parties and participants to address, *inter alia*, the need to consider principles on reparations additional to those mentioned above.¹⁹⁴ Having received submissions on the issue, the Chamber addresses them below, and states its conclusions on the principles applicable to the present proceedings.

B. Submissions and analysis

1. Defence's submissions and assessment

60. The Defence indicates that, while 'concur[ring] with most of the principles set out in the *Lubanga* [case]', it takes issue with: (i) the procedure to estimate the number of eligible beneficiaries on the basis of a sample and documents; and (ii) the delegation to the TFV of the decision-making authority on the eligibility of new applicants without the Defence being involved.¹⁹⁵ In the argument of the Defence, 'any new alleged personal harm [...] for which Mr Ongwen has responsibility may constitute fresh allegations which he has the right to defend against, pursuant to Article 67 of the Statute [...] [and] has the right to investigate the allegations [...] and it should be permitted to introduce evidence and advance submissions'.¹⁹⁶ The Defence supports its position by highlighting that 'participation by new applicant victims for reparations should not in any way undermine the fairness of the proceedings, regardless of the stage of their involvement' adding that 'to protect the rights of the convicted person, he must always be consulted'.¹⁹⁷

61. At the outset, the Chamber notes that the Defence's submissions are misplaced. They do not pertain to the principles on reparations, but to the order for reparations against Mr Ongwen and its subsequent implementation. Therefore, the Chamber will address the issues raised by the Defence below when ruling on the estimated number of potential beneficiaries of

¹⁹³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 30.

¹⁹⁴ 6 May 2021 Order, [ICC-02/04-01/15-1820](#), para. 5(i)a. Specifically with regard to additional principles, the Chamber instructed the parties to make submissions regarding, the 'need for the Chamber to consider additional principles on reparations, apart from those already established by the consistent jurisprudence of the Court, as recently adapted and expanded in the case of *The Prosecutor v. Bosco Ntaganda*'.

¹⁹⁵ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 29.

¹⁹⁶ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 30.

¹⁹⁷ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), paras 29-30.

reparations and the eligibility mechanism of victims during the implementation phase. Nevertheless, at this juncture, the Chamber underscores that the Defence does not have an unfettered right to scrutinise and contest the submissions of all potential beneficiaries of reparations.¹⁹⁸

62. As noted above, reparations are strictly limited in reach and scope to the Conviction Judgment and only victims of the crimes for which Mr Ongwen was convicted beyond reasonable doubt shall be entitled to reparations.¹⁹⁹ Further, Mr Ongwen's conviction has been fully upheld on appeal and is now final. Consequently, Mr Ongwen's liability to repair the harm caused to the victims of the crimes for which he was convicted is no longer open to debate or discussion.²⁰⁰ Accordingly, and as will be detailed throughout this Order, the Chamber will ensure that reparations in this case are conducted in the most efficient and effective manner possible, protecting the rights of the convicted person while also ensuring that the victims of Mr Ongwen's crimes receive the reparations they are entitled to without further delay.²⁰¹ In line with the Court's jurisprudence, the Chamber is committed to 'ensure that the convicted person, as a party to the litigation, has a meaningful opportunity to challenge the information on the basis of which [the Chamber] will make an award against him'.²⁰²

2. LRVs' submissions and assessment

63. The LRVs indicate that, overall, the *Ntaganda* Principles 'articulate a victim-centred approach geared towards repairing the harm caused to victims'.²⁰³ However, the LRVs submit additional observations taking into account the specific circumstances and context of victims participating in the case.²⁰⁴ Having assessed the LRVs' submissions, the Chamber notes that, for the most part, they reinforce the pertinence and relevance of the *Ntaganda* Principles.²⁰⁵ To

¹⁹⁸ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), paras 165-168; *Lubanga* Judgment on Size of Reparations Award, 18 July 2019, [ICC-01/04-01/06-3466-Red](#), paras 254-256.

¹⁹⁹ See Section IV. SCOPE OF REPARATIONS IN THE ONGWEN CASE above.

²⁰⁰ For a similar approach see *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 21.

²⁰¹ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 22.

²⁰² *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 256; see also *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 363, 368.

²⁰³ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 14.

²⁰⁴ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 14-28.

²⁰⁵ See, *inter alia*, LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 15, 'strongly support[ing]' the findings regarding the Principle of Dignity, non-discrimination, and non-stigmatisation as set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 41-44; LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 17, 'fully concur[ring]' with the 'Do no harm' Principle as set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 50-52; LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 18-19, 'concur[ring]' with the 'Child Victims' Principle as set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 53-59; LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 22, 'fully support[ing]' and 'wholeheartedly agree[ing]' with the 'Gender Inclusive and Sensitive Approach' Principle as

the extent that the LRVs suggest that some deviations from the *Ntaganda* Principles are necessary, the Chamber rules as follows:

- (i) Regarding the ‘**Victim-centred Approach: Accessibility and Consultations with Victims’ Principle**,²⁰⁶ the LRVs contest the use of the term ‘whenever possible’ when referring to consultation with victims on the modalities of reparations and contend that victims must be consulted on modalities ‘as a matter of right’.²⁰⁷

The Chamber however does not consider that the use of the words ‘whenever possible’ in this context undermines in any way the overarching victim-centred approach advanced by this principle in the *Ntaganda* case, nor the Court’s practice generally or that of other relevant stakeholders. Rather, in the view of the Chamber, the principle as a whole clearly and strongly articulate the Court’s commitment to involve victims in all stages of reparations proceedings, allowing them to exercise ownership and recognising their active contributions throughout the entire process.²⁰⁸ This necessarily demands meaningful consultation and engagement with victims, giving them a significant voice in the design and implementation of the relevant programmes, and allowing them to shape the measures according to their needs.²⁰⁹ Consequently, the Chamber is of the view that the LRVs have taken the language ‘whenever possible’ in this principle out of context. As the LRVs themselves argue, ‘consultations must be swift and take place in an efficient manner’.²¹⁰ The Chamber notes that there may be an occasion where, for example, in light of the number of victims and their wide geographical distribution, consulting with them all directly as to the specific modalities of reparations would likely jeopardise their right to obtain reparations without delay.

set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 60-62; LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 23, ‘fully endors[ing]’ the ‘Sexual and Gender-Based violence’ Principle as set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 63-67; LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 24, ‘concurr[ing]’ with the ‘Prioritisation’ Principle as set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 92-93; LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 25-27, ‘agree[ing]’ and noting the ‘Transformative reparations’ Principle as set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 94-95 is ‘imperative in order to transform the lives of victims’ ‘emphasiz[ing] the connection between transformative reparations and victims of SGBV’; and LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 28, ‘agree[ing]’ with the ‘No over-compensation’ Principle as set out in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 99-100.

²⁰⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 45-49.

²⁰⁷ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 16, referring to *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 48, which stated, ‘[t]he Court should consult with victims on issues relating to, *inter alia*, the identity of the beneficiaries and their priorities. *Wherever possible*, it should also consult with victims as to the modalities of reparations to be awarded’.

²⁰⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 45.

²⁰⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 45.

²¹⁰ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 16.

As noted above, reparations principles are complementary and should be applied and considered as a whole, not in isolation, adequately assessing and addressing the victims' harms in a holistic manner;²¹¹

- (ii) Regarding the **'Do No Harm' Principle**, although fully concurring with the principle as adopted in the *Ntaganda* case, the LRVs submit that the lasting impacts or legacies of reparations measures should also adhere to the principle.²¹² By way of example, the LRVs emphasise that 'the long-term impact of reparations programmes implemented by the TFV should not result in or lead to secondary traumatization or create/exacerbate security concerns or tensions among communities'.²¹³ The LRVs note that it is 'crucial for reparations processes to adhere to the principle [...] particularly in the context of victims who are eligible for reparations within the confines of the *Ongwen* case, and those who are not eligible for reparations but are located in the same communities and suffered similar forms of harm at the hands of the LRA'.²¹⁴ The LRVs submit that the number of such victims who are ineligible for reparations could be 'hundreds of thousands', which further underscores this principle's importance.²¹⁵

The Chamber indeed considers the 'Do No Harm' Principle as an important factor to be taken into account when designing and implementing reparations measures. Within this context, the Chamber notes that, to a certain extent, the issue is dealt with within the same principle when requiring that 'access to justice and reparations by victims and affected communities does not lead to further or secondary victimisation, [and] that they do not create or exacerbate security concerns or tensions among communities [...]'.²¹⁶ Similarly, the issue is also addressed under the umbrella of the Principle of 'Dignity, Non-discrimination, and Non-stigmatisation', which provides that all victims are to be treated fairly and equally during the reparations process, irrespective of whether they participated in the trial proceedings.²¹⁷ Notably, in the *Ntaganda* Reparations Order, Trial Chamber VI highlighted that reparations must address any underlying injustices and avoid replicating discriminatory practices or structures that predated the commission of the crimes and which prevented equal opportunities to

²¹¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 30.

²¹² LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 17.

²¹³ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 17.

²¹⁴ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 17.

²¹⁵ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 17.

²¹⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 51.

²¹⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 41.

victims, and ruled that ‘reparations awards must avoid creating tensions, jealousy, or animosity among affected communities and between cohabiting groups’.²¹⁸ These considerations further underscore the importance of the ‘Do No Harm’ Principle across a number of principles and factors of which a trial chamber must be aware when deciding on and determining reparations measures.

Lastly, the Chamber observes that, within the Principle of ‘Proportional, Prompt, and Adequate Reparations’, it is stressed that ‘reparations should aim at reconciling the victims with their families and the affected communities’²¹⁹ and should ‘enable victims, their families, and their communities to benefit from measures over an extended period of time’.²²⁰ Notwithstanding the above, although not requiring a modification of the principle, the Chamber underlines that the ‘Do No Harm’ Principle should indeed be understood as encompassing the need to prevent and address, to the extent possible, any potential or unintended negative effects to those who, while not eligible to benefit for reparations in the present proceedings, may have been affected by other crimes committed within the context of the same situation;²²¹

- (iii) Regarding the ‘**Child Victims’ Principle**, while concurring with it, the LRVs submit that attention should be paid to the gendered dimension of the harm suffered by children, particularly forced wives and children born out of rape.²²² Additionally, the LRVs argue that, apart from considering the needs of those who were children at the time of the crimes, children born out of rape should also be considered.²²³

The Chamber agrees with the key relevance of these issues. However, in the view of the Chamber, the combined and complementary application of the Principles of ‘Child Victims’,²²⁴ ‘Gender Inclusive and Sensitive Approach’,²²⁵ and ‘Sexual and Gender-Based violence’,²²⁶ should ensure that the needs and experiences of the victims of sexual and gender based violence, including children born out of these crimes, and regardless of their gender expression or identity, are effectively taken into

²¹⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 44.

²¹⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 90.

²²⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 91.

²²¹ Particularly victims of other crimes committed within the context of the armed conflict and the attack against the civilian population as described in the Conviction Judgment.

²²² LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 20.

²²³ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 20-21.

²²⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 53-59.

²²⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 60-62.

²²⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 63-67.

consideration. Nevertheless, considering the particularities of the present case and the extensive manner in which children were affected, the Chamber is of the view that the Principle should be further tailored to fit the relevant context, and therefore details below its findings as to additional considerations regarding the Principle of ‘Child Victims’;²²⁷ and

- (iv) As to the ‘**Gender-inclusive and Sensitive Approach to Reparations**’ Principle, the LRVs agree with this Principle and reiterate ‘the *Ntaganda* Chamber’s assertion that affirmative action should be taken at every stage of the reparations process in order to ensure the participation of marginalised groups or persons depending on the victim’s sex or gender identity’.²²⁸ Furthermore, the LRVs submit that ‘any other intersecting factors such as a victim’s social or political identity must also be taken into account in order to prevent any discrimination [...], particularly regarding women and girls, especially those who may be in a lower social position due to their income, standing in society and/or literacy level’.²²⁹

In effect, the Chamber underlines that, as noted in the *Ntaganda* case, ‘[a] gender-inclusive and sensitive perspective should integrate intersectionality as a core component’;²³⁰

64. In addition, the LRVs propose to consider three additional principles on reparations, namely:

- (i) **The Right to Truth and Provision of an Accurate Account of the Violations:** In the argument of the LRVs, it should be taken into account that Mr Ongwen exercised his right not to testify, which excluded the possibility of him providing information on the whereabouts of victims of enforced disappearance.²³¹ In light of the large number of persons who remain missing and whose whereabouts and status are still unknown to their surviving family members, the LRVs submit that the Chamber should introduce a principle that recognises the right of family members to know the truth about the fate or the whereabouts of their loved ones or their remains.²³² The LRVs argue that the right to truth is widely recognised in international human rights law, including by

²²⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 53-59.

²²⁸ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 22.

²²⁹ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 22.

²³⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 60.

²³¹ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 29.

²³² LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 30-32, 34-36.

bodies such as the Inter-American Court of Human Rights and the UN Human Rights Committee.²³³

The Defence contests the LRVs' submission arguing that it is legally flawed and that it constitutes 'an outright affront to the legally enshrined right of the accused not to be forced to testify' pursuant to article 67(1)(g) of the Statute.²³⁴ The Defence further submits that Mr Ongwen cannot be held liable for the crimes committed by the entire LRA nor can he be compelled to reveal information regarding abductions over which he had no control as this was a standing rule which emanated from Joseph Kony.²³⁵

The Chamber notes that the concept of the right of families to know the fate of their relatives has taken on increasing importance in recent decades as it finds its roots in international humanitarian law.²³⁶ Within the context of international human rights law, the right to truth has been considered as an important measure of reparation.²³⁷ In effect, the right to truth is one of the victims' core interests in the determination of the facts, the identification of those responsible, and the declaration of their responsibility, as these are at the root of the well-established right to the truth for victims of serious violations of international human rights law and international humanitarian law.²³⁸ The Chamber observes that the *Ntaganda* case acknowledged that 'the victims' right to truth, justice, and reparations are all part of the victims' right to remedy'.²³⁹ The Chamber indeed acknowledges victims' right to seek and obtain information on the causes leading to their victimisation and to learn the truth regarding such violations.²⁴⁰ In addition, the Chamber notes that within the Principle of a 'victim-centred' approach to reparations, it is recognised that, in general terms, due consideration should be given to properly involve victims in the criminal justice process so their rights to truth, justice, and reparations are respected and enforced.²⁴¹ However, the Chamber notes that, in

²³³ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 32-33.

²³⁴ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 28.

²³⁵ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 28.

²³⁶ United Nations, Economic and Social Council, Study on the Right to the Truth, Report of Office of the United Nations High Commissioner for Human Rights, 8 February 2006, [E/CN.4.2006/91](#), para. 5.

²³⁷ IACtHR, *Case of 19 Merchants v. Colombia*, Judgment (Merits, Reparations and Costs), 5 July 2004, [Series C No. 109](#), para. 261.

²³⁸ See Pre-Trial Chamber I, *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case, 13 May 2008, [ICC-01/04-01/07-474](#), para. 32.

²³⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 1.

²⁴⁰ United Nations, General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ('UN Basic Principles on Reparations'), 16 December 2005, [UN Doc A/RES/60/147](#), para. 24.

²⁴¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 45.

essence, the LRVs argue that Mr Ongwen’s decision not testify at trial deprived family members of victims of enforced disappearance of learning more regarding the whereabouts of victims. In this regard, the Chamber finds the LRVs’ argument speculative in nature, and notes that it shall refrain from introducing any principles of reparations that are based on inferences stemming from decisions made by a convicted person during the course of their trial. To do so would go beyond the scope and purpose of the present reparations proceedings and could very well constitute a violation of the rights of the accused enshrined in Article 67 of the Statute. Consequently, the Chamber does not consider it appropriate nor necessary to introduce the principle as advocated by the LRVs.

- (ii) **Principle of Confidentiality of Reparations:** The LRVs submit that ‘confidentiality at all stages of the reparation process is essential to encourage victims to come forward, to have faith and engagement in the process and to protect them from further harm’.²⁴² The LRVs state that this principle is particularly important for victims of SGBC who may not have disclosed the harm they suffered and who may be hesitant to come forward in light of the stigma associated with the crimes.²⁴³ Similarly, the LRVs submit that discretion and confidentiality are of outmost importance to minimise division and tensions within the broader victim community in Northern Uganda, given the ‘high potential for division and animosity between victims of LRA crimes who fall within the scope of the *Ongwen* case and are eligible for reparations, and those large numbers of victims who also suffered at the hands of the LRA, but do not fall within the scope of the case’.²⁴⁴ The LRVs note that this consideration is essential, particularly if individual reparations are to be awarded.²⁴⁵

The Defence challenges the LRVs’ proposal arguing that the Defence must be involved at all stages of the reparations process, which should be as transparent and public as possible in order to scrutinise who is entitled to reparations.²⁴⁶

The Chamber is of the view that adopting a Principle of ‘Confidentiality of Reparations’ will run against the Principle of ‘Publicity of Reparations Proceedings’, which has been

²⁴² LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 37.

²⁴³ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 37.

²⁴⁴ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 37.

²⁴⁵ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 37.

²⁴⁶ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 30.

consistently recognised by the Court’s jurisprudence.²⁴⁷ In addition, the introduction of a Principle of ‘Confidentiality of Reparations’ would run counter to the express letter of the Court’s legal framework, as rule 96 of the Rules specifically provides that adequate publicity be given to reparations proceedings before the Court. Nevertheless, the Chamber shares the LRVs’ concerns and notes that they are addressed by the combined application of the Principles of (a) the ‘Victim-Centred Approach’, which requires consultations and outreach activities to take into account the victims’ needs, ‘including sensitivities associated with sexual violence’ and different ‘obstacles that victims may face in coming forward’²⁴⁸; and (b) ‘Do No Harm’, which requires ‘taking all steps necessary to ensure that access to justice and reparations by victims and affected communities does not lead to further or secondary victimisation, that they do not create or exacerbate security concerns or tensions among communities and that victims are not endangered or stigmatised as a result’.²⁴⁹

- (iii) **Principle of Access to Information on Reparations:** Lastly, the LRVs propose that the Chamber take this principle into consideration, arguing that reparations must be accessible and that awareness-raising of the right to reparation and outreach are essential to ensure that victims properly understand their rights and the processes taking place to deal with their harm.²⁵⁰ The LRVs further submit that the provision of adequate information to victims is crucial to ensure meaningful participation and access to reparations, and that outreach should take place in a language and through means that victims can understand and relate to.²⁵¹ Lastly, the LRVs posit that measures must be taken to ensure that victims can participate in the reparations process in ways that are acceptable to their culture and religion, and that such participation should also be designed taking into account limitations women may have to participate.²⁵² However, the LRVs also argue that awareness-raising should manage victims’ expectations.²⁵³

The Defence notes that the present case has been ongoing since 2015 and that the Court has organised outreach programmes during the entire proceedings.²⁵⁴ Consequently, the

²⁴⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 103; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 51-52; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 345.

²⁴⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 47.

²⁴⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 51.

²⁵⁰ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 38.

²⁵¹ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 38.

²⁵² LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 38.

²⁵³ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 38.

²⁵⁴ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 31.

Defence takes issue with the suggestion that there should be specific outreach meetings to inform the public in Northern Uganda to come forward and claim reparations.²⁵⁵ The Defence submits that this approach ‘will cause a flood gate of the applications, all of which must be screened and verified for veracity and qualification as a victim’.²⁵⁶

The Chamber once again shares the LRVs’ concerns. However, it considers that they do not require the inclusion of additional principles, as their content and substance have already been addressed via the combined and complementary application of the Principles of ‘Victim-centred approach: Accessibility and consultation with victims’²⁵⁷ and ‘Publicity of the proceedings’.²⁵⁸

3. *CLR’s submissions and assessment*

65. The CLRV indicates that she is largely in favour of adopting the general principles established in the *Lubanga* case, as adapted and expanded in the *Ntaganda* case.²⁵⁹ In addition, the CLRV posits that such principles must be applied taking into consideration the specificities of the present case, namely the following factors:²⁶⁰

- (i) **The very large number of victims:** Considering that several thousands of individuals and families were harmed directly and the fact that the number of victims who are participating in the proceedings is merely indicative of the extent of the overall victimisation suffered by people in Northern Uganda as a result of the crimes, the CLRV submits that reparations should account for the possibility of thousands of additional victims who were unable to participate at trial but will certainly manifest themselves during the reparations proceedings;²⁶¹
- (ii) **The large geographic scope of victimisation:** The CLRV stresses the need to develop each aspect of the reparations programmes as closely as possible to the beneficiaries, giving them access to the relevant services avoiding disruptions in their lives and additional costs associated with access to such services;²⁶²

²⁵⁵ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 31.

²⁵⁶ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 31.

²⁵⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 45-49.

²⁵⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 103.

²⁵⁹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 11-14.

²⁶⁰ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 15.

²⁶¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 16.

²⁶² CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 17.

- (iii) to (v) **the prevailing extreme poverty in the affected communities, the perpetual lack of assistance to victims since the events, and the very high number of crimes suffered by the victims and the multiplicity of harm caused:** Based on these considerations, the CLRV underlines the need for a holistic approach to reparations, where the design of the programmes whose components are complementary to one another should be conceived as inter-dependent and where each victim should be able to benefit from support in the order relevant to their respective priorities and situations;²⁶³
- (vi) **The ‘high number of harm deriving from sexual and gender based crimes’:** As to this aspect, the CLRV submits that reparations ought to be operationalised, bearing in mind the multifaceted harm which is at the core of sexual violence and which is compounded by the stigma and discrimination emanating from such crimes.²⁶⁴ Because of this, the CLRV stresses the need for consultations to be held with victims in order to allow them to clearly express their needs and preferences in terms of reparations to be awarded (which must be preceded by gender-sensitive outreach to guarantee accessibility and inclusion).²⁶⁵ Following the *Ntaganda* jurisprudence,²⁶⁶ the CLRV submits that children born as a result of rape of direct victims are themselves in a ‘particularly vulnerable situation and are to be considered as direct victims as well for the purpose of reparations’.²⁶⁷ Lastly, the CLRV refers to a Guidance Note on Reparations issued by the Secretary General of the United Nations (‘UN Guidance Note on Reparations’)²⁶⁸ which provides policy and operational guidance on reparations for conflict-related sexual violence and establishes a set of ten practice-based principles

²⁶³ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 18.

²⁶⁴ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 19.

²⁶⁵ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 19.

²⁶⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 120-123.

²⁶⁷ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 21.

²⁶⁸ See United Nations, Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence, June 2014, [ST/SG\(02\)/R425](#).

identified by practitioners following the UN Guidance Note on Reparations,²⁶⁹ which she argues should also be applied in the present case;²⁷⁰

- (vii) **The nature of the crimes, which also deeply impacted family and social networks, as well as community dynamics:** Considering this, the CLRV underlines that it is particularly important in the present case for reparations not to be the source of further stigmatisation, but rather to reintegrate victims into their families and communities and restore community trust and values.²⁷¹ Lastly, the CLRV submits that beyond the individual harm caused to the victims, evidence of collective and cultural harm appears to have emerged through the various testimonies.²⁷² Accordingly, the CLRV argues that it may be appropriate to consider the implementation of a specific principle mirroring the impact of the LRA's large scale crimes on the traditions and rituals in Northern Uganda and more generally on cultural rights, in particular those of societies such as the Acholi, Teso, and Lango.²⁷³

66. Having considered the CLRV's submissions detailed above, the Chamber acknowledges the need to take into account the specificities of this case, as referred to by the CLRV in points (i) to (vi) above. The Chamber stresses that throughout the reparations proceedings, particular attention has and will continue to be given to the specific needs of the present case. However, the Chamber is satisfied that no additional principles need to be added, in light of the fact that the complementary and combined application of the *Ntaganda* Principles will suffice to achieve the objectives proposed by the CLRV. As to point (vii), the Chamber notes that it has indeed, in this Order, taken into consideration the victims' suffering on a community level. In this regard, the Chamber has opted to assess whether community *harm* has been established on a balance of probabilities based on the evidence in the case file as opposed to introducing it as a larger reparations principle. The Chamber highlights that it

²⁶⁹ See F. Ní Aoláin, C. O'Rourke, A. Swaine, 'Transforming Reparations for Conflict-Related Sexual Violence' in 28 *Harvard Human Rights Journal*, (2015), pp. 97-146 (The ten principles provide that reparations must: (1) be transformative; (2) ensure fairness and non-discrimination; (3) address bias and stigma; (4) respond in a timely way; (5) consult and inform; (6) employ processes that are mindful of fragile and challenging societal contexts; (7) work at multiple levels and in different ways; (8) generate national ownership; (9) balance material reparations and symbolic reparations (i.e., official acknowledgement of their experiences which, by restoring their dignity and reputation, will have the potential of also undoing stigma, remaking citizenship and social status); and (10) work alongside and in tandem with other transitional justice processes.).

²⁷⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 21.

²⁷¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 22.

²⁷² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 23.

²⁷³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 23.

discusses the community harm suffered in this case further below in the section that specifically addresses community harm and its related contours and characteristics.

4. Registry's observations and assessment

67. The Registry submits that the *Ntaganda* Principles 'fully apply to the present [c]ase'.²⁷⁴ In addition, the Registry recommends that the Chamber expand the principles related to child victims to explicitly address the category of 'children of war', i.e. children born as a result of SGBC crimes.²⁷⁵ In the Registry's submission, these children are, both in terms of their number and vulnerability, a prominent category of indirect victims in the case and should therefore be specifically recognised.²⁷⁶ The Registry argues that these children remain a highly marginalised category of victims as information about them primarily comes from the perspective of their mothers, with their voices remaining largely absent.²⁷⁷

68. The Registry further notes that these children face rampant stigmatisation and rejection from their families and communities, which permeates every level of their post-conflict lives and is manifested in the form of violence, abuse, and socio-economic exclusion.²⁷⁸ Male children of war, the Registry reports, are viewed as a threat to resources and inheritance, and often become street children who are then also perceived by the communities as a threat.²⁷⁹ Females, on the other hand, often become victims of early marriage and pregnancy.²⁸⁰ The Registry also submits that various sources report that children of war face difficulties in obtaining Ugandan birth certificates and national identity documents and are thus unable to prove their citizenship, gain full access to their civil rights, attend school, and properly access healthcare and reintegration programmes.²⁸¹ Lastly, the Registry indicates that because identity in Uganda is largely defined by paternal clan membership – which informs access to land, resources, and social status – these children are not accepted by their families and communities.²⁸² Accordingly, the Registry submits that these children merit being explicitly mentioned when recalling the reparations principles related to child victims.²⁸³

²⁷⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 5.

²⁷⁵ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), paras 6, 8.

²⁷⁶ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 6.

²⁷⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 7.

²⁷⁸ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 9.

²⁷⁹ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 9.

²⁸⁰ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 9.

²⁸¹ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 10.

²⁸² Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 10.

²⁸³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 11.

69. Considering the extensive manner in which children were affected by the crimes for which Mr Ongwen was convicted, the Chamber finds merit in the Registry's submissions and will therefore detail below its findings as to the additional considerations regarding the 'Child Victims' Principle.

5. *TFV's observations and assessment*

70. The TFV submits that due to a lack of any other legal framework, principles not only form the legal basis for any order of reparations but are instrumental to the development of the Court's legal and substantive framework on reparations and serve as parameters for the Chamber's development of reparations as well as guidelines to the TFV in their design and implementation.²⁸⁴ The TFV stresses the importance of principles during the implementation phase, as they allow for the spirit of the reparation programme to be conveyed to stakeholders, working as a vehicle that helps audiences quickly grasp the direction of the reparation measures.²⁸⁵ The fact that they are framed as legal principles adopted by the Court vests them with a heightened authority enabling the TFV to render clear their non-negotiable nature.²⁸⁶

71. The TFV notes that the *Ntaganda* Principles find application in the *Ongwen* proceedings,²⁸⁷ but submits certain remarks regarding their application to the instant case, namely:

(i) Regarding **Beneficiaries of Reparations**:

- a. The TFV submits that the distinction between direct and indirect victims may be of more relevance to smaller reparations cases, where it may be advantageous to describe in detail the impact of the crime on victims as restitution and compensation are guiding concepts.²⁸⁸ However, following the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross

²⁸⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 5-6.

²⁸⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 7.

²⁸⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 8.

²⁸⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 12; *see also* paras 32-33, supporting the application of the Principle of 'Proportional, prompt, and adequate reparations', although indicating that the 'principle should be tailored to the specific case of Ongwen to channel appropriately the expectations of victims'; paras 34-35, reiterating and summarising the *Ntaganda* findings as to the principles of 'Dignity, Non-Discrimination, Non-Stigmatisation' and 'Prioritisation'; para. 37, fully supporting the 'Do no harm' Principle; para. 38, referring to the *Ntaganda* findings as to the 'Gender-inclusive and sensitive approach to reparations' Principle; para. 41, noting the particular relevance of the 'Transformative reparations' Principle to the *Ongwen* case, giving the need to re-integrate the former child soldiers in the affected communities and promote restorative justice; para. 42, noting that the 'No over-compensation' Principle indicating that it might become essential once co-perpetrators of Mr Ongwen are tried, but has arguably less relevance to the case of Mr Ongwen.

²⁸⁸ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 14.

Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ('UN Basic Principles on Reparations')²⁸⁹ and article 79(1) of the Statute, the TFV argues that it might be worth returning, for the purposes of implementation and particularly in the context of the *Ongwen* case, to the concept of 'victims and their families'.²⁹⁰ This family-centred approach, the TFV submits, would still require a link between the crime and the harm suffered by the victims, which may, in certain instances, also be presumed.²⁹¹ The TFV posits, however, that a family-centred approach in identifying and verifying victims as well as providing rehabilitative services may allow for easier access to victims who are ostracised, such as SGBC victims and their children and former child soldiers, as such victims may only come forward over time.²⁹² In any case, the TFV submits that, in the context of the *Ongwen* case, it also must be considered that the concept of 'family' may have many cultural variations, which should lead the Court and the TFV to have regard to the applicable social and familial structures.²⁹³

On this point, the CLRV agrees that the notion of family must be interpreted broadly and that due consideration should be given to social and familial structures in light of cultural variations.²⁹⁴ However, while supportive of facilitating inclusion of family members, the CLRV indicates that she does not fully comprehend the purpose of the TFV's proposal related to a 'family-centred approach' in identifying and verifying victims for 'easier access' to ostracised victims.²⁹⁵ Specifically, the CLRV argues that the 'victims of SGBC and their children, or former child soldiers, will not be easily reached through their family precisely because many of them have been ostracised so long'.²⁹⁶ The CLRV further notes her concern that this approach might impact the potential exposure and disclosure of information that the victims may have kept secret from their families.²⁹⁷

The Chamber acknowledges the importance of the issue noted by the TFV, but does not consider an amendment to the Beneficiaries of Reparations Principle to be

²⁸⁹ UN Basic Principles on Reparations, [UN Doc A/RES/60/147](#), para. 8.

²⁹⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 14.

²⁹¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 14.

²⁹² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 14.

²⁹³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 15.

²⁹⁴ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 32.

²⁹⁵ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 32.

²⁹⁶ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 32.

²⁹⁷ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 32.

warranted in the instant case. In effect, the Court’s legal framework – particularly rule 85(a) of the Rules – when read in the context of article 75(2) of the Statute, clearly indicates that victims for the purposes of reparations are those natural persons who have suffered a harm as a result of the crimes for which the person was convicted. This harm must be personal, but not necessarily direct, and, as acknowledged by the TFV,²⁹⁸ a causal link must always exist between the crimes for which the person was convicted and the harm alleged by the victim. In the view of the Chamber, the way in which direct and indirect victims have been defined within this principle by the Court’s jurisprudence²⁹⁹ already provides sufficient flexibility and scope for any family members rightfully entitled to reparations to participate in the process and benefit from any subsequent award.

The Chamber further notes that the reference to ‘families’ in article 79(1) of the Statute, as recalled by the TFV, is inapposite to the issue raised because the provision (i) does not define the concept of victims for the purposes of reparations and instead indicates the reason for the TFV’s establishment, i.e. for the benefit of the victims and their families; and (ii) clearly distinguishes between the two: ‘victims of the crimes within the jurisdiction of the Court’, on the one hand, and ‘the families of such victims’, on the other hand. Consequently, the Chamber finds that this provision does not support a change of approach to the concept of victims for the purposes of reparations.

Nevertheless, the Chamber notes that the TFV refers to the need for implementing a family-centred approach for the eligibility process as well as during implementation. In the view of the Chamber, this does not justify an amendment to the principle. As will be discussed in more detail below, the VPRS, as the authority entrusted with the identification of victims and determination of their eligibility for reparations, and the TFV, when planning and delivering the implementation of reparations in the case, will both have sufficient flexibility to develop their work pursuant to a family-centred approach. Both the VPRS and the TFV shall carry out their respective mandates in compliance with the legal framework of reparations, including the relevant Principles, while also taking into account the concerns expressed by the CLRV.

²⁹⁸ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 18.

²⁹⁹ *See, inter alia*, Ntaganda Reparations Order, [ICC-01/04-02/06-2659](#), paras 31-40.

- b. The TFV further proposes that, given the Court's experience with deceased beneficiaries, while applying the relevant legal framework, succession is handled in line with the nationally and locally applicable customs and the documentation required in the relevant communities to establish that a person has died and the appropriate successor.³⁰⁰ In the interest of judicial economy and efficiency, the TFV suggests that such documentation be provided to the TFV and victims' representatives, as applicable, to accept the proposed succession.³⁰¹ In the argument of the TFV, while the presumption as set up in the *Lubanga* case that it may appear logical to have several persons (wife and children) as the successor, it is of less relevance in the context of reparations beneficiaries, as it does not mirror realities in the affected communities and families.³⁰²

The Chamber once again considers that this is not a matter that justifies modifying the principle, as it would depend on the specific circumstances of the case under examination. Although the Chamber understands and shares the concern related to the need to handle matters in line with nationally and locally applicable rules as much as possible, it considers that, particularly regarding succession rights, the issue must be decided on a case-by-case basis. In effect, as provided for in the 'Dignity, non-discrimination, and non-stigmatisation' Principle,³⁰³ the Court shall avoid replicating discriminatory practices or structures which may exist in certain societies based on gender and marital status precisely with regard to inheritance rights. The Chamber further notes that, according to the information provided by the Registry, this appears to be precisely the situation in Uganda.³⁰⁴ As such, the Chamber does not consider it appropriate to alter the Court's established rules regarding the manner in which succession is handled and who is necessarily expected to be the natural successor of a deceased beneficiary for the purposes of reparations.

- c. Finally, the TFV suggests that a principle for the representation of people with disabilities as well as minors, establishing the general requirements for their representation for the eligibility process, may be considered.³⁰⁵ Specifically, the

³⁰⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 16.

³⁰¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 16.

³⁰² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 16.

³⁰³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 41-44.

³⁰⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), paras 9-10.

³⁰⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 17.

TFV submits that it might be beneficial to put in place a presumption that their direct family members or, as appropriate, the caregivers of the houses/families in which they live, may represent them in the eligibility process.³⁰⁶

The CLRV welcomes the proposal of having a presumption for minors, but argues that minors above 12 years should be involved in the decisions that concern them.³⁰⁷

Regarding people with disabilities, the CLRV disagrees with the TFV's proposal, arguing that they should represent themselves if they are willing and able to do so.³⁰⁸ The CLRV argues that proceeding differently would run contrary to the principles of a victim-centred approach and non-discrimination and would be prejudicial to the persons concerned.³⁰⁹

Similar to the issue above, the Chamber does not consider that this matter requires a modification to the principle, as it would depend on the specific circumstances of the case under examination. In the view of the Chamber, this is an issue that needs to be decided on a case-by-case basis. Doing so would avoid replicating discriminatory practices or structures which may exist in certain societies where, for example, women are excluded from representing their own children and people with disabilities are discriminated against instead of being consulted or involved in decisions that impact their own destiny.

- (ii) Regarding the **Definition of Harm and Causal Link**, the TFV submits that beyond defining 'harm' as required by rule 85 of the Rules, more emphasis may need to be placed on the notion set out in article 75(1) of the Statute which requires the Court to 'determine the scope and extent of any damage, loss and injury to, or in respect of, victims'.³¹⁰ The TFV argues that the latter notion focuses on the impact of the harm that may go beyond the realm of the victim, including long-term consequences for the family and the community.³¹¹ The TFV notes that this approach was applied in the *Ntaganda* case, which combined the discussion of the notion of harm with an assessment of the scope and extent of the damage, a necessary component of a decision

³⁰⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 17.

³⁰⁷ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 33.

³⁰⁸ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 34.

³⁰⁹ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 34.

³¹⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 19.

³¹¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 19.

regarding the modalities of reparations, what they will address, the resources necessary to implement them, and the overall amount of liability.³¹²

The Chamber notes that, indeed, the *Ntaganda* Principles clearly indicate that when assessing the extent of the harm, the Court must take into account the different permutations and combinations of different layers of harm, which can be manifested, *inter alia*, in harm suffered collectively by persons as members of a family or a community.³¹³ Accordingly, although no modification to the principle as such is required, the Chamber acknowledges and will take into account the scope and extent of the harm when deciding on the types and modalities of reparations to be awarded in the present case.

- (iii) Regarding **Child Victims**, the TFV stresses that, in the context of the *Ongwen* case, it is necessary to recognise children born out of rape as victims regardless of the familial relationship between the perpetrator and the victim and independent of whether they still live with the perpetrators, or whether the perpetrators still provide for them.³¹⁴ The Chamber finds merit in the TFV's submissions and, as noted above, considering the extensive manner in which children were affected by the crimes for which Mr Ongwen was convicted, incorporates additional considerations below regarding the Principle of 'Child Victims'.
- (iv) Regarding **Accessibility and Consultation with Victims**, the TFV underlines that victims, 'together with those members of their families and communities who meet the criteria of eligibility for reparations' should be able to participate and receive adequate support throughout the process.³¹⁵ Further, the TFV submits that as a consequence of this principle, implementation must allow for sufficient flexibility to consult and address their needs throughout the programme's lifecycle.³¹⁶

The Chamber underlines that accessibility and consultations should indeed be conducted with victims who, as stressed by the TFV, 'meet the criteria of eligibility for reparations'.³¹⁷ As noted in the *Ntaganda*'s 'Victim-centred approach' Principle, direct and indirect victims should be able to participate throughout the process and receive

³¹² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 20.

³¹³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 71, 74.

³¹⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 21.

³¹⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 22.

³¹⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 22.

³¹⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 22.

adequate support to make their participation substantive and effective.³¹⁸ Other members of the victims' families and communities who do not themselves qualify as direct or indirect victims but have personally suffered a harm as a result of the crimes for which the person was convicted, cannot benefit from reparations and are not entitled to participate and access the consultation process.³¹⁹

- (v) Regarding **Modalities of Reparations**, the TFV recalls the general framework provided for in the *Ntaganda* Principles,³²⁰ and the definitions of restitution,³²¹ compensation,³²² and rehabilitation,³²³ as discerned by the TFV from the Court's jurisprudence.³²⁴ The TFV adds that, although socio-economic rehabilitation measures may appear similar to restitution, the latter focuses on *restitutio in integrum* and the former on improving the current situation of the beneficiary and affording him or her the means of becoming a full member of society.³²⁵ The TFV also underlines that compensation should be regarded as a disbursement of money where restitution is not possible and should therefore be proportional and adequate to address the harm.³²⁶ Consequently, payments that are not proportional or adequate should be regarded as symbolic, recognising merely in general terms the harm suffered by the victims.³²⁷ Lastly, the TFV notes that other forms of reparations, considered as satisfaction and guarantees of non-repetition, originally directed at states, may be taken into account particularly in the context of collective reparations.³²⁸ These would include, *inter alia*, raising awareness of a public apology, commemorations and tributes to the victims, training and education material, searching for disappeared persons, and assistance in the recovery, identification, and reburial of bodies.³²⁹

³¹⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 46.

³¹⁹ For a similar approach, see *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 57.

³²⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 23, referring to details included in *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 78-82.

³²¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 25, summarising the findings in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 83, 201.

³²² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 26, summarising the findings in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 84-85.

³²³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 27-28, summarising the findings in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 87, 203.

³²⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 24.

³²⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 29.

³²⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 30.

³²⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 30.

³²⁸ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 31.

³²⁹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 31.

The Chamber finds merit in the submissions of the TFV regarding modalities of reparations. First, the Chamber acknowledges the need to recognise that rehabilitation measures may not only be aimed at addressing the medical and psychological conditions of the victims, as they are currently limited in the relevant principles.³³⁰ Rehabilitation can also be aimed at the improvement of the socio-economic conditions of victims, seeking to maximise self-sufficiency, aiming at restoring, as far as possible, their independence and vocational ability, thereby furthering their inclusion and participation in society.³³¹ Measures of socio-economic rehabilitation may entail a wide range of inter-disciplinary activities, including, among others, housing, social services, vocational training and education, micro-credits, income generating opportunities, or sustainable work that promotes a meaningful role in society.³³² Second, as recognised in the applicable principle, compensation is aimed at addressing in a proportionate and appropriate manner the harm inflicted.³³³ Consequently, payments that are not proportional and appropriate to address the harm can only be regarded as symbolic. Third, measures of satisfaction and guarantees of non-repetition can also be included as appropriate modalities of reparations, particularly in the context of collective reparations. As such, the Chamber considers that the Principle related to types and modalities of reparations shall be slightly amended to take into account the above.

- (vi) Regarding **Sexual and Gender-based Violence**, the TFV recalls the principle as recognised in the *Ntaganda* case,³³⁴ and submits that in the present case the life-changing long-term impact of the crimes of the continuous crimes of forced marriage and forced pregnancy in particular may be specifically mentioned under this principle.³³⁵

The Chamber acknowledges the importance of taking into account the long-term impact of the abovementioned crimes when awarding and designing reparations. However, the Chamber does not consider that the principle as such should be amended to specifically refer to these crimes, as there are no specific references to other crimes and the principle generally applies to all crimes that fall within the broader definition of SGBC.

³³⁰ See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 87.

³³¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 203.

³³² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 203.

³³³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 85.

³³⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 39, summarising the findings in the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 63-67.

³³⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 40.

6. *Uganda's observations and assessment*

72. In its observations, Uganda submits that the principles on reparations established in the jurisprudence of the Court are relevant to the present case.³³⁶ Nonetheless, it argues that the specific characteristics of the case give room to the Chamber to consider additional principles in relation to a number of areas,³³⁷ including:

- (i) **Definition of Victims:** Uganda argues that the Chamber should not consider as victims only those individuals whose harm results from the crimes for which Mr Ongwen was convicted, and should instead 'act within the framework of Article 21 of the Statute to incorporate established human rights principles relating to the award of reparations in this case the definition of victim' as contained in the UN Basic Principles on Reparations.³³⁸ Uganda submits that rule 85 of the Rules speaks broadly with regard to the harm suffered arising out of crimes which are within the jurisdiction of the Court and does not necessarily qualify the requirement with the added prerequisite of a conviction.³³⁹ Specifically, Uganda argues that there is nothing in article 75(2) of the Statute that 'precludes the ordering of reparations to be awarded to all victims of the pattern of crimes that the LRA [...] if, in spirit of Rule 85, such crimes are within the jurisdiction of the Court'.³⁴⁰ In support of its argument for an expansion of the definition of victims in the present proceedings, Uganda points to Principle 9 of the UN Basic Principles on Reparations, which provides, '[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'.³⁴¹ On this point, the CLRV states that she concurs with Uganda's submissions on the definition of victims,³⁴² but does not provide further explanation for her agreement or the reasoning underpinning it.

The Chamber rejects Uganda's submission. As discussed above, reparations are strictly limited in reach and scope to the terms of the conviction and *only* victims of the crimes for which Mr Ongwen was convicted beyond reasonable doubt are entitled to

³³⁶ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 6.

³³⁷ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 6.

³³⁸ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), paras 7-8.

³³⁹ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 7.

³⁴⁰ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 9.

³⁴¹ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 10; *see* UN Basic Principles on Reparations, [UN Doc A/RES/60/147](#), para. 9.

³⁴² CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 50.

reparations.³⁴³ This principle is well-established by the Court’s jurisprudence as reparations orders are intrinsically linked to the individual whose criminal liability is established in the Conviction Judgment and whose culpability for the criminal acts is determined in a sentence.³⁴⁴

- (ii) **Notion of Indirect Victim Harm:** Uganda submits that in applying the broad approach to victimhood referred to above, the Chamber should consider that Uganda itself and many other Ugandans indirectly suffered harm in intervening to assist victims in distress or to prevent victimisation.³⁴⁵ Uganda further argues that an ‘interpretation of victimisation to recognise the indirect victims would be consistent with the *Lubanga* reparations principles, which recognise victims who suffered harm when assisting or intervening to prevent further victimisation’.³⁴⁶

The Chamber reiterates that, in order to be eligible for reparations, victims must meet a specific set of criteria, which includes a requirement that the crime from which the harm arises be one for which the defendant was convicted.³⁴⁷ The Chamber recalls that, contrary to Uganda’s submission, the Court’s jurisprudence has consistently established that one of the qualifications contained in rule 85 of the Rules ‘attaches to the condition that “the crime which caused the harm falls within the jurisdiction of the Court”: it must be a crime of which the person in question was convicted’.³⁴⁸ The Chamber therefore rejects Uganda’s proposal in this regard and will apply the Court’s well-established reparations principles as described above.

- (iii) **Causal Link and Liability:** Uganda further submits that, when determining the principles to be applied in this case, the Chamber should take into consideration the fact that Mr Ongwen was not found guilty on all counts and that ‘[v]ictimhood cannot be taken away by the mere absence of conviction’.³⁴⁹ Uganda again points to the UN Basic Principles on Reparations, highlighting that Principle 9 should prevail and that ‘hinging the award of reparations to conviction would negate the innovation of the reparations

³⁴³ See Section IV. SCOPE OF REPARATIONS IN THE ONGWEN CASE above.

³⁴⁴ *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 20; *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 65.

³⁴⁵ Uganda’s February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 14.

³⁴⁶ Uganda’s February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 14.

³⁴⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 31; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 36-37.

³⁴⁸ *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 37.

³⁴⁹ Uganda’s February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 17.

regime at the Court and reduce it to a typical criminal court'.³⁵⁰ As a result, Uganda submits that Mr Ongwen 'should be held liable for the full amount necessary to repair the harm that the LRA inflicted'.³⁵¹ The CLRV concurs with Uganda's submissions on the liability of Mr Ongwen,³⁵² but also states that, '[a] reparation award is not determined in the abstract, but *against a specific person* who bears responsibility for the crimes committed and the harm inflicted' and that 'liability of the convicted person is a legal requirement'.³⁵³

The Chamber recalls that the Court's established jurisprudence provides that a convicted person's liability for reparations must be proportionate to the harm caused in the specific circumstances of the case,³⁵⁴ and that the responsibility of other persons, organisations, or State responsibility are irrelevant to this determination.³⁵⁵ This principle also exists to safeguard the rights of the convicted person and ensure that the convicted person is accountable only for the crimes for which he or she was found criminally responsible. As a result, the Chamber dismisses Uganda's arguments and will apply the well-established reparations principles as described above.

7. *Amici curiae observations and assessment*

73. In the observations jointly submitted by the ICTJ and UVF, the *amici* posit that reparations principles developed and applied in previous cases should also apply in the present case.³⁵⁶ The ICTJ and UVF note that applying the Court's existing reparations principles is consistent with the UN Basic Principles on Reparations, and submit that victims should be consulted and adequately informed regarding the design and implementation of the reparations framework.³⁵⁷

74. The UN's observations also address a number of the existing reparations principles applied by the Court, including, *inter alia*: (i) the need for reparations processes to integrate gender and age-sensitive perspectives throughout their design, implementation and evaluation;

³⁵⁰ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), paras 18-19.

³⁵¹ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 19.

³⁵² CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 50.

³⁵³ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 25.

³⁵⁴ *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 21; *see also Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 96.

³⁵⁵ Appeals Chamber, *The Prosecutor v. Germain Katanga*, Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled 'Order for Reparations pursuant to Article 75 of the Statute' ('*Katanga* Judgment on Reparations Order'), 8 March 2018, [ICC-01/04-01/07-3778-Red](#), para. 115; *see also Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 96.

³⁵⁶ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 6.

³⁵⁷ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), paras 6-7.

(ii) the vital nature of ensuring that child-sensitive reparations are grounded in the principle of the best interest of the child and their right to be heard; and (iii) the paramount importance of victims' participation and consultation and helping them become visible as opposed to excluded and marginalised.³⁵⁸

75. The Chamber notes the observations above and while it considers them to be relevant, it is satisfied that no additional principles need to be added, in light of the complementary and combined application of the *Ntaganda* Principles that will suffice to achieve the proposed objectives.

76. ASF *et al.* submit that, in developing reparations principles, chambers have inconsistently applied principles which have 'impeded the Court so far from establishing a consistent and unified set of standards around ICC reparation principles'.³⁵⁹ Consequently, ASF *et al.* advance that the principles must be applied in a consistent, holistic, and intersectional manner with regard to all issues related to reparations.³⁶⁰ In addition, ASF *et al.* posit that the Chamber should consider the following additional principles:

- (i) **Promptness and Effectiveness of Reparations:** ASF *et al.* submit that the Court has not fully developed principles related to the victims' right to access reparations that are prompt and effective.³⁶¹ The *amici* highlight that, apart from acknowledging that the principle is of paramount importance,³⁶² the Court has not expanded on the scope and application of these key concepts.³⁶³ They further recall that the victims' right to an effective remedy is enshrined in several human rights treaties and has been asserted by multiple international bodies.³⁶⁴ In considering that implementation of reparations must be consistent with internationally recognised human rights, the *amici* argue that the Court shall consider the principle of promptness and effectiveness when deciding on reparations awards.³⁶⁵ Noting that ICC reparations proceedings have been 'marred by significant delays and underperformance', 'procedural delays and inconsistent approaches', and further highlighting how such issues affect the rights of victims and

³⁵⁸ UN's Observations, [ICC-02/04-01/15-1972](#), paras 23-34.

³⁵⁹ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 3.

³⁶⁰ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), paras 3-8.

³⁶¹ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 9.

³⁶² ASF *et al.* refer to language used by Trial Chamber VIII in its Reparations Order in the *Al Mahdi* case, which highlights the paramount importance of the principle; see *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), para. 33

³⁶³ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 9.

³⁶⁴ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 10.

³⁶⁵ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 11.

negatively impact the legitimacy of the ICC’s reparations mandate, the *amici* submit that reparations proceedings should instead be guided by principles tied to promptness and effectiveness, ensuring timely access for victims.³⁶⁶ The CLRV agrees with these views as to the significant delays of the reparations orders thus far and submits that the Chamber should maintain its supervisory role throughout the process.³⁶⁷

The Chamber emphasises that it fully shares the concerns of the *amici curiae*, in that the Court as a whole must continue to strive for consistency in its approaches to reparations generally and ensure the promptness and efficiency of proceedings. However, the Chamber does not consider that this requires an amendment to the existing principles, as the *Ntaganda* ‘Proportional, prompt and adequate reparations’ Principle already highlights that ‘[t]o promote justice for victims, reparations should be appropriate, adequate and prompt’.³⁶⁸ In addition, the Principle clearly indicates that ‘[t]he reparation process should be as expeditious and cost effective as possible and avoid unnecessarily protracted, complex, and expensive litigation, especially when a considerable number of years have elapsed since the commission of the crime(s)’.³⁶⁹

- (ii) **Complementary Nature of Reparations:** As noted in the section on the nature of reparations proceedings above,³⁷⁰ ASF *et al.* submit that the Court should add a principle on complementarity between international and domestic reparation remedies.³⁷¹ In light of limitations imposed by the legal statutory and procedural framework that govern the Court’s proceedings, the Chamber does not consider that this issue warrants an amendment to the existing principles.
- (iii) **Victim-Centred Methodology for the Design, Identification, and Implementation of Reparations Orders:** The ASF *et al.*’s Observations highlight that the need for victims’ participation derives from the ‘Victim-Centred Approach’ Principle, which requires full and meaningful consultation and engagement with victims, giving them a voice in the design and implementation of reparations programmes.³⁷² The *amici* therefore posit that victims should be engaged from the inception of the reparations

³⁶⁶ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), paras 12-13.

³⁶⁷ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 56.

³⁶⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 89.

³⁶⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 89.

³⁷⁰ See Section III.B. Complementary nature of reparations before the ICC above.

³⁷¹ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), paras 14-15.

³⁷² ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 20, citing the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 45.

process and should participate in all of its phases.³⁷³ The LRVs support this submission.³⁷⁴

In line with the above, the *amici* submit that a victim-centred methodology should consider the following: (i) the need for victims to be in a position that enables them to meaningfully participate and have the required capacity, and as a result, for the Court to consult survivors and other stakeholders regarding the measures to put in place to allow such participation;³⁷⁵ (ii) the fact that the Court ‘should ensure victims have clarity, understanding and knowledge about their right to a remedy and reparation, and information on the scope and limitations of the ICC reparations system’ which ‘requires specifically tailored informative, educational, sensitisation and outreach sessions’;³⁷⁶ (iii) the need to design participation modalities using a localised approach that is open to bottom-up suggestions from survivors and avoid paternalistic approaches, and instead duly consider victims’ traditional ways of healing, leadership, and knowledge;³⁷⁷ (iv) how to ensure the adoption of an intersectional and gender-sensitive approach when designing the victim-centred methodology as victims’ harms, needs, and perceptions, including sensitivities associated with sexual violence, can differ based on various factors;³⁷⁸ (v) the fact that selected modalities of participation should not lead to unnecessary exposure, traumatisation, re-victimisation, and stigmatisation, and the need for the Court to define, together with survivors, measures to avoid such risks and operationalise the ‘Do No Harm’ Principle that allows voluntary engagement in the process without real or perceived risks of harm;³⁷⁹ and (vi) the importance for participation processes to include measures for managing expectations in order to avoid leading to disappointment and diminishing confidence within survivor groups or between survivors and institutions involved, which should necessarily include a proper mapping of potential expectations and an assessment of how to effectively balance them.³⁸⁰

The *amici* further submit that mere consultations with victims is not sufficient, as victims are the key stakeholders and thus the paradigm should be shifted to *co-creation*,

³⁷³ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 20.

³⁷⁴ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 10.

³⁷⁵ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 23.

³⁷⁶ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 24.

³⁷⁷ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 25.

³⁷⁸ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 27.

³⁷⁹ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 28.

³⁸⁰ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 29.

expanding the current interpretation of the victim-centred approach to design reparations ‘together with’ victims, as opposed to ‘for them’.³⁸¹

The Chamber finds merit in the abovementioned observations. However, it does not consider that they require amending the existing principles because the *Ntaganda* ‘Victim-Centred Approach’ already comprehensively addresses and incorporates such considerations.³⁸²

C. Chamber’s determination

77. As previously indicated, the Chamber adopts the *Ntaganda* Principles, as it considers them to be of general application to the present case. However, considering the submissions outlined above, the Chamber has decided to slightly amend the principles related to the ‘Types and Modalities of Reparations’ and ‘Child Victims’ as follows:

78. Regarding **Types and Modalities of Reparations**:³⁸³ the principle is amended as required to include the following: First, the Chamber notes that rehabilitation measures may not only be aimed at addressing the medical and psychological conditions of the victims.³⁸⁴ They can also be aimed at improving the socio-economic conditions of victims, seeking to enable the maximum possible self-sufficiency and to restore, as much as possible, victims’ independence and vocational ability, facilitating their inclusion and participation in society.³⁸⁵ Measures of socio-economic rehabilitation may include a wide array of inter-disciplinary activities, including, *inter alia*, housing, social services, vocational training and education, micro-credits, income generating opportunities, or sustainable work that promote a meaningful role in society.³⁸⁶ Second, considering that compensation is aimed at addressing in a proportionate and appropriate manner the harm inflicted,³⁸⁷ payments that are not proportional and appropriate to address the harm can only be regarded as symbolic. Third, measures of satisfaction and guarantees of non-repetition can also be included as appropriate modalities of reparations, particularly in the context of collective reparations.

79. Regarding **Child Victims**:³⁸⁸ considering the extensive manner in which children were affected by the crimes for which Mr Ongwen was convicted, the Chamber has adjusted the

³⁸¹ ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 32.

³⁸² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 45-49.

³⁸³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 78-88.

³⁸⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 87.

³⁸⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 203.

³⁸⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 203.

³⁸⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 85.

³⁸⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 53-59.

principle to the extent necessary to ensure that it includes: (i) all victims who were children at the time the crimes were committed or who were born as a result of such crimes; and (ii) the four principles of the Convention on the Rights of the Child and the child-right approach. Accordingly, the principle should now read as follows:

80. One of the relevant factors to be considered in reparation proceedings is the age of the victims, in accordance with article 68(1) of the Statute. In particular, the Court shall take note of the age of those victims who were children at the relevant time and their needs, pursuant to rule 86 of the Rules.³⁸⁹ The differential impact of crimes on boys and girls must also be taken into account.³⁹⁰

81. In reparation decisions concerning children, the Court should be guided, *inter alia*, by the Convention on the Rights of the Child³⁹¹ and the fundamental principles enshrined therein, namely, ‘non-discrimination’,³⁹² the ‘best interests of the child’,³⁹³ the ‘right to life, survival and development’,³⁹⁴ and the ‘right to be heard’.³⁹⁵ Furthermore, decisions in this context should reflect a gender-inclusive perspective.³⁹⁶ Additionally, a ‘child-rights approach’, where children are ‘right holders entitled to non-negotiable rights to protection’, must be mainstreamed into reparations decisions for child victims.³⁹⁷

82. When dealing with reparations concerning children, the Court must be mindful of the need to take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of: (i) any form of neglect, exploitation, or abuse; (ii) torture or any other form of cruel, inhuman or degrading treatment or punishment; and (iii)

³⁸⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 53; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 23.

³⁹⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 53; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 23, referring to [The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups](#) (‘Paris Principles’), February 2007, Principle 4.0.

³⁹¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 54, referring to [Convention on the Rights of the Child](#), adopted and opened for signature, ratification and accession by General Assembly Resolution No. 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49 (‘Convention on the Rights of the Child’).

³⁹² [Convention on the Rights of the Child](#), article 2.

³⁹³ [Convention on the Rights of the Child](#), article 3(1).

³⁹⁴ [Convention on the Rights of the Child](#), article 6.

³⁹⁵ [Convention on the Rights of the Child](#), article 12.

³⁹⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 54, referring to [Convention on the Rights of the Child](#), article 3; and *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 24.

³⁹⁷ [Convention on the Rights of the Child](#), preamble; The Committee on the Rights of the Child (CRC), General Comment No.13: ‘The right of the child to freedom from all forms of violence’ (‘CRC General Comment No. 13’), 18 April 2011, [CRC/C/GC/13](#), paras 59, 72(a).

armed conflicts.³⁹⁸ Such recovery and reintegration should take place in an environment which fosters the child's health, self-respect, and dignity.³⁹⁹

83. Reparation orders and programmes in favour of child victims, should guarantee the development of the victims' personalities, talents, and abilities fully and, more broadly, they should ensure the development of respect for human rights and fundamental freedoms.⁴⁰⁰ They should also include measures to combat stigmatisation, discrimination and social isolation of child victims and survivors through awareness raising and education within communities.⁴⁰¹ Furthermore, bearing in mind that children who have experienced international crimes are in extremely vulnerable situations,⁴⁰² they should be assisted to ensure they gain access all of the rights found in the Convention on the Rights of the Child including birth registration,⁴⁰³ basic health,⁴⁰⁴ education,⁴⁰⁵ and social welfare⁴⁰⁶ in order to fully participate in their recovery and reintegration into society.⁴⁰⁷ Former child soldiers, children born out of SGBC, and child victims in general should also be helped to live responsibly in a free society, recognising the need for a spirit of understanding, peace, and tolerance, with respect for equality between the sexes and friendship between all peoples and groups.⁴⁰⁸

³⁹⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 55; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 25; [Convention on the Rights of the Child](#), article 39.

³⁹⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 55; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 25; [Convention on the Rights of the Child](#), article 39.

⁴⁰⁰ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 56, referring to [Convention on the Rights of the Child](#), article 29; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 26; see also CRC General Comment No. 13, [CRC/C/GC/13](#), para. 52.

⁴⁰¹ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 59; see also United Nations Security Council, Resolution 2427 ('UNSC Resolution 2427'), 9 July 2018, [S/RES/2427 \(2018\)](#), para. 26; [Paris principles](#), principles 3.1-3.3; Joint Statement by the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC): 'Ensuring prevention, protection and assistance for children born of conflict related rape and their mothers' ('[CEDAW-CRC Joint Statement](#)'), 19 November 2021, pp. 4-5, Section 5. Combat stigma and social exclusion.

⁴⁰² CRC General Comment No. 13, [CRC/C/GC/13](#), para. 72 (g).

⁴⁰³ [Convention on the Rights of the Child](#), article 7(1).

⁴⁰⁴ [Convention on the Rights of the Child](#), article 24.

⁴⁰⁵ [Convention on the Rights of the Child](#), articles 28, 29(1).

⁴⁰⁶ [Convention on the Rights of the Child](#), article 26(1).

⁴⁰⁷ UNSC Resolution 2427, [S/RES/2427 \(2018\)](#), para. 26; [Paris principles](#), principles 7.30-7.84; [CEDAW-CRC Joint Statement](#), pp. 3-6, Sections 2, 4, 6. Access to health, education and childcare; Identification of children and right to nationality; Rehabilitation and reintegration for victims and survivors.

⁴⁰⁸ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 56, referring to *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 26; [Convention on the Rights of the Child](#), article 29; see also CRC General Comment No. 13, [CRC/C/GC/13](#), para. 52.

84. The Court shall inform child victims, their parents, guardians, and legal representatives about the procedures and programmes that are to be applied to reparations, in a way that victims and those acting on their behalf understand.⁴⁰⁹

85. The views of child victims are to be considered when decisions about reparations that concern them are made, bearing in mind their circumstances, age, and level of maturity.⁴¹⁰ The Court shall also reflect on the importance of rehabilitating all child victims and reintegrating them into society in order to end the successive cycles of violence that have formed an important part of past conflicts.⁴¹¹ These measures must be approached on a gender-inclusive basis.⁴¹²

86. In its reparation orders and programmes, the Court must address the particular needs of victims who were children at the time of the crimes or were born as a result of the crimes, bearing in mind the long-term effects these may have had in their development as adults.⁴¹³ Reparations for children should, in particular, contemplate and address the loss of their life plan.⁴¹⁴ Reparations should include measures to prevent the ostracism and discrimination of children, as well as promoting their reintegration into society.⁴¹⁵

D. Conclusions

87. Based on the foregoing the Chamber adopts the *Ntaganda* Principles regarding the present reparations proceeding, with the slight modifications regarding ‘Types and Modalities of Reparations’ and ‘Child Victims’ as detailed above.

⁴⁰⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 57; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 27.

⁴¹⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 58; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 28; *see also* [Convention on the Rights of the Child](#), articles 12; UNSC Resolution 2427, [S/RES/2427 \(2018\)](#), para. 23; CRC General Comment No. 13, [CRC/C/GC/13](#), paras 52, 63; [Paris principles](#), principles 3.14; [CEDAW-CRC Joint Statement](#), pp. 5-6, Section 7. Participation in building strategies and decision-making.

⁴¹¹ For a similar approach *see Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 58; *see also* United Nations General Assembly, Resolution 72/245 Rights of the Child, 23 January 2018, [A/RES/72/245](#), para. 15.

⁴¹² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 58; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 28.

⁴¹³ For a similar approach *see Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 59; *see also* CRC General Comment No. 13, [CRC/C/GC/13](#), paras 52, 62; UNSC Resolution 2427, [S/RES/2427 \(2018\)](#), para. 26, 27.

⁴¹⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 59; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 38.

⁴¹⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 59.

VI. ORDER FOR REPARATIONS AGAINST MR ONGWEN

88. Pursuant to article 75(1) of the Statute, the Court may ‘determine the scope and extent of any damage, loss and injury to, or in respect of, victims’. In making this determination, a trial chamber should, generally speaking, ‘establish the types and categories of harm caused by the crimes for which the person was convicted,’⁴¹⁶ having regard to all relevant information before it.⁴¹⁷ Article 75(2) of the Statute further stipulates that the Court may make an order directly against a convicted person, or through the TFV, ‘specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation’. Appropriate modalities of reparations can only be determined, based on the specific circumstances of the case, by reference to the harms that were caused to victims as a result of the crimes for which the person was convicted.⁴¹⁸ When determining the extent of the harm, ‘rather than attempting to determine the “sum-total” of the monetary value of the harm caused’,⁴¹⁹ the Chamber should seek to define the harms and the appropriate modalities for repairing them, ‘with a view to, ultimately, assessing the costs of the identified remedy’.⁴²⁰

89. As determined by the Appeals Chamber,⁴²¹ a reparations order must contain, at a minimum, five essential elements:

- (i) it must be directed against the convicted person (‘First Element: Personal Liability’);
- (ii) it must identify the victims eligible to benefit from the awards for reparations or set out the criteria of eligibility based on the link between the harm suffered by the victims and the crimes for which the person was convicted (‘Second Element: Victims’);
- (iii) it must define the harm caused to direct and indirect victims as a result of the crimes for which the person was convicted, as well as identify the modalities of reparations

⁴¹⁶ *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 70; *see also* *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 78.

⁴¹⁷ This includes the decision on conviction, sentencing decision, submissions by the parties or amici curiae, expert reports and the applications for the victims for reparation. *See* *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 70; *see also* *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 78-79.

⁴¹⁸ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 200.

⁴¹⁹ *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 72.

⁴²⁰ *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 72.

⁴²¹ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 32; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#) para. 31; *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), para. 38. The Chamber notes that, for clarity purposes, the order of the elements has been amended in the present Reparations Order.

that the Chamber considers appropriate in the circumstances of the specific case before it ('Third Element: Harm');

- (iv) it must specify and provide reasons for the type of reparations ordered, be they collective, individual, or both ('Fourth Element: Types and Modalities'); and
- (v) it must establish and inform the convicted person of his or her liability with respect to the reparations awarded in the order ('Fifth Element: Amount of Liability')

90. The inclusion of these five elements in an order for reparations is vital to its proper implementation. It ensures that the critical elements of the order are subject to judicial control, in light of rule 97(3) of the Rules, and is also of significance with respect to the right to appeal, provided for in article 82(4) of the Statute.⁴²² The Chamber details below its findings in relation to each of these five elements:

A. FIRST ELEMENT: PERSONAL LIABILITY

1. Submissions

91. The Defence submits that the Reparations Order should be made through the TFV and not against Mr Ongwen, considering that he has been already declared an indigent person, is receiving legal assistance through the Court's legal aid policy, and has no assets or property that can be used for the purposes of reparations.⁴²³

92. The CLRV strongly disagrees with the Defence's suggestion that the Reparations Order should not be against Mr Ongwen, noting that jurisprudence is unequivocal on this point.⁴²⁴ The CLRV underlines that the liability of the convicted person is a legal requirement and indigence has no impact on the determination of his financial liability.⁴²⁵ Furthermore, the CLRV stresses that there is no incompatibility between issuing an order for reparations against the convicted person – thereby reflecting his responsibility and culpability – and asking the TFV to implement such an order, if at the time of the issuance the person has no resources.⁴²⁶ Finally, the CLRV notes that the situation of indigence may change over time, and thus, determination of the convicted person's liability for reparations is essential for an eventual contribution, should he have available resources in the future.⁴²⁷

⁴²² *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 34.

⁴²³ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 60.

⁴²⁴ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 25.

⁴²⁵ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 25.

⁴²⁶ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 26.

⁴²⁷ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 27.

2. Chamber's determination

93. The Chamber notes that the Appeals Chamber jurisprudence is indeed clear in that 'issuing an order for reparations "against" the convicted person and acting "through" the Trust Fund are not mutually exclusive concepts'.⁴²⁸ The Court's legal framework does 'not provide for any deviation from the principle of accountability'⁴²⁹ and 'clearly establishes that an order for reparations has to be issued in all circumstances against the convicted person. When appropriate, such an order for reparations can – in addition – be made through the Trust Fund'.⁴³⁰ This is based on the fact that 'the obligation to repair harm arises from the individual criminal responsibility for the crimes which caused the harm and, accordingly, the person found to be criminally responsible for those crimes is the person to be held liable for reparations'.⁴³¹

94. In light of the above, as explained in more details below, the present Reparations Order is for collective community-based reparations against Mr Ongwen, to be made through the TFV pursuant to rules 97(1) and 98(3) of the Rules.

B. SECOND ELEMENT: VICTIMS

1. General considerations

95. As discussed in more detail below, the Chamber has decided to award collective community-based reparations in the present case.⁴³² As such, the Chamber finds it appropriate to establish the eligibility criteria for reparations rather than identifying the eligible victims.⁴³³ The Chamber hereafter indicates the categories of eligible victims entitled to benefit from reparations in the present case, in order to enable their identification during the implementation stage.

96. The Chamber recalls that 'reparations orders are intrinsically linked to the individual whose criminal liability is established in the conviction and whose culpability for those criminal acts is determined in a sentence'.⁴³⁴ Accordingly, eligibility for reparations in the

⁴²⁸ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 70.

⁴²⁹ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 70.

⁴³⁰ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 76.

⁴³¹ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 99.

⁴³² See Section VI.D.1. Type of reparations below.

⁴³³ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 205.

⁴³⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 106, referring to *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 65; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 20.

present proceedings is to be determined by reference to the territorial, temporal, and subject matter scope of the crimes for which Mr Ongwen was convicted.⁴³⁵

2. *Direct victims*

97. Natural and legal persons are eligible for reparations as direct victims if they can demonstrate, to the relevant standard of proof, that they suffered harm as a result of at least one of the following crimes:

i. Victims of the attacks at or near the IDP camps of Pajule, Odek, Lukodi, and Abok

a) Context of the attacks against the IDP camps of Pajule, Odek, Lukodi, and Abok

98. As to the attack at or near the Pajule IDP camp, the Chamber recalls its previous findings that on 10 October 2003, LRA fighters, including Mr Ongwen, attacked the camp.⁴³⁶ Pajule and Lapul IDP camps were situated in Aruu County, Pader district. The two camps were across from each other, Pajule on the east side of the Lira-Kitgum road and Lapul on the west.⁴³⁷ They were commonly referred to, collectively, as ‘Pajule IDP camp’.⁴³⁸ At the time of the attack, an estimated 15,000 to 30,000 people lived in the camp.⁴³⁹ The Chamber refers hereafter to the ‘Pajule attack’ with reference to the crimes committed within the context of the entire attack at or near the Pajule IDP camp on 10 October 2003, as specified herein.

99. Regarding the attack on the Odek IDP camp, the Chamber recalls its findings that, on 29 April 2004, LRA fighters subordinate to Mr Ongwen attacked Odek IDP camp.⁴⁴⁰ The Odek IDP camp was situated around Odek village in Odek sub-county, Omoro County, Gulu district, and, at the time, was home to between 2,000 and 3,000 individuals.⁴⁴¹ The Chamber refers hereafter to the ‘Odek attack’ with reference to the crimes committed within the context of the entire attack at or near the Odek IDP camp on 29 April 2004, as specified herein.

100. Regarding the attack on the Lukodi IDP camp, the Chamber recalls its findings that on or about 19 May 2004, LRA fighters sent by Mr Ongwen attacked Lukodi IDP camp.⁴⁴² The

⁴³⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3116; para. 2874 (Pajule); para. 2927 (Odek); para. 2973 (Lukodi); para. 3020 (Abok); paras 3026, 3034, 3043, 3049, 3055, 3062, 3068 (Ongwen’s SGBC); para. 3100 (LRA SGBC); para. 3115 (Child soldiers).

⁴³⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 1233.

⁴³⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 1172.

⁴³⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 1173.

⁴³⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 1174.

⁴⁴⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 159, 1429, 1435.

⁴⁴¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 159, 1384.

⁴⁴² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1704.

Lukodi IDP camp was situated near Lukodi village, in Bungatira Sub-County, Aswa County, Gulu District.⁴⁴³ The Chamber reiterates that, for the purposes of the Conviction Judgment, it was unable to make a definitive conclusion as to the number of civilians that lived within the Lukodi IDP camp, but it was satisfied that a large contingent of civilians lived there at the time of the attack.⁴⁴⁴ The Chamber refers hereafter to the ‘Lukodi attack’ with reference to the crimes committed within the context of the entire attack at or near the Lukodi IDP camp on or about 19 May 2004, as specified herein.

101. Lastly, regarding the attack on the Abok IDP camp, the Chamber recalls its findings that on 8 June 2004, LRA fighters subordinate to Mr Ongwen attacked Abok IDP camp.⁴⁴⁵ Abok was located in Ngai sub-county, Apac district and estimates indicate that at least 7,000 to just over 13,000 civilians resided in the camp at the time of the attack.⁴⁴⁶ The Chamber refers hereafter to the ‘Abok attack’ with reference to the crimes committed within the context of the entire attack at or near the Abok IDP camp on 8 June 2004, as specified herein.

102. Within the context of the four attacks against the IDP camps referred to above, the following victims are eligible for reparations:

b) Counts 1, 11, 24, and 37 - attack against the civilian population

103. Civilian residents of, and non-residents present at, the IDP camps of Pajule, Odek, Lukodi, and Abok at the time of the attacks, as victims of the war crime of attack against the civilian population as such, within the context of the Pajule attack,⁴⁴⁷ the Odek attack,⁴⁴⁸ the Lukodi attack,⁴⁴⁹ and the Abok attack.⁴⁵⁰

⁴⁴³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1643.

⁴⁴⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1644.

⁴⁴⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 190, 1877, 1885.

⁴⁴⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 190, 1858.

⁴⁴⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 147, 1233-126, 2824, 2874, 33116 (p. 1068); Sentence, [ICC-02/04-01/15-1819-Red](#), paras 149-150, *noting* the magnitude of the attack considering that an estimated 15,000 to 30,000 people lived in the camp at the time.

⁴⁴⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 159, 163-164, 1429-1457, 2876, 2927, 3116 (p. 1069); Sentence, [ICC-02/04-01/15-1819-Red](#), para. 185, *noting* the magnitude of the attack, with reference to an estimated 2,000 to 3,000 people living in the camp at the time.

⁴⁴⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178-181, 1704-1724, 2973, 2929, 3116 (p. 1070).

⁴⁵⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 190, 193-194, 1877-1899, 2975, 3020, 3116 (p. 1072).

c) Counts 2, 3, 12, 13, 25, 26, 38, and 39 - murder

104. Victims of murder as a crime against humanity and as a war crime, within the context of the Pajule attack,⁴⁵¹ the Odek attack,⁴⁵² the Lukodi attack,⁴⁵³ and the Abok attack.⁴⁵⁴ Specifically:

- a. Regarding the Pajule attack, at least four civilians killed by the LRA in the course of the attack, including: an unnamed woman killed by machete, Kinyera Benson Lacung, Pangarasio Onek, and an unnamed abductee killed near the RV location;⁴⁵⁵
- b. Regarding the Odek attack, at least 52 civilians killed by the LRA in the course of the attack,⁴⁵⁶ including (i) the following persons within the camp during the attack: Adoni Okullu, Agudu's wife and her grandson, Betty Adong and her daughter Ajok, Catherine Amono, Okeny, Aldo Okello, Ayita Labanya, Charles Obur, Doris Apiyo, Jenaro Ongwen, Jimmy Ojok, Catherine Laker, Kevin Apiyo, Kerobina Acayo, Kejikiya Okec, Veronica Auma, Mary Acayo, Monica Aciro, Wilson Okoya, Okoya, Obangomoko, Pedwang Opio, Thomas Opiyo, Thomas Ojok, Valentino Okot, Walter Ojok, Atikcon, an unnamed camp resident, Mary Agudu, Doreen Ojok, DP, Acayo, Aboni, Witness P-0269's mother-in-law and her grandson, a girl found by the river;⁴⁵⁷ and (ii) the following persons in the course of the retreat: Aroja, Atir, Hilary Kilama, Lalam, Rose Aweko, David Ojok, James Ayella, James Titus Latigo, Kidega, Lagii, Patrick Opap Odong, P'Mala Okot, Ojok, and Fabio Otto;⁴⁵⁸
- c. Regarding the Lukodi attack, at least 48 civilians killed by the LRA in the course of the attack,⁴⁵⁹ including: (i) Keneri Okot, Jeneth Lakot, Kilama Aloyo, Kilama Kidega, Jackline Anee, Milly Anek, Akello Acii, Innocent Okello, Ojoko, an unnamed man shouting at the LRA, Christine Ajok, Odong Apiyo, David Otim and an unnamed stabbing victim, Agwesa Odoch, Beatrice's son, Charles Odong, Jasinta Aol, Jojina Angom, Lalobo's son, Tezira Oroma, Ojara, Okwera, Olwedo, Ocaka's wife and one unnamed teenage girl, Onencan, Witness P-0024's mother and another civilian, Min Ojoko, Ocii, Atim, Charles Anywar,

⁴⁵¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2826-2827, 2874, 3116 (p. 1068).

⁴⁵² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2878-2880, 2927, 3116 (p. 1069).

⁴⁵³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2973, 2931-2933, 3116 (p. 1071).

⁴⁵⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2977-2979, 3020, 3116 (p. 1072).

⁴⁵⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 152, 1308-1325.

⁴⁵⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 167, 174, 1473, 1476, 1492-1505, 1550.

⁴⁵⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 168, 1506-1533, 1538, 1541-1544, 1546-1547.

⁴⁵⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 174-175, 1571, 1594-1608.

⁴⁵⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 182-183, 188, 1746-1747, 1779.

Danger Joseph Oryem, James Opiro, Jeneth Lalur Akello, Joseph Ojara, Obedi, Rose Kiter, Tabicha Alum, Vincent Ocaya, and Santa Oroma;⁴⁶⁰ and (ii) the following persons killed during the retreat from the Lukodi camp: Nancy Akello, an unnamed man stabbed with a bayonet, an unnamed abductee, Justin Omony, Aleka, and Charles Obwoya;⁴⁶¹ and

- d. Regarding the Abok attack, at least 28 civilians killed by the LRA in the course of the attack,⁴⁶² including: Albino Okal, Justina Akullu, Hatari Anyima, D.P. Okello, Simon Okello, Alex Ogweng, Barikia Adonya, Fabio Ogweng, two of Hatari Anyima's children (Daniel or Emanwel Okite and Monica Ayugi), and Evelyn Akello.⁴⁶³

d) Counts 14, 15, 27, 28, 40 and 41- attempted murder

105. Victims of attempted murder as a crime against humanity and as a war crime, within the context of the Odek attack,⁴⁶⁴ the Lukodi attack,⁴⁶⁵ and the Abok attack.⁴⁶⁶ Specifically:

- a. Regarding the Odek attack, the LRA attempted to kill at least ten civilians in the course of the attack, including: Santa Akello, Betty Atenyo, Christopher Moro, David Bua, Witness P-0252, Kengali and his wife, a man by a borassus palm tree, Okot LC's mother, and a woman shot in the mouth;⁴⁶⁷
- b. Regarding the Lukodi attack, the LRA attempted to kill at least 11 civilians in the course of the attack, including: Pyerina Ayaa, Florence Adong, Adong Paska, Piloya, Joel Opiyo, Ojoko, an unnamed elderly woman, Nyeko, two unnamed girls who had been shot, and an unnamed girl with a burnt leg,⁴⁶⁸ and
- c. Regarding the Abok attack, the LRA attempted to kill at least 4 civilians in the course of the attack, including: Jacob Opio, Cyprian Ogola, Robson Oper, and Gwentorina Akite.⁴⁶⁹

⁴⁶⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 183, 1755-1761, 1763-1774, 1776.

⁴⁶¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 188, 1831-1837.

⁴⁶² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 197, 1926, 1929-1937, 1941, 1960-1961, 1978-1979, 1994-1996.

⁴⁶³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 198, 1948-1957.

⁴⁶⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3116 (p. 1069), 1473, 2882-2883, 2927.

⁴⁶⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3116 (p. 1071), 2935-2936, 2973.

⁴⁶⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3116 (p. 1072), 2981-2982, 3020.

⁴⁶⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 167, 169, 1473, 1501, 1505, 1511-1512, 1534-1537, 1539-1540, 1545.

⁴⁶⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 184, 1757-1758, 1762, 1773, 1775, 1777, 1779.

⁴⁶⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 199, 202, 1928, 1938-1941, 1958-1959, 1992.

e) Counts 4, 5, 16, 17, 29, 30, 42 and 43 - torture

106. Victims of torture as a crime against humanity and as a war crime, within the context of the Pajule attack,⁴⁷⁰ the Odek attack,⁴⁷¹ the Lukodi attack,⁴⁷² and the Abok attack.⁴⁷³ Specifically:

- a. Regarding the Pajule attack, hundreds of civilians abducted by the LRA and forced to carry injured LRA fighters and looted items, including heavy loads for long distances, while placed under armed guard to prevent their escape and under constant threat of beatings or death. Some were tied to each other, and many were forced to walk through the bush barefoot or not fully clothed. LRA fighters beat abductees to make them walk faster;⁴⁷⁴
- b. Regarding the Odek attack, civilians severely mistreated by the LRA during the attack and in its aftermath, suffering instances of grave physical abuse, such as beatings with sticks and guns. One woman was raped with a comb and a stick used for cooking while her husband was forced to watch. Civilians, as young as 11 or 12 years old, were also abducted and forced to carry heavy loads for long distances, some barefoot, while placed under armed guard to prevent their escape and under constant threat of beatings or death;⁴⁷⁵
- c. Regarding the Lukodi attack, civilians severely mistreated by the LRA during the attack and its aftermath and forced to carry heavy loads, some for long distances while tied together and under constant threat of beatings or death. Civilians were also injured, raped, beaten, and mothers forced to abandon their children in the bush. LRA fighters threw small children, including babies, into the bush, as they were crying and making it difficult for their mothers to carry looted goods;⁴⁷⁶ and
- d. Regarding the Abok attack, civilians severely mistreated by the LRA during the march from the camp through the bush, forced to carry heavy looted goods and at least one injured fighter for long distances, oftentimes under the threat of beatings or death, beaten as a punishment and to intimidate others, one forced to kill another abductee, as a lesson to those thinking of escaping.⁴⁷⁷

⁴⁷⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2829-2833, 2874, 3116 (p. 1068).

⁴⁷¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2885-2889, 2927, 3116 (pp. 1069-1070).

⁴⁷² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2938-2942, 2973, 3116 (p. 1071).

⁴⁷³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2984-2988, 3020, 3116 (p. 1073).

⁴⁷⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 153-154, 156, 1326-1355, 1365.

⁴⁷⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 164, 166, 171-173, 1454, 1471-1472, 1554-1564, 1593.

⁴⁷⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 187, 1796-1830.

⁴⁷⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 201-203, 1972-1993, 2000.

f) Counts 8, 20, 33, and 46 - enslavement

107. Victims of enslavement as a crime against humanity, within the context of the Pajule attack,⁴⁷⁸ the Odek attack,⁴⁷⁹ the Lukodi attack,⁴⁸⁰ and the Abok attack.⁴⁸¹ Specifically:

- a. Regarding the Pajule attack, hundreds of civilians abducted from the Pajule IDP camp by the LRA, including: Witness P-0006, her neighbour, her three relatives, Witness P-0081, Richard Otim, Witness P-0249 and his wife, Benson Ojok, Dick Okot and his family members, Rwot Joseph Oywak, Charles Bongomin, Oryema Kadogo, Sunday Abalo, Charles Ayela, Concy Ayet, Ogen, Opira, Okumu; Santo Oweka, David Okwera, Francis Kitara, George, Ronald Labeja, Christopher, Celestino, Vincent Okot, Ocana, Charles Abonga, David Otti Moyo, Christine, Paska, Oluge, Opira Bosco, and Oryema.⁴⁸²
- b. Regarding the Odek attack, at least 40 civilians, including men, women, and children as young as 11 or 12 years old, abducted from the Odeak IDP camp by the LRA, including: Atir, Hilary Kilama, Lalam, Rose Aweko, David Ojok, James Titus Latigo, James Ayella, Kidega, Lagii, Patrick Opap Odong, P'Mala Okot, Ojok, Fabio Otto, Onek, Witness P-0275, Witness P-0269, Witness P-0252, Brian Odokonyero, Hellen Adong, Alice Kidega, Acan, Adaa/Ada, Agnes Adoch, Ajok, Akanyo, Apio, Atenyo, Carolina Lagulu, Dennis Otema, Doreen Aluku, Kadoge, Kala Adong, Joyce Aneno, Ocaka, Paul Ojara, Richard Okello, Santa Oling, Ventorina Akello, and the wife of Olet Okello;⁴⁸³
- c. Regarding the Lukodi attack, at least 29 civilians, men, women, and children, abducted from the Lukodi IDP camp by the LRA, including: Witness P-0024, Olanya, Aleka, Onek, four unnamed male abductees, Witness P-0187, two unnamed female abductees, Joel Opiyo, Lilly Apiyo, Christine Alanyo, Milly Ayaa, Beatrice, Mary Aol, Min Lagum, Min Ojak, Min Ochora, Alora, Okumu, Nancy Akello, an unnamed man stabbed with a bayonet, an unnamed abductee, Justin Omony, Lakwec, Aleka, and Charles Obwoya;⁴⁸⁴
- d. Regarding the Abok attack, many civilians abducted from the Abok IDP camp by the LRA, including Charles Amodo, Gwentorina Akite, Evelyn Akello, Robson Oper, Witness P-

⁴⁷⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2839-2840, 2874, 3116 (p. 1069).

⁴⁷⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2895-2896, 2927, 3116 (p. 1070).

⁴⁸⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2948-2949, 2973, 3116 (p. 1071).

⁴⁸¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2994-2995, 3020, 3116 (p. 1073).

⁴⁸² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 153-154, 1326-1355; Sentence, [ICC-02/04-01/15-1819-Red](#), paras 158, 164, noting the high number of victims.

⁴⁸³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 171-172, 176, 1554-1593, 1609-1614.

⁴⁸⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 187, 1796-1830.

0280, Thomas Okitte's daughter, Ogweng, Ameny, Lucy Akello, Molly Ayugi, Monica Adur, Nighty Atim, Dilis Awor, and Witness V-0002.⁴⁸⁵

g) Counts 9, 21, 34, and 47 - pillaging

108. Civilian residents of the IDP camps at the time of the attacks, in light of the widespread looting of homes and shops in the camps where LRA fighters took food and other property, as victims of pillaging as a war crime, within the context of the Pajule attack,⁴⁸⁶ the Odek attack,⁴⁸⁷ the Lukodi attack,⁴⁸⁸ and the Abok attack.⁴⁸⁹

h) Count 22 - outrages upon personal dignity

109. Victims of outrages upon personal dignity as a war crime, within the context of the Odek attack.⁴⁹⁰ Specifically: (i) one abductee forced to kill another abductee with a club and forced to inspect corpses; (ii) one abductee forced to watch someone being killed; and (iii) mothers who were forced to abandon their children on the side of the road, with one child being left in a rubbish pit.⁴⁹¹

i) Counts 35 and 48 - destruction of property

110. Civilian residents of the IDP camps of Lukodi and Abok at the time of the attacks, in light of the destruction of several hundreds of civilian huts and household goods, including food stocks and domestic animals, as victims of destruction of property as a war crime, within the context of the Lukodi attack,⁴⁹² and the Abok attack.⁴⁹³

j) Counts 10, 23, 36, and 49 - persecution

111. Victims of the crime against humanity of persecution on political grounds of civilians perceived by the LRA as being affiliated with, or supporting the Uganda government,⁴⁹⁴ within the context of: the Pajule attack, by an attack against the civilian population as such, murder,

⁴⁸⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 201-203, 1972-2000.

⁴⁸⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 150, 155, 1289-1300, 2842-2844, 2874, 3116 (p. 1069).

⁴⁸⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 165, 1458-1470, 2898-2900, 2927, 3116 (p. 1070).

⁴⁸⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 185, 1780-1784, 2951-2953, 2973, 3116 (p. 1072).

⁴⁸⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 195, 1900-1909, 2997-2999, 3020, 3116 (p. 1073).

⁴⁹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2902-2904, 2927, 3116 (p. 1070).

⁴⁹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 173, 1565-1568, 1586-1588.

⁴⁹² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 186, 1785-1795, 2955-2957, 2973, 3116 (p. 1072).

⁴⁹³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 196, 1910-1925, 3001-3004, 3020, 3116 (p. 1073).

⁴⁹⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 140, 1092-1147.

torture, enslavement, and pillaging;⁴⁹⁵ the Odek attack, by an attack against the civilian population as such, murder, attempted murder, torture, enslavement, outrages upon personal dignity, and pillaging;⁴⁹⁶ the Lukodi attack, by an attack against the civilian population as such, murder, attempted murder, torture, enslavement, pillaging and destruction of property;⁴⁹⁷ and the Abok attack, by an attack against the civilian population as such, murder, attempted murder, torture, enslavement, pillaging, and destruction of property.⁴⁹⁸

ii. SGBC victims

a) Counts 50 to 60 - SGBC directly perpetrated by Dominic Ongwen

112. Count 50: victims of forced marriage as a crime against humanity. Specifically, P-0099 between 1 July 2002 and September 2002; P-0101 between 1 July 2002 and July 2004; P-0214, between September 2002 and 31 December 2005; P-0226 between 1 July 2002 and sometime in 2003; and P-0227 between approximately April 2005 and 31 December 2005.⁴⁹⁹

113. Counts 51 and 52: victims of torture as a crime against humanity and as a war crime. Specifically, P-0101 between 1 July 2002 and July 2004; P-0214 between September 2002 and 31 December 2005; P-0226 between 1 July 2002 and sometime in 2003; and P-0227 between approximately April 2005 and 31 December 2005.⁵⁰⁰

114. Counts 53 and 54: victims of rape as a crime against humanity and as a war crime. Specifically, P-0101 between 1 July 2002 and July 2004; P-0214 between September 2002 and 31 December 2005; P-0226 between 1 July 2002 and sometime in 2003; and P-0227 between approximately April 2005 and 31 December 2005.⁵⁰¹

115. Counts 55 and 56: victims of sexual slavery as a crime against humanity and as a war crime. Specifically, P-0101 between 1 July 2002 and July 2004; P-0214 between September

⁴⁹⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras, 144, 147, 150, 152, 153, 156, 1233-1263, 1289-1300, 1308-1365, 2846-2849, 2874, 3119 (p. 1069).

⁴⁹⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 159, 163-169, 171-176, 1429-1473, 1476, 1492-1547, 1550, 1554-1614, 2906-2908, 2927, 3116 (p. 1070).

⁴⁹⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 179-188, 1704-1733, 1746-1779, 1785-1837, 2973, 2959-2961, 3116 (pp. 1070-1072).

⁴⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 190, 193-199, 201-203, 1877-1962, 1972-2000. 3006-3008, 3020, 3116 (pp. 1072-1073).

⁴⁹⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 205-206, 211, 2011-2023, 2028-2040, 3022-3026, 3116 (pp. 1073-1074).

⁵⁰⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 205-208, 2071-2082, 3028-3034, 3116 (p. 1074).

⁵⁰¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 206-207, 2041, 2045-2049, 2051-2059, 3040-3043, 3116 (p. 1074).

2002 and 31 December 2005; P-0226 between 1 July 2002 and sometime in 2003; and P-0227 between approximately April 2005 and 31 December 2005.⁵⁰²

116. Count 57: victims of enslavement as a crime against humanity. Specifically, P-0099 between 1 July 2002 and September 2002; P-0235 from September 2002 to 31 December 2005; and P-0236 between September 2002 and 31 December 2005.⁵⁰³

117. Counts 58 and 59: victims of forced pregnancy as a crime against humanity and as a war crime. Specifically, P-0101, two pregnancies, between 1 July 2002 and July 2004; and P-0214 sometime in 2005.⁵⁰⁴

118. Count 60: victims of outrages upon personal dignity as a war crime. Specifically, P-0226 sometime in 2002 or early 2003 close to Patongo, Northern Uganda; and P-0235 sometime in late 2002 or early 2003 at an unspecified location in Northern Uganda.⁵⁰⁵

b) Counts 61 to 68 – SGBC not directly perpetrated by Dominic Ongwen

119. Count 61: victims of forced marriage as a crime against humanity, from at least 1 July 2002 until 31 December 2005. Specifically, over one hundred civilian women and girls abducted as so-called ‘wives’ of male members of the Sinia brigade.⁵⁰⁶

120. Counts 62 and 63: victims of torture as a crime against humanity and as a war crime, from at least 1 July 2002 until 31 December 2005. Specifically, over one hundred civilian women and girls abducted by the Sinia brigade, subjected to severe physical and mental pain.⁵⁰⁷

121. Counts 64 and 65: victims of rape as a crime against humanity and as a war crime, from at least 1 July 2002 until 31 December 2005. Specifically, over one hundred civilian women and girls abducted and ‘distributed’ to members of the Sinia brigade.⁵⁰⁸

⁵⁰² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 206-208, 2028-2041, 2045-2059, 2064-2070, 3045-3049, 3116 (pp. 1074-1075).

⁵⁰³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 205-206, 211, 2011-2012, 2025-2033, 2036, 2071-2072, 2079-2082, 2085-2087, 2092-2093, 3051-3055, 3116 (p. 1075).

⁵⁰⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 206-207, 2068-2070, 3057-3062, 3116 (p. 1075).

⁵⁰⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 209-210, 2083-2085, 3064-3068, 3116 (p. 1075).

⁵⁰⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 213-220, 2124-2142, 2202-2247, 2275-2288, 3070-3071, 3100, 3116 (pp. 1075-1076).

⁵⁰⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 213-221, 2124-2309, 3073-3077, 3100, 3116 (p. 1076).

⁵⁰⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 218, 2256-2274, 3079-3080, 3100, 3116 (p. 1076).

122. Counts 66 and 67: victims of sexual slavery as a crime against humanity and as a war crime, from at least 1 July 2002 until 31 December 2005. Specifically, over one hundred civilian women and girls abducted and ‘distributed’ to members of the Sinia brigade.⁵⁰⁹

123. Count 68: victims of enslavement as a crime against humanity, from at least 1 July 2002 until 31 December 2005. Specifically, civilian women and girls abducted by the Sinia brigade, who were no longer or not yet subject to institutionalised sexual abuse, but enslaved by being deprived of their personal liberty, restricted and dictated on their movement, including by threats and subjecting them to armed guard, subjected to forced labour, and physical and psychological abuse.⁵¹⁰

c) Children born out of forced marriage, forced pregnancy, rape, and sexual slavery

124. In regard to the SGBC directly perpetrated by Mr Ongwen, the Chamber recalls its finding that over a long period of time, P-0101, P-0214, P-0226, and P-0227 were subjected to sexual violence by Mr Ongwen repeatedly and continuously, resulting in pregnancies.⁵¹¹ The Chamber also recalls that 10 of the 13 children fathered by Mr Ongwen were born outside the period relevant to the charges, and that Mr Ongwen was found guilty of forced pregnancy in regard to three pregnancies: two pregnancies of P-0101 and one pregnancy of P-0214.⁵¹² Regarding SGBC not directly perpetrated by Mr Ongwen, the Chamber recalls its finding that the so-called ‘wives’ in Sinia bore children.⁵¹³

125. In line with previous jurisprudence,⁵¹⁴ and as supported by several submissions,⁵¹⁵ the Chamber considers that the children born out of the crimes of forced marriage, forced pregnancy, rape, and sexual slavery for which Mr Ongwen was convicted, both as a direct and as an indirect perpetrator, qualify as direct victims, as the harm they suffered was a direct result

⁵⁰⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 214-215, 218, 220, 2143-2191, 2256-2274, 2289-2308, 3082-3084, 3100, 3116 (p. 1076).

⁵¹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 215, 217, 220, 2248-2255, 2289-2308, 3086-3087, 3100, 3116 (p. 1076).

⁵¹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2041.

⁵¹² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 207, 2069-2070, 3057; *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), paras 292, 317-318.

⁵¹³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2271.

⁵¹⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 122-123; *see also* UN Basic Principles on Reparations, [UN Doc A/RES/60/147](#), para. 22.

⁵¹⁵ *See* LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 23; CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 44; Prosecutor’s February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 26; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 6; ASF et al.’s Observations, [ICC-02/04-01/15-1971](#), para. 35.

of the commission of these crimes. In the view of the Chamber, recognising these children as direct victims of the abovementioned crimes is an acknowledgement of the particular harm they suffered and may constitute an adequate measure of satisfaction, among other forms of reparations they may be awarded.

iii. Child soldier victims

126. Counts 69 and 70: victims of the war crime of conscripting children under the age of 15 into an armed group and using them to participate actively in hostilities (hereafter ‘former child soldiers’). Specifically, a large number of children under the age of 15 years abducted during the four attacks relevant to the charges and generally between 1 July 2002 and 31 December 2005 in Northern Uganda and assigned to service in the Sinia Brigade.⁵¹⁶

127. The Chamber notes the Defence’s submission that Mr Ongwen is also a victim of the crimes he is alleged to have committed - having been abducted as a child at the age of nine years - and should therefore ‘be accorded the same privileges that will accrue to all the other former child soldiers in these reparations proceedings’.⁵¹⁷ However, as the Defence itself submits ‘only victims who suffered harm arising from the crimes for which Mr Ongwen was convicted during the temporal jurisdiction of the case (i.e. between 1 July 2002 and 31 December 2005) should be eligible for reparations in this case’.⁵¹⁸ In effect, as noted above, eligibility for reparations in the present proceedings is to be determined by reference to the territorial, temporal, and subject matter scope of the crimes for which Mr Ongwen was convicted. As stressed in the Conviction Judgment and Sentence, Mr Ongwen’s age at the time of his own abduction had no relevance to the charges,⁵¹⁹ as he committed the relevant crimes when he was a fully responsible adult.⁵²⁰ Accordingly, the Defence’s submission is dismissed.

3. Indirect victims

128. Following the Court’s previous jurisprudence, including that of the Appeals Chamber, the Chamber recognises as indirect victims all categories identified in the *Lubanga* and *Ntaganda* cases.⁵²¹ Accordingly, provided they can demonstrate to have suffered personal harm

⁵¹⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 223-225, 2329-2402, 2415-2447, 3102-3104, 3115, 3116 (p. 1076).

⁵¹⁷ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), paras 32, 36.

⁵¹⁸ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 38.

⁵¹⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 27.

⁵²⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 69.

⁵²¹ *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 6(b); Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Decision on the First Report, 15 December 2020, [ICC-01/04-02/06-2630](#), paras 52-56; *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 124-128.

as a result of the commission of the crime against the direct victim and a causal link between their harm and the crimes, indirect victims may include:

- (i) the family members of direct victims;
- (ii) anyone who attempted to prevent the commission of one or more of the crimes under consideration;
- (iii) individuals who suffered harm when helping or intervening on behalf of direct victims; and
- (iv) other persons who suffered personal harm as a result of these offences.

In accordance with previous jurisprudence, indirect victims may include those who witnessed the commission of such crimes, insofar as their personal harm and the causal link with the crimes is proven pursuant to the required standard of proof.⁵²²

129. Regarding the first category of indirect victims, the Chamber recalls its understanding of the concept of extended family in the Acholi cultural practice, whereby a woman may refer to all of the children born into her husband's family as her own children, and that children born into the same extended family may refer to each other as siblings,⁵²³ an approach to which the Prosecutor has also subscribed.⁵²⁴ The CLRV agrees that the notion of family must be understood broadly and submits, as does the TFV,⁵²⁵ that due consideration shall be given to social and familial structures in light of cultural variations.⁵²⁶ Similarly, the LRVs submit that the concept of family in many African countries, including Uganda, encompasses both the nuclear family and the extended family,⁵²⁷ while the Government of Uganda states that there is a communal rather than individualistic social structure in Uganda, and that the western perspective of a nuclear family is alien to the Ugandan culture.⁵²⁸

130. The Chamber notes that the Defence disagrees with the LRVs' suggestion of adopting an 'overly broad' meaning of family to include extended family as indirect victims.⁵²⁹ Although the Defence accepts and acknowledges that the definition of family must be culturally adapted

⁵²² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 128; *see also* Trial Chamber I, *The Prosecutor v. Thomas Lubanga Dyilo*, Redacted version of 'Decision on 'indirect victims'' ('*Lubanga* Decision on Indirect Victims'), 8 April 2009, [ICC-01/04-01/06-1813](#), para. 49.

⁵²³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 483 (fn. 837).

⁵²⁴ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 28.

⁵²⁵ TFV's Observations relevant to Reparations, [ICC-02/04-01/15-1920](#), para. 15.

⁵²⁶ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 32.

⁵²⁷ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 44.

⁵²⁸ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 25.

⁵²⁹ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 44.

to go beyond the western notion of a nuclear family, it submits that the ‘extended’ or ‘remote’ family must be defined for the purpose of this case, rather than encompassing an unlimited number of individuals based on a broad definition.⁵³⁰

131. In light of the above submissions and in accordance with previous jurisprudence,⁵³¹ the Chamber reaffirms that due regard ought to be given to the applicable social and familial structures in the affected communities, subscribing to the understanding that, broadly, in the African continent, including in Uganda,⁵³² the concept of family goes beyond the strict frame of a couple and their children, to include their father and mother, brothers and sisters, and other relatives.

132. However, the Chamber underlines that the definition of victims under rule 85(a) of the Rules emphasises the requirement of the existence of a harm. Accordingly, rather than how close or distant the family members are from the direct victim, in order to be entitled to receive reparations, family members must always demonstrate to have suffered personal harm.⁵³³ Further, as previously held in the *Ntaganda* and *Katanga* cases, demonstrating the existence of a ‘close personal relationship’ with the direct victim, is one way in which the applicant can prove the harm suffered and that the harm resulted from the crimes for which the person in question was convicted, thereby satisfying both eligibility requirements,⁵³⁴ i.e. victimhood and harm. In this regard, the Chamber recalls that it is not relevant whether the family member is close or distant to the direct victim in the abstract, as long as the indirect victim can demonstrate to have suffered personal harm as a result of the commission of the crime against the direct victim.⁵³⁵

133. In addition, the Chamber recalls that the concept of indirect victims shall not discriminate individuals on the basis of birth or marital status.⁵³⁶ For this purpose, the Chamber underlines that unmarried partners and children born outside of wedlock may also qualify as

⁵³⁰ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 44-45, 47.

⁵³¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 124, referring to EAAC, [Le Procureur v. Hissein Habré](#), para. 586.

⁵³² See, *inter alia*, LRVs’ Preliminary Submissions on Reparations, [ICC-02/04-01/15-1921](#), para. 44.

⁵³³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 125; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 115; *Lubanga* Judgment on Victims’ Participation, [ICC-01/04-01/06-1432](#), para. 32.

⁵³⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 125; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 116.

⁵³⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 125; see also Prosecutor’s February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 29.

⁵³⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 126; see also paras 41-44; LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 44.

indirect victims and be eligible to reparations upon demonstrating personal harm at the required standard of proof.⁵³⁷

134. The Chamber notes the Defence's submission that the second category of victims should not be considered indirect victims,⁵³⁸ however, it dismisses it as unfounded and lacking substantiation.⁵³⁹ The Chamber once again underlines that indirect victims shall always demonstrate to have suffered personal harm as a result of the commission of the crime against the direct victim and a causal link between their harm and the crimes. The Chamber also notes that individuals who suffered personal harm as a result of the commission of a crime against a person with whom they did not have a close personal relationship, but who nevertheless was of significant importance in their lives, may be entitled to reparations, subject to proof of personal harm as a result of the commission of a crime against the direct victim and the causal link.⁵⁴⁰

135. The Chamber notes Uganda's submission that the broad perspective of victimhood should include the Government of Uganda and many other Ugandans who indirectly suffered 'harm in intervening to assist victims in distress or to prevent victimisation', arguing that lives were lost and harm was caused as a result of the Uganda's diversion of funds from crucial sectors in order to prevent victimisation and to assist those who suffered from the LRA violations.⁵⁴¹ However, as noted by Uganda itself,⁵⁴² such an interpretation would go against the principle reaffirmed in this case that the notion of harm still requires a causal link between the crimes in a conviction, and to be entitled to reparations indirect victims shall demonstrate that they suffered a personal harm *as a result of* the commission of a crime against a direct victim. Accordingly, the Uganda's submission is dismissed.

4. *Presumptions of victimhood and other requested presumptions*

i. *Presumptions suggested by the LRVs*

136. Regarding the general need to establish presumptions when collective reparations are solely or jointly awarded to victims, the LRVs submit that given the collective nature of reparations in this case, the necessity of proving eligibility becomes even more debatable, as it

⁵³⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 126.

⁵³⁸ See Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 42.

⁵³⁹ See also Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 29; CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 23.

⁵⁴⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 127; *Lubanga* Decision on Indirect Victims, [ICC-01/04-01/06-1813](#), para. 49.

⁵⁴¹ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), paras 14-16.

⁵⁴² Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 15.

would result in ‘unnecessarily protracted, complex, and expensive litigation’.⁵⁴³ The Chamber understands the LRVs submission as one that relates to both presumption of *harm* and a presumption of *victimhood*. In advocating for such a presumption, the LRVs submit that the task of requiring victims to establish their status as victims is overly meticulous and complex in nature, and that, in any case, it is highly unlikely that there will be a large number of individuals who would not qualify as victims in the first place.⁵⁴⁴

137. In support of their argument, the LRVs note that in the *Lubanga* case, Trial Chamber II found that a presumption of harm would exist where applicants lack direct proof of harm, such as children who were conscripted or enlisted into an armed group.⁵⁴⁵ Yet, the LRVs themselves submit that such presumptions can be applied only ‘once a victim has proven, on a balance of probabilities standard to be a victim of the crimes for which Mr Ongwen was convicted’ and also note that the *Lubanga* Chamber required the same in that case.⁵⁴⁶

138. Having considered the abovementioned argument and reasoning, the Chamber dismisses the LRVs’ submission. First, the Chamber notes that the LRVs fail to provide sufficient justification for the presumption’s application, but instead simply posit that the collective nature of reparations in this case lowers the necessary threshold that those who seek victim status in this case must meet in order to be eligible to receive reparations. The Chamber notes that it enjoys a certain amount of flexibility in the assessment of potential beneficiaries and their dossiers, but that this flexibility should not be understood as providing a *carte blanche* to victims to come forward without supporting documentation.⁵⁴⁷ In this regard, the Chamber is expected to conduct an appropriate enquiry, on a case-by-case basis, to ensure that the victims’ dossiers meet the appropriate standard of proof, although it is not prevented from finding a person eligible for reparations where the person did not provide documentation nor an explanation for their failure to provide the same.⁵⁴⁸ In such cases, the Chamber may consider applying a presumption of victimhood only after a careful analysis of the circumstances of the case.

⁵⁴³ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 49.

⁵⁴⁴ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 50.

⁵⁴⁵ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 51.

⁵⁴⁶ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 52.

⁵⁴⁷ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 54; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 512; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 203.

⁵⁴⁸ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 54; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 512.

139. The Chamber does not find this to be the case here. The fact that reparations may be awarded on a collective basis, as they are in this Reparations Order, as further discussed below, does not relieve potential beneficiaries of the requirement of establishing that they are indeed victims eligible for reparations in the present case. Additionally, the fact that a meticulous review and individual decisions on each and every beneficiary may be considered taxing in terms of resources and overall efforts is not applicable in this case, as when collective reparations are awarded, no ruling on individual applications is warranted.⁵⁴⁹ However, in the Chamber's view, in order to award potential beneficiaries victim status they need to be subject to some scrutiny for the purpose of ensuring they meet the standards for eligibility in reparations proceedings. To lower this threshold would go against this Court's existing reparations framework and could result in undue prejudice to the convicted person. As a result, based on the foregoing, the Chamber finds that this presumption, as framed by the LRVs, shall not apply in the present case.

140. In their submissions, the LRVs also request that the Chamber adopt a number of other factual presumptions.⁵⁵⁰ While some of the requested presumptions may not entirely fall under the category of presumptions of victimhood, nor under the category of presumption of harm addressed below, in light of the lack of clarity in the LRVs requests, the Chamber addresses them here for the purposes of efficiency. The Defence's objections to the LRVs requests for presumptions, when submitted,⁵⁵¹ are addressed below.

141. With regard to missing abducted individuals and individuals with an unknown status, the LRVs submit that an unknown number of children and young adults were abducted on the day the IDP camps were attacked by the LRA fighters for which Mr Ongwen was convicted, and these children and adults are known to and can be identified by their parents and relatives.⁵⁵² The LRVs submit that, '[p]arents and relatives presume that these children and adults are dead since no information about them has been shared by returning abductees over the years' and invite the Chamber to make a 'factual finding of missing and unknown status of persons abducted from the IDP camps on the respective day of attack and a presumption of death given the amount of time that has elapsed since their abduction/disappearance'.⁵⁵³

⁵⁴⁹ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 152; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 87-88.

⁵⁵⁰ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64.

⁵⁵¹ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 35-41.

⁵⁵² LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(i).

⁵⁵³ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(i).

142. The Chamber has considered the LRVs' argument and does not find the proposed presumption to be applicable in this case. The Chamber notes that, in essence, the LRVs submit that a presumption of murder should apply to individuals abducted during the attacks, a crime that would fall outside of the scope of the Conviction Judgment and the Sentence. The Chamber therefore rejects the LRVs' submission.

143. With regard to the loss of livestock, the LRVs submit that, '[i]ndividuals owned livestock, goats and chicken as a source of wealth and livelihood prior to moving to the IDP camps and whilst they lived in the IDP camps' and that the livestock were either shot, looted or burnt next to the homes of camp residents in the IDP camps by the LRA attacking fighters as they could not be rescued in the course of the attack.⁵⁵⁴ Regarding the loss of property, the LRVs note that individuals owned houses and numerous household items such as clothes, cooking utensils, beddings, furniture, among other things, prior to the LRA attacks on the respective IDP camps.⁵⁵⁵ According to the LRVs, such items were all destroyed and or lost in the fire when the grass thatched houses in the IDP camps were torched by the attacking LRA fighters.⁵⁵⁶ In terms of physical injuries and disability, the LRVs highlight that a number of individuals who were healthy individuals prior to the attacks on the respective IDP camps in fact suffered and sustained permanent physical injuries rendering them disabled and unable to perform physical labour to earn a living as they had previously.⁵⁵⁷ The LRVs noted that the injuries sustained by these individuals include non-fatal bullet damage to parts of the body severally, third to second degree burns, and limb fractures.⁵⁵⁸

144. Regarding the three requested presumptions referred above, the Chamber first notes that the LRVs' submissions are too broad, without sufficiently articulating the reason for establishing such presumptions or explaining whether it would be expected that the Chamber adopt presumptions of victimhood, harm, or something else. Nevertheless, the Chamber notes that it has acknowledged elsewhere, when generally defining the harms suffered by the victims, that it has been established, on a balance of probabilities, that victims of the attacks suffered physical and material harm, the latter including loss of livestock, housing, property and personal items.⁵⁵⁹ However, unless specific presumptions of harm are applicable, as determined

⁵⁵⁴ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(ii).

⁵⁵⁵ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(iii).

⁵⁵⁶ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(iii).

⁵⁵⁷ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(iv).

⁵⁵⁸ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(iv).

⁵⁵⁹ See Section VI.C.3. Definition of the types of harm suffered by the victims below.

below,⁵⁶⁰ individual victims will still have to prove, at the required threshold that they personally suffered such harms. The Chamber therefore rejects the LRVs' submissions on the three presumptions referred above.

145. With regard to sexual and gender-based violence, the LRVs submit that a number of women residents of the IDP camps who were healthy individuals prior to the LRA attacks suffered from sexual abuse committed by some of the LRA attacking fighters.⁵⁶¹ The LRVs argued that the women were raped with blunt objects like mingling sticks and combs, and continue to live with injuries that were not reported and or documented by any authorities.⁵⁶² The Defence submits that the LRVs request that the Chamber presume that SGBC occurred after the attacks, which would not be related to the acts for which Mr Ongwen was convicted.⁵⁶³ The Defence submits that the presumption should not apply because the Chamber heard very little evidence regarding this type of act during the attacks on the camp and the early aftermath and because such acts were not widespread or condoned by the LRA.⁵⁶⁴ As a result, the Defence states that it 'vehemently opposes' the presumption and that, should the Chamber accept such a presumption, it 'should require heightened levels of proof, such as contemporaneous medical reports or other medical documentation demonstrating said accusations'.⁵⁶⁵ The Chamber has considered the parties' submissions, and observes that the LRVs' submission consists of a statement rather than a clear request that the Chamber adopt a specific presumption. Additionally, the Chamber observes that, as formulated, such a presumption would appear to fall outside of the scope of the crimes for which Mr Ongwen was convicted and shall therefore be rejected.

146. As concerns psychological trauma and mental disease, the LRVs submit that a number of individuals who, prior to the attack on the IDP camps did not suffer from any form of known mental and psychological harm, presently suffer from psychological trauma and other mental diseases.⁵⁶⁶ The Chamber acknowledges the argument advanced by the LRVs but considers it to be excessively general and vague. In this regard, the Chamber notes that certain presumptions of psychological harm have been adopted below,⁵⁶⁷ but a blank adoption of presumptions as it seems to be advocated by the LRVs could potentially result in the

⁵⁶⁰ See Section VI.C.6. Presumptions of harm below.

⁵⁶¹ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(v).

⁵⁶² LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(v).

⁵⁶³ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 39.

⁵⁶⁴ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 39.

⁵⁶⁵ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 39.

⁵⁶⁶ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(vi).

⁵⁶⁷ See Section VI.C.6.ii. Conclusions below.

designation of an overly large number of individuals as victims in this reparations proceeding without so much as requiring them to establish their eligibility as victims on a balance of probabilities. Therefore, based on the foregoing, the Chamber finds that the presumption as argued by the LRVs shall not apply in the present case.

147. Regarding incapacitation, the LRVs argue that a number of individuals who, prior to the attack on the respective IDP camps had spouses and children and were able to sustain themselves and their families, were rendered destitute by the loss of their children and or spouses.⁵⁶⁸ The LRVs highlight that these individuals are incapacitated by old age and other injuries sustained during the LRA attacks and are dependent on well-wishers for their livelihoods.⁵⁶⁹ The Chamber acknowledges the argument advanced by the LRVs, but in the absence of additional and more detailed information regarding the incapacitated individuals and the basis for applying any presumption of their status as victims, the Chamber is left to surmise the reasoning of and support for categorising said individuals as victims. In this regard, the Chamber notes the lack of specificity in the LRVs' request and further observes that adopting such a presumption would likely result in the designation of destitute individuals as victims in this reparations proceeding without establishing adequate links to and proof of their victimhood. As a result, based on the foregoing, the Chamber finds that the presumption as proposed by the LRVs shall not apply in the present case.

148. Regarding children born in captivity, the LRVs note that there are numerous women who were abducted and returned from abduction with pregnancies and or children and further highlight that these children are not recognised as entitled to the mother's family property and therefore are at risk financially, as well as of losing their inheritances.⁵⁷⁰ The Chamber has considered the LRVs' submission with regard to children born in captivity but finds that a presumption that all women who were abducted returned with pregnancies or children would go beyond the scope of the Conviction Judgment and Sentence and would unnecessarily lower the existing threshold that potential beneficiaries are required to meet in the present case. Consequently, the Chamber rejects the submission.

149. Lastly, with respect to the loss of unborn children, the LRVs submit that there are several women who suffered miscarriages as a result of accidental falls in the course of running

⁵⁶⁸ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(vii).

⁵⁶⁹ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(vii).

⁵⁷⁰ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(viii).

for safety.⁵⁷¹ The Defence notes that nowhere in the evidence at trial was the loss of unborn children proven, adding that the word ‘miscarriage’ only appeared once in the Conviction Judgment and that the word ‘unborn’ did not appear at all.⁵⁷² Further, the Defence submits that if the Chamber were to accept such a presumption, it would ‘create a floodgate of applications for reparations’ and that any miscarriage around the time of an attack will be alleged to have been caused by the attack, even if the reasons for the miscarriage are far removed from the attack and its effects.⁵⁷³ The Chamber notes that the LRVs’ submission consists of a statement rather than a clear request that the Chamber adopt a specific presumption, nor does it articulate the reasons underpinning the adoption of the presumption. Additionally, the Chamber observes that the statement, as formulated, falls outside of the scope of the Conviction Judgment and Sentence and is therefore rejected.

ii. Presumptions suggested by the Defence

150. In its submission, the Defence argues that the Chamber could make a number of factual presumptions. Specifically, the Defence states that the following factual presumptions could be made (i) that there are victims of each of the crimes confirmed in the Judgment; (ii) that to date, more men than women have come forward as former child soldiers and as victims of the attacks; (iii) that the majority of victims are extremely poor and do not occupy positions of influence within their communities, save some exceptions; and (iv) that most of the victims who suffered harm for crimes for which Mr Ongwen was convicted for are Acholi and Langi.⁵⁷⁴

151. The Chamber notes that the Defence failed to provide support or reasoning for adopting the abovementioned factual presumptions. This leaves the Chamber in the position of having to surmise the reason for which the presumptions should be applied, without a deeper understanding of their relevance or how they might be of further use and application in this reparations proceeding. For example, the Defence does not elaborate on how a factual presumption that ‘most’ of Mr Ongwen’s victims are Acholi or Langi would be of utility, other than the mere fact that a majority of the victims happen to belong to the two ethnicities.

152. Therefore, based on the above, the Chamber concludes that it will not specifically apply the abovementioned presumptions put forth by the Defence.

⁵⁷¹ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(ix).

⁵⁷² Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 40-41.

⁵⁷³ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 40.

⁵⁷⁴ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 46.

iii. *Presumptions suggested by the TFV*

153. The TFV requests that the Chamber establish the victimhood for individuals located at the four IDP camps, submitting that potential beneficiaries of reparations may not always be able to establish at the required standard of proof that they were victims of the crimes and the resulting harm.⁵⁷⁵ As a result, the TFV notes what it considers to be a distinction between presumptions relevant to whether a victim *belongs* in a certain category of victims and presumptions relevant to the *harm suffered* by such victims.⁵⁷⁶ The TFV therefore argues that the Court should establish a factual presumption that ‘all individuals who are included on lists of inhabitants of the camps have suffered psychological harm, irrespective of whether they were present at the camp at the time of the attack’.⁵⁷⁷ In doing so, the TFV does not refer to a specific list of camp inhabitants or otherwise point to a document that would provide guidance to the Chamber or the parties and participants regarding which lists are the subject of its request.⁵⁷⁸ The TFV submits that the presumption would be based on the manner in which the camps were attacked, which it argues impacted *all* of the camps’ inhabitants and all of whom suffered harm as a result.⁵⁷⁹ Furthermore, the TFV submits that such a presumption would facilitate and expedite the eligibility process in this case and would be a practical manner of addressing the multitude of potential beneficiaries, who mostly belong to the category of the victims of the attacks on the four camps.⁵⁸⁰ Other than arguing that the total number of victims may not be ascertained and that the Chamber should therefore use caution and take a conservative approach when determining the estimated number of potential beneficiaries,⁵⁸¹ the Chamber notes that the Defence does not specifically oppose the adoption of the presumption proposed by the TFV.⁵⁸²

154. The Chamber recalls that, during the trial phase, it only made findings regarding the *estimated* number of inhabitants of three out of the four IDP camps,⁵⁸³ while determining that,

⁵⁷⁵ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 88.

⁵⁷⁶ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 89.

⁵⁷⁷ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 90.

⁵⁷⁸ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 90.

⁵⁷⁹ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 90.

⁵⁸⁰ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 90.

⁵⁸¹ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 42; Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), paras 19-29.

⁵⁸² Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#); Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#).

⁵⁸³ The Chamber recalls that in the context of the attack on the Pajule IDP camp, it was estimated that 15,000 to 30,000 people lived in the camp at the time, *see* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150. In the context of the attack on the Odek IDP camp, the Chamber found that between 2,000 and 3,000 people lived in the camp at the moment of the attack, *see* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 185. In the case of the Abok IDP

in the context of the Lukodi IDP camp, the exact number of victims was not possible to ascertain.⁵⁸⁴ Additionally, the Chamber notes that the estimated numbers of camp inhabitants provided at trial were mostly compiled by leaders of the camps and were organised by blocks or parishes in each camp, each of which also included only *estimated* numbers of households and overall numbers of groups of females and males⁵⁸⁵ as opposed to lists that specifically and comprehensively named individuals. The multitude of such lists on the record and the lack of an agreed complete or fully comprehensive list of all individuals resident or present at the four IDP camps at the times of the attacks, render it impossible to establish a presumption of victimhood for those individuals whose names may be on certain lists.

155. Furthermore, while the Chamber considered some of the lists presented at trial to be authentic,⁵⁸⁶ it did note some inconsistencies. For instance, the Chamber observed at trial that the Odek camp commandant was unable to recall the exact number of the camp residents at the time and that the dates of the commandant's notebook and his statement were not consistent, which led to the Chamber to place more weight on the testimony of the witnesses heard in the proceedings.⁵⁸⁷

156. The Chamber recognises that this Court has indicated that where applicants lack direct proof, factual presumptions may be relied upon to consider a certain fact to be established to the requisite standard of proof.⁵⁸⁸ The Chamber recalls, as it has elsewhere in this Reparations Order,⁵⁸⁹ that victims may face a number of difficulties producing certain information or documentation to establish their victim status, in light of the context in which the crimes were

Camp, the Chamber found that at least 7,000 to just over 13,000 civilians resided in the camp, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1858.

⁵⁸⁴ In the context of the attack at the Lukodi IDP camp, the exact number of victims of the attack was not possible to determine, but the Chamber was satisfied that a large contingent of civilians lived in there at the time of the attack, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1644.

⁵⁸⁵ For example, regarding the estimates of the inhabitants of the Pajule IDP camp, *see* P-0008, Statement UGA-OTP-0137-0058; P-0084, Statement, UGA-OTP-0139-0149-R01, at para. 66 (testifying that he believed there were over 15,000 people at Pajule in October 2003); *see also* P-0007, Statement, UGA-OTP-0283-0037, at para. 55 together with Handwritten report, UGA-OTP-0147-0239, at 0239 (indicating that in November 2003 the Lapul side of the camp had a population of 14,155); Regarding the estimates of inhabitants of the Odek IDP Camp, Mario Ottober, the camp leader of Odek, provided two Odek Camp notebooks which listed the populations within the camp as over 6,000 individuals; Regarding the estimates of inhabitants of the Abok IDP camp, P-0293, UGA-OTP-0244-1197; *see also* P-0293, UGA-OTP-0244-1197 (consisting of a handwritten list that estimates the population of Abok IDP); and P-0306, UGA-OTP-0247-1269 (consisting of an undated list made by P-0306 that estimated the overall population of the Abok IDP camp at 7,411 and organised the inhabitants by blocks and their respective leaders, showing the number of households, the number of females categorised by age, and the number of males also categorised by age).

⁵⁸⁶ *See* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1175, fn 2396.

⁵⁸⁷ *See* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1384, fn 3185.

⁵⁸⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 141.

⁵⁸⁹ *See* Section VI.C.4. Causal link and standard of proof below.

committed. For instance, the Chamber notes that the events that are the subject of the present proceedings themselves have had as one of their consequences the destruction of the documentation that could be used in the context of these proceedings.⁵⁹⁰ Nevertheless, for the reasons that follow, the Chamber dismisses TFV's submission.

157. First, the Chamber reiterates that a presumption of victimhood may be applied in certain instances so long as there is a clear justification for doing so and when there is strong evidence and reasoning in support of such a presumption. Here, the TFV argues that the Chamber should automatically apply a presumption that each and every individual whose name is on an unidentified 'lists' of inhabitants of the IDP camps is a victim in the current proceedings, but fails to specify which of the various lists the Chamber should consider. Nonetheless, although the Chamber observes that the lists submitted at trial and in these proceedings thus far may be largely reliable, it notes that the records may also be incomplete or overinclusive. As such, applying such a presumption to simplify the identification of victims may have the unintended effect of including individuals who are not legitimate victims of the case and excluding others who may have been overlooked when the lists were prepared. The Chamber therefore considers that applying such a presumption of victimhood to individuals on some lists could have undesired repercussions in the context of these reparations proceedings. In this regard, the Chamber recalls the 'Do No Harm' Principle, which provides that all victims are to be treated fairly and equally during the reparations process.⁵⁹¹ In particular, the Chamber observes that, in the *Ntaganda* Reparations Order, Trial Chamber VI stated that the reparations process must avoid replicating discriminatory practices or structures that predated the commission of the crimes and which prevented equal opportunities to victims and ruled that 'reparations awards must avoid creating tensions, jealousy, or animosity among affected communities and between cohabiting groups'.⁵⁹² The Chamber also notes that lists for the camps were created by different individuals at different stages, and that lists with the specific names of individuals may not have been created for all four camps, which in the Chamber's view, makes it difficult and unfair to apply a presumption that would not be even or comprehensive.

158. Last, the Chamber notes that the automatic awarding of victim status to the individuals on certain lists could result in undue prejudice to the convicted person by requiring him to make

⁵⁹⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 55; LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 47.

⁵⁹¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 41.

⁵⁹² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 44; *see also* TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 34.

reparations to individuals who have not established, on a balance of probabilities, to be victims of the crimes for which he was convicted. In this regard, the Chamber observes that the TFV itself submits that in reparations proceedings, the Chamber ‘must identify the victims eligible to benefit from the awards for reparations or set out the criteria of eligibility based on the link between the harm suffered by the victims and crimes for which the person was convicted’.⁵⁹³

159. Consequently, the Chamber finds that the abovementioned factors militate against the adoption of a presumption of victimhood for the individuals who may be included on the various lists of inhabitants of the camps. Nonetheless, despite the Chamber’s rejection of the TFV’s argument for a *presumption* of victimhood for individuals on camp lists, the Chamber notes that the lists may be considered as one relevant factor in the process of determining the eligibility of potential beneficiaries to receive reparations, subject to meeting the required standard of balance of probabilities.

iv. Presumptions suggested by the Registry

160. In its observations, Registry proposes the adoption of the following three presumptions in the present case (i) the presumption that all women and girls abducted are SGBC victims; (ii) the presumption that all children under the age of 15 who were abducted and never returned are victims of the crime of conscription/use of child soldiers; and (iii) the presumption that all residents of the four IDP camps attacked by Mr Ongwen (Lukodi, Abok, Odek and Pajule) and all other individuals who were present in the camps at the time of the four attacks are victims of, at a minimum, the crimes of attack against civilian population and persecution.⁵⁹⁴ The Chamber notes that the Defence does not specifically oppose the adoption of the presumptions referred to above.⁵⁹⁵

161. With regard to the proposed presumption that all women and girls who were abducted are SGBC victims, the Chamber notes that such a presumption would go beyond the scope of the Conviction Judgment and Sentence. In particular, the Chamber notes that the Conviction Judgment did not explicitly find that all abducted women and girls were victims of SGBC. The Chamber considers that applying such a presumption more generally would unnecessarily lower the existing threshold that potential beneficiaries are required to meet, and therefore rejects the submission.

⁵⁹³ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 47.

⁵⁹⁴ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 31.

⁵⁹⁵ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 35-41.

162. Regarding the argument that all children under the age of 15 who were abducted and never returned are victims of the crime of conscription/use of child soldiers, the Chamber is of the view that applying such a presumption would set a problematic precedent. The crime of abduction is distinct from the crime of conscription and use of child soldiers, and to couple the two together so as not to require that individuals provide proof on a balance of probabilities of their conscription, would mean that the convicted person would be liable to pay reparations for acts that do not form part of the Conviction Judgment. The Chamber therefore dismisses the Registry's submission.

163. Lastly, with regard to the presumption that all residents of the four IDP camps attacked and all other individuals who were present in the camps at the time of the attacks are victims of, at a minimum, the crimes of attack against civilian population and persecution, the Chamber finds merit in the Registry's submission. In particular, the Chamber reiterates that Mr Ongwen was convicted for several crimes against persons committed during and in the aftermath of the attacks on the Pajule, Odek, Lukodi, and Abok IDP camps, including in relation to the four attacks the crimes of attack against the civilian population as such, and persecution, by, *inter alia*, an attack against the civilian population.⁵⁹⁶ The Chamber notes that the act for which Mr Ongwen was convicted, i.e. the attack against the civilian population, is a conduct crime, meaning that the completion of the act itself is sufficient to qualify as a criminal violation, and as such, does not depend on a particular result.⁵⁹⁷ Therefore, the attack against a civilian population does not necessarily require or depend on the presence of all or even a large number of residents at the camps, but simply that the residents were in fact residing in the targeted camps. In this regard, the Chamber notes that the Conviction Judgment itself highlighted the densely populated nature of the IDP camps, with houses often being built less than a metre apart,⁵⁹⁸ as well as testimony from camp residents describing the poor living conditions in the

⁵⁹⁶ In the Pajule, Odek, Lukodi, and Abok IDP camps, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2824, 2874, 2876, 2927, 2929, 2973, 2975, 3020, 3116 (attack against the civilian population as such) and paras 2846-2849, 2874, 2906-2908, 2927, 2959-2961, 2973, 3006-3008, 3020, 3116 (persecution through attack against the civilian population).

⁵⁹⁷ The Chamber recalls that in the Sentence, [ICC-02/04-01/15-1819-Red](#), para. 149, it noted that the war crime of attacking the civilian population as such is a conduct crime which, for its commission, does not require a result in terms of infliction of an actual harm on civilians. Indeed, these crimes are committed, and a person can be found liable, for as long as the attack is launched against a protected group or object. Accordingly, the Chamber is not required to make any determination beyond reasonable doubt for the purposes of conviction or sentence as to whether any harm was actually inflicted as a consequence of the crime and a Chamber is not prevented from making findings at the reparation stage of the proceedings, to the extent that the actual infliction of harm is proven at the applicable standard of proof of balance of probabilities. See also *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 226.

⁵⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1536, 1540.

camps due to lack of food and access to water and adequate health facilities.⁵⁹⁹ The Chamber considers it evident that every camp resident, even if not physically present at the exact moment of the attacks, would have been severely impacted by the attacks on their community, homes, relatives, and neighbours, and would have, as a result, suffered all the same from the attacks themselves.

164. Consequently, the Chamber considers that it shall not be necessary to scrutinise whether individuals who were present in or were residents of the four IDP camps at the time of the attacks on said camps are indeed victims of the crimes of attack against the civil population as such and persecution through the underlying act of attack against the civilian population as such. However, the Chamber notes that, in order to benefit from this presumption, said individuals must still establish, on a balance of probabilities, that they were either a resident of or physically present in one of the camps at the time of the attacks.

v. *Chamber's determination*

165. Based on the findings above, the Chamber hereby reiterates that it rejects the adoption of all of the presumptions suggested by the parties and participants, with the exception that all individuals who can establish, on a balance of probabilities, that they were present in or who were camp residents at the time of the attacks on the Pajule, Odek, Lukodi, and Abok IDP camps, shall be presumed to be victims of the crimes of an attack against the civil population as such and persecution, through the underlying act of attack against the civilian population as such.

C. THIRD ELEMENT: HARM

1. *General considerations*

166. At the outset, the Chamber stresses that the approach of clearly defining the harms that result from the crimes for which Mr Ongwen was convicted, aims to protect the rights of the convicted person, as well as the rights of the victims of these crimes.⁶⁰⁰ It ensures that reparations are not awarded to remedy harms beyond the crimes for which Mr Ongwen was convicted.⁶⁰¹

⁵⁹⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1105.

⁶⁰⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 130.

⁶⁰¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 130, referring to *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 184.

167. As noted above, the Chamber incorporates the *Ntaganda* principles in this Reparations Order, including the principle related to the Concept and Types of Harm.⁶⁰² In addition, the Chamber underlines that, in light of its findings in the Conviction Judgment and Sentence and its assessment of the entirety of the evidence in the case file and the Sample, it has considered whether the victims of the crimes for which Mr Ongwen was convicted suffered physical, moral, material, community, and or transgenerational harm.

168. The Chamber notes that physical harm encompasses physical and bodily injury, impairment of the body, pain, and illness.⁶⁰³ The Chamber emphasises that ‘the concept of physical harm is not restricted to the infliction of a physical or bodily injury’, and notes that ‘hurt, pain or suffering otherwise not caused by a bodily injury can also amount to physical harm’.⁶⁰⁴ Moral harm⁶⁰⁵ may include psychological harm or trauma, mental pain and anguish, emotional distress,⁶⁰⁶ psychosocial harm,⁶⁰⁷ and loss of life plan.⁶⁰⁸ Material harm refers to loss of or damage to property, loss of earnings, opportunity to work,⁶⁰⁹ reduced standard of living and socio-economic opportunities, and loss of schooling and vocational training.⁶¹⁰ Community harm is that suffered by persons as members of a group, family and or community.⁶¹¹ Lastly, transgenerational harm relates to the phenomenon in which traumatised parents set in motion an intergenerational cycle of dysfunction, handing-down trauma to their children, who themselves did not directly experience the atrocities their parents endured, affecting their children’s emotional behaviour, attachment, and well-being as a result.⁶¹²

2. *Issues related to transgenerational harm*

169. Before discussing the evidence relevant to defining the different harms caused to the victims of the crimes for which Mr Ongwen was convicted, the Chamber will address issues raised in the present proceedings regarding transgenerational harm.

⁶⁰² See para. 59 above, referring to *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 68-75.

⁶⁰³ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 254.

⁶⁰⁴ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 254; *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 184.

⁶⁰⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 70.

⁶⁰⁶ *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), para. 85.

⁶⁰⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 183(a)(iv), 183(b)(iv), 183(c), 183(d)(v).

⁶⁰⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 72, 183(a)(ix), 183(b)(viii).

⁶⁰⁹ *Lubanga* Reparations Decision, [ICC-01/04-01/06-2904](#), para. 230 (c).

⁶¹⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 183(a)(v-vi), 183(b)(v), 183(c), 183(d)(v).

⁶¹¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 71, 74, 75, 183(a)(x).

⁶¹² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 73, 182, 183(d)(vi).

170. The Chamber recalls that, in light of developments in the *Ntaganda* case,⁶¹³ the Chamber invited the parties, as well as the Prosecutor, the Registry, and the TVF, to make additional submissions on the following issues identified by the Appeals Chamber,⁶¹⁴ as required to make findings on transgenerational harm: (i) the scientific basis for the concept of transgenerational harm; (ii) the evidence needed to establish it; (iii) what the evidentiary requirements are for an applicant to prove this type of harm; (iv) the need, if any, for a psychological examination of applicants and parents; (v) the need, if any, to exercise caution in assessing applications based on transgenerational harm; and (vi) whether Mr Ongwen is liable to repair such harm in the specific context of the case.⁶¹⁵

171. The Chamber received submissions on the abovementioned issues from the Defence,⁶¹⁶ the LRVs,⁶¹⁷ the CLRV,⁶¹⁸ the TFV,⁶¹⁹ and a response by the Defence.⁶²⁰ Below, the Chamber assesses these submissions and makes its determinations with regard to transgenerational harm in the present case.

i. Scientific basis for the concept of transgenerational harm

a) Parties' submissions and participants observations

172. In their submissions on this issue, the LRVs refer to the findings of the epigenetic theory of transgenerational harm. Specifically, the LRVs note that studies have shown that the scientific basis for transgenerational harm derives from the interaction between phenotypic, environmental, and genetic variations that create an epigenetic state which persists across generations.⁶²¹ The LRVs refer to a number of academic and scientific articles that they posit lend support to the epigenetic theory,⁶²² including a study suggesting that, although genetic traits have been the usual starting point to explain transgenerational harm, new research points to the transference of disorders from one generation to the next due to the manner in which the human body responds to environmental factors present not solely in the material world but in the psychosocial world as well.⁶²³ The LRVs also refer to a study which notes that many

⁶¹³ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 493.

⁶¹⁴ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 495.

⁶¹⁵ See Decision on the Sample, [ICC-02/04-01/15-2024](#), para. 31(b).

⁶¹⁶ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#).

⁶¹⁷ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#).

⁶¹⁸ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red.](#)

⁶¹⁹ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#).

⁶²⁰ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#).

⁶²¹ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 24.

⁶²² LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), paras 24-27.

⁶²³ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 27.

exposures during development are mediated by maternal phenotype and reflect stresses to which mothers were originally exposed, and which also highlights that exposure to conflict may affect subsequent generations.⁶²⁴

173. On this matter, the CLRV submits that there is a consensus among experts that children of victims of trauma display heightened levels of distress and psychopathology, even when they are not personally exposed to the traumatic stress.⁶²⁵ The CLRV further notes that the social transmission theory and the epigenetic transmission theory are the two leading schools of thought regarding the scientific basis for transgenerational transmission of trauma,⁶²⁶ and highlights that both schools do not question the fact that trauma is passed from one generation to the other, but simply do not agree on *how* the trauma is transferred.⁶²⁷ Moreover, the CLRV recalls that four experts called to testify at trial confirmed the transmission of trauma from one generation to the next and provided evidence regarding the trauma suffered by victims of the LRA in Northern Uganda during the period of the charges, as well as the trauma's impact on their offspring and future generations.⁶²⁸ Lastly, the CLRV posits that the existence of transgenerational harm has been acknowledged in the context of different cases before this Court⁶²⁹ and that, in light of the undisputed recognition of the transmission of trauma from trauma-exposed parents to their children, the Chamber should acknowledge the phenomenon's existence and devise relevant reparations accordingly.⁶³⁰

174. Similarly to the CLRV, the TFV notes the existence of the two leading schools of thought as to the scientific basis of the transgenerational harm phenomenon: the epigenetic transmission theory and the social transmission theory.⁶³¹ The TFV recalls that both theories advance a scientific explanation as to how a parent's exposure to trauma can be transmitted from a parent to a child who was not directly exposed to the parent's traumatic experience.⁶³² The Chamber further notes the TFV's observations as to each of the theories.⁶³³

175. In its initial submission, the Defence explicitly reserved its comments regarding the scientific basis for the concept of transgenerational harm for its responses.⁶³⁴ Responding to

⁶²⁴ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 25.

⁶²⁵ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 8.

⁶²⁶ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 9.

⁶²⁷ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 10.

⁶²⁸ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 11-12.

⁶²⁹ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 12.

⁶³⁰ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 13.

⁶³¹ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 19.

⁶³² TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 19.

⁶³³ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), paras 20-21.

⁶³⁴ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 22.

the LRVs, the Defence argues that epigenetic effects from malnutrition do not arise out of a short period of hunger, for example, over a period of one or two days, but rather over an entire season, which the Defence notes extends beyond the crimes for which Mr Ongwen was convicted.⁶³⁵ Instead, the Defence submits that Uganda is to blame for creating the IDP camps, and that, as a result, any inheritable changes caused by environmental factors of the war cannot be attributed to Mr Ongwen, nor can any reparations relating thereto be properly assessed.⁶³⁶ Further, the Defence challenges articles cited by the LRVs, arguing that they are not rooted in current generally accepted science and are not the work of research scientists and medical professionals, but are rather studies that merely contain opinions and perspectives.⁶³⁷

176. As to the CLRV's submissions, the Defence replies that Mr Ongwen is not categorically responsible for the all trauma and harms suffered by victims of the LRA in Northern Uganda during the period of the charges, but only for the crimes for which he was convicted.⁶³⁸ The Defence notes that it takes issue with the claim that a singular attack – as opposed to long term exposure to violence – can result in transgenerational harm.⁶³⁹

177. In relation to the TFV's observations, the Defence argues that the TFV offers little insight into whether transgenerational harm is an established science, and merely states that multiple studies have demonstrated an increased risk for children to adopt traumatic stress disorders when their parents have also suffered from such disorders.⁶⁴⁰ The Defence also notes that the TFV itself states there are credible researchers who disagree with the epigenetic theory, of which the Defence requests the Chamber take note and decide that the aforementioned theory is not a settled science.⁶⁴¹ Lastly, in relation to the social transmission theory, the Defence states that the TFV merely refers to the existence of the theory, without explaining its scientific basis, and that the Chamber should disregard the TFV's submission regarding the same.⁶⁴²

⁶³⁵ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 31.

⁶³⁶ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 31.

⁶³⁷ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), paras 31-33.

⁶³⁸ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 34.

⁶³⁹ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 35.

⁶⁴⁰ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 36.

⁶⁴¹ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 36.

⁶⁴² Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 37.

b) Chamber's determination

178. Regarding the *scientific certainty as to the concept of transgenerational harm*, the Chamber is satisfied that, as submitted by the LRVs,⁶⁴³ the CLRV,⁶⁴⁴ and the TFV,⁶⁴⁵ within the current stage of advance in the academic and scientific research, experts from different disciplines agree on the *existence* of ‘a phenomenon, whereby social violence is passed on from ascendants to descendants with traumatic consequences for the latter’.⁶⁴⁶

⁶⁴³ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), paras 24-27.

⁶⁴⁴ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 10.

⁶⁴⁵ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 22.

⁶⁴⁶ For a similar approach, see *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 174 referring to *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 73; see also Trial Chamber II, *The Prosecutor v. Germain Katanga*, Decision on the Matter of the Transgenerational Harm Alleged by Some Applicants for Reparations Remanded by the Appeals Chamber in its Judgment of 8 March 2018 ('*Katanga* Decision on Transgenerational Harm'), 19 July 2018, [ICC-01/04-01/07-3804-Red-tENG](#), para. 10; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 132.

179. The Chamber’s assessment of the Court’s prior jurisprudence,⁶⁴⁷ the additional scientific and academic literature referred to by the Defence,⁶⁴⁸ the LRVs,⁶⁴⁹ the CLRV,⁶⁵⁰ and

⁶⁴⁷ *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 132; *Katanga* Decision on Transgenerational Harm, [ICC-01/04-01/07-3804-Red-tENG](#), paras 10-14; *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 73; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), paras 175-180, fns 416-423.

⁶⁴⁸ As for the literature cited in Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), see, *inter alia*, at fn 53, Gunnar Kaati, Lars Olov Bygren, Marcus Pumbrey and Michael Sjöström, ‘Transgenerational response to nutrition, early life circumstances and longevity’, in *European Journal of Human Genetics* (2007), 15, 784-790, available [online](#), which is a study on whether nutrition might induce epigenetic or other changes that could be transmitted to the next generation impacting on health; the study also aims to investigate whether gene selection through differential survival to maturity and or early life experiences is the main determinant as opposed to transgenerational responses (e.g. epigenetic inheritance) to such conditions, p. 784, noting that the study’s results ‘strengthen the theory of a transgenerational mechanism, which appears to capture nutritional information in a sensitive period of mid-childhood from the previous generation(s), p. 789; at fn 55, D. Devakumar, M. Birch, D. Osrin, E. Sondorp, J. CK Wells, ‘The Intergenerational Effects of War on the Health of Children’, in *BMC Medicine* (2014), 12:57, 1-15, available [online](#), which is a study that considers the intergenerational effects of four features of conflict – violence, challenges to mental health, infection, and malnutrition – and discusses the multiplicative effects of ongoing conflict when hostilities are prolonged, p. 1, but that also notes that, while maternal physiology and behaviour can buffer their offspring against ecological stresses, exposure to conflict in one generation may potentially propagate adverse effects to subsequent generations, such that greater awareness of such consequences may lead to their recognition and improved diagnosis and response, p. 2.

⁶⁴⁹ As for the literature cited in LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), see, *inter alia*, at fn 25, V.R. Nelson, J.H. Nadeau, ‘Transgenerational Genetic Effects’, *Epigenomics*, National Institute of Health (December 2010), 2(6), 797-806, available [online](#), which notes that accumulating evidence raises the possibility that transgenerational effects contribute significantly to heritable phenotypic variations; at fn 26, D. Devakumar, M. Birch, D. Osrin, E. Sondorp, J. CK Wells, ‘The Intergenerational Effects of War on the Health of Children’, in *BMC Medicine* (2014), 12:57, 1-15, available [online](#), which is a study that considers the intergenerational effects of four features of conflict – violence, challenges to mental health, infection, and malnutrition – and discusses the multiplicative effects of ongoing conflict when hostilities are prolonged, p. 1, but that also notes that, while maternal physiology and behaviour can buffer their offspring against ecological stresses, exposure to conflict in one generation may potentially propagate adverse effects to subsequent generations, such that greater awareness of such consequences may lead to their recognition and improved diagnosis and response, p. 2; at fn 28, M. A. Rothstein, H.L. Harrel, G. E. Merchant, ‘Transgenerational Epigenetics and Environmental Justice’, *Environmental Epigenetics* (2017), Vol. 3, No. 3, 1-12, available [online](#), noting that, ‘[t]hus far, no exposures have been widely accepted to cause transgenerational epigenetic effects in humans. Nonetheless, because single generational (F0 in females and males) and multigenerational (F1 and F2 in females; F1 in males) epigenetic effects already have been observed in humans and the same exposures are known to cause transgenerational (F3 in females; F2 in males) epigenetic effects in other species, in the future, it is possible that some exposures will be determined to cause transgenerational effects in humans’, pp. 1-2; at fn 31, I. Karpin, ‘Vulnerability and the Intergenerational Transmission of Psychosocial Harm’, *Emory Law Journal* (2018), Vol. 67, Issue 6, 1115, available [online](#), pointing to new research and noting that, ‘the significant element of this research, however, is that the transference of “disorders” from one generation to the next, rather than being determined by genetic traits, can be traced instead to the way the body responds to environmental factors where the “environment” is construed broadly as capturing not just the material world but the psychosocial as well’, p. 1122.

⁶⁵⁰ As for the additional literature (not referred to in the *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), fns 416-423) cited in the CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), see, *inter alia*, at fn 5, M. Bosquet Enlow, B. Egeland, E. Carlson, E. Blood, R. Wright, ‘Mother-Infant Attachment and the Intergenerational Transmission of Posttraumatic Stress Disorder’, *Development and Psychopathology*, Vol. 26(1), 2014, pp. 41-65, available [online](#), highlighting studies that have found that ‘[a]n insecure mother–infant attachment relationship that results from repeated exposures to such insensitive caregiving behaviours may then increase the child’s PTSD vulnerability by permanently programming the epigenetic expression of genes involved in the physiological stress response, shaping nonoptimal neurological patterns of stress reactivity, and establishing maladaptive emotional and behavioural styles of coping in response to challenge’, p. 58; P. Bith-Melander, N. Chowdhury, Ch. Jindal, T.J. Efirid, ‘Trauma Affecting Asian-Pacific Islanders in the San Francisco Bay Area’, *International Journal of Environmental Research and Public Health*, Vol. 14(9), pp. 1053 et seq., available [online](#), a study done on three focus groups of Asian-Americans living in San Francisco, California, who were receiving

the TFV,⁶⁵¹ expert evidence heard in the case,⁶⁵² the views of experts in other cases before this Court and decisions issued by other international jurisdictions, as summarised in the *Ntaganda* case,⁶⁵³ leads this Chamber to conclude, that experts from different disciplines *agree on the*

trauma and mental health services, for the purpose of obtaining qualitative data on trauma as a transgenerational process that affects the ability of family members to cope with life stressors; K. Weingarten, ‘Witnessing the effects of political violence in families: Mechanisms of intergenerational transmission and clinical intervention’, *Journal of Marital and Family Therapy*, Vol. 30(1), 2004, pp. 45-59, available [online](#), a study that considers both the psychological and biological mechanisms of transmission of trauma between mothers and their infants, when such mothers have endured political violence and conflict, and which notes research that the development of PTSD is facilitated by a failure to contain the biologic stress response as the time, resulting in a cascade of alterations that lead to intrusive recollections of the event, avoidance of reminders of the event, and symptoms of hyperarousal, including cortisol which can account for both the development of trauma and its transmission across generations; at fn 6, *see, inter alia*, T.E. Bale, ‘Epigenetic and transgenerational reprogramming of brain development’, *Nature Reviews Neuroscience*, Vol. 16, 2015, pp. 332-344, available [online](#), a study indicating the importance of the prenatal period and reporting an association between maternal stress that is experienced during the first trimester of pregnancy and an increased risk of psychological disorders in offspring; at fn 7, K. Grunberg, F. Markert, ‘A psychoanalytic grave walk- scenic memory of the Shoah. On the transgenerational transmission of extreme trauma in Germany’, *American Journal of Psychoanalysis*, Vol. 72(3), 2012, pp. 207-222, available [online](#), a study of a daughter of Holocaust survivors which focuses on the transmission of extreme trauma handed down to children by their parents; at fn 8, *see* G. Winship, J. Knowles, ‘The trans-generational impact of cultural trauma: linking phenomena in treatment of third generation survivors of the Holocaust’, *British Journal of Psychotherapy*, Vol. 13(2), 1996, pp. 259-266, available [online](#), a study of three children of Holocaust survivors, each of whom suffered from extreme trauma and exhibited self-destructive behaviour, for the purpose of highlighting the benefits of certain types of psychotherapeutic intervention.

⁶⁵¹ As for the additional literature, (not referred to in the *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), fns 416-423), cited in TFV’s January 2023 Submissions, [ICC-01/04-02/06-2819](#), *see, inter alia*, at fn 22, R. Yehuda and A. Lehrner, ‘Intergenerational Transmission of Trauma Effects: Putative Role of Epigenetic Mechanisms’, *17 World Psychiatry* (2018), pp. 243-257, available [online](#), noting the existing of ‘[e]vidence supporting the idea that offspring are affected by parental trauma exposures occurring before their birth, and possibly even prior to their conception. On the simplest level, the concept of intergenerational trauma acknowledges that exposure to extremely adverse events impacts individuals to such a great extent that their offspring find themselves grappling with their parents’ post-traumatic state. A more recent and provocative claim is that the experience of trauma – or more accurately the effect of that experience – is “passed” somehow from one generation to the next through non-genomic, possibly epigenetic mechanisms affecting DNA function or gene transcription’, p. 243, but also highlighting that, ‘[g]iven the paucity of human studies and the methodological challenges in conducting such studies, it is not possible to attribute intergenerational effects in humans to a single set of biological or other determinants at this time’, p. 243; at fn 27, M. Bosquet Enlow, B. Egeland, E. Carlson, E. Blood, R. Wright, ‘Mother-Infant Attachment and the Intergenerational Transmission of Posttraumatic Stress Disorder’, *Development and Psychopathology*, Vol. 26(1), 2014, pp. 41-65, available [online](#), highlighting studies that have found that ‘[a]n insecure mother–infant attachment relationship that results from repeated exposures to such insensitive caregiving behaviours may then increase the child’s PTSD vulnerability by permanently programming the epigenetic expression of genes involved in the physiological stress response, shaping nonoptimal neurological patterns of stress reactivity, and establishing maladaptive emotional and behavioural styles of coping in response to challenge’, p. 58.

⁶⁵² V-0001 at [T-174](#); PCV-0001 at [T-175](#); PCV-0002 at [T-176](#); PCV-0003 at [T-177](#), pp. 29-32; PCV-0003, Transcript of Hearing, 17 May 2018, [ICC-02/04-01/15-T-178-ENG ET](#), (T-178). The Chamber notes that Dr Michael Wessels stated that the phenomenon of ‘intergenerational transmission of trauma’ is well-substantiated and that ‘mothers who experience trauma actually transmit some of their stress and trauma to their offspring through hormonal mechanisms’, and added that ‘there is also evidence of genetic transmission’, *see* PCV-0002 at [T-176](#), pp. 22-23. Another expert witness, Professor Reicherter, stated that women who are rape survivors and women who have PTSD often have a very different parenting style than those who are not rape survivors or do not have PTSD, *see* PCV-0001 at [T-175](#), p. 31. Dr Seggane Musisa, testified both the social and epigenetic theories confirm that the effects of war on individuals have lasting effects long after a conflict has ended, and noted that, per the latter theory, it is known that chemicals such as cortisol are overly secreted in traumatised people and that studies have been done on the effects that excessive levels of cortisol do to infants before and after birth, *see* PCV-0003 at [T-177](#), pp. 30-31.

⁶⁵³ *See Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), fns 422-423.

existence of the phenomenon of transgenerational harm, in which traumatised parents set in motion an intergenerational cycle of dysfunction, handing-down trauma.⁶⁵⁴

180. As noted in the *Ntaganda* case,⁶⁵⁵ the diverse scientific explanations focus on *how* traumatised parents pass on trauma to their children who themselves did not directly experience the atrocities their parents endured, not on *whether* the phenomenon of transgenerational harm exists. As also noted in the *Katanga* case,⁶⁵⁶ the ever-evolving scientific discussion on how harm is transmitted revolves around two main schools of thought: the epigenetic theory and the social transmission theory. The former focuses on the ‘parent-to-child transmission of epigenetic marks that retain a memory of traumatic events experienced by the parents’, while the latter focuses on ‘the impact of upbringing and emotional learning on the child’s emotional development’.⁶⁵⁷ As also noted in the *Ntaganda* case,⁶⁵⁸ recent studies suggest that the process of social transmission and epigenetic modifications, in fact, mutually reinforce and feed into each other and that a holistic understanding of the intergenerational mechanisms and effects of trauma, including those emanating from war experience and famine, requires an interdisciplinary biopsychosocial approach.⁶⁵⁹

181. In effect, these studies indicate that it is ‘extremely difficult to exclude explanation by social transmission’ although that ‘depends on the manner and level to which the parent was able to cope with the abnormal experience’.⁶⁶⁰ Further, in addition to the genetic mechanisms of transmission, multiple studies posit that ‘in utero and early life exposure to environmental factors during critical periods of developmental plasticity, including parental stress and PTSD’ predispose offspring to later disease with physiological and psychological consequences.⁶⁶¹ The Chamber notes that it has carefully considered the above theories, the literature and studies

⁶⁵⁴ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 175, referring to *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 73.

⁶⁵⁵ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 176.

⁶⁵⁶ *Katanga* Decision on Transgenerational Harm, [ICC-01/04-01/07-3804-Red-tENG](#), paras 11-14.

⁶⁵⁷ *Katanga* Decision on Transgenerational Harm, [ICC-01/04-01/07-3804-Red-tENG](#), para. 11.

⁶⁵⁸ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 176.

⁶⁵⁹ See *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 176, referring to J. Švorcová, ‘Transgenerational Epigenetic Inheritance of Traumatic Experience in Mammals’ in *Genes* (2023), 14, 120:1-20, available [online](#), p. 10; and S.A. Ridhuan et al, ‘Advocating for a Collaborative Research Approach on Transgenerational Transmission of Trauma’ in *Journal of Child & Adolescent Trauma* (2021) 14:527–531, available [online](#), p. 529.

⁶⁶⁰ J. Švorcová, ‘Transgenerational Epigenetic Inheritance of Traumatic Experience in Mammals’ in *Genes* (2023), 14, 120:1-20, available [online](#), p. 10.

⁶⁶¹ S.A. Ridhuan et al, ‘Advocating for a Collaborative Research Approach on Transgenerational Transmission of Trauma’ in *Journal of Child & Adolescent Trauma* (2021) 14:527–531, available [online](#), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8172554/pdf/40653_2021_Article_369.pdf, p. 529, referring to, *inter alia*, P. Gluckman, M. Hanson, ‘Developmental origins of health and disease.’ *Developmental Origins of Health and Disease* (2006).

referred to by the parties and participants, the evidence presented in the case, and the current state of the scientific debate as to the manner in which transgenerational harm is transmitted.

182. As to the Defence's submissions, the Chamber notes that the existing body of academic, scientific, and theoretical research and studies, as outlined above, clearly establish the existence of the phenomenon of transgenerational transmission of trauma and its scientific foundation.⁶⁶² Regarding the Defence's argument of the lack of proof of a 'strong scientific basis for transgenerational harm', particularly over prolonged periods of violence and trauma,⁶⁶³ the Chamber notes that the Defence mischaracterises the threshold required to establish whether the concept of transgenerational harm has a sufficient scientific basis to be applied in the present proceeding. In the view of the Chamber, it is sufficient to demonstrate, as has been done in the present and previous cases before the Court, that despite different explanations as to the way in which the harm is transmitted, the phenomenon of transgenerational harm is rooted in sound science, reasoning, research, and qualitative study.

ii. Establishing transgenerational harm

a) Parties' submissions and participants observations

183. Regarding the evidence required to establish transgenerational harm, the LRVs submit that it is not necessary for such evidence to stem from a conflict environment exposure alone, but also the physiological stress the survivors encountered.⁶⁶⁴ The LRVs posit that the evidentiary requirements to prove this harm include a number of factors, such as environment exposures, physiological stresses, psychosocial spaces and the relationships which the primary victim experiences during a specific time in their lifetime.⁶⁶⁵ As to the need for a psychological examination of children and their parents, the LRVs submit that the Chamber should adopt and rely on presumptions in addressing transgenerational harm.⁶⁶⁶ The LRVs argue that the justification for introducing a presumption of psychological harm lies in the violent nature of LRA attacks on the IDP camps and the increased vulnerability of the victims during such attacks.⁶⁶⁷ Additionally, with regard to the need, if any, to exercise caution in assessing applications based on transgenerational harm, the LRVs acknowledge that the 'study and

⁶⁶² See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 73; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 177.

⁶⁶³ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 38.

⁶⁶⁴ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 30.

⁶⁶⁵ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 32.

⁶⁶⁶ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 36.

⁶⁶⁷ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 37.

concept of transgenerational harm is still evolving’ but submit that the conflict exposure environment and psychological space within which individuals interacted leading to the crimes for which Mr Ongwen was convicted outweigh the need for the application of caution by the Chamber in its deliberation.⁶⁶⁸

184. In its submission, the CLRV advances that the Chamber should establish a presumption of transgenerational harm for all children of direct victims of the case.⁶⁶⁹ The CLRV argues that all scholars who studied the intergenerational transmission of trauma have found that the phenomenon of transgenerational harm is more likely than not to occur in the context of extreme violence and in cases of mass atrocities.⁶⁷⁰ The Chamber further notes the CLRV’s submission that the Inter-American Court of Human Rights has recognised that situations of mass violence lead to multi-faceted harm including transgenerational harm.⁶⁷¹ In addition, the CLRV submits that research has shown that even unconscious trauma experienced by parents can be passed on to their children.⁶⁷² The CLRV highlights that record of the present case is replete with evidence demonstrating the mass victimisation and the extremely violent *modus operandi* of the LRA, as well as the cruelty and ruthlessness employed by Mr Ongwen himself in the commission of the crimes.⁶⁷³

185. In that regard, the CLRV submits that presuming intergenerational harm is appropriate and necessary given the vulnerable situation in which victims found themselves at the time of the commission of the crimes and in which they are at present.⁶⁷⁴ The CLRV further posits that a presumption of transgenerational harm for direct victims meets the balance of probabilities standard as established by the Chambers in other reparations proceedings before the Court and conforms with the relevant criteria of reasonableness and appropriateness set by the *Katanga* Appeals Chamber.⁶⁷⁵ The CLRV argues that, in the present case, given the time elapsed since the commission of the crimes combined with the widespread lack of records, it would be impossible to establish transgenerational harm for each victim in the absence of a

⁶⁶⁸ LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 43.

⁶⁶⁹ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 17.

⁶⁷⁰ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 17-18.

⁶⁷¹ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 18.

⁶⁷² CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 18-20.

⁶⁷³ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 18-20.

⁶⁷⁴ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 21.

⁶⁷⁵ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 21; *see Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 115.

presumption.⁶⁷⁶ Accordingly, the CLRV states that a pragmatic approach should be adopted whereby transgenerational harm is presumed with regard to all children of direct victims.⁶⁷⁷

186. In support of its view, the CLRV recalls that, in the *Ntaganda* case, Trial Chamber II found that psychological harm could be presumed for virtually all direct victims, and argues that there is no reason for the Chamber to depart from this approach in the present case.⁶⁷⁸ The CLRV argues that adhering to this precedent is particularly important because the presumption that the victims' psychological harm is passed on to their offspring is supported by the evidence adduced at trial and was tested against the beyond a reasonable doubt standard.⁶⁷⁹ The CLRV further argues – recalling evidence in the case record – that because the evidence in the present case proves at the required standard that direct victims passed on their trauma to their offspring, there is no need to subject the victims or their parent(s) to a psychological examination.⁶⁸⁰

187. Lastly, the CLRV submits that there is no need to exercise caution when assessing applications based on transgenerational harm, if the Chamber establishes a presumption of transgenerational harm.⁶⁸¹

188. The Chamber also takes note of the TFV's observations which highlight that the previous jurisprudence of the *Katanga* case does not prevent the Chamber from adopting a presumption of transgenerational harm.⁶⁸² In addition, the TFV submits that it supports the application of such a presumption and proposes a practical approach to determine the eligibility of potential beneficiaries based on the information provided by the implementing partner's psychologist.⁶⁸³

189. With regard to the evidence needed to establish transgenerational harm, the Defence asserts that if the Chamber decides that transgenerational harm exists, it must be incumbent on the victim to prove that 'their problems' began when the crime occurred and that the problems are 'mostly caused by the crime for which Mr Ongwen was convicted'.⁶⁸⁴ In essence, the Defence argues that an applicant should be able to provide clear and convincing evidence that

⁶⁷⁶ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 23.

⁶⁷⁷ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 23.

⁶⁷⁸ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 24, referring to the *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 141-147.

⁶⁷⁹ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 24.

⁶⁸⁰ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 29.

⁶⁸¹ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 30.

⁶⁸² TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), paras 22-27, referring to *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 236.

⁶⁸³ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), paras 32-33.

⁶⁸⁴ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 40.

their transgenerational harm is directly attributable to Mr Ongwen and attributable to one of the crimes for which Mr Ongwen was convicted.⁶⁸⁵ As a result, the Defence argues that an alleged victim must be required to produce medical records proving the harm, and that they were directly caused by one of the 61 crimes for which Mr Ongwen was convicted.⁶⁸⁶ In addition, the Defence submits that if a person alleges that they were malnourished, resulting in birth defects, or a miscarriage, the alleged victim must be required to show how they were eating properly long before, and up to, the time of the crimes for which Mr Ongwen was convicted.⁶⁸⁷

190. The Defence also posits that due to the length of the conflict in Northern Uganda and the fact that the four IDP camps were attacked on a number of occasions, attributing any and all of the transgenerational harm to Mr Ongwen – despite the fact that he would potentially only be responsible for a small fraction of such harm - would place the entirety of the damage inflicted by both the LRA and the UPDF upon Mr Ongwen.⁶⁸⁸ Consequently, the Defence submits that the alleged victim should demonstrate the percentage of the transgenerational harm that is attributable to Mr Ongwen.⁶⁸⁹

191. With regard to the evidentiary requirements to prove transgenerational harm, the Chamber notes the Defence's assertion that the Chamber must not use a presumption test when determining whether a victim suffers from transgenerational harm.⁶⁹⁰ To the contrary, the Defence posits that there is a need for a psychological examination of both the applicants and the parents, and that, considering that a psychiatric diagnosis fluctuates and evolves with time, it must be reassessed on a rolling basis.⁶⁹¹ In this regard, the Chamber notes the Defence's submission that, in the *Bemba* case, expert witness Professor Daryn Reicherter ('Professor Reicherter') testified that a clinical diagnosis could not be based on information collected years ago and that a diagnosis dated from 10 years had to be reassessed, even when there are indications of chronic mental trouble.⁶⁹² The Defence argues that a 'precise psychological assessment is therefore necessary in order to establish a transgenerational harm due to PTSD or stress disorder [...]'.⁶⁹³

⁶⁸⁵ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 25.

⁶⁸⁶ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), paras 40-41.

⁶⁸⁷ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 41.

⁶⁸⁸ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 25.

⁶⁸⁹ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 25.

⁶⁹⁰ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 42.

⁶⁹¹ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 29.

⁶⁹² Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 29.

⁶⁹³ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 30.

192. Lastly, as to the need to exercise caution in assessing applications based on transgenerational harm, the Defence submits that (i) the Chamber should exercise caution when assessing this type of harm;⁶⁹⁴ (ii) the harm, and causal nexus between the harm and the crimes for which Mr Ongwen was convicted must be established;⁶⁹⁵ (iii) the crimes for which Mr Ongwen was convicted need to be the proximate cause of the harm;⁶⁹⁶ (iv) the absence of such certainty must be carefully considered when assessing the causal link;⁶⁹⁷ and (v) even if some potential beneficiaries suffered from transgenerational harm it could have been caused from attacks that took place prior to the scope of the case.⁶⁹⁸

b) Chamber's determination

193. Regarding the evidence needed to establish transgenerational harm, the Chamber notes that in this case, the Chamber has adopted the 'balance of probabilities' test as the appropriate standard of proof and the 'but/for' standard of causation with regard to the harm for which reparations are sought.⁶⁹⁹ In the view of the Chamber, transgenerational harm has to be personally suffered by the victim and the causal nexus between the harm and the crime for which Mr Ongwen was convicted must be established.⁷⁰⁰ Further, children of direct victims may allege to have suffered transgenerational harm regardless of when they were born, as long as they can demonstrate personal harm and the causal link proving that their harm is a result of the crimes for which Mr Ongwen was convicted.⁷⁰¹

194. The Chamber therefore, in line with the Court's jurisprudence, finds that a child of a direct victim claiming to have suffered transgenerational harm, needs to prove that: (i) a direct victim suffered harm as a result of a crime for which Mr Ongwen was convicted; (ii) he or she, as the child of the direct victim, suffered harm; (iii) the child's harm arises out of the harm suffered by the direct victim, i.e. the causal-link; and (iv) parent-child relationship exists.⁷⁰² As to the evidence required to prove the elements above, the Chamber considers that the same evidentiary criteria applicable in order to prove identity, victimhood, the harm suffered, and

⁶⁹⁴ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 32.

⁶⁹⁵ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 32.

⁶⁹⁶ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), paras 33-34.

⁶⁹⁷ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 36.

⁶⁹⁸ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 37.

⁶⁹⁹ See Section VI.C.4. Causal link and standard of proof below. For a similar approach see, *inter alia*, *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 132; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 75.

⁷⁰⁰ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 75; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 181.

⁷⁰¹ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 182, 183(d)(vi).

⁷⁰² For a similar approach, see *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 128.

the causal link between the crime and the harm, as for any other victims in the case, also apply to victims claiming transgenerational harm.⁷⁰³

195. As will be discussed in more detail below,⁷⁰⁴ the Chamber is of the view that a presumption that relates *specifically* to transgenerational harm cannot be adopted in the present case. Nevertheless, where relevant, the other general factual presumptions established in this Reparations Order shall apply.⁷⁰⁵

196. With regard to the need for a psychological examination of potential beneficiaries and their parents, the Chamber finds that the determination as to the need for such an assessment should be made on a case-by-case basis. The Chamber has considered the Defence's argument that psychological assessments should be carried out in a rolling manner, an assertion it bases on testimony given by Professor Reicherter in the *Bemba* case.⁷⁰⁶ The Chamber recalls that Trial Chamber II rejected the same argument in the *Ntaganda* Reparations Addendum.⁷⁰⁷ The Chamber notes that it concurs with the approach adopted in the *Ntaganda* case and therefore dismisses the Defence's submissions for the same reasons outlined in the *Ntaganda* Reparations Addendum.⁷⁰⁸ In the event that a psychological examination is nonetheless considered justified, access to the examination should be provided to the victims by the entity responsible for conducting the victims' eligibility assessments.⁷⁰⁹

197. With regard to the need to exercise caution, if any, in assessing allegations of transgenerational harm, the Chamber notes, as others have before,⁷¹⁰ that caution should certainly be exercised when assessing whether victims who claim to suffer from transgenerational harm are indeed eligible to benefit from reparations in the present case. Failing to do so would run contrary to the rights of the convicted person and the principles applicable to the present proceedings. The Chamber has exercised the utmost caution in this regard and reiterates that the entity charged with deciding on the victims' eligibility should also ensure that each victim's harm meets the evidentiary standards outlined in this Order. Consequently, the Chamber recalls that any potential award based on transgenerational harm

⁷⁰³ See Section VI.C.4. Causal link and standard of proof below.

⁷⁰⁴ See Section VI.C.6.c. Other alleged presumptions of harm below.

⁷⁰⁵ See Section VI.C.6. Presumptions of harm below.

⁷⁰⁶ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 29.

⁷⁰⁷ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 188.

⁷⁰⁸ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 188.

⁷⁰⁹ For a similar approach see *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 189.

⁷¹⁰ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 193.

must be rooted in sufficient evidence of the causal nexus between the child's harm and the harm caused to the parent(s) stemming from the crimes for which Mr Ongwen was convicted.

iii. Mr Ongwen's liability in relation to transgenerational harm

a) Parties' submissions and participants observations

198. The Chamber notes the LRVs' submission that Mr Ongwen is liable to repair transgenerational harm owing to the fact that a victim ought to demonstrate generally that the harm suffered has a causal link to the harm suffered by the primary victim of the crimes for which Mr Ongwen was convicted.⁷¹¹

199. The Chamber notes as well the CLRV's submission that it has been established at the required standard that Mr Ongwen is the proximate cause of the transgenerational harm suffered by the children of the direct victims, and as such, Mr Ongwen must be held liable for said harm.⁷¹² The CLRV argues that the 'but/for' standard of causation does not require that the act posed by the convicted person be the sole cause of the harm but only that the convicted person could 'reasonably foresee' that his or her crime would cause the harm and that said crime is 'closely connected' and 'significant enough' to have caused the harm.⁷¹³ The CLRV states that Mr Ongwen could indeed reasonably foresee that his acts would result in transgenerational harm, and argues that his crimes are closely connected and significant enough to have caused such harm.⁷¹⁴

200. Moreover, the CLRV posits that considering the development of the conflict in Northern Uganda and its protracted nature, it is very unlikely that a trauma suffered by the direct victim arises out of events that preceded the crimes for which Mr Ongwen was convicted.⁷¹⁵ In addition, the CLRV states that any trauma that a victim might have suffered prior to the period of the charges is unlikely to be significant enough to outweigh the impact of the crimes for which Mr Ongwen was convicted.⁷¹⁶ Lastly, the CLRV submits that given the 'particularly cruelty of the acts committed by Mr Ongwen', it can be 'concluded that the

⁷¹¹ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 44.

⁷¹² CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 31.

⁷¹³ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 32, referring to *Katanga* Decision on Transgenerational Harm, [ICC-01/04-01/07-3804-Red-tENG](#), paras 16-17.

⁷¹⁴ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 33-35.

⁷¹⁵ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 36.

⁷¹⁶ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 36.

convicted person could have reasonably expected, and he in fact intended, that his crimes would lead to trauma beyond the direct victims'.⁷¹⁷

201. The Chamber also notes the TFV's observation that Mr Ongwen could have reasonably foreseen the impact this would have on the descendants of direct victims.⁷¹⁸ In its observations, the TFV also states that the closer the applicant's date of birth was to the date of the commission of the crime(s), the more likely it is that the crime(s) had an impact on the applicant concerned.⁷¹⁹

202. The Defence submits that Mr Ongwen is not liable to repair transgenerational harm due to the protracted armed conflict in Northern Uganda involving the LRA led by Joseph Kony, on the one side, and the UPDF, on the other side.⁷²⁰ To further illustrate its point, the Defence refers to 'ample evidence on record showing that there was crossfire between the UPDF and the LRA in the course of the attacks against the four IDP camps namely Pajule, Odek, Abok, and Lukodi'.⁷²¹ The Defence therefore argues that any transgenerational harm that may have been suffered cannot be entirely attributed to Mr Ongwen.⁷²²

203. The Defence also posits that, in the context of Mr Ongwen's conviction as an indirect co-perpetrator, he cannot be held *fully* accountable for any transgenerational harm that may have been suffered by the victims.⁷²³ Additionally, the Defence submits that Mr Ongwen is not responsible for any transgenerational harm that the victims may have suffered prior to the date on which he became commander of the Sinia brigade, that he did not directly commit.⁷²⁴

204. Lastly, the Defence argues that Mr Ongwen is not liable to repair any transgenerational harm that the victims may have suffered as result of establishment of the IDP camps and the suffering that they may have endured as a result of the atrocities experienced.⁷²⁵

b) Chamber's determination

205. The Chamber has considered the Defence's argument regarding whether Mr Ongwen should be liable to repair transgenerational harm in the specific context of the crimes for which he was convicted and taking into account the impact of the protracted armed conflict in

⁷¹⁷ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 34.

⁷¹⁸ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 34.

⁷¹⁹ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 34.

⁷²⁰ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 39.

⁷²¹ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 39.

⁷²² Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 39.

⁷²³ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 40.

⁷²⁴ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 41.

⁷²⁵ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 42.

Northern Uganda. First, the Chamber notes that sufficient safeguards to the rights of the convicted person are incorporated throughout this Reparations Order, and are further bolstered by the Court's statutory framework governing reparations proceedings. The Chamber recalls, as described above, that *any* potential award based on transgenerational harm requires sufficient proof of the causal nexus between the child's harm and the harm caused to the parent(s) stemming from crimes for which Mr Ongwen was convicted. As noted previously, the standard of causation recognised in this case is the 'but/for' standard and it is further required that the crimes for which the person was convicted had to be the 'proximate cause' of the harm for which reparations are sought.⁷²⁶ Accordingly, the issue of the impact of the protracted armed conflict in Northern Uganda and the causal nexus between the crimes for which Mr Ongwen was convicted and the harm alleged by victims is a matter of evidence that must be addressed and decided on a case-by-case basis during the eligibility assessments. As the Chamber highlighted above, caution should therefore be exercised when assessing whether victims who claim transgenerational harm are indeed eligible to benefit from reparations.

iv. Chamber's conclusion as to transgenerational harm

206. In light of the existing scientific basis for the concept of transgenerational harm, the Chamber finds that a child of a direct victim claiming to have suffered transgenerational harm will need to establish that: (i) a direct victim suffered harm as a result of a crime for which Mr Ongwen was convicted; (ii) he or she, as the child of the direct victim, suffered harm; (iii) the child's harm arises out of the harm suffered by the direct victim; and (iv) the parent-child relationship. The Chamber recalls that the requirements described above are without prejudice to the application of the general presumptions as determined in this Reparations Order and subject to the same evidentiary criteria and standard of causation applicable to all victims. Victims claiming to have suffered transgenerational harm shall be assessed on a case-by-case basis by the entity in charge of conducting eligibility assessments at the implementation stage.

207. Consistent with the approach taken in the *Ntaganda* case,⁷²⁷ the Chamber underlines the importance of acknowledging the existence of the phenomenon of transgenerational harm and recognising that children of victims of unimaginable atrocities may also experience personal suffering, even if they did not personally experience the atrocities that caused their parents' trauma.

⁷²⁶ See Section VI.C.4. Causal link and standard of proof below.

⁷²⁷ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 195.

3. *Definition of the types of harm suffered by the victims*

208. In this section, the Chamber defines the harms caused to direct and indirect victims. As described in detail below, in order to reach its conclusions as to the definition of the types of harm suffered by direct and indirect victims, the Chamber has considered all relevant information before it, including its findings beyond reasonable doubt in the Conviction Judgment and Sentence, the evidence heard and submitted during the trial proceedings, observations by the parties and other participants in the proceedings, and the information the Chamber obtained from its assessment of coherent, credible, and consistent accounts of victims in the Sample.

209. The Chamber notes that the Defence did not make submissions regarding the harms suffered by the direct or indirect victims.⁷²⁸ In its assessment, the Chamber has considered the submissions provided by the LRVs and the CLRV, and the observations provided by the participants in the proceedings. The Chamber will refer to these submissions and observations below when necessary to explain its assessment of the different harms.

i. Harm suffered by the victims of the attacks.

210. The Chamber recalls that, in the Sentence, it found that the crimes for which Mr Ongwen was convicted resulted in a ‘very large extent of cumulative victimisation’.⁷²⁹ The attacks themselves were of a large scale and considerable magnitude against tens of thousands of victims.⁷³⁰ The attacks were executed by a large number of LRA fighters armed with an assortment of weapons, including firearms, leading to a large scale of victimisation.⁷³¹

211. As noted above,⁷³² within the context of the attacks on the Pajule, Odek, Lukodi, and Abok IDP camps, Mr Ongwen was convicted for the commission of numerous crimes,

⁷²⁸ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#); Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#); Defence’s February 2023 Submissions, [ICC-02/04-01/15-2030](#); Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#).

⁷²⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 384.

⁷³⁰ The Chamber recalls that in the context of the attack on the Pajule IDP camp, it was estimated that 15,000 to 30,000 people lived in the camp at the time, *see* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150. In the context of the attack on the Odek IDP camp, the Chamber found that between 2,000 and 3,000 people lived in the camp at the moment of the attack, *see* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 185. In the context of the attack at the Lukodi IDP camp, the exact number of victims of the attack was not possible to determine, but the Chamber was satisfied that a large contingent of civilians lived in there at the time of the attack, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1644. In the case of the Abok IDP Camp, the Chamber found that at least 7,000 to just over 13,000 civilians resided in the camp, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1858.

⁷³¹ Sentence, [ICC-02/04-01/15-1819-Red](#), paras 143, 149 (Pajule); para. 185 (Odek); para. 223 (Lukodi); paras 258-259 (Abok).

⁷³² *See* Section IV. SCOPE OF REPARATIONS IN THE ONGWEN CASE above.

including: attacks against the civilian population,⁷³³ murder,⁷³⁴ attempted murder,⁷³⁵ torture,⁷³⁶ enslavement,⁷³⁷ pillaging,⁷³⁸ persecution,⁷³⁹ outrages upon personal dignity,⁷⁴⁰ and destruction of property.⁷⁴¹

212. As outlined in the Sentence, the consequences suffered by the civilian population as a result of the attacks constitute, at the same time, the relevant facts underlying other crimes committed within the context of the attacks for which Mr Ongwen was also convicted.⁷⁴² In light of such an overlap, and in order to avoid repetition, the Chamber has assessed the evidence and will define hereafter the various and multi-dimensional types of harms suffered by the victims as a consequence of the attacks as a whole.⁷⁴³

a) Direct victims of the attacks

(i) Physical harm

213. The LRVs, CLRV, and a number of participants describe the physical harm suffered by direct victims of the attacks on the IDP camps. In particular, they identify bullet wounds,⁷⁴⁴ burns,⁷⁴⁵ fractures to limbs,⁷⁴⁶ disabilities caused by injuries sustained in the attack,⁷⁴⁷ loss of

⁷³³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2824, 2874 (Pajule); paras 2876, 2927 (Odek); paras 2929, 2973 (Lukodi); paras 2975, 3020 (Abok).

⁷³⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2826-2827, 2874 (Pajule); paras 2878-2880, 2927 (Odek); paras 2931-2933, 2973 (Lukodi); paras 2977-2979, 3020 (Abok).

⁷³⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2882-2883, 2927 (Odek); paras 2935-2936, 2973 (Lukodi); paras 2981-2982, 3020 (Abok).

⁷³⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2829-2833, 2874 (Pajule); paras 2885-2889, 2927 (Odek); paras 2938-2942, 2973 (Lukodi); paras 2984-2988, 3020 (Abok).

⁷³⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2839-2840, 2874 (Pajule); paras 2895-2896, 2927 (Odek); paras 2948-2949, 2973 (Lukodi); paras 2994-2995, 3020 (Abok).

⁷³⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2842-2844, 2874 (Pajule); paras 2898-2900, 2927 (Odek); paras 2951-2953, 2973 (Lukodi); paras 2997-2999, 3020 (Abok).

⁷³⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2846-2849, 2874 (Pajule); paras 2906-2908, 2927 (Odek); paras 2959-2961, 2973 (Lukodi); paras 3006-3008, 3020 (Abok).

⁷⁴⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2902-2904, 2927 (Odek).

⁷⁴¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957, 2973 (Lukodi); paras 3001-3004, 3020 (Abok).

⁷⁴² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 149 (Pajule); para. 185 (Odek); para. 223 (Lukodi); para. 258 (Abok).

⁷⁴³ The Chamber also notes that, in general, the submission and observations made by parties and participants also addressed the types of harm suffered by the victims of the attacks as a whole.

⁷⁴⁴ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64 (iv); ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 20; ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 6.

⁷⁴⁵ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64 (iv); ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 20.

⁷⁴⁶ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64 (iv).

⁷⁴⁷ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 6.

limbs,⁷⁴⁸ shrapnel or devices lodged in the body,⁷⁴⁹ disabilities to male genitalia arising from violent tying of victims testicles,⁷⁵⁰ stabbings with sharp objects,⁷⁵¹ forced pregnancies,⁷⁵² chronic chest and back pains from carrying heavy loads,⁷⁵³ scarring,⁷⁵⁴ cutting of body parts,⁷⁵⁵ HIV and other sexually transmitted diseases,⁷⁵⁶ and beatings.⁷⁵⁷

214. Parties and participants further submit that the physical harm suffered by the direct victims of the attacks had long-lasting consequences, as some victims have ‘persistent health challenges’,⁷⁵⁸ ‘long-lasting health ailments’,⁷⁵⁹ require specialised care,⁷⁶⁰ have injuries that ‘might not be medically remedied through simple procedure’,⁷⁶¹ and continue to live with serious disabilities.⁷⁶²

215. As found beyond reasonable doubt in the Conviction Judgment and Sentence, it has been demonstrated that in the context of all four attacks against the Pajule, Odek, Lukodi, and Abok IDP camps, direct victims were shot,⁷⁶³ beaten,⁷⁶⁴ stabbed,⁷⁶⁵ cut,⁷⁶⁶ burnt,⁷⁶⁷ and forced to carry heavy items for long periods of time and in difficult conditions.⁷⁶⁸

⁷⁴⁸ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁷⁴⁹ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 20.

⁷⁵⁰ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁷⁵¹ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁷⁵² LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁷⁵³ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 61-72; LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(ii); ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#) para. 21.

⁷⁵⁴ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(ii).

⁷⁵⁵ ARLPI’s Observations, [ICC-02/04-01/15-1925](#), p. 6.

⁷⁵⁶ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(ii).

⁷⁵⁷ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), paras 20-21.

⁷⁵⁸ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 21.

⁷⁵⁹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52(i).

⁷⁶⁰ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 21; ARLPI’s Observations, [ICC-02/04-01/15-1925](#), p. 6.

⁷⁶¹ FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 12, para. 3.4(a); CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52(i).

⁷⁶² ARLPI’s Observations, [ICC-02/04-01/15-1925](#), p. 6.

⁷⁶³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 164, 167, 169 (Odek); paras 182, 184, 1757, 1759, 1763, 1765, 1766, 1768, 1770, 1774 (Lukodi); paras 197, 1932, 1934-1935, 1948, 1950-1954, 1961 (Abok).

⁷⁶⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 153 (Pajule); paras 173, 1454 (Odek); paras 182, 184, 1723, 1730, 1758 (Lukodi); paras 197, 201, 1906, 1933, 1955, 1961 (Abok); *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 158 (Pajule); para. 185 (Odek); para. 223 (Lukodi); para. 259 (Abok).

⁷⁶⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1498 (Odek); paras 188, 1746, 1761, 1837 (Lukodi).

⁷⁶⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1730, 1732, 1766 (Lukodi).

⁷⁶⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1500 (Odek); paras 1731, 1741-1746, 1755, 1758, 1760, 1762, 1770 (Lukodi); paras 1945, 1957, 1962 (Abok); Sentence, [ICC-02/04-01/15-1819-Red](#), para. 223 (Lukodi); para. 259 (Abok).

⁷⁶⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 153-154 (Pajule); paras 171-174 (Odek); paras 201-202, 205 (Abok); paras 187, 1799 (Lukodi).

216. The Chamber recalls that LRA rebel fighters deliberately targeted civilians during the attacks,⁷⁶⁹ and that many people died as a result of their injuries.⁷⁷⁰ In the context of the Pajule attack, civilians were killed by bullet wounds,⁷⁷¹ machetes,⁷⁷² and were beaten to death.⁷⁷³ On this point, the Chamber further recalls that, as noted in the Sentence, victims of the Pajule attack were ‘particularly defenceless’.⁷⁷⁴ The Chamber also notes the evidence provided by P-0061, a civilian resident of Pajule, who testified at trial that he witnessed LRA rebels shooting at unarmed civilians randomly during the attack and saw civilians crying and falling down.⁷⁷⁵

217. In the context of the Odek attack, the Chamber recalls that LRA rebels shot indiscriminately into civilians’ homes,⁷⁷⁶ shot some civilians in their chest⁷⁷⁷ and other in their back,⁷⁷⁸ or beat them to death.⁷⁷⁹ As noted in both the Conviction Judgment and the Sentence, the killings carried out in the Odek attack were committed with ‘great brutality’⁷⁸⁰ and the ‘bodies of the dead were scattered everywhere across the camp’.⁷⁸¹

218. The Chamber further recalls that it found beyond reasonable doubt that, in the Lukodi attack, civilians were shot at and beaten to death.⁷⁸² The Conviction Judgment found that LRA fighters severely mistreated civilians during the attack in Lukodi and in its aftermath.⁷⁸³

⁷⁶⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1309 (Pajule); para. 1493 (Odek); paras 1674, 1681, 1722, 1724, 1725 (Lukodi); para. 1926 (Abok).

⁷⁷⁰ For victims who died because of gunshots, cuts, stabbing wounds, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1311, 1314, 1319 (Pajule); paras 167, 1496, 1498, 1502, 1506-1507, 1509-1516, 1518-1519, 1521, 1523-1529, 1532, 1538, 1541, 1543, 1547 (Odek); paras 182, 1725, 1730-1732, 1756-1757, 1759, 1761, 1763, 1765-1766, 1768-1769, 1774 (Lukodi); paras 197, 1931, 1933, 1935, 1949-1954, 1961-1962 (Abok); for victims who died as a result of beatings, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1498 (Odek); para. 1758 (Lukodi); paras 197, 1931-1934, 1937, 1955, 1957, 1961-1962 (Abok).

⁷⁷¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1318-1323.

⁷⁷² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1314; *see also* P-0067, Transcript of Hearing, 7 November 2017, [ICC-02/04-01/15-T-125-Red2-ENG](#), (T-125), p. 18, lns 9-18; P-0067, Transcript of Hearing, 8 November 2017, [ICC-02/04-01/15-T-126-Red2-ENG](#), (T-126), p. 7, ln 25 to p. 8, ln 5; Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1933.

⁷⁷³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1324; *see also* P-0061, Statement, UGA-OTP-0283-0840, para. 45.

⁷⁷⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 155.

⁷⁷⁵ P-0061, Statement, UGA-OTP-0283-0840, para. 21.

⁷⁷⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1492.

⁷⁷⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1506, 1532.

⁷⁷⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1513-1514, 1523, 1528.

⁷⁷⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 182, 184, 1730, *see also* P-0330, Transcript of Hearing, 13 March 2017, [ICC-02/04-01/15-T-52-Red2-ENG](#), (T-52), p. 26, lns 19-21.

⁷⁸⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 189.

⁷⁸¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 167; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 188.

⁷⁸² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2931-2932.

⁷⁸³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2938-2942.

219. During the attack on the Abok IDP camp, LRA fighters indiscriminately fired at civilians in the camp,⁷⁸⁴ shooting,⁷⁸⁵ and beating them.⁷⁸⁶ The LRA fighters also stabbed civilians with bayonets and used axes they retrieved from the village to beat people.⁷⁸⁷ Civilians were battered on their heads with sticks,⁷⁸⁸ clubs,⁷⁸⁹ and cut with machetes.⁷⁹⁰ Survivors returning the next morning after the attack found bodies strewn throughout the camp, including the bodies of children.⁷⁹¹

220. The Chamber also recalls its findings that during some of the attacks, LRA soldiers were instructed to burn civilians to death.⁷⁹² In effect, the Chamber heard abundant evidence at trial relating to how civilians were burnt inside their homes.⁷⁹³ In relation to the Lukodi and Abok attacks, the Chamber recalls the particular cruelty of the cases of civilians who were locked in their houses and burnt to death, noting the ‘protracted pain and unthinkable agony’ that they suffered.⁷⁹⁴

⁷⁸⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1938, 1959.

⁷⁸⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1932, 1934-1935, 1948, 1950-1954, 1961.

⁷⁸⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1906, 1906-1907, 1937, 1955, 1962, 2975, 2977; the Chamber recalls that P-0281, a resident of the Abok IDP camp testified that the rebels who entered her house during the attack all carried guns; they asked her father for money and one of them began to beat him with the butt of a gun. P-0281 also testified that the rebel fighter was beating her father so much, that she thought he would be killed, *see* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 259.

⁷⁸⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1931, 1961, 1991.

⁷⁸⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1933, 1955, 1961.

⁷⁸⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1875.

⁷⁹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1933.

⁷⁹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 197. In addition, the Chamber recalls the testimony of one of Abok’s camp leaders, P-0284 who testified that the morning after the attack, he and other camp officials walked through the camp and found many dead bodies; children, women and men. Some of the dead bodies were inside the houses, others were on the doorsteps as they tried to run and others were in the remains of burnt huts, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1934; *see also* P-0284, Statement, UGA-OTP-0283-1355, paras 36-37.

⁷⁹² In the context of the attack on the Pajule IDP camp, the Chamber recalls that the evidence presented during trial did ‘sugges[t] that the LRA did burn down a limited number of civilian huts within the camp’, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1260. In the course of the attack on the Odek IDP camp, the Chamber notes its previous finding that ‘at least some civilians were burnt in their homes’, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1500 (Odek); para. 1731 (Lukodi); paras 1875, 1945-1957, 1962 (Abok); *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 223 (Lukodi); para. 259 (Abok).

⁷⁹³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1741-1745. *See, inter alia*, camp resident P-0018 stated that LRA fighters sent people into their houses including children, locked the doors and set the houses on fire with people inside the houses, P-0018, Transcript of Hearing, 2 September 2016, [ICC-02/04-01/15-T-69-Red](#), (T-69), p. 12, lns 2-8.

⁷⁹⁴ *See, inter alia*, the testimony of P-0406, an LRA fighter who stated that during the attack on the Abok IDP camp, an LRA commander bolted the door of a house from the outside and set the house on fire with the people still inside. P-0406 also testified that the LRA fighters went to another hut and set it on fire with a number of people within that house, a mixture of children and adults, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1928- 1929; P-0406, Transcript of Hearing, 19 February 2018, [ICC-02/04-01/15-T-154-Red2-ENG](#), (T-154) p. 71, lns 9-19, p. 72, lns 10-15; *see also* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 182, 1725, 1731, 1741-1745, 1752, 1755-1756, 1758, 1767, 1770 (Lukodi); paras 197, 1929-1933, 1935, 1937, 1956, 1961-1962 (Abok); *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 227 (Lukodi); para. 263 (Abok).

221. The Chamber underlines that, in the context of all four attacks, child victims suffered physical harm, which sometimes resulted in death or severe injury.⁷⁹⁵ The Chamber recalls the numerous accounts of witnesses describing how they saw children being killed in the course of the attacks⁷⁹⁶ or how they found dead children in each camp after the attacks.⁷⁹⁷ Children were killed in different ways, some were shot,⁷⁹⁸ some were beaten,⁷⁹⁹ while others were burnt,⁸⁰⁰ thrown to the flames,⁸⁰¹ or put into sacks and beaten to death.⁸⁰² The Chamber notes, for instance, the testimony of P-0195, a Lukodi resident, who learned that the son of her brother-in-law was shot in the mouth because he was crying for his mother.⁸⁰³

222. The Chamber also recalls that women were killed, *inter alia*, by being shot,⁸⁰⁴ beaten,⁸⁰⁵ burnt,⁸⁰⁶ or stabbed by knives.⁸⁰⁷ The Chamber particularly recalls the account that a woman who, whilst carrying her baby on her back, was shot and killed.⁸⁰⁸

223. In addition, the Chamber recalls that civilians were severely mistreated during the attacks and, on some occasions, murders were not fully carried out because of independent circumstances.⁸⁰⁹ The Chamber also recalls the finding in the Conviction Judgment that during the attack in Odek, and in its aftermath, LRA fighters severely mistreated civilians.⁸¹⁰ The

⁷⁹⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1238, 1239, 1311 (Pajule); paras 1510, 1515, 1546, 1599 (Odek); paras 1750-1751, 1755, 1757, 1758, 1768, 1771 (Lukodi); paras 1934-1935, 1938 (Abok).

⁷⁹⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1239 (Pajule); paras 1510, 1546, 1599 (Odek); paras 1750, 1755, 1757-1758, 1768 (Lukodi); para. 1938 (Abok).

⁷⁹⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1238, 1311, 1314 (Pajule); paras 1510, 1546, 1599 (Odek); paras 1749, 1751, 1768, 1770, 1771 (Lukodi); paras 1934, 1935 (Abok).

⁷⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1239 (Pajule); paras 1507, 1510, 1546, 1548 (Odek); paras 1755, 1757, 1768 (Lukodi); para. 1935 (Abok).

⁷⁹⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1750, 1758 (Lukodi); para. 1995 (Abok). The Chamber recalls the testimony of Witness P-0187 a Lukodi resident, who testified that some children were put in a polythene bag and beaten to death, whilst others were locked inside their house and burnt, *see also* Conviction Judgment [ICC-02/04-01/15-1762-Red](#), para. 1750 (Lukodi).

⁸⁰⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1742, 1749-1750, 1755, 1770 (Lukodi); paras 1934-1935 (Abok).

⁸⁰¹ For example, during the evidence assessment, the Trial Chamber considered as convincing evidence the post-mortem report made by witness P-0036, a government pathologist who examined the persons deceased at the Lukodi IDP camp. In his post-mortem report he identified that two out of four of the bodies examined corresponded to children of one and a half years old and four years old who were first shot and then burnt to death, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1756-1758; *see also* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1773.

⁸⁰² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1750. *See also* P-0187, Transcript of Hearing, 22 March 2018, [ICC-02/04-01/15-T-164-Red-ENG](#), (T-164) p. 24 lns 14-19.

⁸⁰³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1768.

⁸⁰⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1507, 1509, 1515, 1521, 1524, 1541.

⁸⁰⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1571 (Odek).

⁸⁰⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1770 (Lukodi).

⁸⁰⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1766 (Lukodi).

⁸⁰⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1509, 1515 (Odek).

⁸⁰⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2882-2883 (Odek); paras 2935-2936 (Lukodi); paras 2981-2982 (Abok).

⁸¹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2885-2889.

victims suffered instances of grave physical abuse at the hands of the LRA fighters, such as beatings with sticks and guns.⁸¹¹ Moreover, the Chamber found that a civilian woman was raped with a comb and a stick used for cooking.⁸¹² The civilians who survived the attacks sustained severe injuries, some of which had long-lasting effects.⁸¹³ Some of these injuries included cuts on the head,⁸¹⁴ gunshot wounds,⁸¹⁵ broken limbs,⁸¹⁶ toes cut off by bullet wounds,⁸¹⁷ injuries which required body parts to be amputated,⁸¹⁸ scars from bullet wounds,⁸¹⁹ dislocated joints,⁸²⁰ permanent eye damage,⁸²¹ permanent feeling of weakness,⁸²² and burn wounds.⁸²³

224. The Chamber also notes that some children were severely injured and burnt, even if it did not result in death.⁸²⁴ Abducted mothers were forced to abandon their children so that they could carry luggage.⁸²⁵ The testimonies heard at trial indicate that abandoned infants who were

⁸¹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 173, 2886-2889.

⁸¹² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1471-1472, 2885-2889.

⁸¹³ See, *inter alia*, Odek IDP camp leader P-0274 who stated that after the attack, he walked around the camp and saw a woman who had been shot on the lower part of her cheek. He testified that the bullet came out the back of her neck, and that the woman was 'still alive but weak'. He further stated that when he found this woman, she had a baby on her back who fortunately was not injured, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1545; P-0274, Statement, UGA-OTP-0283-1307, para. 34.

⁸¹⁴ See, *inter alia*, P-0282, a resident of the Abok IDP camp, who testified that he saw some of the injured had cuts on their heads and others had gunshot wounds at the hospital, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1940; P-0282, Statement, UGA-OTP-0283-1346, para. 30.

⁸¹⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1940; P-0282, Statement, UGA-OTP-0283-1346, para. 30.

⁸¹⁶ See, *inter alia*, Odek IDP camp leader P-0274 who testified that he had saw the body of another civilian resident who had been shot in the chest, and had a broken arm, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1514, see, *inter alia*, P-0274, Statement, UGA-OTP-0283-1307, para. 37.

⁸¹⁷ See, *inter alia*, P-0274 also testified that he saw another resident who had two of his toes cut off by a bullet, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1535, see also P-0274, Statement, UGA-OTP-0283-1307, para. 48.

⁸¹⁸ See, *inter alia*, P-0274 who testified that he saw a resident who was injured on his thigh and later had to have his leg amputated, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1535, see also P-0274, Statement, UGA-OTP-0283-1307, para. 48.

⁸¹⁹ See, *inter alia*, P-0218 a local teacher living in Odek IDP camp who testified about a civilian who was shot in the neck during the attack and survived, but still has scars from the injury, see P-0218, Statement, UGA-OTP-0238-0720-R01, para. 30.

⁸²⁰ See, *inter alia*, P-0282 a civilian resident of the Abok IDP camp, who testified that he was shot in the leg during the attack, and his knee was dislocated so he could not walk for a week, see P-0282, Statement, UGA-OTP-0283-1346, paras 31-32.

⁸²¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1758.

⁸²² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1808.

⁸²³ See, *inter alia*, P-0196 a Lukodi camp resident, who testified that he was taken by the LRA soldiers and thrown into a burning hut as one of the attackers said that he was interfering with the movement of the abductees. He further testified that he survived and was later taken to a hospital in Gulu where he spent three months recovering from burn wounds on his left leg and stomach, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 184, 1762; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 231.

⁸²⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1570 (Odek); para. 1775 (Lukodi).

⁸²⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1566-1568 (Odek); paras 1821-1822, 1826 (Lukodi).

at the age of requiring breastfeeding and full care by their caregivers⁸²⁶ were injured,⁸²⁷ became sick, developed health problems, and in some instances no longer accepted breastfeeding.⁸²⁸ P-0268, a resident of the Odek IDP camp, testified that her baby died as a result of serious health problems caused by abandonment.⁸²⁹

225. Civilians who were abducted from the IDP camps also suffered physical harm as a result of being tied to each other,⁸³⁰ forced to carry looted items or injured fighters,⁸³¹ and walk for long distances. The abductees were forced to carry what were often large and heavy loads, and the weight was carried by the abductees on their heads.⁸³² In addition, as found in the Sentence, some of the abductees suffered ‘grave physical abuse’,⁸³³ such as beatings with clubs, hoes, and guns,⁸³⁴ because they refused or struggled to carry heavy loads or because they tried to escape.⁸³⁵ Civilians were beaten if they did not walk fast enough, and in some instances the beatings resulted in death.⁸³⁶

⁸²⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1566-1567, 1580 (Odek); paras 1822, 1826 (Lukodi).

⁸²⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1826 (Lukodi); *see also* P-0187 at [T-164](#), p. 25, In 2-9.

⁸²⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1822 (Lukodi).

⁸²⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1580 (Odek).

⁸³⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1799, 1805 (Lukodi); paras 201, 1987 (Abok).

⁸³¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2840 (Pajule); para. 1571 (Odek); paras 2984-2988 (Abok); *see, inter alia*, P-0081 a resident of the Pajule IDP camp, testified that he was forced to carry an injured soldier, during which his leg was pierced by a log whilst in the bush, P-0081, Statement, UGA-OTP-0070-0029-R01, para. 11; also P-0249 testified that he was abducted during the attack on the Pajule IDP camp and sustained injuries on his shoulders from being forced to carry an injured fighter on a stretcher, P-0249, Transcript of Hearing, 5 June 2017, [ICC-02/04-01/15-T-79-Red2-ENG](#), (T-79), p. 47, In 21 to p. 28, In 1.

⁸³² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1799-1801, 1805.

⁸³³ Sentence, [ICC-02/04-01/15-1819-Red](#), paras 190, 195 (Odek); para. 228 (Lukodi); para. 264 (Abok).

⁸³⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1336, 1338, 1340, (Pajule); paras 173, 1560, 1564, 1570-1571, 1576-1577, 1579, 1987, 1993 (Odek); paras 187, 1800, 1805, 1808 (Lukodi); paras 1927, 1978-1979, 1993 (Abok); *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 158 (Pajule); para. 195 (Odek); para. 233 (Lukodi); para. 268 (Abok).

⁸³⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 153 (Pajule); paras 174-175, 1553, 1602, 1605-1608 (Odek); paras 1797, 1831-1837 (Lukodi); paras 1973, 1994-1995 (Abok); Sentence, [ICC-02/04-01/15-1819-Red](#), paras 154-155 (Pajule); paras 172-174 (Odek); para. 228 (Lukodi); para. 264 (Abok).

⁸³⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 153-154 (Pajule); paras 171-174 (Odek); paras 187, 1797-1800 (Lukodi); paras 201-202, 2015, 2984 (Abok); Sentence, [ICC-02/04-01/15-1819-Red](#), para. 268, 270 (Abok); *see, inter alia*, P-0275 civilian resident of Odek IDP camp who was abducted during the attack, testified that he witnessed an LRA soldier beat another abductee to death with the back of a hoe because the abductee’s feet were swollen and pus was coming from her wounds so she could no longer walk. *See* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1571; *also* P-0279 an elderly woman who was abducted from the Abok camp was beaten, strangled, cut with a machete, hit and left to die after she could not bear the weight she was carrying but she managed to crawl back to the camp, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 202; P-0061 a civilian resident of the Pajule IDP camp, testified that he became ill whilst in captivity. He recalled one occasion when he became weak and stated that he had worms in his body, suffered from diarrhoea, and was beaten by one of the rebels for lying down, P-0061, Statement, UGA-OTP-0283-0840, para. 83.

226. The Chamber also considers that many of abductee victims suffered health ailments as a result of the conditions they were forced to endure during their time in captivity.⁸³⁷ On this point, the Chamber recalls the testimonies of witnesses heard during the trial who recounted the physical harm many abductees suffered in the aftermath of their abduction.⁸³⁸ For example, P-0306, who was abducted from the Abok IDP camp, testified that one of the abductees was forced to walk long distances until she could no longer move, at which point she was beaten to death with a big stick and then cut into pieces with a panga.⁸³⁹ In addition, the Chamber recalls the finding regarding P-0187, who was abducted from the Lukodi IDP camp and was wounded and raped by an LRA fighter while in captivity.⁸⁴⁰

227. The Chamber notes that the injuries suffered as a result of being abducted and tortured included rib injuries from carrying heavy items,⁸⁴¹ chest pain,⁸⁴² foot injuries caused by walking barefoot and stepping on thorns and blisters,⁸⁴³ injuries from sharp tree stumps and

⁸³⁷ See, *inter alia*, P-0006 a resident of the Pajule IDP camp, testified that when she returned from the bush she suffered from stomach infections and ring worms, see P-0006, Statement, UGA-OTP-0144-0072-R01, para. 63.

⁸³⁸ See, *inter alia*, P-0006, who testified that after she was abducted during the attack on Pajule IDP camp she was beaten on her back with a stick, and forced to carry ‘extremely heavy’ items. P-0006 stated that she also witnessed other abductees being beaten on their backs, necks and buttocks, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 13401; P-0006, Transcript of Hearing, 30 November 2017, [ICC-02/04-01/15-T-140-Red2-ENG](#), (T-140), pp. 9-12; P-0268 a civilian resident of the Odek IDP camp who was abducted during the attack, testified that one of the rebels hit her leg with the butt of his gun, and explained that she still experiences leg pain when she does a lot of work, see P-0268, Statement, UGA-OTP-0283-1285, para. 27; P-0249 a former Pajule IDP camp resident testified that he was abducted during the attack on the Pajule IDP camp and that he and his wife were ‘kicked and beaten’ whilst walking with other abductees. P-0249 also testified that he was ‘beaten on the chest, on the leg and everywhere else’, that he has ‘many scars’ and still experiences chest pain today, see P-0249 at [T-79](#), p. 53, lns 20-25, p. 79, lns 5-11. In a similar context, findings on the Judgment related to abductees from the Abok IDP camp recall that LRA fighters beat civilians as a means of punishment for not being able to continue walking and to intimidate other abductees to continue without stopping or resisting. LRA fighters forced an abductee to kill another abductee with a club, as a lesson to others who were thinking of escaping, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2984.

⁸³⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1957; P-0304 resident of the Abok IDP camp who was abducted during the attack on the camp, testified about how he was bound at his waist by a rope stained with blood and tied to other abductees, and that during the retreat, he walked barefoot and shirtless in the bush, he was cold, hungry and it was difficult to get water. He also stated that he was forced to carry things including a goat on his back and that there were a lot of beatings along the way. He was hit on the side of his head with a bayonet for moving too slowly, see Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1987.

⁸⁴⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1816, 2938.

⁸⁴¹ See, *inter alia*, P-0269 a civilian resident of the Odek IDP camp testified that she was abducted and sustained an injury to her ribs as a result of being forced to carry luggage, which she described as being ‘so heavy, see P-0269, Transcript of Hearing, 13 June 2017, [ICC-02/04-01/15-T-85-Red2-ENG](#), (T-85), p. 53, lns 19-24.

⁸⁴² P-0406 at [T-154](#), p. 86, lns 17, 25.

⁸⁴³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1578; see also P-0268, Statement, UGA-OTP-0283-1285, para. 57; P-0304, Transcript of Hearing, 20 November 2017, [ICC-02/04-01/15-T-133-ENG](#), (T-133), p. 30, lns 15-19 (Abok).

splinters,⁸⁴⁴ injuries in different body parts, tooth pain as a result of the constant beating,⁸⁴⁵ injuries caused by bomb splinters,⁸⁴⁶ difficulties walking long distances due to chronic pain,⁸⁴⁷ and permanent ear injuries from being beaten.⁸⁴⁸ The Chamber also notes the long-term impact that such injuries had on the victims.⁸⁴⁹

228. In addition to the evidence provided during the trial proceedings, the Chamber observes that many of the accounts within the Sample described people suffering from the following: chest⁸⁵⁰ and back⁸⁵¹ pain as a result of being forced to carry loads; body aches from being beaten by the rebels,⁸⁵² wounds from bullets,⁸⁵³ pains in body parts affected by bullet wounds,⁸⁵⁴ broken body parts,⁸⁵⁵ and various injuries sustained as a result of trying to escape the attacks.⁸⁵⁶

229. The Chamber considers that many of the injuries described above had long-lasting consequences for the victims, some of which were documented by the Expert Witness, Dr Teddy Atim ('Dr Atim').⁸⁵⁷ In her report, when describing the findings of interviews with

⁸⁴⁴ See, *inter alia*, P-0006, a resident of the Pajule IDP camp who testified that she sustained injuries on her feet during her time in captivity. She explained to the Trial Chamber that her injuries were sustained by hitting tree stumps, stepping on sharp tree stumps and splinters, see P-0006 at [T-140](#), p. 21, lns 9-16; see also in the Sentence the witness was noted to provide evidence of the lasting consequences the abduction had for the victims and their families, Sentence, [ICC-02/04-01/15-1819-Red](#), paras 165-166.

⁸⁴⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1808; P-0024, Transcript of Hearing, 1 June 2017, [ICC-02/04-01/15-T-77-Red-ENG](#), (T-77), p. 21, ln 16.

⁸⁴⁶ P-0406 at [T-154](#), p. 30, lns 3-5.

⁸⁴⁷ P-0406 at [T-154](#), p. 86, ln 25 to p. 87, ln 2.

⁸⁴⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1806.

⁸⁴⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 160; see also P-0006 resident of the Pajule IDP camp, who testified that some of the splinters in her feet 'up to now some of them have not yet been removed', P-0006 at [T-140](#), p. 21, lns 9-16; also P-0249 a former resident of the Pajule IDP camp testified that whilst being forced to carry an injured rebel, he stepped on a tree stump as he could not see where he was walking and the 'stump remained in [his] foot until [he] came back home', see P-0249 at [T-79](#), p. 53, lns 19-23.

⁸⁵⁰ See, *inter alia*, A/01442/16, A/01456/16, A/01459/16, A/01494/16, A/01528/16, A/01533/16, A/01608/16, A/01610/16, A/01736/16, A/01777/16, A/01907/16, A/01910/16, A/01938/16, A/06812/15, A/06837/15, A/30000/13.

⁸⁵¹ See, *inter alia*, A/01760/16, A/06837/15.

⁸⁵² See, *inter alia*, A/01485/16, A/01832/16, A/30007/12, A/30007/13, A/01085/16, A/01343/16, A/06929/15, A/00052/16, A/02069/16, A/02109/16, A/00048/16.

⁸⁵³ See, *inter alia*, A/01812/16, A/02037/16, A/01833/16.

⁸⁵⁴ See, *inter alia*, A/01645/16.

⁸⁵⁵ See, *inter alia*, A/01516/16, A/01466/16, A/02006/16.

⁸⁵⁶ See, *inter alia*, A/01688/16, A/02006/16, A/00052/16, A/00088/16, A/00360/16, A/00161/16, A/00432/16, A/00534/16.

⁸⁵⁷ The Chamber recalls that expert witness Dr Atim testified live before the Court and that she also provided a joint expert report which was submitted under rule 68(3) of the Rules. Dr Atim's expert report is based on the results gathered from interviews (Victim Assessment survey) carried out on 396 victims participating in the present case. The Chamber notes that the LRVs provided the Expert's research team with a list of victims, and the research team then randomly selected participants from the list to interview. The Chamber notes that a member of the LRV team was present during field interviews to confirm both the identity of the interviewees and that the interviewees were participating victims in the present case, see Expert Report Dr Atim, UGA-V40-0001-0010, p. 19. Lastly, the Chamber notes that the Expert report did not cover the Pajule IDP camp population. However, due to the similarity of the attacks, the evidence presented during trial, and the submissions made by the parties with

participating victims of the case, Dr Atim indicated that two thirds of the participants in her study reported having a disability,⁸⁵⁸ and observed that the long-term negative effects of the physical violence impacted the persons' ability to 'carry out their livelihood'.⁸⁵⁹ She also noted the high dependency ratio in the study, and stated that the data shows 'markedly increased physical and mental health' consequences for the participants in her survey.⁸⁶⁰

230. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that direct victims of the attacks suffered physical harm as a result of the crimes committed in the context of the four attacks against the Pajule, Odek, Lukodi, and Abok IDP camps, for which Mr Ongwen was convicted. The physical harm suffered by these victims include: bullet wounds in different parts of the body; amputated body parts; cuts to body parts; burn wounds; fractured limbs; scars; presence of bomb splinters; broken bones; dislocated body parts; chronic chest and back pain caused by being forced to carry heavy loads; foot injuries from walking long distances barefoot whilst in captivity; ailments sustained whilst in captivity; injuries to different body parts caused by beatings and stabbings and aches relating thereto; permanent feeling of weakness; disabilities; and physical harm due to rape. The Chamber further acknowledges that the physical harm suffered by the victims had long-lasting consequences.

(ii) Moral harm

231. The Chamber notes that the LRVs, the CLRV, and a number of the participants describe the moral harm suffered by direct victims of the attacks. In particular, they identify mental and psychological illnesses,⁸⁶¹ trauma,⁸⁶² emotional harm,⁸⁶³ stress,⁸⁶⁴ flashbacks,⁸⁶⁵ and development of psychological disorders such as suicidal tendencies, depression, and

regards to reparations, the Chamber considers that the findings made by the Expert in her report relating to the harm suffered by victims of the attacks in the Odek, Abok and Lukodi IDP camps, can equally apply to the victims of the attack in the Pajule IDP Camp.

⁸⁵⁸ Expert Report Dr Atim, UGA-V40-0001-0010, p. 52.

⁸⁵⁹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 52.

⁸⁶⁰ Expert Report Dr Atim, UGA-V40-0001-0010, p. 55.

⁸⁶¹ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁸⁶² LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 24.

⁸⁶³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

⁸⁶⁴ ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 6.

⁸⁶⁵ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 24.

dissociative behaviour.⁸⁶⁶ Parties and participants indicate that moral harm was suffered by direct victims of the attacks, *inter alia*, as a result of experiencing the attack on a camp,⁸⁶⁷ being abducted by the LRA,⁸⁶⁸ being taken away from family,⁸⁶⁹ facing stigma and rejection upon return,⁸⁷⁰ and witnessing gruesome crimes.⁸⁷¹

232. As noted by the parties and participants, the Chamber's assessment of the evidence indeed supports the findings that, in the context of the attacks on all four of the IDP camps, direct victims suffered moral harm. Civilians were crying,⁸⁷² screaming,⁸⁷³ wailing,⁸⁷⁴ scared,⁸⁷⁵ and distressed⁸⁷⁶ during the attacks on the camps and during their aftermath. Civilians were extremely disturbed as they escaped death,⁸⁷⁷ with many victims being particularly defenceless.⁸⁷⁸ The Chamber recalls the testimony of P-0061, a civilian resident of the Pajule IDP camp, who testified that he witnessed civilians falling down and crying as LRA rebels shot randomly at unarmed civilians during the attack.⁸⁷⁹ In the context of the attack on the Odek IDP camp, P-0218, a local teacher living in the Odek IDP camp, testified that civilians 'started to panic' when they heard rapid gun fire coming from the direction of the barracks, with some running away while others ran to hide inside their homes.⁸⁸⁰ Similarly, during the attack at the Abok IDP camp, P-0293, a camp leader, explained that, after returning to the camp, 'people

⁸⁶⁶ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; *see also* ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 6; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 24.

⁸⁶⁷ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 26.

⁸⁶⁸ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

⁸⁶⁹ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁸⁷⁰ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; FIDA-Uganda's Observations, [ICC-02/04-01/15-1947](#), pp. 14-15; ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 6.

⁸⁷¹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 24.

⁸⁷² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1347, fn. 3514; *see also* P-0218, Statement, UGA-OTP-0238-0720-R01, para. 25.

⁸⁷³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1347; *see also* P-0293, Transcript of Hearing, 28 November 2017, [ICC-02/04-01/15-T-138-Red-ENG](#), (T-138), p. 44, lns 7-10.

⁸⁷⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), fn. 3514; *see also* P-0218, Statement, UGA-OTP-0238-0720-R01, para. 25.

⁸⁷⁵ *See, inter alia*, P-0218, Statement, UGA OTP-0238-0720-R01; *see also* P-0293 at [T-138](#), p. 44, lns 7-10.

⁸⁷⁶ *See, inter alia*, P-0218, Statement, UGA OTP-0238-0720-R01; *see also* P-0293 at [T-138](#), p. 44, lns 7-10.

⁸⁷⁷ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 155 (Pajule); para. 191 (Odek); para. 229 (Lukodi); para. 265 (Abok).

⁸⁷⁸ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 155 (Pajule); paras 189-190 (Odek); para. 228 (Lukodi), paras 263-265 (Abok).

⁸⁷⁹ P-0061, Statement, UGA-OTP-0283-0840, para. 21; *see also* P-0009 stated that he heard people screaming and crying during the attack on the Pajule IDP camp, Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1347; P-0009, Transcript of Hearing, 7 June 2017, [ICC-02/04-01/15-T-81-ENG](#), (T-81), p. 11, ln 25, p. 12, ln 3.

⁸⁸⁰ P-0218, Statement, UGA OTP-0238-0720-R01, para. 25; *see also* P-0275, a civilian resident of Odek IDP camp who testified that he heard people 'wailing and crying' as he entered the camp the morning after the attack on the Odek IDP camp, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), fn. 3514.

were very scared'.⁸⁸¹ P-0293 also stated that family members sent children away to live with relatives, as the children 'couldn't continue staying' because they were 'very, really very, very scared'.⁸⁸² Finally, P-0024, a Lukodi IDP camp resident, described her experience while hiding in the bush during the attack, stating that 'all we could hear were bullets. And you could hear them cutting people into pieces. They were laughing while they were cutting people into pieces. [...] That is what happened. We were helpless and were hoping we could be saved'.⁸⁸³

233. Consistent with the evidence heard at trial, many victims within the Sample stated that people were crying,⁸⁸⁴ screaming, and in a state of emotional distress during the attacks on the IDP camps.⁸⁸⁵

234. The Chamber also recalls that in the context of all four IDP camps, civilians were abducted and forced to carry loads in difficult conditions and often for long distances.⁸⁸⁶ The Chamber notes that in the Conviction Judgment, the Chamber found that the LRA fighters, by committing these acts, *inter alia*, engaged in psychological abuse of the abductees.⁸⁸⁷

235. In effect, victims abducted from the IDP camps were tortured, having their personal human dignity, security, and mental well-being assaulted,⁸⁸⁸ and endured severe mental pain and suffering.⁸⁸⁹ Abductees were placed under armed guard to prevent their escape, and held in an environment of fear under constant threat of being beaten or killed.⁸⁹⁰ These findings are consistent with the testimonies provided during trial which showed that abductees were exposed to an environment of violence and experienced feelings of distress, panic, and fear during their time in captivity.⁸⁹¹ On this point, the Chamber also notes Dr Atim's conclusions

⁸⁸¹ P-0293 at [T-138](#), p. 44, lns 7-10.

⁸⁸² P-0293 at [T-138](#), p. 44, lns 7-10.

⁸⁸³ P-0024 at [T-77](#), p. 25, lns 3-8. In the Conviction Judgment, the Chamber found that her testimony was convincing and that her personal experience was still deeply disturbing to her, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1812.

⁸⁸⁴ *See, inter alia*, A/01832/16, A/01214/16, A/05413/15, A/06659/15, A/00064/16.

⁸⁸⁵ *See, inter alia*, A/02041/16, A/02109/16.

⁸⁸⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 163 (Pajule); para. 233 (Lukodi); para. 270 (Abok).

⁸⁸⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2995.

⁸⁸⁸ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 157 (Pajule); para. 195 (Odek); para. 233 (Lukodi); para. 268 (Abok).

⁸⁸⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2830 (Pajule); para. 2886 (Odek); para. 2939 (Lukodi); para. 2985 (Abok).

⁸⁹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 153, 156, 172, 187, 201, 1334, 1340-1341, 1343-1347, 1350, 1352-1353, 2829 (Pajule); paras 172-173, 1554, 1560-1562, 1580, 1582-1583, 1585-1586, 1589, 2885 (Odek); paras 187, 1797, 1805-1807, 1813, 2938 (Lukodi); paras 201, 1973-1974, 1976, 1979, 1982-1985, 1987, 2984 (Abok); *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), para 158 (Pajule); para. 233 (Lukodi); para. 268 (Abok).

⁸⁹¹ *See, inter alia*, P-0269 civilian resident of the Odek IDP camp who was abducted, testified that as she was leaving the camp, her child and another child she was caring for ran after her and were crying. Whilst testifying

indicating that victims who had been abducted during one of the attacks had increased impairment and worse psychosocial well-being.⁸⁹²

236. The Chamber additionally recalls the findings in the Conviction Judgment and Sentence about one abductee who was forced to kill another abductee with a club and forced to inspect corpses, and another abductee who was forced to watch someone being killed.⁸⁹³ Particularly in the Odek camp, this was found to be a severe violation of the dignity of the victims.⁸⁹⁴ In the Conviction Judgment, the Chamber considered the testimony provided by P-0275, an abductee from the Odek camp who witnessed an LRA soldier hit a woman with a hoe and beat her to death.⁸⁹⁵ The woman died in front of her, after which P-0275 was forced to carry her corpse.⁸⁹⁶ As found in the Sentence, the Chamber outlined the long-lasting psychological suffering caused by these acts, which include recurring painful memories.⁸⁹⁷

237. The Chamber also recalls that during the attacks and while abducted, many women suffered the loss of family members, including their children, or had family members who were deliberately injured.⁸⁹⁸ The Chamber notes that women who carried their babies were forced to abandon them during the retreat or abduction under threat of beatings or death.⁸⁹⁹ The Chamber further notes that the Conviction Judgment found this to be a violation of the victim's dignity.⁹⁰⁰ The evidence heard at trial described instances of abducted mothers being forced to abandon their children in the bush so that they could carry their loads.⁹⁰¹ For instance, P-0024, a former Lukodi camp resident, testified that she pled with the LRA fighters not to throw her

about her time in captivity, P-0269 explained to the Trial Chamber that 'we were so scared and we thought we were going to be killed', P-0269 at [T-85](#), p. 49, ln 2. In addition, P-0275, a civilian resident of Odek IDP camp who was abducted by the LRA, testified that he witnessed an LRA soldier beat another abductee with the back of a hoe to death. He explained to the Trial Chamber that he 'was not merely afraid, but the fact that [he] could see somebody who had just been killed, somebody who was covered in blood was extremely painful for [him]', *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1571; P-0275, Transcript of Hearing, 6 November 2017, [ICC-02/04-01/15-T-124-Red2-ENG](#), (T-124), p. 16, lns 12-15; *also* P-0280 a former Abok IDP camp resident, was forced to beat to death another abductee who tried to escape while an armed LRA rebel armed watched, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1979, 2984; finally, Lukodi IDP camp resident P-0187 stated 'they told us that if anyone tried to run, they would be shot. I was afraid and was shaking. [...] I was shaking', *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1813; P-0187 at [T-164](#), p. 11, lns 1-10.

⁸⁹² Expert Report Dr Atim, UGA-V40-0001-0010, p. 48-50.

⁸⁹³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para 173; Sentence, [ICC-02/04-01/15-1819-Red](#), paras 206-208.

⁸⁹⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2902-2903.

⁸⁹⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1571.

⁸⁹⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1571.

⁸⁹⁷ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 208.

⁸⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1566-1567 (Odek); paras 1728, 1753 (Lukodi).

⁸⁹⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1566-1567 (Odek); paras 187, 1821-1827 (Lukodi).

⁹⁰⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2902-2903.

⁹⁰¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1821-1826 (Lukodi).

baby away,⁹⁰² but was forced to do so.⁹⁰³ After she was rescued by government soldiers she was reunited with her baby and she recalled that ‘[she] thought he was no more’ and had felt ‘helpless’ about seeing him again.⁹⁰⁴

238. The Chamber has also considered the long-term consequences alleged by victims of the attacks in relation to moral harm. During the trial proceedings, victims testified that they continue to suffer psychological harm,⁹⁰⁵ trauma⁹⁰⁶ and experience nightmares.⁹⁰⁷

239. The Chamber has also considered the findings made by Dr Atim.⁹⁰⁸ Dr Atim reported that the data collected from her survey of participating victims demonstrated that there was a ‘significant relationship’ between being a victim of one of the attacks on the IDP camps and experiencing impaired psychosocial functioning.⁹⁰⁹ Furthermore, Dr Atim explained that experiencing war crimes and crimes against humanity had a more negative impact on women.⁹¹⁰ In addition to the gender aspects, the results of the survey showed that the experience of losing a child was also correlated with increased psychosocial impairment.⁹¹¹

⁹⁰² See P-0024 stated that ‘There was one man, one elderly man who was pleading and saying, “Please, the lady is just crying because she's trying to save her baby”. But the younger ones were not listening, they said “No, we’ll take the baby and throw the baby”. They told me that “If you keep on talking you're going to face the consequences later. I did not have anything to say, so I just decided to keep quiet’, P-0024, Transcript of Hearing, 2 June 2017, [ICC-02/04-01/15-T-78-Red-ENG](#), (T-78), p. 51, lns 4-12; see also Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para 1821.

⁹⁰³ P-0024 at [T-77](#), p. 64, lns 13-17.

⁹⁰⁴ P-0024 at [T-77](#), p. 41, lns 3-11.

⁹⁰⁵ See, *inter alia*, P-0006 resident of the Pajule IDP camp who testified that she was abducted and spent a considerable time in the LRA, and based on the things that ‘[she] saw in the bush, [she] personally feel[s] that at times [she is] tired’ and ‘confused’. She also testified that she isolates herself and adds that although she has received psychological treatment, she does not think she is ‘fully recovered’. She further explained that she still thinks about ‘a lot of things’ which really upsets her and gives her bad headaches, P-0006 at [T-140](#), pp. 29-30.

⁹⁰⁶ See, *inter alia*, P-0009 a local chief in Acholiland who explained that the attack on the Pajule IDP camp, which he experienced, was ‘extremely traumatic’. He added that ‘people were extremely upset’ and ‘sad’. When asked about what consequences the attack on the Pajule IDP camp had on his family, P-0009 testified that ‘most of the people that are living in Pajule are not happy, because everyone was affected in one way or another’, P-0009 at [T-81](#), pp. 79-81. Similarly, D-0083, a member a Ugandan NGO, testified that a lot of people in his community ‘are mentally traumatised because of what they saw’. She affirmed that almost everybody, 60 to 70 per cent of the people in Northern Uganda are mentally traumatised because of what they saw and how they were never prepared to return to normal life without clear deliberate programmes and policies, D-0083, Transcript of Hearing, 23 May 2019, [ICC-02/04-01/15-T-217-ENG](#), (T-217), p. 39, lns 8-14. Witness P-0024 explained to the Chamber during trial that the attack left her traumatised. She explained that she was still suffering, that the images of what took place still come to her mind, and she suffers shock as a result, P-0024 at [T-77](#), p. 66, lns 6-10, 15-18. Finally, V-0004, a local councillor in Lukodi, testified extensively about the impact of the attack on the Lukodi community, V-0004, Transcript of Hearing, 3 May 2018, [ICC-02/04-01/15-T-173-Red-ENG](#), (T-173), p. 23, lns 9-12.

⁹⁰⁷ See, *inter alia*, P-0293 a camp leader in Abok who testified that even up to now people who survived the attack still have nightmares. He added that these people ‘would dream about it and even shout and cry at night that there is fighting again, and yet indeed there is no more fighting’, P-0293 at [T-138](#), p. 42, lns 21-24.

⁹⁰⁸ Expert Report Dr Atim, UGA-V40-0001-0010.

⁹⁰⁹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 51.

⁹¹⁰ Expert Report Dr Atim, UGA-V40-0001-0010, p. 50.

⁹¹¹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 50.

240. The Chamber also notes that some of the witnesses and victims referred to ‘spiritual disturbances’ or claimed to have experienced the phenomena referred to throughout the proceedings as ‘*cen*’.⁹¹² In relation to this, the Chamber considered the evidence that ‘*cen*’ represents the vengeful spirits of those who have died a violent death, and are commonly used to interpret what western medicine would call ‘mental illnesses’.⁹¹³ Dr Atim’s report noted that 67% of her survey participants stated that they had been ‘harmed by spirits of the dead in relation to the LRA attacks’⁹¹⁴ and a number of the victim participants in her survey gave detailed explanations of the long term impacts they believe the spirits continue to have on them.⁹¹⁵

241. The Chamber also notes that many of the accounts within the Sample outlined the long-lasting consequences that the attacks had on them. Victims reported that they have become very fearful following the attack,⁹¹⁶ feel traumatised because of what they witnessed during the attacks,⁹¹⁷ are haunted by the memories of seeing dead bodies around the camps,⁹¹⁸ have nightmares of what they experienced,⁹¹⁹ and live with the constant fear that an attack might happen again.⁹²⁰ A number of victims reported feeling scared every time they hear a loud

⁹¹² Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 42. *See, inter alia*, P-0252 explained that *cen* is an ‘evil spirit that possesses you after you kill somebody. If you kill somebody and do not bury them, their evil spirits haunt you’, *see* P-0252, Transcript of Hearing, 19 June 2017, [ICC-02/04-01/15-T-88-Red-ENG](#), (T-88), p. 38, lns 5-8; *also* P-0138 testified that *cen* represents the spirit of a person who has been killed innocently, and explained that those affected by it may experience nightmares, P-0138, Transcript of Hearing, 30 October 2017, [ICC-02/04-01/15-T-120-Red-ENG](#), (T-120), p. 75, lns 2-7. P-0009, a local chief in Acholiland, testified that ‘*cen*’ is ‘a spirit that comes and possesses you’. He further explained that it is the ‘spirit of a dead person’, sometimes, the spirit of a family member; P-0009 at [T-81](#), p. 92, lns 2-6. Similarly, P-0252, an abductee from the Odek attack who was kept captive in the LRA, explained that the spirits ‘still distur[b] [him] up to now’ and that he feels ‘haunted’; P-0252 at [T-88](#), p. 29, lns 23-24.

⁹¹³ In her report, the Expert also mentions that these spirits reveal one’s experience with death, either as a killer or witness, and if not treated using traditional healing practices can result in stigma, disruptions in the home, and long-term suffering, UGA-V40-0001-0010, p. 40; Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 42.

⁹¹⁴ Expert Report Dr Atim, UGA-V40-0001-0010, p. 40.

⁹¹⁵ The Chamber recalls that one of the survey participants in Dr Atim’s report explains that her husband who had remained in rebel captivity for four years, has nightmares which leads him to shout, run and hit himself on the wall. The interviewee also explained that her husband cries a lot, and that he believes that he is going to die as the spirits continue to attack him, *see* Expert Report Dr Atim, UGA-V40-0001-0010, p. 41. Another interviewee in Dr Atim’s report, explained that her husband is also haunted by the spirits, and that sometimes he becomes aggressive and is unable to work. The interviewee states that her husband is attacked by two different spirits, *see* Expert Report Dr Atim, UGA-V40-0001-0010, p. 42.

⁹¹⁶ *See, inter alia*, A/01682/16, A/01674/16, A/01727/16, A/01760/16, A/01777/16, A/00802/16, A/01165/16.

⁹¹⁷ *See, inter alia*, A/01167/16.

⁹¹⁸ *See, inter alia*, A/01682/16, A/01727/16, A/00052/16, A/00055/16, A/00357/16, A/00620/16, A/01170/16.

⁹¹⁹ *See, inter alia*, A/01466/16, A/01608/16, A/01643/16, A/01645/16, A/01777/16, A/01902/16, A/01938/16, A/01949/16, A/02037/16, A/02063/16, A/02092/16, A/02109/16, A/00831/16, A/01170/16, A/00038/16, A/00499/16, A/00534/16.

⁹²⁰ *See, inter alia*, A/01742/16, A/01760/16, A/01777/16, A/01962/16, A/01170/16, A/01214/16, A/00052/16, A/00055/16, A/00357/16, A/00620/16.

sound,⁹²¹ that they suffer mentally,⁹²² and cannot eat meat anymore.⁹²³ One victim stated that he had contemplated suicide.⁹²⁴

242. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information obtained from its assessment of the Sample, as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that direct victims of the attacks suffered moral harm as a result of the crimes committed in the context to the attacks against the Pajule, Odek, Lukodi, and Abok IDP camps, for which Mr Ongwen was convicted. The moral harm suffered by these victims includes: severe mental pain and suffering; trauma; feelings of fear, panic, helplessness, and distress; psychological abuse; psychological trauma; emotional harm; stress; recurring painful memories; nightmares; severe violation of dignity; suffering from being forced to leave their children behind; spiritual disturbances; and impaired psychosocial well-being and functioning. The Chamber acknowledges that the moral harm suffered by the direct victims of the attacks had long-lasting consequences.

(iii) Material harm

243. The Chamber notes that the LRVs, the CLRV, and a number of the participants describe the material harm suffered by direct victims of the attacks. In particular, they identify loss of housing and property,⁹²⁵ personal items goods,⁹²⁶ food supplies,⁹²⁷ livestock,⁹²⁸ loss of capital and means of production,⁹²⁹ loss of earning capacity and income generating opportunities,⁹³⁰ loss of opportunities for development,⁹³¹ including loss of and disruption to schooling,⁹³² damage caused to businesses,⁹³³ loss of support provided by murdered and abducted family

⁹²¹ See, *inter alia*, A/01528/16, A/01626/16, A/01639/16.

⁹²² See, *inter alia*, A/30006/13.

⁹²³ See, *inter alia*, A/01639/16, A/00008/16, A/00052/16, A/00181/16, A/00477/16.

⁹²⁴ See, *inter alia*, A/30003/13.

⁹²⁵ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

⁹²⁶ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁹²⁷ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

⁹²⁸ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 25.

⁹²⁹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 25.

⁹³⁰ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52; ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 6-7.

⁹³¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

⁹³² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52; FIDA-Uganda's Observations, [ICC-02/04-01/15-1947](#), p. 11; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 23, 25.

⁹³³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

members who sometimes were the main providers for the family,⁹³⁴ additional financial burden of providing for dependants of murdered relatives,⁹³⁵ as well as money spent on medical treatment.⁹³⁶

244. As a result of the crime of pillaging, which was committed within the context of the four attacks,⁹³⁷ the Chamber found beyond reasonable doubt that LRA fighters broke into homes and shops at the trading centre and looted food and property, including beans, flour, salt, sugar, cooking oil, maize, sweets, biscuits, groundnuts, soda, bedding, clothing, a radio set, saucepans, medicine, livestock, and money.⁹³⁸ In the context of the Pajule IDP camp, the looting was ‘widespread’,⁹³⁹ and the goods and items that were looted represented ‘the basic means of survival for the population’ living in the Pajule IDP camp.⁹⁴⁰ In the Odek IDP camp, the Chamber recalls that, in addition to the food and household items that were stolen during the attack, LRA attackers also took the recently distributed food aid.⁹⁴¹ In the context of the Lukodi and Abok IDP camps, the Chamber recalls that it was found in the Sentence that the impact that pillaging had on the residents was ‘considerable’.⁹⁴²

245. The Chamber further recalls that, in the Sentence, the Chamber found that the victims suffered severe economic consequences as a result of the widespread looting and pillaging across the four IDP camps.⁹⁴³ Witnesses testified to the long-lasting economic impact that the attacks had on their lives, and on their communities. For example, V-0004, a civilian resident of the Lukodi IDP camp, stated that ‘[p]eople are desperate, desperately in a poor, living in a poor condition. People are not able to farm and get enough money to pay for the school fees’.⁹⁴⁴ He also emphasised the importance of livestock for people, ranging from paying bride wealth,

⁹³⁴ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 23.

⁹³⁵ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 23.

⁹³⁶ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 22.

⁹³⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2842-2844, 2874 (Pajule); paras 2898-2900, 2927 (Odek); paras 1781-1784, 2951-2953, 2973 (Lukodi); paras 2997-2999, 3020 (Abok).

⁹³⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1290-1291, 1293-1294, 1296-1299, 2842 (Pajule); paras 1459-1466, 2898 (Odek); paras 1781-1784, 2951 (Lukodi); paras 1901-1904, 1907, 2997 (Abok); Sentence, [ICC-02/04-01/15-1819-Red](#), para. 170 (Pajule); para. 201 (Odek); para. 240 (Lukodi); para. 273 (Abok).

⁹³⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 170; Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2842.

⁹⁴⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 170. *See, inter alia*, P-0047, explained that the looted goods were ‘important items’ for the civilians in the Pajule IDP camp, which they ‘used in their daily lives’. The goods and items looted represented ‘the basic means of survival for the population’ living in the Pajule IDP camp, P-0047, Transcript of Hearing, 27 September 2017, [ICC-02/04-01/15-T-114-ENG](#), (T-114), p. 38, lns 1-6.

⁹⁴¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2898-2899.

⁹⁴² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 238 (Lukodi); para. 273 (Abok).

⁹⁴³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 169 (Pajule); para. 201 (Odek); para. 238 (Lukodi); para. 273 (Abok).

⁹⁴⁴ V-0004 at [T-173](#), p. 26, lns 8-13.

ploughing, food, school fees and health treatment.⁹⁴⁵ Similarly, at the Abok IDP camp, the looting of the medicine and food would mean ‘starvation’, in the words of Abok IDP camp leader witness P-0293.⁹⁴⁶ Witness P-0306, a resident abducted from the Abok IDP camp, testified that people in his community relied on farming for their income, and whilst people were trying to restock their livestock, ‘it’s taking time’.⁹⁴⁷

246. The Chamber has also considered the findings of Dr Atim, who noted in her report that the ‘vast majority’ of victims participating in her survey indicated that their property had been stolen by LRA rebels during the attack on their camp (89%).⁹⁴⁸

247. The Chamber also notes that, within the Sample, a number of victims reported that they were very poor,⁹⁴⁹ that they live in poverty,⁹⁵⁰ and some stated that they suffered hunger as a result of the looting.⁹⁵¹ It was also common for victims to report that the looting of their livestock caused them to become very poor.⁹⁵² A number of them stated that, as a result of their household goods and livestock being looted and or destroyed, they were forced to drop out of school as they no longer had the financial means to continue their studies.⁹⁵³

248. Regarding the crime of destruction of property,⁹⁵⁴ the Chamber found beyond reasonable doubt that, in the context of the Lukodi and Abok IDP camps, LRA fighters set civilian huts on fire,⁹⁵⁵ destroying household goods⁹⁵⁶ and food stocks,⁹⁵⁷ and causing livestock to be burnt.⁹⁵⁸ Indeed, hundreds of civilian huts were burnt, including household goods, clothes,

⁹⁴⁵ V-0004 at [T-173](#), p. 26, ln 23 to p. 27, ln 10.

⁹⁴⁶ P-0293 at [T-138](#), p. 26, lns 17-19.

⁹⁴⁷ P-0306, Transcript of Hearing, 15 November 2017, [ICC-02/04-01/15-T-130-ENG ET](#), (T-130), p. 25, lns 8-10.

⁹⁴⁸ Expert Report Dr Atim, UGA-V40-0001-0010, p. 59.

⁹⁴⁹ *See, inter alia*, A/01442/16, A/01949/16, A/02069/16, A/01936/16, A/01840/16.

⁹⁵⁰ *See, inter alia*, A/01688/16, A/01760/16, A/01952/16.

⁹⁵¹ *See, inter alia*, A/01952/16, A/5397/15.

⁹⁵² *See, inter alia*, A/01760/16, A/0195/16, A/01916/16, A/0149/16, A/01952/16.

⁹⁵³ *See, inter alia*, A/01509/16, A/02109/16, A/06812/15, A/06826/15, A/00428/16, A/00360/16.

⁹⁵⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1781-1784, 2955-2957, 2973 (Lukodi); paras 3001-3004, 3020 (Abok).

⁹⁵⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957, (Lukodi); paras 3000-3003 (Abok).

⁹⁵⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957, (Lukodi).

⁹⁵⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3000-3003 (Abok).

⁹⁵⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957, (Lukodi)

food stocks, and livestock.⁹⁵⁹ The Chamber also recalls that evidence heard at trial suggested that a limited number of houses were burnt down in the Pajule⁹⁶⁰ and Odek IDP camps.⁹⁶¹

249. The Chamber recalls the evidence of P-0060, a Lukodi resident, who testified that upon returning to his house, he found out that everything had been burnt and decided to leave the camp immediately with no possessions other than a blanket saved by his wife.⁹⁶² P-0060 also testified that, after the attack, most of the residents had to leave Lukodi and move to another IDP camp.⁹⁶³ Similarly, witness P-0024, a former Lukodi resident, testified that ‘everything got wasted. [...] I had lost it all’.⁹⁶⁴ At the Lukodi IDP Camp, the Chamber found that approximately 210 huts were burnt.⁹⁶⁵

250. Regarding the destruction in the Abok IDP camp, the Conviction Judgment found that the damage to homes was enormous.⁹⁶⁶ Witness P-0293, who was a camp leader in Abok IDP camp at the time of the attack,⁹⁶⁷ testified that the rebels would remove the grass from one of the huts, put it on the fire and then torch other houses until the fire spread in the camp.⁹⁶⁸

251. The Chamber also considered Dr Atim’s Expert Report, which demonstrated that victims of the case indicated that the destruction of property in the IDP camps was ‘extensive’, with 89% of the surveyed participant victims reporting destruction.⁹⁶⁹ Within the Sample, victims also reported that they were now poor as their homes had been burnt down,⁹⁷⁰ which for some resulted in lack of shelter⁹⁷¹ and hunger.⁹⁷² Other victims in the Sample reported not being able to generate an income following the destruction of their property⁹⁷³ and no longer being able to support family members.⁹⁷⁴ Some also reported having to drop out of school as

⁹⁵⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1785-1786, 1791-1795, 2955 (Lukodi); paras 196, 1910-1915, 1917, 1923-1924, 3001 (Abok); *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 243 (Lukodi); para. 277 (Abok).

⁹⁶⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1260; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150.

⁹⁶¹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 189.

⁹⁶² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 245.

⁹⁶³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1794.

⁹⁶⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1791.

⁹⁶⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1795.

⁹⁶⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1915.

⁹⁶⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1872.

⁹⁶⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1912; P-0293 at [T-138](#), p. 24, lns 1-3.

⁹⁶⁹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 59.

⁹⁷⁰ *See, inter alia*, A/01936/16, A/01354/16.

⁹⁷¹ *See, inter alia*, A/06812/15.

⁹⁷² *See, inter alia*, A/01427/16, A/05397/15, A/06660/15.

⁹⁷³ *See, inter alia*, A/05158/15, A/05220/15, A/05523/15, A/05578/15.

⁹⁷⁴ *See, inter alia*, A/05675/15.

they no longer had the financial means to continue their studies as a result of their property being destroyed.⁹⁷⁵

252. The Chamber also notes that the physical injuries sustained during the attacks continue to have a significant material impact on the victims today.⁹⁷⁶ On this point, the Chamber recalls that during the trial proceedings, it heard evidence indicating that victims had become poor and could not return to the work they used to do in the past.⁹⁷⁷ In her report, Dr Atim described that the majority of the victims of the attacks who suffered physical harm reported a disability, which, in turn, affected their livelihoods, access to human and material resources,⁹⁷⁸ ability to work,⁹⁷⁹ and education.⁹⁸⁰ According to Dr Atim, victims with lower psychosocial well-being were also found to have lower household wealth, lower earnings, and lower income potential.⁹⁸¹ This is consistent with the Chamber's findings in the Sample, where a number of victims stated they could no longer work in the same capacity due to the injuries they had sustained during the attacks.⁹⁸²

253. In addition, the Chamber notes the evidence provided by the Expert Witness Professor Wessells who provided specific evidence regarding abducted children.⁹⁸³ Professor Wessells explained that 'physical injuries left some abducted children with long term physical disabilities that impaired their ability to work and contribute to their families'.⁹⁸⁴ In his report, Professor Wessells further stated that 'the higher rates of mental health problems such as PTSD and depression among formerly abducted children likely interfere with the children's ability to work and earn money following their escape or release from the LRA'.⁹⁸⁵

254. Furthermore, the Chamber notes that the victims of the attacks also suffered from the loss of their life plan. In effect, the expectations of personal, professional, and familial future

⁹⁷⁵ See, *inter alia*, A/05769/15, A/05739/15.

⁹⁷⁶ Expert Report Dr Atim, UGA-V40-0001-0010, p. 60.

⁹⁷⁷ About the impact of the Lukodi attack, see V-0004 at [T-173](#), p. 23, lns 12-19; see also testimony of P-0009 in relation to the Pajule attack, P-0009 at [T-81](#), p. 86, lns 14-17.

⁹⁷⁸ Expert Report Dr Atim, UGA-V40-0001-0010, p. 53.

⁹⁷⁹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 52.

⁹⁸⁰ V-0001 at [T-174](#), p. 29, ln 21 to p. 30, ln 2. See also P-0009 at [T-81](#), p. 90, lns 4-18; P-0293 at [T-138](#), p. 47, ln 21 to p.48, ln 3.

⁹⁸¹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 62.

⁹⁸² See, *inter alia*, A/01423/16, A/01608/16, A/01610/16, A/01665/16, A/01688/16, A/01832/16, A/01938/16, A/02069/16, A/06883/15, A/01085/16, A/06929/15, A/00161/16, A/00369/16, A/00394/16, A/00861/16, A/02099/16.

⁹⁸³ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

⁹⁸⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

⁹⁸⁵ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 16.

development were affected by the loss of their property and economic opportunities,⁹⁸⁶ the long-time some victims spent in captivity,⁹⁸⁷ the long-lasting physical injuries they suffered,⁹⁸⁸ and the loss or disruption of schooling of children.⁹⁸⁹ For instance, witness V-0002, who was a former resident of Abok,⁹⁹⁰ described the effects of his abduction:

It really ruined my life. Right now my age mates who went to school have a source of livelihood. I also wanted to be like them. When I was young, I had so many ambitions, but when I was abducted all my dreams were shattered. I couldn't go to school and my life is a total mess.⁹⁹¹

255. The Chamber notes that as a consequence of being victims of the crimes committed in the contexts of the attacks, many of the victims within the Sample also described the impairment to their self-realisation.⁹⁹²

256. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that direct victims of the attacks suffered material harm as a result of the crimes committed in the context of the attacks against the Pajule, Odek, Lukodi, and Abok IDP camps, for which Mr Ongwen has been convicted. The material harm suffered by these victims include: loss of housing and property; loss of personal items, clothes, goods and food supplies; loss of livestock; lack of shelter; loss of property used for paying bride wealth, ploughing, food, school fees and health treatment; loss of earning capacity and income generating opportunities; long-lasting economic impact; and loss life plan and opportunities for development, including loss of and disruption

⁹⁸⁶ See para. 245 above, where the Chamber found that victims suffered severe economic consequences as a result of the widespread looting and pillaging across the four IDP camps; see also P-0306 at [T-130](#), p. 25, lns 9-10.

⁹⁸⁷ See para. 242 above, where the Chamber found that the victims of attacks suffered from long-lasting moral harm. See, *inter alia*, P-0006 who was abducted and spent a considerable time in the LRA, and testified that based on the things that '[she] saw in the bush, [she] personally feel[s] that at times [she is] tired', and 'confused'. She also testified that she isolates herself and adds that although she has received psychological treatment, she does not think she is 'fully recovered'. P-0006 at [T-140](#), p. 29, lns 17-20, p. 30, lns 3-8.

⁹⁸⁸ See para. 230 above, where the Chamber found that the physical harm suffered by the victims of the attacks had long-lasting consequences. See also Expert Report Dr Atim, UGA-V40-0001-0010, p. 52-53.

⁹⁸⁹ See para. 245 above, where the Chamber found that the victims suffered severe economic consequences as a result of the widespread looting and pillaging across the four IDP camps. See, *inter alia*, V-0004, a civilian resident of the Lukodi IDP camp, who testified that 'after the attack [p]eople are desperate, desperately in a poor, living in a poor condition. People are not able to farm and get enough money to pay for the school fees', V-0004 at [T-173](#), p. 26, lns 8-13.

⁹⁹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 500.

⁹⁹¹ V-0002, Transcript of Hearing, 1 May 2018, [ICC-02/04-01/15-T-171-Red-ENG](#), (T-171), p. 29, lns 8-13.

⁹⁹² See, *inter alia*, A/01938/16, A/01515/16, A/01522/16, A/01605/16, A/01674/16.

to schooling. The Chamber acknowledges that the material harm suffered by these victims had long-lasting consequences.

b) Indirect victims of the attacks

(i) Physical harm

257. The CLRV submits that indirect victims of the attacks suffered the same types of harm as direct victims.⁹⁹³ Regarding physical harm, the CLRV notes that this includes injuries,⁹⁹⁴ chronic and long-lasting health ailments,⁹⁹⁵ impairments and handicaps.⁹⁹⁶ The TFV observes that relatives and dependents left behind by victims of murder are deprived of a family member, and thereby experience physical manifestations of harm.⁹⁹⁷

258. Having assessed the findings in the Conviction Judgment and the Sentence, the evidence provided during trial proceedings, the results from the Sample, and the submissions and observations from the parties and the participants, the Chamber considers that there is insufficient evidence or information to conclude that physical harm was indeed suffered by the indirect victims of the attacks as a result of the commission of the crimes against the direct victims. Accordingly, the Chamber considers that it has not been established, on a balance of probabilities, that indirect victims of the attacks suffered from physical harm as a result of the crimes for which Mr Ongwen was convicted.

(ii) Moral harm

259. The CLRV and a number of participants describe the moral harm suffered by the indirect victims of the attacks. In particular, they identify psychological or emotional harm and traumas;⁹⁹⁸ loss of family members and separation from families as a result of abductions and murders;⁹⁹⁹ and deprivation of love, care and support.¹⁰⁰⁰

260. The Chamber recalls that indirect victims include the family members of direct victims.¹⁰⁰¹ During the attacks in the four camps, many civilians were killed, severely

⁹⁹³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

⁹⁹⁴ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

⁹⁹⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

⁹⁹⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

⁹⁹⁷ TFV's December 20221 Observations, [ICC-02/04-01/15-1920](#), para. 71.

⁹⁹⁸ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27 (iii).

⁹⁹⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52; TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 71.

¹⁰⁰⁰ TFV's December 20221 Observations, [ICC-02/04-01/15-1920](#), para. 71.

¹⁰⁰¹ See para. 128 above.

mistreated or injured,¹⁰⁰² which caused a severe psychological impact on the families of the victims. For instance, during the attack in Odek, a woman was raped while her husband was forced to watch.¹⁰⁰³ She described the impact it had on her marriage recalling that ‘we could never live as husband and wife again but he did not leave me’.¹⁰⁰⁴ P-0281, who was a resident in Abok, recalled that during the attack he and his mother hid in a bathroom that was made of grass.¹⁰⁰⁵ The place was rapidly caught by the fire spread by the LRA and he got seriously burned.¹⁰⁰⁶ He recalled that his mother ‘was very upset’ and ‘was scared that [he] would die’ because of his wounds.¹⁰⁰⁷

261. The Chamber further notes that during the trial proceedings, witnesses also elaborated on the harm they suffered as a result of seeing the dead bodies of their family members lying in the camp after the attack.¹⁰⁰⁸ The Chamber underlines the emotional impact this had for children who saw the dead bodies of their family members.¹⁰⁰⁹ For instance, witness P-0270, a civilian resident of the Odek IDP camp, testified that she saw the dead bodies of her two children in the aftermath of the attack.¹⁰¹⁰ In her statement, P-0270 recalled that the morning after the attack people went back and collected the bodies of their relatives and then she saw the bodies of her sons.¹⁰¹¹ She recounted:

The pain is so intense seeing one of your own children having been killed. You lose strength and people have to hold you. All the corpses were piled together and people came to collect me and I went to see the bodies of my children. I remember the most painful thing was seeing the corpses all piled up together.¹⁰¹²

262. The Chamber also notes its finding in the Sentence that family members of victims of the crime of enslavement suffered psychological harm,¹⁰¹³ which in some cases had long-

¹⁰⁰² See paras 215-224 above.

¹⁰⁰³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1471, 2885.

¹⁰⁰⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1471.

¹⁰⁰⁵ P-0281, Statement, UGA-OTP-0283-1336, para. 21.

¹⁰⁰⁶ P-0281, Statement, UGA-OTP-0283-1336, paras 21-22.

¹⁰⁰⁷ P-0281, Statement, UGA-OTP-0283-1336, para. 24.

¹⁰⁰⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1504; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150; *see, inter alia*, witness P-0195, a Lukodi resident, testified that when she returned to the camp after being abducted, she saw children who had been killed, including her sister in law’s child and other children who was shot in the mouth, P-0195, Statement, UGA-OTP-0283-1263, para. 27; P-0218, a teacher in Odek, mentioned that he saw dead bodies in the camp after the attack, including his uncles’, P-0218, Transcript of Hearing, 10 July 2017, [ICC-02/04-01/15-T-90-ENG](#), (T-90), p. 2, lns 19-21, p. 79, lns 1-3.

¹⁰⁰⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1314 (Pajule); *see also* P-0067 testified that he saw the dead body of the woman whose three kids were around her crying ‘[o]ur mother has been killed’, P-0067 at [T-125](#), p. 18, lns 12-18.

¹⁰¹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 483.

¹⁰¹¹ P-0270, Statement, UGA-OTP-0283-1297, paras 40-41.

¹⁰¹² P-0270, Statement, UGA-OTP-0283-1297, paras 40-41.

¹⁰¹³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 165.

lasting consequences.¹⁰¹⁴ In effect, during the trial proceeding, numerous witness underlined the moral harm experienced due to the loss of a family member or their abduction by the LRA.¹⁰¹⁵ As noted in the Sentence, P-0081, a civilian resident of Pajule, testified that during his captivity with the LRA, his family suffered greatly as a result of believing that he had been killed.¹⁰¹⁶ Similarly, P-0196, a Lukodi resident, stated that he was abducted along with his brother and sister and that his brother never returned from captivity.¹⁰¹⁷ He further expressed about the abduction of his siblings that ‘remembering this period is still very painful for me’.¹⁰¹⁸

263. On this point, the Chamber has also considered the conclusions made by the Expert Witness Professor Wessells. In his report, Professor Wessells addressed the effects that the abduction of children had on their parents,¹⁰¹⁹ which includes immediate psychological effects such as intense shock, fear, and panic.¹⁰²⁰ According to Professor Wessells, families whose children were abducted were left in a situation of ambiguous loss since they had little way of knowing whether their children were still alive.¹⁰²¹ Parents and family members worry constantly and experience profound agony, with little hope that they could do anything to find or help their abducted children.¹⁰²² In his testimony, Professor Wessells stressed the ongoing effects that the abduction had on the victims’ families and the emotional stress it caused them,¹⁰²³ he noted:

For children to be abducted, first of all, means for parents and for community members we failed, we failed to protect our children. [...] It evokes tremendous fear for the children's well-being and it keeps people in a state of hyper-vigilance, they can't calm down, they are constantly worried about the fate of that child.¹⁰²⁴

¹⁰¹⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 166.

¹⁰¹⁵ *See, inter alia*, P-0009, a local chief in in Pajule, who testified that upon his return ‘people were extremely upset. People were sad [...]. People’s children had not come back [...]. So people were extremely angry, people were not happy about the event, in the way that things had happened’, P-0009 at [T-81](#), p. 79, lns 10-13. V-0004, a local councillor in Lukodi, testified that families of individuals who were abducted and have not yet returned ‘are in pain, and they think that their children have all died’, V-0004 at [T-173](#), p. 29, lns 10-13.

¹⁰¹⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 165; P-0081, Transcript of Hearing, 4 October 2017, [ICC-02/04-01/15-T-118-Red](#), (T-118), p. 17, ln 18, p. 19, ln 10.

¹⁰¹⁷ P-0196, Statement, UGA-OTP-0283-1277, para. 24.

¹⁰¹⁸ P-0196, Statement, UGA-OTP-0283-1277, para. 24.

¹⁰¹⁹ Expert Report Professor Wessells, UGA-PCV-0002-0076, pp. 24-26.

¹⁰²⁰ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 24.

¹⁰²¹ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 25.

¹⁰²² Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 25.

¹⁰²³ PCV-0002 at [T-176](#), p. 25, lns 10-12.

¹⁰²⁴ PCV-0002 at [T-176](#), p. 25, lns 11-15; *see also* Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 28.

264. Similarly, Expert Witness Professor Musisi also referred to the suffering experienced by the families whose members never came back from captivity.¹⁰²⁵ According to Professor Musisi, ‘family members will keep on thinking about them, dreaming about them, feeling guilty about things they did not do’, which is also linked to *cen*.¹⁰²⁶ The Chamber further notes Dr Atim’s report, in which she indicated that the crimes not only impacted the direct victims but also their household as a whole.¹⁰²⁷ To substantiate her conclusions, Dr Atim referred to the account of one participant victim in her survey, recounting that one victim’s husband was abducted and forced to kill other people.¹⁰²⁸ The victim stated that because of this experience, the spirits now haunt her husband and he has become more aggressive and is unable to properly work, which has affected their relationship.¹⁰²⁹ The victim also reported that she feels saddened by her husband’s condition, and that it is difficult for her to be with him.¹⁰³⁰

265. The Chamber also recalls that indirect victims may include persons who witnessed the commission of crimes, insofar as their personal harm is demonstrated pursuant to the required standard of proof.¹⁰³¹ The Chamber notes that the evidence in the case file shows that, during the attacks, many civilians witnessed the killing of members of their community.¹⁰³² In the Sentence, the Chamber underlined the magnitude of the attacks by recalling the testimonies of victims who saw people being shot dead during the attacks.¹⁰³³ P-0061, a civilian resident of Pajule, stated that he saw people in the camp being shot at by the rebels, including four people who had been shot at their doors.¹⁰³⁴ The Chamber underlines that child victims at the time of the crimes expressed in their testimonies that they suffered extreme emotional distress from witnessing people being killed.¹⁰³⁵

266. The Chamber further recalls that in the Conviction Judgment, the Chamber found that civilians abducted from the Odek IDP camp were forced to watch others being killed, which

¹⁰²⁵ PCV-0003 at [T-177](#), p. 16, lns 15-19.

¹⁰²⁶ PCV-0003 at [T-177](#), p. 18, lns 1-3.

¹⁰²⁷ Expert Report Dr Atim, UGA-V40-0001-0010, p. 37.

¹⁰²⁸ Expert Report Dr Atim, UGA-V40-0001-0010, pp. 41-42.

¹⁰²⁹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 42.

¹⁰³⁰ Expert Report Dr Atim, UGA-V40-0001-0010, p. 42.

¹⁰³¹ See para. [128](#) above.

¹⁰³² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1316-1320 (Pajule); para. 1571 (Odek); paras 1743-1745, 1750 (Lukodi); paras 1978, 1996 (Abok).

¹⁰³³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150.

¹⁰³⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150.

¹⁰³⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1571 (Odek). See also witness P-0275 a civilian resident of Odek IDP camp at the time of the attack, who described that ‘the fact that I could see somebody who had just been killed, somebody who was covered in blood was extremely painful for me’, P-0275 at [T-124](#), p. 16, lns 12-15.

constituted one of the underlying acts of the crime of outrages upon personal dignity.¹⁰³⁶ The Chamber notes that victims abducted from other camps also experienced a similar harm as indirect victims of crimes they witnessed in captivity.¹⁰³⁷ For instance, P-0006, an abducted woman from Pajule, referred during her statement about watching an abducted man being killed whose body she later had to carry and move.¹⁰³⁸ As to the impact it had on her, she stated that ‘based on the things that I saw in the bush, I personally feel that at times I’m tired. I feel tired. I’m confused. [...] I mostly stay by myself. I isolate myself’.¹⁰³⁹

267. Residents of the camps also suffered from the impact of seeing the dead bodies of their community members in the aftermaths of the attacks. P-0306, an Abok camp leader, recalled during his testimony that the day after the attack he saw the dead bodies of people that had been shot dead and burnt.¹⁰⁴⁰ He further stated that remembering the people who lost their life ‘pains [him]’.¹⁰⁴¹ Similarly, P-0067, a resident of Pajule, stated that he saw the dead body of a woman who had a deep cut in her neck and that her children were crying around her body.¹⁰⁴² Moreover, in the context of the Odek camp, as noted in the Sentence, bodies of the dead were scattered everywhere across the camp.¹⁰⁴³

268. As to the information extracted from the Sample, the Chamber first notes that only 1.06% of victims of the attacks alleged to be indirect victims-only, most of them were both direct and indirect victims of the crimes committed within the context of the attacks on the IDP camps.¹⁰⁴⁴ Within the Sample, eligible victims suffered moral harm as indirect victims including: trauma after seeing many people being killed or seeing dead bodies during the attack;¹⁰⁴⁵ suffering from witnessing the commission of crimes while abducted;¹⁰⁴⁶ pain of seeing a family member being killed;¹⁰⁴⁷ pain of missing a family member who was either

¹⁰³⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1571; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 207.

¹⁰³⁷ See, *inter alia*, P-0067, a resident in Pajule, who stated during trial that while abducted he saw someone being shot dead, P-0067 at [T-125](#), p. 27, lns 14-17. In the Sample, victims A/01466/16 and A/00064/16 recounted their experiences having to witness murders and the effect it has on them.

¹⁰³⁸ P-0006 at [T-140](#), p. 25, ln 22 to p. 26, ln 4.

¹⁰³⁹ P-0006 at [T-140](#), p. 29, lns 17-20.

¹⁰⁴⁰ P-0306 at [T-130](#), p. 66, lns 1-6.

¹⁰⁴¹ P-0306 at [T-130](#), p. 26, lns 15-18.

¹⁰⁴² P-0067 at [T-125](#), p. 18, lns 12-18

¹⁰⁴³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 188.

¹⁰⁴⁴ See Annex II, p. 5.

¹⁰⁴⁵ See, *inter alia*, A/01643/16, A/01645/16, A/01737/16, A/01777/16, A/01795/16, A/01902/16, A/00052/16, A/01914/16, A/00055/16.

¹⁰⁴⁶ See, *inter alia*, A/01910/16, A/00064/16, A/01149/16, A/01910/16.

¹⁰⁴⁷ See, *inter alia*, A/01608/16, A/01907/16, A/00802/16, A/00654/16.

killed or abducted;¹⁰⁴⁸ deploring the trauma caused to an abducted family member;¹⁰⁴⁹ have a family member who is ‘mentally unstable’;¹⁰⁵⁰ frustration for not having been able to defend a family member from becoming a victim of a crime;¹⁰⁵¹ and the suffering from the lack of information about the whereabouts of an abducted family member.¹⁰⁵²

269. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during the trial proceedings, and the information obtained from its assessment of the Sample, all as above summarised, the Chamber is satisfied that it has been established on a balance of probabilities that indirect victims of the attacks suffered moral harm as a result of the crimes committed in the context to the four attacks against the Pajule, Odek, Lukodi, and Abok IDP camps, for which Mr Ongwen was convicted.¹⁰⁵³ The moral harm suffered by the indirect victims includes: experiencing feelings of fear and distress; experiencing nightmares; psychological or emotional harm and traumas; pain associated with the loss of a family member; spiritual disturbances; deprivation of love, care and support from a deceased family member; trauma after seeing people being killed or seeing dead bodies during the attack; suffering from witnessing the commission of crimes while abducted; pain for seeing a family member being killed or raped; pain of missing a family member who was either killed or abducted; shock, fear, and panic for the abducted children well-being; deploring the trauma caused to an abducted family member; frustration for not having been able to defend a relative; and suffering from the lack of information about the whereabouts of an abducted family member. The Chamber acknowledges that the moral harm suffered by the indirect victims of the attacks had long-lasting consequences.

(iii) Material harm

270. The CLRV and a number of participants describe the material harm suffered by the indirect victims of the attacks on the four IDP camps. In particular, they identify the loss of

¹⁰⁴⁸ See, *inter alia*, A/01427/16, A/01456/16, A/01485/16, A/01509/16, A/01533/16, A/01643/16, A/01688/16, A/01736/16, A/01737/16, A/01742/16, A/01762/16, A/01795/16, A/01833/16, A/01840/16, A/01873/16, A/01902/16, A/01891/16, A/01907/16, A/01910/16, A/01914/16, A/01952/16.

¹⁰⁴⁹ See, *inter alia*, A/01423/16, A/01522/16, A/01625/16, A/01674/16, A/01736/16, A/01760/16.

¹⁰⁵⁰ See, *inter alia*, A/00052/16, A/06719/15.

¹⁰⁵¹ See, *inter alia*, A/01515/16.

¹⁰⁵² See, *inter alia*, A/01515/16, A/01528/16, A/01610/16, A/01873/16, A/02067/16, A/00521/16.

¹⁰⁵³ The Chamber has also taken into consideration the previous jurisprudence of the Court; see *Katanga* Reparations Order, [ICC-01/04-01/07-3728-t-ENG](#), paras 121, 147; *Katanga*, Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 126; *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 177, referring to *Ntaganda* Sentencing Judgment, [ICC-01/04-02-06-2442](#), para. 44.

help and support previously provided by family members who were killed or abducted;¹⁰⁵⁴ the interruption or loss of schooling for children;¹⁰⁵⁵ the eviction and economic hardship for widows;¹⁰⁵⁶ and the economic burden of providing for dependents of a murdered relative.¹⁰⁵⁷

271. The Chamber recalls that, when assessing the aggravating circumstances for the crime of destruction of property in its Sentence, it considered the *de facto* economic, social, cultural or environmental function of the property destroyed.¹⁰⁵⁸ In doing so, the Chamber recalled the testimony of P-0060, one of the Lukodi camp leaders, which illustrated the impact that the destruction of property had for him and his family.¹⁰⁵⁹ As noted above, in his statement, P-0060 stated that upon his return to his house after the attack, he found that everything he had was burnt, so he decided to immediately leave the camp with his family.¹⁰⁶⁰ The Chamber recalls that P-0060 testified that his family walked to another camp with no possessions other than a blanket saved by his wife.¹⁰⁶¹

272. The Chamber underlines that, as noted by the Appeals Chamber in the *Lubanga* case, the harm suffered by indirect victims may include material deprivation that accompanies the loss of the direct victim's contributions.¹⁰⁶² In the present case, testimonies heard throughout the trial proceedings referred to the economic hardship suffered by those who lost family members by way of murders or abductions.¹⁰⁶³ For instance, witness P-0218, who was a victim of the attack in the Odek IDP camp, testified that he had to take care of his brother's children following his death.¹⁰⁶⁴

273. The Chamber further notes that the evidence heard throughout the trial demonstrates that indirect victims of the attacks suffered material harm including the loss or disruption of schooling as a result of losing family members who supported them economically, either by

¹⁰⁵⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para 27(iii); TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 71; FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 22(g); ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 23.

¹⁰⁵⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 23.

¹⁰⁵⁶ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 23.

¹⁰⁵⁷ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 23.

¹⁰⁵⁸ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 242.

¹⁰⁵⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 245.

¹⁰⁶⁰ P-0060, Statement, UGA-OTP-0283-0826, paras 63, 66.

¹⁰⁶¹ P-0060, Statement, UGA-OTP-0283-0826, para. 66.

¹⁰⁶² *Lubanga*, Judgment on Victims' Participation, [ICC-01/04-01/06-1432](#), para. 32; *see also Lubanga* Decision on Indirect Victims, [ICC-01/04-01/06-1813](#), para. 50; *Katanga*, Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 137.

¹⁰⁶³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 480; P-0218 at [T-90](#), p. 21, lns 8-15.

¹⁰⁶⁴ P-0218 at [T-90](#), p. 21, lns 8-15.

murder or abductions. Witness P-0306, a camp leader from Abok,¹⁰⁶⁵ testified that after the attack there were many widows and orphans left without means of livelihood.¹⁰⁶⁶ He added that ‘many of the people who died left children who were now orphans and they are not going to school’.¹⁰⁶⁷ Similarly, within the Sample, many victims indicated that indirect victims had to leave school after the abduction or killing of a close family member who paid for their school fees.¹⁰⁶⁸ The Chamber further notes that in her report, Expert Witness Dr Atim referred to the ways in which indirect victims of the attacks suffered material harm indicating, for example, that a victim’s disability negatively impacts their dependents as it affects their livelihoods and their access to material resources.¹⁰⁶⁹

274. Similarly, within the Sample, a number of indirect victims indicated that they suffered material harm as a result of: the loss of economic support provided by a direct victim, including paying for school fees,¹⁰⁷⁰ and the material burden of having to take care of family members who lost their primary caregiver during the attack.¹⁰⁷¹

275. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as above summarised, the Chamber considers that it has been established, on a balance of probabilities, that indirect victims of the attacks suffered material harm as a result of the crimes for which Mr Ongwen was convicted. The material harm suffered by these victims includes: economic hardship, including loss of schooling; loss of the economic support previously provided by a killed or abducted direct victim; and the economic burden associated with providing for dependents of murdered and abducted relatives. The Chamber acknowledges that the material harm suffered by the indirect victims of the attacks had long-lasting consequences.

¹⁰⁶⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 455-461.

¹⁰⁶⁶ P-0306 at [T-130](#), p. 26, lns 15-18.

¹⁰⁶⁷ P-0306 at [T-130](#), p. 24, lns 16-17.

¹⁰⁶⁸ *See, inter alia*, A/01427/16, A/01442/16, A/01576/16, A/01737/16, A/01914/16.

¹⁰⁶⁹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 53.

¹⁰⁷⁰ *See, inter alia*, A/01427/16, A/01576/16, A/01936/16, A/01986/16, A/01137/16, A/00831/16, A/00838/16, A/01249/16, A/05739/15.

¹⁰⁷¹ *See, inter alia*, A/01485/16, A/01645/16, A/01891/16, A/01914/16, A/01167/16.

ii. *Harm suffered by SGBC victims*

a) *Direct SGBC victims*

276. The Chamber notes that all SGBC victims, including those perpetrated directly by Mr Ongwen or by the members of the Sinia Brigade, had been previously abducted.¹⁰⁷² As found in the Conviction Judgment, this was part of a coordinated and methodical effort by Mr Ongwen, Joseph Kony and the Sinia brigade leadership, relying on the LRA soldiers under their control, to abduct women and girls in Northern Uganda and force them to serve in as so-called ‘wives’ of members of Sinia brigade and as domestic servants.¹⁰⁷³

277. The vast majority of the abducted women and girls were victims – at the same time – of the crimes of forced marriage, torture, rape, and sexual slavery.¹⁰⁷⁴ Some of them were also victims of the crimes of outrages upon personal dignity,¹⁰⁷⁵ or forced pregnancy.¹⁰⁷⁶ Lastly, a group of women and girls, even if no longer or not yet subject to institutionalised sexual abuse, were victims of the crime of enslavement,¹⁰⁷⁷ with one of them also having been a victim of forced marriage directly perpetrated by Mr Ongwen.¹⁰⁷⁸

278. The abducted women and girls victims of SGBC endured similar atrocities which resulted in physical, moral, and material harm, in the immediate aftermath of the crimes, and in the long term, as described in detail below.

(i) Physical harm

279. The LRVs, the CLRV, and a number of participants describe the physical harm suffered by SGBC victims. In particular, the physical harm they identify includes: contraction of

¹⁰⁷² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 205, 212.

¹⁰⁷³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 212.

¹⁰⁷⁴ The Chamber notes that these include P-0101 between 1 July 2002 and July 2004; P-0214 between September 2002 and 31 December 2005; P-0226 between 1 July 2002 and sometime in 2003; P-0227 between approximately April 2005 and 31 December 2005; and over one hundred civilian women and girls abducted by the Sinia brigade, from at least 1 July 2002 until 31 December 2005, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3021, 3027, 3035, 3044, 3070, 3072, 3078, 3081, 3116.

¹⁰⁷⁵ Specifically, P0226 sometime in 2002 or early 2003 close to Patongo, Northern Uganda; and P-0235 sometime in late 2002 or early 2003 at an unspecified location in Northern Uganda, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3063-3068, 3116.

¹⁰⁷⁶ Specifically, P-0101, two pregnancies, between 1 July 2002 and July 2004; and P-0214 sometime in 2005, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3056-3062, 3116.

¹⁰⁷⁷ These include P-0099 between 1 July 2002 and September 2002; P-0235 from September 2002 to 31 December 2005; P-0236 between September 2002 and 31 December 2005; and civilian women and girls abducted by the Sinia brigade, who were not yet subject to institutionalised sexual abuse, but enslaved by been deprived of their personal liberty, restricted and dictated on their movement, including by threats and subjecting them to armed guard, subjected to forced labour, and physical and psychological abuse, from at least 1 July 2002 until 31 December 2005, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3050-3055, 3086, 3116.

¹⁰⁷⁸ P-0099 between 1 July 2002 and September 2002 (in relation to forced marriage, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3021-3026, 3116.

sexually transmitted diseases including HIV,¹⁰⁷⁹ development of fistulas,¹⁰⁸⁰ permanent damage to uterus and chronic abdominal pain,¹⁰⁸¹ disabilities,¹⁰⁸² sexual and reproductive health challenges,¹⁰⁸³ infertility,¹⁰⁸⁴ cervical cancer,¹⁰⁸⁵ chronic pain including pelvic pain,¹⁰⁸⁶ chest pain,¹⁰⁸⁷ incontinence,¹⁰⁸⁸ and health complications during childbirth.¹⁰⁸⁹ Parties and participants indicate that physical harm was suffered by SGBC victims, *inter alia*, as they were beaten,¹⁰⁹⁰ raped,¹⁰⁹¹ forcibly impregnated,¹⁰⁹² forced to carry out labour,¹⁰⁹³ tortured,¹⁰⁹⁴ and as a result of early motherhood.¹⁰⁹⁵

280. As found beyond reasonable doubt in the Conviction Judgment¹⁰⁹⁶ and in the Sentence,¹⁰⁹⁷ physical violence was used as a mode of coercion to prevent escape, to rape, to obtain labour and to torture.¹⁰⁹⁸ The Chamber further recalls its findings in the Conviction Judgment, that civilian women and girls were abducted in Northern Uganda,¹⁰⁹⁹ including from the Pajule,¹¹⁰⁰ Odek,¹¹⁰¹ and Abok¹¹⁰² IDP camps, when these camps were attacked. Abducted

¹⁰⁷⁹ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 49; TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 74; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26; FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21 (p. 12).

¹⁰⁸⁰ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; UN's Observations, [ICC-02/04-01/15-1972](#), para. 10; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26.

¹⁰⁸¹ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; ARLPI's Observations, [ICC-02/04-01/15-1925](#), para. 5(e) (4).

¹⁰⁸² UN's Observations, [ICC-02/04-01/15-1972](#), para. 10.

¹⁰⁸³ UN's Observations, [ICC-02/04-01/15-1972](#), para. 10; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26.

¹⁰⁸⁴ UN's Observations, [ICC-02/04-01/15-1972](#), para. 10; CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 60; TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 74.

¹⁰⁸⁵ ARLPI's Observations, [ICC-02/04-01/15-1925](#), para. 5(e) (4).

¹⁰⁸⁶ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26.

¹⁰⁸⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁰⁸⁸ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26.

¹⁰⁸⁹ UN's Observations, [ICC-02/04-01/15-1972](#), para. 13; FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21 (p. 12).

¹⁰⁹⁰ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁰⁹¹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁰⁹² CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 60; UN's Observations, [ICC-02/04-01/15-1972](#), para. 13.

¹⁰⁹³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁰⁹⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁰⁹⁵ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26.

¹⁰⁹⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2309.

¹⁰⁹⁷ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 340.

¹⁰⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2309, 3073.

¹⁰⁹⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2124-2142.

¹¹⁰⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1367-1368.

¹¹⁰¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1611-1612.

¹¹⁰² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1998.

women and girls were often subjected to beatings by LRA soldiers during their abduction, and evidence heard throughout the trial indicated that they suffered physical harm as a result.¹¹⁰³

281. Following their abduction, women and girls were ‘distributed’ to members of the Sinia Brigade, or to Mr Ongwen himself.¹¹⁰⁴ During the trial proceedings the Chamber heard evidence that abductees understood that they would be ‘killed or beaten’ if they refused to go to the home of which they had been allocated.¹¹⁰⁵

282. The Chamber also recalls its findings in the Conviction Judgment that abducted girls and women were forced to carry out labour.¹¹⁰⁶ Those who had not yet ‘matured’ remained as domestic helpers or ‘ting tings’ and were forced to perform tasks, such as household work and carrying items.¹¹⁰⁷ The women who became the so-called wives of Mr Ongwen and other members of the Sinia Brigade had to perform different domestic duties, including cooking, working in the garden, doing laundry, and fetching and chopping wood.¹¹⁰⁸ The forced labour was strictly enforced by physical punishment¹¹⁰⁹ and the refusal to carry out tasks in a certain way, or at all, often led to beatings that resulted in physical harm.¹¹¹⁰

283. The Chamber notes that the seven women distributed to Mr Ongwen, and the girls ‘distributed’ to members of the Sinia brigade, were not allowed to leave and were placed under heavy guard¹¹¹¹ and told that they would be killed if they tried to escape.¹¹¹² The evidence

¹¹⁰³ See, *inter alia*, P-0374 who recalled the moment of her abduction when she was hiding with her brothers and an LRA member took them, pulled them up and forced them to go with him. She stated that she tried to resist but the soldier kicked her, see P-0374, Statement, UGA-OTP-0263-0023-R01, para. 25. In addition, the Chamber notes that P-0351 indicated that she was abducted from her house by one LRA soldier. P-0351 stated that if you tried to run away from the soldiers they would beat you and bring you back, see P-0351, Statement, UGA-OTP-0263-0002-R01, paras 15, 18. Finally, P-0396 also provided relevant information about the violent context in which she was abducted, and testified that an LRA came into her hut asking for money, beat her mother with a stick and took her with him, see P-0396, Statement, UGA-OTP-0367-0246-R01, para. 16.

¹¹⁰⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3023 (Ongwen’s ‘wives’); para. 3070 (Sinia ‘wives’).

¹¹⁰⁵ See testimony provided by P-0226, Transcript of Hearing, 15 September 2019, [ICC-02/04-01/15-T-8-Red2-ENG](#), (T-8), p. 33, lns 1-6.

¹¹⁰⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 216-221.

¹¹⁰⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 217, 3082 (Sinia ‘wives’).

¹¹⁰⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2082, 3045 (Ongwen’s ‘wives’); para. 3082 (Sinia ‘wives’).

¹¹⁰⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 215, 3045 (Ongwen ‘wives’); para. 3082 (Sinia ‘wives’).

¹¹¹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3045 (Ongwen ‘wives’); para. 3082 (Sinia ‘wives’). See also the evidence provided during trial by P-0099 who stated that on one occasion she was beaten for refusing to carry out tasks such as cooking. During her testimony, P-0099 also stated that the consequences for Mr Ongwen’s wives who disobeyed his instructions included being ‘beaten badly or killed’, see P-0099, Transcript of Hearing, 10 November 2015, [ICC-02/04-01/15-T-14-Red-ENG](#), (T-14), p. 40, ln 4 to p. 41, ln 3.

¹¹¹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 206, 215, 2029.

¹¹¹² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 206, 3023, 3045, 3058, 3097 (Ongwen ‘wives’); paras 215, 3073, 3082 (Sinia ‘wives’); see also P-0214 who testified ‘when you’re in the bush regardless of

presented during trial demonstrates that some victims were, in fact, killed or severely beaten.¹¹¹³ As found in the Sentence, Mr Ongwen's so-called wives were 'subjected to beating at Dominic Ongwen's command at any time',¹¹¹⁴ they were hit with sticks and canes,¹¹¹⁵ which in some instances left victims unconscious, unable to walk or with permanent scars.¹¹¹⁶ The Chamber recalls the testimony provided by P-0226 who stated that Mr Ongwen 'was always beating [her]', and referred to a particular incident where Mr Ongwen ordered his escort to beat her after learning that she had 'eased her[self]' in the water and was beaten with long sticks until she was unconscious while Mr Ongwen watched.¹¹¹⁷

284. The Chamber also recalls its findings in the Conviction Judgment, that in addition to the sexual and physical violence victims experienced, their living conditions resulted in victims suffering from severe physical pain.¹¹¹⁸ Indeed, evidence heard throughout the trial proceedings demonstrated that victims sustained injuries from executing their tasks and as a result of walking long distances,¹¹¹⁹ carrying heavy items,¹¹²⁰ and the failure to provide medication to

whether you think of escaping, it's impossible to escape because when you do try to escape, when you attempt to escape, they follow you and you are taken back and you may actually be killed as well', *see* P-0214, Transcript of Hearing, 11 November 2015, [ICC-02/04-01/15-T-15-Red-ENG](#), (T-15), p. 28, lns 15-18. *See also* P-0352 who testified that the day she was abducted she was told that if she tried to escape and was re-captured, she would be killed, *see* P-0352, Statement, UGA-OTP-0260-0315-R01, para. 44. P-0396, also testified that a group of girls she was with was told by Mr Ongwen that if anyone tried to escape, they would chase her and kill her, *see* P-0396, Statement, UGA-OTP-0267-0246-R01, para. 68.

¹¹¹³*See, inter alia*, P-0352 who testified that she was beaten after she had a conversation with another abductee from her village. The rebels suspected that the victim and the other abductee were thinking about escaping, so she was told to lie down on her stomach, and a soldier proceeded to sit on her back, whilst another sat on her legs so that she couldn't move. She further explained that a third soldier started to beat her on her buttocks with a stick, and she was then given 50 strokes, which she described as being 'very painful'. She added that she had bruises on her buttocks as a result of the beating, *see* P-0352, Statement, UGA-OTP-0260-0315-R01, para. 51.

¹¹¹⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 295.

¹¹¹⁵ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 295.

¹¹¹⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 295.

¹¹¹⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2075; P-0226 at [T-8](#), p. 44, ln 25 to p. 45, ln 2; P-226, Transcript of Hearing, 16 September 2015, [ICC-02/04-01/15-T-9-Red-ENG](#), (T-9), p. 5, ln 10 to p. 6, ln 1.

¹¹¹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2309.

¹¹¹⁹ *See, inter alia*, P-0351, Statement, UGA-OTP-0263-0002-R01, para. 33; P-0351, Transcript of Hearing, 14 November 2017, [ICC-02/04-01/15-T-129-Red2-ENG](#), (T-129), p. 10, lns 15-22. Also, P-0352 stated 'my legs were injured and I could not really walk. One leg was swollen and the other one had wounds from the dry grass that had become septic', she also testified that she did not have medication but massaged her legs with water, P-0352, Statement, UGA-OTP-0260-0315-R01, para. 45. Furthermore, P-0374 who testified 'my legs were really swollen and I had injuries from sticks and thorns', P-0374, Statement, UGA-OTP-0263-0023-R01, para. 89.

¹¹²⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2019.

treat injuries.¹¹²¹ Some of these injuries included foot injuries¹¹²² and wounded legs.¹¹²³ Victims also testified to the hunger and dehydration they experienced while in captivity.¹¹²⁴

285. The Chamber also notes that abducted women and girls who had been distributed suffered physical harm as they were regularly forced to have sexual intercourse with the person to whom they had been distributed.¹¹²⁵ The Chamber recalls its findings in the Conviction Judgment that sexual intercourse was ‘specifically considered to be part of the role of the so-called ‘wives’’.¹¹²⁶ In this regard, the Chamber reiterates that the abducted women and girls were unable to resist due to physical force, the fear of punishment for disobedience, and their dependence on the Sinia brigade for survival.¹¹²⁷ Furthermore, the Chamber notes that *ting ting* status of young girls did not effectively protect younger abductees from sexual abuse.¹¹²⁸ During the trial proceedings, the Chamber heard abundant evidence on the physical harm victims suffered by women and girls as a result of being forced into having sexual intercourse, which included injuries to genitalia, pain, and bleeding.¹¹²⁹ Victims also testified that if they

¹¹²¹ See, *inter alia*, P-0374 who testified that she sustained injuries on her buttocks from the beatings, and that ‘we did not have any drugs for treatment. You would just live with the injury until eventually it gets cured without any medication attention’, see P-0374, Transcript of Hearing, 30 January 2018, [ICC-02/04-01/15-T-150-Red-ENG](#), (T-150), p. 14, lns 5-20.

¹¹²² See, *inter alia*, P-0351 who testified that her feet became swollen after she was abducted, and that it was difficult for her to continue walking, so she had to be carried by other abductees on their shoulders. See P-0351, Statement, UGA-OTP-0263-0002-R01, para. 33; P-0351 at [T-129](#), p. 10, lns 15-22.

¹¹²³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2309; see also P-0352 who testified that her legs were injured and she could not walk since once of her legs was swollen and the other one had wounds that had become septic. She also testified that she did not have medication but massaged her legs with water, P-0352, Statement, UGA-OTP-0260-0315-R01, para. 45.

¹¹²⁴ See, *inter alia*, P-0101 at [T-13](#), p. 11, lns 22-24; P-0366, Transcript of Hearing, 24 January 2018, [ICC-02/04-01/15-T-147-Red2-ENG](#), (T-147), p. 19, ln 14; P-0227 at [T-10](#), p. 58, lns 1-10; P-0351, indicated in her statement sometimes they would move for two days without eating and at times they had no water, see P-0351, Statement, UGA-OTP-0263-0002-R01, para. 54.

¹¹²⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 218; see, *inter alia*, P-0099 at [T-14](#), p. 3, lns 8-15. See also P-0214, who testified that she did not want to sleep with Mr Ongwen but she saw three security guards with guns ‘so [she] obeyed’. P-0214 also testified about the forced sexual intercourse she had with Mr Ongwen, she testified ‘I tried to push him away but he told me to stop. He was heavy. It did not take long’, see P-0214 at [T-15](#), p. 24, lns 1-6, 18-23.

¹¹²⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 218.

¹¹²⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 218.

¹¹²⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3086.

¹¹²⁹ See, *inter alia*, P-0101 who testified that she was only 15 years old at the time of her abduction and when Mr Ongwen raped her stated ‘it was so painful and for the first time in [her] life [she] experienced a very great suffering’. She further stated that her ‘vagina was extremely sore’ after being forced to have sexual relations with Mr Ongwen, see P-0101, Transcript of Hearing, 9 November 2015, [ICC-02/04-01/15-T-13-Red-ENG](#), (T-13), p. 19, lns 14-18, p. 50, ln 25 to p. 51, ln 1. See also P-0396 who stated that she suffered from pain while having forced intercourse. According to this victim, she was in a lot of pain and was bleeding from her vagina, see P-0396, Statement, UGA-OTP-0267-0246-R01, paras 80-81. The Chamber also notes the evidence provided by P-0227, who testified that she was abducted at the age of approximately 14 years old and became one of Mr Ongwen’s wives. In her testimony, this victim said that after being forced to engage in sexual intercourse with Mr Ongwen she felt as though ‘[her] whole body was being torn apart’ and that she ‘felt a lot of pain, excruciating pain’ and that every time she went to the bathroom she felt pain, see P-0227, Transcript of Hearing, 18 September

cried or refused to engage in the sexual intercourse at all, they were beaten and suffered physical harm as a result.¹¹³⁰

286. The Chamber notes that evidence heard throughout the trial demonstrates that some of the so-called ‘wives’ of Mr Ongwen¹¹³¹ and members of the Sinia brigade bore children.¹¹³² To the extent that forced marriage resulted in the birth of children, the Chamber recalls its findings in the Conviction Judgment that these victims suffered physical harm as a result, which includes the ‘obvious physical effects of pregnancy and child bearing’.¹¹³³ Throughout the proceedings, the Chamber also heard evidence about the difficult situations abducted women and girls were forced to give birth in, which in some instances resulted in miscarriages and the deaths of their new-borns.¹¹³⁴

287. The Chamber notes that abducted women and girls were not allowed to have romantic relationships with any man other than their so-called ‘husbands’.¹¹³⁵ Mr Ongwen’s so-called ‘wives’ also had to maintain an exclusive conjugal relationship with him.¹¹³⁶ The punishment for having sexual intercourse with anyone else was severe and could involve death.¹¹³⁷ Even

2015, [ICC-02/04-01/15-T-10-Red-ENG](#), (T-10), p. 39, Ins 7-11, p. 40, Ins 14-21. *See also* by P-0099 testified that after she was forced to have sexual intercourse with Mr Ongwen, she told him that he had hurt her, *see* P-0099 at [T-14](#), p. 32, Ins 23-25. *See also* P-0226, who stated that her vagina was torn during the intercourse and she was bleeding as a result. *See* P-0226 at [T-8](#), p. 41, Ins 12-17. P-0226, further testified that she sustained injuries to her vagina as a result of being forced to have sexual intercourse with Mr Ongwen as ‘[she] was young and he was much older than [her]’, *see* P-0226 at T-9, p. 7, Ins 9-14. *See also* P-0374, who testified that she sustained injuries to her private parts and that she experienced pain every time she tried to walk, which meant she could not ‘walk freely’. P-0374 also testified to having pain in her lower abdomen, *see* P-0374 at [T-150](#), p. 14, In 24 to p. 15, In 4. *See also* by P-0448 who testified that it took her three days to be able to walk properly after being raped by her so-called husband, she stated ‘I would walk with my legs apart [...] I feel a lot – I feel a lot of pain, even up to now as an older person’, *see* P-0448, Transcript of Hearing, 21 February 2018, [ICC-02/04-01/15-T-156-Red-ENG](#), (T-156), p. 41, Ins 6-12. *See also* P-0351’s statement where she recalled that having forced sexual intercourse was very painful for her, *see* P-0351, Statement, UGA-OTP-0263-0002- R01, para. 76.

¹¹³⁰ *See, inter alia*, P-0101 who testified that if she refused to have sex with Mr Ongwen, ‘he would beat [her]; and he beat [her] a number of times for refusing to let him have sex with [her]’, P-0101 at [T-13](#), p. 21, Ins 4-6. Also, P-0374 stated about her experience and recalled ‘when he was raping me, he was beating me, he kept on slapping me, he kept on beating me’, P-0374, at [T-150](#), p. 14, Ins 24-25. P-0226 testified that at approximately 12 years of age, she became Mr Ongwen’s so-called ‘wife’. The victim stated that she refused to have sex with Mr Ongwen and as a consequence she was repeatedly beaten and still has chest pains because of the number of strokes she incurred. She also stated that upon being told by Mr Ongwen that he wanted to have sex with her, she ran out and one of his escorts caught her and beat her. She further testified that the beating went on ‘for about a week’, P-0226 at [T-8](#), p. 38, In 21 to p. 39, In 19, p. 39, In 19 to p. 40, Ins 21.

¹¹³¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2041, 3056-3062.

¹¹³² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2271.

¹¹³³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2748.

¹¹³⁴ P-0214 testified that she was impregnated four times during her time in captivity, her first baby was born without medical attention, her second baby died immediately after birth and she had a miscarriage during her third pregnancy, P-0214, [T-15](#), p. 28, In 23 to p. 30, In 5.

¹¹³⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2275-2288, 2748.

¹¹³⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 206, 2037, 3023.

¹¹³⁷ Conviction, Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2037, 2285.

talking to another man who was not their so-called ‘husband’ had violent consequences for the victims.¹¹³⁸

288. The Chamber further stresses that many of the crimes referred to above caused victims to suffer a range of long term physical harms. During the trial proceedings, victims testified that they continue to suffer pains in their genitalia and lower abdomen,¹¹³⁹ chest pains from being beaten,¹¹⁴⁰ vaginal tears,¹¹⁴¹ and scars.¹¹⁴² The Chamber further notes that the findings in the Conviction Judgment and Sentence and the testimonies presented during the trial are consistent with the findings in the Expert Witness reports. Some of the long term consequences outlined by the Experts in relation to the physical harm suffered by abducted girls and women as a result of the sexual violence includes: abdominal pains,¹¹⁴³ pelvic pains,¹¹⁴⁴ various somatic complaints,¹¹⁴⁵ amenorrhoea and pelvic inflammatory disease,¹¹⁴⁶ gynaecologic fistula,¹¹⁴⁷ chronic pain,¹¹⁴⁸ bleeding,¹¹⁴⁹ permanent damage to reproductive systems,¹¹⁵⁰ sexually transmitted diseases including HIV and AIDS,¹¹⁵¹ and genital injuries.¹¹⁵²

289. In addition, the Chamber notes that the accounts from SGBC victims in the Sample also refer to the physical harm suffered, which include: constant pain in lower abdomen,¹¹⁵³ chest pain,¹¹⁵⁴ vaginal bleeding,¹¹⁵⁵ blisters and wounds on feet,¹¹⁵⁶ hunger,¹¹⁵⁷ contraction of

¹¹³⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2185.

¹¹³⁹ *See, inter alia*, P-0374, who testified that she sustained injuries to her genitalia and lower abdomen, she states that ‘even right now I still experience the pain on my belly. I keep on experiencing that pain. It comes on and off and I persevere because I do not have any way of dealing with this. Sometimes I take drugs, but the pain does not cease entirely’. *See* P-0374 at [T-150](#), p. 15, lns 6-9.

¹¹⁴⁰ *See, inter alia*, P-0226 at [T-8](#), p. 40, lns 15-16.

¹¹⁴¹ *See, inter alia*, P-0352, who testified during trial that she sustained vaginal tears until then, she indicated ‘the injuries were bad. Because having had sexual intercourse by force, forcibly with a man, while I was in the bush did cause problems’, *see* P-0352, Transcript of Hearing, 1 May 2017, [ICC-02/04-01/15-T-67-Red-ENG](#), (T-67), p. 40, lns 2-8.

¹¹⁴² *See, inter alia*, P-0366 testified ‘I did not sustain any injury during battle. But I was beaten. I had injuries or I had marks from being beaten’, *see* P-0366 at [T-147](#) p. 96, ln 25 to p. 97, ln 1.

¹¹⁴³ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

¹¹⁴⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

¹¹⁴⁵ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

¹¹⁴⁶ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

¹¹⁴⁷ Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 19-20.

¹¹⁴⁸ Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 19-20.

¹¹⁴⁹ Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 19-20.

¹¹⁵⁰ Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 19-20.

¹¹⁵¹ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9; Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 19-20; Expert Report Dr Atim, UGA-V40-0001-0010, p. 45.

¹¹⁵² Expert Report Dr Atim, UGA-V40-0001-0010, p. 45.

¹¹⁵³ *See, inter alia*, A/00346/16.

¹¹⁵⁴ *See, inter alia*, A/00346/16, A/01421/16, A/2101/16, A/07032/15, A/07093/15.

¹¹⁵⁵ *See, inter alia*, A/01247/16.

¹¹⁵⁶ *See, inter alia*, A/02101/16.

¹¹⁵⁷ *See, inter alia*, A/02112/16, A/02119/16.

HIV,¹¹⁵⁸ scars and pain,¹¹⁵⁹ chest pain from forced labour,¹¹⁶⁰ and back pain,¹¹⁶¹ caused, *inter alia*, by the numerous beatings received.¹¹⁶²

290. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that direct SGBC victims suffered physical harm as a result of the crimes for which Mr Ongwen was convicted. The physical harm suffered by these victims includes: beatings; physical punishments; unconsciousness from beatings; hunger and dehydration; foot injuries; wounded legs; chest pain; back pain; permanent scars; physical harm from being raped; genital injuries, vaginal tears; chronic lower abdomen pain; chronic genital pain; pelvic pains and inflammatory disease; amenorrhoea; gynaecologic fistula; vaginal bleeding; permanent damage to reproductive system; miscarriage; physical harm due to pregnancy and child bearing; health complications during childbirth; somatic complaints; and sexually transmitted infections (including HIV and AIDS). The Chamber further acknowledges that the physical harm suffered by these victims had long-lasting consequences.

(ii) Moral harm

291. The LRVs, the CLRV, and a number of participants describe the moral harm suffered by SGBC victims. In particular, they identify psychological disorders, suicidal tendencies,¹¹⁶³ depression,¹¹⁶⁴ dissociative behaviour,¹¹⁶⁵ mental pain and trauma,¹¹⁶⁶ anxiety,¹¹⁶⁷ emotional

¹¹⁵⁸ See, *inter alia*, A/07032/15, A/00610/16.

¹¹⁵⁹ See, *inter alia*, A/07093/15.

¹¹⁶⁰ See, *inter alia*, A/00346/16, A/01421/16.

¹¹⁶¹ See, *inter alia*, A/07032/15.

¹¹⁶² See, *inter alia*, A/01421/16.

¹¹⁶³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF's Observations [ICC-02/04-01/15-1974](#), para. 27; TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 75.

¹¹⁶⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; UN's Observations, [ICC-02/04-01/15-1972](#), para. 8.

¹¹⁶⁵ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹¹⁶⁶ UN's Observations, [ICC-02/04-01/15-1972](#), para. 8; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 26.

¹¹⁶⁷ UN's Observations, [ICC-02/04-01/15-1972](#), para. 12; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 27.

stress,¹¹⁶⁸ stigma,¹¹⁶⁹ lack of identity,¹¹⁷⁰ difficulties with relationships and marriage,¹¹⁷¹ rejection by spouses¹¹⁷² and family,¹¹⁷³ substance dependence,¹¹⁷⁴ lack of desire to be sexually active,¹¹⁷⁵ social exclusion,¹¹⁷⁶ isolation,¹¹⁷⁷ and low self-esteem.¹¹⁷⁸

292. Parties and participants indicate that moral harm was suffered by SGBC victims, *inter alia*, from exposure to an environment of violence, fear and threats;¹¹⁷⁹ due to the effects of forced pregnancies;¹¹⁸⁰ to being known as victims of rape,¹¹⁸¹ forced marriage and association with the LRA;¹¹⁸² and from having children born in captivity with LRA fathers.¹¹⁸³

293. As found beyond reasonable doubt in the Conviction Judgment and Sentence, SGBC victims experienced ‘severe psychological suffering’,¹¹⁸⁴ as a result of the use of threatened or actual physical violence on the abductees ‘for a protracted period of time’.¹¹⁸⁵ The Chamber is satisfied that the evidence supports the conclusion that victims suffered moral harm as they were, *inter alia*, abducted,¹¹⁸⁶ distributed as so-called ‘wives’,¹¹⁸⁷ subjected to sexual and

¹¹⁶⁸ UN’s Observations, [ICC-02/04-01/15-1972](#), para. 12.

¹¹⁶⁹ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17; FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), pp. 11, 13; UN’s Observations, [ICC-02/04-01/15-1972](#), para. 8; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 28; TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 74, 77, 80-81, 83.

¹¹⁷⁰ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 75-76.

¹¹⁷¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 76.

¹¹⁷² LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; ARLPI’s Observations, [ICC-02/04-01/15-1925](#), para. 5(e); Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 24.

¹¹⁷³ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 22, 76; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 26; FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), pp. 14-15; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 24, 27.

¹¹⁷⁴ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 50.

¹¹⁷⁵ UN’s Observations, [ICC-02/04-01/15-1972](#), para. 12.

¹¹⁷⁶ FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), pp. 11, 13; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 28.

¹¹⁷⁷ UN’s Observations, [ICC-02/04-01/15-1972](#), para. 8.

¹¹⁷⁸ UN’s Observations, [ICC-02/04-01/15-1972](#), para. 12; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 27.

¹¹⁷⁹ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 13.

¹¹⁸⁰ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 60; TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 83; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹¹⁸¹ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 28; TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 74-79.

¹¹⁸² UN’s Observations, [ICC-02/04-01/15-1972](#), para. 8.

¹¹⁸³ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 60; LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), paras 28-33; UN’s Observations, [ICC-02/04-01/15-1972](#), paras 16-17.

¹¹⁸⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2309.

¹¹⁸⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2309.

¹¹⁸⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2114-2142.

¹¹⁸⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2143-2182.

physical violence,¹¹⁸⁸ forced to carry out labour,¹¹⁸⁹ forced to kill other abductees,¹¹⁹⁰ and placed under heavy guard to prevent their escape.¹¹⁹¹

294. The Chamber recalls its findings in the Conviction Judgment and Sentence, that the vast majority of the abducted women and girls were victims of torture as a result of the sexual and physical violence they were subjected to, and the living conditions they endured, which caused them severe mental pain.¹¹⁹² Constant threat of brutal physical force was a persistent presence in the lives of abducted women and girls.¹¹⁹³ On this point, the Chamber observes that the evidence heard throughout the trial demonstrates that the abducted women and girls lived in fear of being beaten by Mr Ongwen or the LRA soldiers if they did not comply with their orders¹¹⁹⁴ or if they refused to engage in sexual intercourse.¹¹⁹⁵ For instance, P-0374 testified that when she was told by one of the LRA soldiers that she was going to be his so-called ‘wife’, she became fearful, she started shaking and ‘did not respond because [she] feared that if [she] replied he would beat [her]’.¹¹⁹⁶ She stated that she did not want to be his so-called ‘wife’ and, as she was too young, and did not know ‘what it was to be with a man and it was not [her] wish to be with him’.¹¹⁹⁷

295. Most abducted women and girls were also victims of rape, and throughout the trial proceedings victims testified about the severe emotional distress they experienced as a result of being forced into having sexual intercourse. Many of the victims testified that they feared they would be beaten or killed if they refused.¹¹⁹⁸ P-0214 testified about one night when Mr

¹¹⁸⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2183-2191.

¹¹⁸⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2082 (Ongwen’s wives); paras 2253, 2275, 2289-2308. (Sinia ‘wives’).

¹¹⁹⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2192-2195.

¹¹⁹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 206, 215, 2029.

¹¹⁹² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3073; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 340.

¹¹⁹³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 340.

¹¹⁹⁴ See, *inter alia*, P-0351 recalls that she was given as a wife to one of the commanders and she could not refuse because ‘[she] feared they would kill [her]’, P-0351 at [T-129](#), p. 7, ln 22 to p. 8, ln 6.

¹¹⁹⁵ See, *inter alia*, P-0101 who was one of Ongwen’s wives recalls being beaten if she refused to have sex with him, P-0101 at [T-13](#), p. 21, lns 4-10. P-0226 who was also one of Ongwen’s wife was beaten by his escorts for refusing to have sex with him. She indicated that while being beaten Ongwen was watching. She further recalled that she was beaten for a about a week since she continue refusing to have sleep with Ongwen, P-0226 at [T-8](#), p. 38, ln 21 to p. 40, ln 2; P-0045, Transcript of Hearing, 12 September 2017, [ICC-02/04-01/15-T-103-Red2-ENG](#), (T-103), p. 79, lns 9-11; P-0351 at [T-129](#), p. 11, ln 24 to p. 12, ln 1.

¹¹⁹⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2210; see also P-0374, Statement, UGA-OTP-0263-0023-R01, para. 101.

¹¹⁹⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2210; see also P-0374, Statement, UGA-OTP-0263-0023-R01, para. 101.

¹¹⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2256, 2258; see also P-0351, who testified that during her first night in one of the LRA soldier’s tent, she was forced to sleep with him and noted that she was crying and felt fearful that if she said anything or refused she would be killed, see P-0351, Statement, UGA-OTP-

Ongwen told her to come in and sleep with him.¹¹⁹⁹ She stated that '[she] did not want to but [she] saw three security guards with sticks standing in front of the shed, so [she] obeyed'.¹²⁰⁰ P-0214 added that Mr Ongwen told her to lie down and '[she] did so as she was scared of the security guards with their sticks', and whilst Mr Ongwen was raping her she 'had fear' and was 'scared'.¹²⁰¹ Similarly, P-0119 explained that she was very frightened while being raped by the person she had been distributed to, and that she 'chos[e] life over death'.¹²⁰² In her words, [she] surrendered to him that he should do whatever he wanted with [her] body'.¹²⁰³

296. The Chamber notes that the evidence heard throughout the trial demonstrates that some of the so-called 'wives' of Mr Ongwen¹²⁰⁴ and the so-called 'wives' of Sinia brigade soldiers bore children,¹²⁰⁵ which caused them constant worry and stress for having to care for their children under extreme and violent conditions.¹²⁰⁶ In addition, the Chamber notes that, upon their return, those who were victims of forced pregnancy often had to choose between their husbands and children born out of rape to LRA rebels, which resulted in much distress.¹²⁰⁷

297. The Chamber also recalls that as a form of control, some abducted women and girls were forced to beat or kill other abductees for attempting to escape or breaking the rules,¹²⁰⁸ causing them severe anguish,¹²⁰⁹ mental distress, and disturbance.¹²¹⁰ For instance, P-0235

0263-0002-R01, para. 75. Furthermore, P-0352 testified that an LRA soldier told her that she was going to be his wife from then on, and that she should remove her clothes and lie down, she stated that she followed his instructions as she was scared that if she refused she would be killed because her so-called husband had a gun, *see* P-0352, Statement, UGA-OTP-0260-315-R01, paras 66-67. Also, P-0101 who testified that when she was taken to Mr Ongwen's tent she was 'extremely scared' she had tears 'rolling down [her] face'. The escorts took her and Mr Ongwen said to her 'have you seen this gun, if you refuse to sleep here, then you're going to face the consequences'. P-0101 also testified that '[she] did not have a choice. He forced [her] because [she] was not yet at the age where [she] could have sexual relations. He forced [her]. It wasn't [her] choice', P-0101 at [T-13](#), p. 17, lns 19-24, p. 19, lns 11-12.

¹¹⁹⁹ P-0214 at [T-15](#), p. 23, ln 24 to p. 24, ln 1.

¹²⁰⁰ P-0214 at [T-15](#), p. 24, lns 1-2.

¹²⁰¹ P-0214 at [T-15](#), p. 24, lns 10-21.

¹²⁰² P-0119, Transcript of Hearing, 13 November 2018, [ICC-02/04-01/15-T-196-Red2-ENG](#), (T-196), p. 20, ln 8.

¹²⁰³ P-0119 at [T-196](#), p. 20, lns 8-9; *see also* P-0374 testified that the man she had been distributed to told her not to cry during the forced sexual intercourse but she cried silently, *see* P-0374, Statement, UGA-OTP-0263-0023-R01, para. 103.

¹²⁰⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2041, 3056-3062.

¹²⁰⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2271.

¹²⁰⁶ *See, inter alia*, P-0101 at [T-13](#), p. 43, lns 14-18; P-0099 at [T-14](#), p. 59, lns 21-25.

¹²⁰⁷ *See, inter alia*, P-0006 testified that her child who was born in the bush cannot live with her as her new partner does not want to be with the child and the child is now being raised by her parents, she states 'it's extremely painful for me that I'm separated from my child. It's very painful for me', P-0006 at [T-140](#), pp. 31, lns 11-20.

¹²⁰⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 215, 3082; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 349.

¹²⁰⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 209-210.

¹²¹⁰ *See, inter alia*, P-0366 testified that she was forced to kill people while abducted. During trial she stated 'when I was still there, I would -- it would disturb me and I would feel as if they would also kill me, because you don't know why that person was killed', P-0366 at [T-147](#), p. 21, lns 23-24.

testified that she was not able to carry out the killings and other civilians had to do it, because ‘it was so painful to kill and [she] was not able to do that’.¹²¹¹ She further recalled that ‘[she] was crying because it was too painful for [her] and it was horrifying’.¹²¹² Similarly, P-0226 recounted the time she was order to beat an abducted government soldier.¹²¹³ She was threatened that ‘if anyone refused to beat the soldier, then the person will be killed like the soldier’,¹²¹⁴ adding that ‘[she] suppressed this memory because [she] was forced to kill’.¹²¹⁵

298. The Chamber also notes that SGBC victims were exposed to the emotional stress of witnessing beatings and killing. For instance, P-0366 recalled that she saw a girl being beaten for refusing to become one of Mr Ongwen’s so-called ‘wives’.¹²¹⁶ Similarly, P-0374 explained during her testimony that she witnessed how a girl was beaten while abducted.¹²¹⁷ When asked about the impact those events had on her, she stated ‘I begin having nightmares. I dream about people who were killed and I feel so bad, sometimes I wake up in the night and fail to sleep till morning. I only keep on thinking about the things that were happening, the bad experiences in the bush’.¹²¹⁸ The Chamber notes that in the Sample, SGBC victims referred to experiencing nightmares due to the crimes witnessed whilst in captivity.¹²¹⁹

299. The Chamber notes that abducted women and girls also suffered moral harm as a result of being away from their families, which caused them to suffer from depression and loneliness.¹²²⁰ The Chamber notes, that upon their release or escape, abducted women and girls suffered moral harm as they were no longer viewed as being ‘pure’.¹²²¹ This often resulted in stigmatisation and rejection, which made it difficult for victims to reintegrate into their families

¹²¹¹ P-0235, Transcript of Hearing, 17 November 2015, [ICC-02/04-01/15-T-17-Red-ENG](#), (T-17), p. 25, lns 17-20.

¹²¹² P-0235 at [T-17](#), p. 25, lns 17-20.

¹²¹³ P-0226 at [T-8](#), p. 59, ln 8.

¹²¹⁴ P-0226 at [T-8](#), p. 63, lns 21-22.

¹²¹⁵ P-0226 at [T-9](#), p. 61, lns 3-9.

¹²¹⁶ P-0366 at [T-147](#), p. 12, lns 18-22.

¹²¹⁷ P-0366 at [T-147](#), p. 12, lns 18-22.

¹²¹⁸ P-0374 at [T-150](#), p. 15, lns 18-22.

¹²¹⁹ *See, inter alia*, A/01149/16, A/02112/16.

¹²²⁰ *See, inter alia*, P-0235 who testified that when she joined Mr Ongwen’s home she didn’t really talk to the other victims as she was ‘thinking so much about home’. She testified that she ‘would always be sad’ and that she was ‘thinking about [her] mother all the time’. She added that she often thought about the way in which she was removed from her family, and that it was ‘difficult for [her] to know whether [she] would go back one day or not’. She further testified that she was upset that she could no longer see her family, and that she often cried because of it, *see* P-0235 at [T-17](#), p. 9, ln 17 to p. 10, ln 3.

¹²²¹ *See, inter alia*, P-0009 testified that several rituals had to take place in order to ‘cleanse’ the abducted girls who were forcefully married. She testified that ‘[t]hey will have to kill a goat even if the husband is not there. They will also get some grasses and they will get that girl, get some blood from the goat and put it on the chest of the girl and some blood will be poured on the grass and the grass would be thrown away to mean that all the bad things that happened to the girl should be cast away’, P-0009 at [T-81](#), p. 82, lns 20-25.

and communities.¹²²² On this point, the Chamber notes the finding in the Conviction Judgment on the moral harm suffered by victims of forced marriage, which includes being ostracised from the community, the deprivation of the victim's fundamental rights to choose his or her spouse, the serious attack on the victim's dignity, and mental trauma.¹²²³ As already outlined by the Chamber, the status that comes with being a victim of forced marriage, has social, ethical, and even religious effects which can have a 'serious impact' on a victims psychological well-being.¹²²⁴

300. The stigmatisation, rejection and ostracization experienced by the abducted women and girls upon return to their families and communities was also documented by Expert Witness Dr Atim. In her report, Dr Atim explained that women experience 'post-conflict shame and stigma for having violated cultural norms surrounding moral and sexual behaviour'.¹²²⁵ Similarly, in his report, Expert Witness Professor Reicherter indicated that in addition to stigmatisation, the harm suffered by victims in this case is exacerbated 'due to the systematic disruption and interference on the part of the LRA commanders on traditional Acholi practices for establishing lineage, inheritance, and family affiliation'.¹²²⁶

301. In addition, the Chamber recalls its findings in the Conviction Judgment in relation to the complex emotional and psychological effects experienced by those women who gave birth to children born out of rape.¹²²⁷ Abducted women and girls who returned to their communities and families with children born during captivity suffered severe stigmatisation.¹²²⁸ P-0006, a resident of the Pajule IDP camp, testified about the difficulties she faced when she returned to her community after giving birth out of wedlock.¹²²⁹ She recalled that '[i]n [her] culture, a child that is born out of wedlock is known as a the mother's child. You as the mother have to take care of your child, the child is your responsibility'.¹²³⁰ P-0006 also testified about how this has impacted her current relationship, as her husband rejected the child she had while abducted. P-0006 stated that 'he does not want that child, so the child stay with my parents. I'm with that

¹²²² See, *inter alia*, P-0374, testified that when she returned from the bush many of the people feared living with her. When people realised she was a returnee, they started stigmatising her, they did not want her to play with their children as they feared she had 'evil spirits' or that she could kill their children, P-0374 at [T-150](#), p. 16, ln 5 to p. 17, ln 6.

¹²²³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2749.

¹²²⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2748.

¹²²⁵ Expert Report Dr Atim, UGA-V40-0001-0010, p. 45.

¹²²⁶ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 22.

¹²²⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2748.

¹²²⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2750.

¹²²⁹ P-0006 at [T-140](#), p. 30, lns 23-25.

¹²³⁰ P-0006 at [T-140](#), p. 30, lns 23-25.

man and the children that I've had with him. So it's extremely painful for me that I'm separated from my child. It's very painful for me'.¹²³¹

302. During her testimony, Expert Witness Dr Atim stated that her survey participants who returned with children who had been born in captivity reported to experience 'more shame, more stigma, more social isolation in their return communities'¹²³² and that they faced problems forming marital relationships upon their return.¹²³³ Similarly, Expert Witness Professor Reicherter testified as to the communitarian impacts of forced pregnancy, stating that 'women who become pregnant following incidents of rape may face the scorn of their community'.¹²³⁴

303. The Chamber observes that many of the harms referred above had long term consequences for the victims. The evidence heard throughout the trial indicate that some of the long term consequences include psychological trauma¹²³⁵ and recurrent nightmares.¹²³⁶ P-0374, for instance, testified that as a result of the sexual violence, she is now 'psychologically tortured'.¹²³⁷ P-0374 also testified that the 'memories keep coming back'¹²³⁸ and that the gruesome acts she witnessed while in captivity give her recurrent nightmares.¹²³⁹

304. The Chamber has also considered the conclusions made in the reports of Expert Witnesses at trial. Dr Atim indicated that the results from her study show that sexual abuse 'significantly predicted suicide ideation',¹²⁴⁰ she also concluded that there was a direct relationship between experiencing sexual abuse and symptoms of depression.¹²⁴¹ Similarly, Professor Reicherter concluded that rape and sexual violence can result in a myriad of psychiatric disorders,¹²⁴² including post-traumatic stress disorder, depression, anxiety, PTSD

¹²³¹ P-0006 at [T-140](#), p. 31, lns 13-20.

¹²³² V-0001 at [T-174](#), p. 22, lns 7-11.

¹²³³ V-0001 at [T-174](#), p. 22, lns 7-13.

¹²³⁴ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 33.

¹²³⁵ See, *inter alia*, P-0227, testified about the psychological consequences she experienced as a result of being in the bush with Mr Ongwen, stating 'yes. I think a lot, I think a lot about what happened and it pains me', P-0227 at [T-10](#), p. 62, lns 3-7. P-0351 testified that the events she witnessed during her time in the bush affected her psychologically. She also testified that when she returned to her community she 'was not very free' and was not able to 'live comfortably' with her peers who had not been abducted, see P-0351 at [T-129](#), p. 11, lns 12-19.

¹²³⁶ See, *inter alia*, P-0366, who testified that when she is reminded of her experiences in the bush she becomes emotional, and it makes her sad. She also testified that she still experiences nightmares, P-0366 at [T-147](#), p. 28, lns 10-25.

¹²³⁷ P-0374 at [T-150](#), p. 15, ln 11.

¹²³⁸ P-0374 at [T-150](#), p. 15, ln 13.

¹²³⁹ P-0374 at [T-150](#), p. 15, lns 18-22.

¹²⁴⁰ Expert Report Dr Atim, UGA-V40-0001-0010, p. 44.

¹²⁴¹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 44.

¹²⁴² Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 9.

and suicidal tendencies.¹²⁴³ Professor Reicherter also recognised that victims of sexual violence suffer from feelings of hopelessness, spiritual degradation, confusion, fear, and lacking worth, which he stated can also have long-lasting effects.¹²⁴⁴

305. In addition, the Chamber notes that many of the accounts in the Sample also referred to the moral harm victims of SGBC suffered, which includes living in constant fear,¹²⁴⁵ having recurring memories of events that occurred in captivity,¹²⁴⁶ nightmares of events witnessed,¹²⁴⁷ traumatisation,¹²⁴⁸ inability to be in loud or noisy environments,¹²⁴⁹ feelings of humiliation, loss of dignity and pride as a result of being raped,¹²⁵⁰ fear or dislike of men,¹²⁵¹ and isolation and rejection from the community.¹²⁵²

306. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that direct victims of SGBC suffered moral harm as a result of the crimes for which Mr Ongwen was convicted. The moral harm suffered by these victims includes: severe mental pain; emotional distress; confusion; constant fear of being beaten or raped; constant worry and stress; severe anguish; loneliness; anxiety; loss of dignity and pride; mental distress and disturbance for being forced to beat or kill other abductees; emotional stress of witnessing beatings and killing; serious psychological impact due to forced marriage; worry for having to care for a child under violent conditions; feelings of humiliation; loss of dignity and pride as a result of being raped; rejection by spouses and family; ostracism, stigma and isolation upon return; shame; difficulties with relationships and getting married; recurrent memories and nightmares; mental trauma; psychological disorders, including suicidal tendencies and depression; inability to be in loud or noisy environments; lack of desire to be sexually active; fear or dislike of men; and low self-esteem. The Chamber further acknowledges that the moral harm suffered by SGBC victims had long-lasting consequences.

¹²⁴³ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 9.

¹²⁴⁴ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 9.

¹²⁴⁵ See, *inter alia*, A/01149/16.

¹²⁴⁶ See, *inter alia*, A/01149/16, A/00610/16.

¹²⁴⁷ See, *inter alia*, A/01149/16, A/02112/16, A/02119/16.

¹²⁴⁸ See, *inter alia*, A/01149/16, A/01421/16, A/02112/16.

¹²⁴⁹ See, *inter alia*, A/02112/16.

¹²⁵⁰ See, *inter alia*, A/00610/16, A/01421/16, A/02119/16, A/07053/15.

¹²⁵¹ See, *inter alia*, A/01247/16, A/07053/15.

¹²⁵² See, *inter alia*, A/02101/16, A/07053/15.

(iii) Material harm

307. The LRVs, the CLRV, and a number of participants describe the material harm suffered by SGBC victims. In particular, they identify loss of access to education,¹²⁵³ loss of access to opportunities and employment due to injuries and psychological harm sustained,¹²⁵⁴ financial hardship as a result of forced pregnancy and single parenthood,¹²⁵⁵ denied access to family land,¹²⁵⁶ and lack of access to resources, shelter and land.¹²⁵⁷

308. The Chamber notes that during the trial, the Chamber heard an abundance of evidence about how victims were unable to continue their education following their abduction.¹²⁵⁸ P-0227, who was approximately 19 years old when she was abducted, testified that ‘the reason why [she] didn't finish [her] school or the reason why [she] didn't graduate is because [she] was abducted’.¹²⁵⁹ P-0351, who was abducted when she was approximately 12 years old,¹²⁶⁰ testified that prior to her abduction she was the top student in her class and that she ‘lost many opportunities’ as a result of being abducted.¹²⁶¹ On this point, the Chamber also notes that Expert Witness Professor Reicherter indicated in his report that women returning from the LRA with children report having significantly lower levels of education.¹²⁶²

309. Regarding the loss of opportunities including future employment prospects, loss of life plan, and loss of opportunity to develop practical skills, the Chamber notes that during the trial it heard evidence about how victims were unable to fulfil their hopes or goals as a result of being abducted.¹²⁶³ P-0351 testified that she had ‘hoped that [she] would do something worthwhile with [her] life’,¹²⁶⁴ and that her ‘abduction made [her] future bleak’.¹²⁶⁵ Similarly,

¹²⁵³ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17(xvi).

¹²⁵⁴ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; UN’s Observations, [ICC-02/04-01/15-1972](#), para. 8; 23 (iii.c); TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 77.

¹²⁵⁵ UN’s Observations, [ICC-02/04-01/15-1972](#), para. 8; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹²⁵⁶ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), paras 23(iii); Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹²⁵⁷ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), paras 16, 31; CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 22; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); UN’s Observations, [ICC-02/04-01/15-1972](#), para. 8; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 28; FJDI, WVCN’s Observations, [ICC-02/04-01/15-1922](#), para. 21 (p. 11).

¹²⁵⁸ See, *inter alia*, P-0235 at [T-17](#), p. 3, lns 15-19; P-0227 at [T-10](#), p. 5, lns 20-25; P-0374 at [T-150](#), p. 17, lns 5-10, 24.

¹²⁵⁹ P-0227 at [T-10](#), p. 5, lns 20-24.

¹²⁶⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 403.

¹²⁶¹ P-0351 at [T-129](#), p. 12, lns 11-15.

¹²⁶² Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 34.

¹²⁶³ See, *inter alia*, P-0374 at [T-150](#), p. 17, lns 8-9; P-0366 at [T-147](#), p. 28, lns 5-14; P-0351 at [T-129](#), p. 12, lns 11-15.

¹²⁶⁴ P-0351 at [T-129](#), p. 12, ln 13.

¹²⁶⁵ P-0351 at [T-129](#), p. 12, ln 14.

P-0236 explained that there was no comparison between her and her peers that were not abducted because ‘right now they are much better off than [she is]. [She is] back home. [...] [She has] injuries. [She is] weak’.¹²⁶⁶ P-0374, who was abducted and became a Sinia so-called ‘wife’, testified that before her abduction she was going to school and that she wanted to be a teacher like her father.¹²⁶⁷ Similarly, P-0366, who was abducted and spent time as a so-called ‘wife’, testified that she enjoyed her studies and that before the abduction she wanted to be a doctor.¹²⁶⁸ In this regard, the Chamber considers that the loss of opportunities had long-lasting material consequences for the victims.

310. The Chamber also notes the material loss associated with unemployment due to stigmatisation and the suffering of injuries sustained whilst in captivity. Evidence heard during the trial demonstrates that stigmatisation prevented returned women from gaining employment. P-0049, for instance, testified that many of the returned women could not ‘get odd jobs’ in the villages.¹²⁶⁹ She also testified that many returned women are ‘concentrated in town’¹²⁷⁰ where they can ‘get some of these odd jobs’¹²⁷¹ and earn money as ‘not many people would know who [they] are’.¹²⁷² On this point, the Chamber has also considered the finding made by Expert Witness Professor Reicherter, that somatic injuries caused by rape and brutal beatings have resulted in ‘chronic pain and untreated wounds [...] have left victims incapable of work’.¹²⁷³

311. The Chamber recalls that the LRV’s noted that victims experienced loss as they were often denied access to family land.¹²⁷⁴ The Chamber has considered the evidence provided by Expert Witness Dr Atim in this regard, and notes that during her testimony, Dr Atim confirmed that the information obtained in her survey of participating victims revealed that returned women experienced issues with ‘access to land for them on return with their children’.¹²⁷⁵ In her report, she stated that her survey found that some victims who were abducted and then returned with children of rape were ‘denied their right to claim and use their natal family’s land’.¹²⁷⁶ On this point, the Chamber notes the account provided by one of the survey

¹²⁶⁶ P-0236, Transcript of Hearing, 16 November 2015, [ICC-02/04-01/15-T-16-Red-ENG](#), (T-16), p. 37, lns 3-4.

¹²⁶⁷ See P-0374 at [T-150](#), p. 17, lns 7-9.

¹²⁶⁸ See, *inter alia*, P-0366 at [T-147](#), p. 28, lns 8-14.

¹²⁶⁹ P-0049, Transcript of Hearing, 23 September 2019, [ICC-02/04-01/15-T-234-Red2-ENG](#), (T-234), p. 71, lns 2-4.

¹²⁷⁰ P-0049 at [T-234](#), p. 70, ln 25.

¹²⁷¹ P-0049 at [T-234](#), p. 71, lns 2-3.

¹²⁷² P-0049 at [T-234](#), p. 71, ln 4.

¹²⁷³ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 38.

¹²⁷⁴ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(iii.d).

¹²⁷⁵ V-0001 at [T-174](#), p. 22, lns 7 -13.

¹²⁷⁶ Expert Report Dr Atim, UGA-V40-0001-0010, p. 98.

participants in the expert's report who had been abducted and distributed in the context of the attack on the Odek IDP camp. She indicated, 'life is so hard today, we have to rent land to farm our crops. We have our family land but there is a struggle over the land'.¹²⁷⁷ The survey participant claims she was rejected by her sister's husband due to the fact that she was a forced so-called 'wife' in the LRA and 'sent away from the land'.¹²⁷⁸

312. The Chamber also notes that abducted women and girls who returned from captivity carried the sole responsibility of caring for their children born in captivity, and considers that this resulted in financial burden. For instance, P-0006 testified about how she has to support her child in secret so that her husband will not find out¹²⁷⁹ and that providing land to these children is 'difficult'.¹²⁸⁰

313. In addition, the Chamber notes that many of the accounts in the Sample also referred to the material harms suffered which include: the inability to continue or complete schooling,¹²⁸¹ the inability to develop any practical skills to earn money,¹²⁸² the sole responsibility for caring for child born out of rape,¹²⁸³ the inability to gain employment,¹²⁸⁴ and the inability to work due to injuries sustained while in captivity.¹²⁸⁵

314. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that direct SGBC victims suffered material harm as a result of the crimes for which Mr Ongwen was convicted. The material harm suffered by these victims includes: loss of education; loss of opportunities, including loss of future employment prospects, loss of life plan and loss of development of practical skills; loss associated with unemployment due to injuries sustained whilst in captivity and stigmatisation; loss associated with denied access to family land; and financial hardship as a result of sole responsibility for caring for children born out of rape. The

¹²⁷⁷ Expert Report Dr Atim, UGA-V40-0001-0010, p. 63.

¹²⁷⁸ Expert Report Dr Atim, UGA-V40-0001-0010, p. 63.

¹²⁷⁹ P-0006 at [T-140](#), p. 32, lns 3-5.

¹²⁸⁰ P-0006 at [T-140](#), p. 31, lns 4-10.

¹²⁸¹ *See, inter alia*, A/02101/16, A/01149/16, A/02112/16, A/07090/15.

¹²⁸² *See, inter alia*, A/02112/16.

¹²⁸³ *See, inter alia*, A/01149/16, A/02119/16.

¹²⁸⁴ *See, inter alia*, A/07053/15.

¹²⁸⁵ *See, inter alia*, A/2101/16.

Chamber further acknowledges that the material harm suffered by SGBC victims had long-lasting consequences.

b) Children born out of forced marriage, forced pregnancy, rape, and sexual slavery

(i) Physical harm

315. A number of participants describe the harsh conditions that children born out of SGBC endured during their time in captivity. They indicate that these children were born in ‘extremely unsafe conditions’ without access to food, clothes, or medication.¹²⁸⁶ They further state that children were born and raised in the ‘wilderness under very hostile situations’¹²⁸⁷ and that they endured hardship and lacked access to ‘basic needs’ including ‘nutritious food, sleeping facilities, sanitation and clothing’.¹²⁸⁸

316. The Chamber recalls its findings in the Conviction Judgment, that in addition to the sexual and physical violence, the living conditions of the abducted women and girls resulted in severe physical and mental pain.¹²⁸⁹ As noted in the Sentence, these children were ‘kept with their mothers in the same coercive environment’, and thus, they were subject to the same harsh living conditions.¹²⁹⁰ The Chamber recalls that during her testimony, P-0101, one of Mr Ongwen’s so-called ‘wives’,¹²⁹¹ recalled that once when the government soldiers attacked the group she was part of ‘the child [she] was carrying flew out of [her] hands’.¹²⁹² She further stated that on that same occasion another of her children was hit by a splinter.¹²⁹³ Similarly, P-0099, who also was one of Mr Ongwen’s so-called ‘wives’,¹²⁹⁴ explained that she decided to escape because of the severe conditions for a child in the bush and the deteriorating health of her baby.¹²⁹⁵ P-0099 testified that she decided to escape as she was unable to produce breast milk for her child and she ‘would have lost [her] child’ if she decided to stay.¹²⁹⁶

¹²⁸⁶ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), fn 19 (p. 7).

¹²⁸⁷ ARLPI’s Observations, [ICC-02/04-01/15-1925](#), p. 6.

¹²⁸⁸ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 29.

¹²⁸⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 221.

¹²⁹⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 123.

¹²⁹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 395, 3023.

¹²⁹² P-0101 at [T-13](#), p. 43, ln 16.

¹²⁹³ P-0101 at [T-13](#), p. 43, lns 14-18.

¹²⁹⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 205-206, 395, 3023.

¹²⁹⁵ P-0099 at [T-14](#), p. 59, lns 21-25.

¹²⁹⁶ P-0099 at [T-14](#), p. 59, ln 23.

317. The Chamber also notes that one of victims in the Sample also referred to the difficulties she had providing food for the children she had while in captivity.¹²⁹⁷

318. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that children born out of rape suffered physical harm from the crimes for which Mr Ongwen was convicted, as they were born and grew up within a violent environment enduring harsh living conditions, lacking access to adequate facilities, sanitation, and nutritious food. The Chamber further acknowledges that the physical harm suffered by children born out of SGBC had long-lasting consequences.

(ii) Moral harm

319. The LRVs, the CLRV, and a number of participants describe the moral harm suffered by children born out of SGBC. Some of the moral harm they identify include: psychological harm,¹²⁹⁸ mental health vulnerabilities,¹²⁹⁹ complex emotional and psychological effects,¹³⁰⁰ loss of identity,¹³⁰¹ significant stigmatisation and rejection from families and communities,¹³⁰² and unstable relationships with family members.¹³⁰³

320. Parties and participants indicate that moral harm was suffered by children born out of SGBC, *inter alia*, as they are prevented from attending school,¹³⁰⁴ unable to develop relationships,¹³⁰⁵ denied access to lands,¹³⁰⁶ and thus deprived the opportunity to raise themselves out of poverty,¹³⁰⁷ not recognised by family members of their mothers,¹³⁰⁸ not

¹²⁹⁷ See, *inter alia*, A/02119/16.

¹²⁹⁸ UN's Observations, [ICC-02/04-01/15-1972](#), para. 17; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 30-31.

¹²⁹⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 51.

¹³⁰⁰ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 12.

¹³⁰¹ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 51; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 31.

¹³⁰² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 51; LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 72(iv); Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 9; Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 26; FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 23(b) (p. 10); UN's Observations, [ICC-02/04-01/15-1972](#), para. 17.

¹³⁰³ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 26.

¹³⁰⁴ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 76.

¹³⁰⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 76.

¹³⁰⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 76; ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 6; UN's Observations, [ICC-02/04-01/15-1972](#), para. 17.

¹³⁰⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 76.

¹³⁰⁸ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 72(iv).

entitled to their mothers' family property,¹³⁰⁹ unable to gain identity documents¹³¹⁰ and thus unable to be legally recognised as citizens,¹³¹¹ unable to access basic social services,¹³¹² have nowhere to live,¹³¹³ are raised by grandmothers,¹³¹⁴ live in damaged and disjointed families,¹³¹⁵ sometimes return as orphans unable to 'trac[e] their roots',¹³¹⁶ and are often viewed as 'proxy members of the LRA' and 'symbols of misfortune'.¹³¹⁷

321. The Chamber recalls that, as noted in the Sentence, these children were 'kept with their mothers in the same coercive environment'.¹³¹⁸ On this point, the Chamber notes that throughout the trial, a number of the Expert Witnesses gave evidence in relation to the psychological harm, mental pain, anguish, and emotional distress suffered by children born out of SGBC. In his report, Expert Witness Professor Reicherter indicated that a 'growing body of inquiry, investigation, and literature' suggests that these children have impaired psychosocial development and functioning.¹³¹⁹ Professor Reicherter also noted that many of the women who were forcibly impregnated by their LRA so-called 'husbands' reported that their children display symptoms of 'stress, perturbed development, or behavioural problems'.¹³²⁰ Similarly, Expert Witness Professor Musisi stated that many of these children suffered from PTSD or developed trauma disorder.¹³²¹ Professor Musisi explained that many of the children born from unwanted pregnancies, remained in the bush after their parents died or ran away, and many children became orphans as a result of their parents dying from HIV/AIDs.¹³²²

322. Throughout the trial proceedings, the Chamber also heard evidence on how children born out of SGBC experienced rejection and stigmatisation from their families upon return to their mothers' community. On this particular point, the Chamber notes the testimony of P-0006, who was a so-called 'wife' of a Sinia Brigade's soldier,¹³²³ and testified about her

¹³⁰⁹ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 64(viii), 72(iv).

¹³¹⁰ UN's Observations, [ICC-02/04-01/15-1972](#), para. 18; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 32.

¹³¹¹ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 51; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 32.

¹³¹² UN's Observations, [ICC-02/04-01/15-1972](#), para. 18; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 33.

¹³¹³ FIDA-Uganda's Observations, [ICC-02/04-01/15-1947](#), p. 14.

¹³¹⁴ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 23(b) (p. 10).

¹³¹⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 51.

¹³¹⁶ ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 6.

¹³¹⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 9.

¹³¹⁸ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 123.

¹³¹⁹ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 6.

¹³²⁰ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 37.

¹³²¹ Expert Report Professor Musisi, UGA-PCV-0003-0046, p. 31.

¹³²² Expert Report Professor Musisi, UGA-PCV-0003-0046, p. 31.

¹³²³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 462.

experience of having a male child who was born in the bush.¹³²⁴ She stated that ‘in [her] culture, a child that is born out of wedlock is known as the mother’s child. You as the mother have to take care of your child, the child is you responsibility’.¹³²⁵ She also testified about the difficulties she has experienced in her new relationship, stating that her new partner complains about the male child she had whilst in the bush, and that as a result, her son stays with her parents.¹³²⁶ A similar experience was accounted by P-0187, who explained that she had to take care of her daughter’s baby, because her husband rejected the baby her daughter conceived while in captivity.¹³²⁷

323. The Chamber further notes the consistent evidence provided by Expert Witness Professor Musisi, who also testified that many of these children were rejected by their families.¹³²⁸ This was further explained by Expert Witness Professor Reicherter who in his report, explained that these children are rejected by their communities as they ‘serve as a symbol and reminder of atrocities committed by the LRA, and are therefore subjects of blame, scorn and rejection’.¹³²⁹ Professor Reicherter further explained that these victims are ‘automatically labelled as a criminal, rebel or murderer’,¹³³⁰ and stated that in combination with other factors, the stigmatisation suffered by these victims can ‘create [a] very bad prognosis for the child’s wellbeing and also the child’s mental wellbeing’.¹³³¹ Professor Reicherter also explained that often children born out of rape are not accepted by their mothers’ kin as they are perceived as a burden,¹³³² and that it was very common for children born within the LRA to live with the mother’s family.¹³³³ In a similar sense, Expert Witness Professor Wessells testified that these children ‘bear the double burden of being born out of wedlock and being a so-called rebel child’,¹³³⁴ and that it was common for the child to be rejected by their mothers’ new partner.¹³³⁵

324. The Chamber also notes the account of one of the SGBC victims in the Sample who described the child she had in captivity as a ‘burden’.¹³³⁶ Another victim in the Sample

¹³²⁴ P-0006 at [T-140](#), p. 30, lns 23-25.

¹³²⁵ P-0006 at [T-140](#), p. 30, lns 23-25.

¹³²⁶ P-0006 at [T-140](#), p. 31, lns 11-20.

¹³²⁷ P-0187 at [T-164](#), p. 7, lns 5-9.

¹³²⁸ PCV-0003 at [T-177](#), p. 24, lns 3-6.

¹³²⁹ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 33.

¹³³⁰ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 33.

¹³³¹ PCV-0001 at [T-175](#), p. 28, lns 15-16.

¹³³² Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 5, 33.

¹³³³ Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 5, 33.

¹³³⁴ PCV-0002 at [T-176](#), p. 9, lns 8-9.

¹³³⁵ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 44.

¹³³⁶ See, *inter alia*, A/01149/16.

indicated that while her son, who was born to a rebel, is attending school, he is stigmatised by others and suffers a lot as a result.¹³³⁷

325. The Chamber further notes that the stigmatisation faced by children born out of SGBC has caused the loss of their identity. On this point, the Chamber recalls the testimony provided by witness D-0049, who was one of Joseph Kony's so-called 'wives',¹³³⁸ and explained that children born in captivity experience stigma and struggle with their identity.¹³³⁹ She explained that:

the issue of stigma is not only on us, the mothers, even our children, because our culture shows that children belong to the clan of their fathers, but you see that many of the children born in the bush, many of them do not know their clans. [...] So it means these children who do not now get to know their clans, you know, they feel stigmatised because people talk so much, talk bad against them.¹³⁴⁰

326. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information contained in the Sample, all as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that children born out of SGBC suffered moral harm from the crimes for which Mr Ongwen was convicted. The moral harm suffered by these victims includes: psychological harm; impaired psychosocial development and functioning; emotional distress; perturbed development and behavioural problems; significant stigmatisation and rejection from families and communities; and loss of identity. The Chamber further acknowledges that the moral harm suffered by children born out of SGBC had long-lasting consequences.

(iii) Material harm

327. The LRVs, the CLRV, and a number of participants describe the material harm suffered by children born out of SGBC. Some of the material harm they identify include: reduced access

¹³³⁷ See, *inter alia*, A/02101/16.

¹³³⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 433.

¹³³⁹ D-0049, Transcript of Hearing, 23 September 2019, [ICC-02/04-01/15-T-243-Red-ENG WT](#), (T-243), p. 71, lns 4-12.

¹³⁴⁰ D-0049 at [T-243](#), p. 71, lns 6-12.

to school;¹³⁴¹ denied access to land;¹³⁴² loss of childhood;¹³⁴³ no land to settle on¹³⁴⁴ or cultivate;¹³⁴⁵ loss of ability to make an income;¹³⁴⁶ inability to pay for courses to improve skills;¹³⁴⁷ loss of opportunities for advancement;¹³⁴⁸ and risk of losing their inheritances.¹³⁴⁹

328. The Chamber notes that the evidence heard during trial proceedings demonstrates that children born out of SGBC had reduced access to education and impaired personal and professional opportunities.¹³⁵⁰ The Chamber recalls the evidence given during trial by P-0045, a former female LRA soldier who provided testimony as an insider witness,¹³⁵¹ and testified about the living conditions for children in the bush. She stated that for the children ‘there was no form of education because [they] did not have schools there’.¹³⁵² She further explained that when children grow up in the bush, they simply become LRA fighters.¹³⁵³

329. The Chamber also takes note that in his report, Expert Witness Professor Reicherter noted that the inequities experienced by children born out of SGBC in terms of access to health, education and employment has been well documented.¹³⁵⁴ Whilst giving evidence during the trial proceedings, Professor Reicherter further indicated that children born out of rape will have difficulties in completing their education as a result of the stigmatization they suffer.¹³⁵⁵

330. The Chamber also notes that, consistent with the evidence heard at trial, a SGBC victim in the Sample noted that her son, a child who was born to a rebel, does not attend school due to fear.¹³⁵⁶

331. The Chamber further considers the loss of opportunities for economic advancement associated with denied access to land that children born out of SGBC experience. On this point,

¹³⁴¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 76; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 31; FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 15.

¹³⁴² CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 76; LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(viii); ARLPI’s Observations, [ICC-02/04-01/15-1925](#), p. 6; UN’s Observations, [ICC-02/04-01/15-1972](#), para. 17.

¹³⁴³ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 30.

¹³⁴⁴ ARLPI’s Observations, [ICC-02/04-01/15-1925](#), p. 6; FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 15.

¹³⁴⁵ FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 15.

¹³⁴⁶ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 31.

¹³⁴⁷ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 31.

¹³⁴⁸ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 30.

¹³⁴⁹ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 64(viii).

¹³⁵⁰ P-0045, Transcript of Hearing, 13 September 2017, [ICC-02/04-01/15-T-104-Red-ENG WT](#), (T-104), p. 17, lns 8-15; Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 33; PCV-0001 at [T-175](#), p. 29, lns 10-12.

¹³⁵¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 266.

¹³⁵² P-0045 at [T-104](#), p. 17, lns 8-9.

¹³⁵³ P-0045 at [T-104](#), p. 17, lns 12-15.

¹³⁵⁴ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 33.

¹³⁵⁵ PCV-0001 at [T-175](#), p. 29, lns 10-12.

¹³⁵⁶ See, *inter alia*, A/07093/15.

the Chamber notes the evidence provided during the trial proceedings by Expert Witness Professor Musisi, who explained that these children have less opportunities when compared to children born in the community because they have no ‘lineage in the patriarchal [...] Acholi society’.¹³⁵⁷ Professor Musisi explained that in Acholiland, after a bride price has been paid and a mother and father has a child, the child ‘belongs to that father and has a lineage in which they are going to derive a name, a homestead and later land’.¹³⁵⁸ However, these children ‘belong[...] to the mother’¹³⁵⁹ which creates issues for young males as they have not been ‘assigned a piece of land because the[ir] father [is] not there’.¹³⁶⁰

332. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that children born out of SGBC suffered material harm from the crimes for which Mr Ongwen was convicted. The material harm suffered by these victims includes: reduced access to school, health, education and employment; impaired personal and professional opportunities; and loss of access to land. The Chamber further acknowledges that the material harm suffered by children born out of SGBC had long-lasting consequences.

c) Indirect SGBC victims

(i) Moral harm

333. The CLRV and a number of participants describe the moral harm suffered by the indirect victims of SGBC. In particular, they identify as moral harms, psychological suffering and trauma;¹³⁶¹ psychosocial harm from the loss of a family member;¹³⁶² psychosocial harm from changes in family structure;¹³⁶³ separation from children and relatives without any

¹³⁵⁷ PCV-0003 at [T-177](#), p. 39, lns 5-6.

¹³⁵⁸ PCV-0003 at [T-177](#), p. 38, lns 12-13.

¹³⁵⁹ PCV-0003 at [T-177](#), p. 38, lns 16-17.

¹³⁶⁰ PCV-0003 at [T-177](#), p. 39, ln 7.

¹³⁶¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 51; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 17.

¹³⁶² CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 51; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹³⁶³ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 51; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

information regarding their well-being;¹³⁶⁴ and emotional burden of looking after victims following their captivity.¹³⁶⁵

334. The Chamber recalls that indirect victims include the family members of direct victims,¹³⁶⁶ which encompasses the families of all SGBC victims, including children born out of SGBC who are direct SGBC victims.

335. The Chamber notes that in the Sentence, the Chamber gave special consideration to the psychological harm caused to the family members of victims of enslavement abducted from the four IDP camps.¹³⁶⁷ When assessing the gravity of SGBC, this consideration was extended to the family members of enslaved women and girls.¹³⁶⁸ The Chamber further notes that during the trial proceedings it heard abundant evidence on the psychological pain and frustration families felt when women and girls members of their family were abducted.¹³⁶⁹ For instance, P-0226, who was abducted when she was seven years old,¹³⁷⁰ testified that when she was taken by the LRA her mother was crying and ‘[she] witnessed [her] mother’s fear’.¹³⁷¹ The Chamber also notes the suffering that parents and family members experienced while their family members were in captivity, as they were constantly worrying about their children’s integrity and well-being.¹³⁷² P-0366 recalled during her testimony that ‘[her] mother was extremely worried about [her]. She was constantly concerned about [her] life. She did not know whether [she] was alive or dead’.¹³⁷³

¹³⁶⁴ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹³⁶⁵ ARLPI’s Observations, [ICC-02/04-01/15-1925](#), para. 5(e)(6) (p. 7).

¹³⁶⁶ See para. 128 above.

¹³⁶⁷ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 165.

¹³⁶⁸ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 310 (Ongwen’s wives); para. 352 (Sinia’s wives).

¹³⁶⁹ See, *inter alia*, P-0226 at [T-8](#), p. 11, ln 24 to p. 12, ln 2; P-0227 at [T-10](#), p. 7, lns 2-4; P-0235 at [T-17](#) p. 4, lns 7-9, p. 6, lns 11-13.

¹³⁷⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2017.

¹³⁷¹ P-0226 at [T-8](#), p. 14, ln 9. See also P-0227, who referred to the pain suffered by her mother when abducted. She recalled ‘My mother tried to cry -- my mother tried to cry, and then they said if my mother continued crying that meant she wanted to see me die, so my mother had to keep quiet’, P-0227 at [T-10](#) p. 7, lns 2-4; Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2021. P-0235 also stated that her mother tried to intervene when she was abducted, but they threatened her. She recalled that in that moment her mother stated, ‘why are you taking this child? She is still young. Then they started moving with me and my mother remained there outside the house’. She further explained ‘my mother told them to leave me and they said they will beat my mother, so my mother left us’, P-0235 at [T-17](#) p. 4, lns 7-8, p. 6, lns 11-13; Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2025.

¹³⁷² See, *inter alia*, P-0366 at [T-147](#), p. 26, ln 24 to p. 27, ln 2; P-0366 at [T-147](#), p. 26, ln 24 to p. 27, ln 2.

¹³⁷³ P-0366 at [T-147](#), p. 26, ln 24 to p. 27, ln 2. See also, P-0374 testified about the mental health problems her mother developed after she was abducted and her father was killed, she explained, ‘When I returned from the bush, my mother was still supportive of me. She wouldn’t talk the kind of things she began saying later. But even then at the time when my father was killed and at the time I was abducted, she developed some mental problems. And sometimes when she is annoyed she starts, you know, talking all the things that I went through in the bush, she would abuse me’, P-0374 at [T-150](#), p. 55, ln 23 to p. 56, ln 2.

336. On this point, the Chamber has also considered Expert Witness Professor Reicherter's report in which he indicated that indirect victims of SGBC may also experience post-traumatic stress disorder ('PTSD') symptoms as a result of being exposed through their loved ones.¹³⁷⁴ Professor Reicherter also noted that the impact of SGBC on families or communities may appear in the form of an organisational or societal sense of hopelessness or lack of future vision, similar to individual symptoms of depression.¹³⁷⁵

337. The Chamber also notes the moral harm and emotional distress families suffered when their children returned home. For example, during her testimony, P-0366 gave evidence about the suffering experienced by her family when trying to support her from being stigmatised by her community.¹³⁷⁶ She testified that '[w]hen my family hear people talking about that, then of course it would stress them out. They would ask themselves, why are people talking like that?'.¹³⁷⁷ On this point, the Chamber also notes the testimony of witness V-0003, a teacher at Lukodi, who explained about the frustration experienced by many parents of returned girls who contracted diseases, such as HIV, as they were not able to get married afterwards.¹³⁷⁸ V-0003 explained that this was 'heart breaking' both for the children and their family.¹³⁷⁹ He also recounted that 'very few girls compared to boys were able to complete their education'.¹³⁸⁰ Similarly, Expert Witness Professor Musisi noted during his testimony that many families of returned victims had difficulties with trusting their abducted children who were involved in the commission of crimes.¹³⁸¹

338. The Chamber also acknowledges the moral harm caused to family structures as a result of the commission of SGBC. On this point, the Chamber recalls the findings made by Expert Witness Professor Reicherter, who reported that SGBC results in psychiatric symptoms which impact the quality and nature of family relationships as well as the general family stability and security.¹³⁸² In this regard, the Chamber further notes the evidence heard during trial

¹³⁷⁴ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 10.

¹³⁷⁵ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 27.

¹³⁷⁶ P-0366 at [T-147](#) p. 27, lns 3-14.

¹³⁷⁷ P-0366 at [T-147](#) p. 27, lns 12-14.

¹³⁷⁸ V-0003, Transcript of hearing, 2 May 2018, [ICC-02/04-01/15-T-172-Red-ENG](#) (T-172), p. 28, lns 8-12.

¹³⁷⁹ V-0003 at [T-172](#), p. 28, lns 12-13.

¹³⁸⁰ V-0003 at [T-172](#), p. 21, lns 5-7.

¹³⁸¹ PCV-0003 at [T-177](#), p. 28, lns 15-17. The Chamber further notes that women and girls victims of SGBC were forced to beat or kill other abductees whilst on captivity, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 215, 3082; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 349. *See, also* P-0366, who testified about her return and stigmatization from her community, she recalled 'people used to assume that when you are in the bush you would -- you committed atrocities, so when you come back home you're likely to commit the same atrocities against people back home. So, yeah, people used to talk about it', P-0366 at [T-147](#), p. 27, lns 5-10.

¹³⁸² Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 30.

proceedings in relation to the impact that children born out of rape had in the victim's family structure. For instance, P-0187 testified that her daughter was abducted and became pregnant during her time in captivity.¹³⁸³ Upon P-0187 daughter's return, the daughter decided to get married.¹³⁸⁴ P-0187 testified that when her daughter's husband found out she was pregnant he refused to stay with her.¹³⁸⁵ Then, after her daughter gave birth, P-0187 testified that she had to take care of her daughter's baby.¹³⁸⁶ The Chamber notes that the testimonies presented during the trial are consistent with the Expert Witness Professor Tim Allen's testimony.¹³⁸⁷ According to Professor Allen, upon their return and upon establishing new partner relationships, women and girls who were abducted and spent time in captivity were forced by their new partners to abandon their children.¹³⁸⁸ Professor Allen indicated that this has caused a new phenomenon of orphan children or children living with older women and 'a huge problem with large numbers of young people who are not living in stable family situations'.¹³⁸⁹

339. In addition, the Chamber notes that the accounts in the Sample demonstrate that indirect SGBC victims suffered from moral harm including: sadness for the crimes suffered by their relatives;¹³⁹⁰ taking care of children the victims had while abducted;¹³⁹¹ and stigmatisation because of being a relative of a child fathered by an LRA soldier.¹³⁹²

340. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that indirect SGBC victims suffered moral harm as a result of the crimes for which Mr Ongwen was convicted. The moral harm suffered by these victims includes: psychological harm; psychological pain and frustration; shock; fear; panic; suffering from the separation of families; constant worry and profound agony from the lack of any information of the victims' well-being; post-traumatic stress disorder symptoms; social sense of hopelessness or lack of future vision; emotional burden of taking care of victims after their return; constant nightmares;

¹³⁸³ P-0187 at [T-164](#), p. 7, lns 5-9.

¹³⁸⁴ P-0187 at [T-164](#), p. 7, lns 5-9.

¹³⁸⁵ P-0187 at [T-164](#), p. 7, lns 5-9.

¹³⁸⁶ P-0187 at [T-164](#), p. 7, lns 5-9.

¹³⁸⁷ P-0422 at [T-28](#), p. 85, ln 5 to p. 86, ln 11.

¹³⁸⁸ P-0422 at [T-28](#), p. 85, lns 5-8.

¹³⁸⁹ P-0422 at [T-28](#), p. 85, lns 5-16.

¹³⁹⁰ *See, inter alia*, A/01490/16.

¹³⁹¹ *See, inter alia*, A/01566/16.

¹³⁹² *See, inter alia*, A/01566/16.

psychosocial disturbance caused to family structures; emotional burden of taking care of victims' children in captivity; sadness for the crimes suffered by their relatives; and stigmatization because of being a relative of a child fathered by an LRA soldier. The Chamber further acknowledges that the moral harm suffered by the indirect SGBC victims had long-lasting consequences.

(ii) Material harm

341. The CLRV and a number of participants describe the material harm suffered by the indirect SGBC victims. In particular, they identify loss of help and support from abducted persons;¹³⁹³ loss of opportunities that stem from victims being unable to undertake income generating activities;¹³⁹⁴ and loss of income¹³⁹⁵ and expenses associated with looking after grandchildren when mothers do not have the capacity to do so.¹³⁹⁶

342. The Chamber recalls its findings above mentioned in relation to the moral harm suffered by family members who had to support their relatives who returned from the bush, since they experienced material harm associated with the loss of opportunities including, future employment prospects, loss of life plan and loss of opportunity to develop practical skills.¹³⁹⁷ On this point, the Chamber also notes that indirect victims of SGBC in the Sample, indicate they suffered from the loss of economic support from the returnees, as they are not able to carry work to support economically in the family.¹³⁹⁸

343. The Chamber notes that the change in family structure referred to above,¹³⁹⁹ resulted in family members having to provide the economic support to relatives who were SGBC victims, as well as their children. On this regard, the Chamber recalls the testimony provided by P-0187, who had to take care of her daughter's baby who was fathered by an LRA soldier.¹⁴⁰⁰ In a similar sense, witness V-0003 testified about the frustration many parents felt when their abducted daughter returned with contracted diseases, including HIV, and as a result were not able to get married afterwards.¹⁴⁰¹

¹³⁹³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹³⁹⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 77.

¹³⁹⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 77.

¹³⁹⁶ CLRV's February 2023 Submissions [ICC-02/04-01/15-2031-Red](#), para. 26.

¹³⁹⁷ See paras 309-314 above.

¹³⁹⁸ See, *inter alia*, A/01490/16.

¹³⁹⁹ See para. 338 above.

¹⁴⁰⁰ P-0187 at [T-164](#), p. 7, lns 5-9.

¹⁴⁰¹ V-0003 at [T-172](#), p. 28, lns 8-13.

344. The Chamber further recalls the findings of the Expert Witness Professor Wessells in his report, in which he explained how the abduction of children disrupted the social roles, which impacted the division of household tasks, such as caring for younger children, and earning money to help support the family.¹⁴⁰² As noted above in relation to moral harm of these victims, Expert Witness Professor Allen noted the issue of SGBC victims having to leave children with their relatives,¹⁴⁰³ causing the phenomenon of orphan children or children living with older women.¹⁴⁰⁴

345. In this respect, the Chamber has also assessed the accounts of victims in the Sample, who referred to the economic burden associated with providing care to SGBC victim's children.¹⁴⁰⁵

346. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established on a balance of probabilities that indirect SGBC victims suffered material harm as a result of the crimes for which Mr Ongwen was convicted. The material harm suffered by these victims includes: economic loss associated with providing for victims and their children born in captivity upon their return; loss of income from SGBC victims that are not contributing to their families; difficulties to find marriage for the victims; and disruption of social roles and household tasks. The Chamber further acknowledges that the material harm suffered by the indirect SGBC victims had long-lasting consequences.

iii. Harm suffered by victims of crimes against child soldiers

a) Direct victims, former child soldiers

347. The Chamber recalls that, as found in the Sentence, conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities is undoubtedly a very serious crime.¹⁴⁰⁶ In effect, it subjects children to combat and the associated risks to their life and well-being, including the risk of being wounded or killed.¹⁴⁰⁷ As also noted in the

¹⁴⁰² Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 26.

¹⁴⁰³ P-0422 at [T-28](#), p. 76, lns 5-8.

¹⁴⁰⁴ P-0422 at [T-28](#), p. 85, lns 5-16.

¹⁴⁰⁵ See, *inter alia*, A/01566/16.

¹⁴⁰⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 357; see also, *Ntaganda* Sentencing Judgment, [ICC-01/04-02-06-2442](#), para. 179.

¹⁴⁰⁷ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 357; see also, *Ntaganda* Sentencing Judgment, [ICC-01/04-02-06-2442](#), para. 179.

Sentence, in the present case, abducted children were detained and kept in captivity with cruel methods of physical and psychological coercion imposed to prevent their escape and to ensure obedience.¹⁴⁰⁸ They often remained in this situation for a long period of time, some for years.¹⁴⁰⁹ The Sentence further underlined that the physical and psychological violence and coercion these children suffered was not limited to the act of conscription through abduction and subsequent initiation rituals but extended uninterrupted throughout the relevant period in a continuing manner.¹⁴¹⁰

(i) Physical harm

348. The LRVs, the CLRV, and a number of participants describe the physical harm suffered by former child soldiers. In particular, they identify the suffering of wounds,¹⁴¹¹ disabilities,¹⁴¹² ulcerations,¹⁴¹³ physical ailments and diseases,¹⁴¹⁴ weak health status,¹⁴¹⁵ chest pain,¹⁴¹⁶ presence of bullet or shrapnel pieces in their bodies,¹⁴¹⁷ and combat related injuries including visual impairments,¹⁴¹⁸ scaring,¹⁴¹⁹ long-lasting back pain,¹⁴²⁰ heart illness,¹⁴²¹ and weakness.¹⁴²² Parties and participants indicate that physical harm was suffered by victims, *inter alia*, as a result of beatings,¹⁴²³ torture,¹⁴²⁴ mutilation,¹⁴²⁵ shootings,¹⁴²⁶ rituals aimed at making them forget their families,¹⁴²⁷ abduction and violent initiation in the LRA,¹⁴²⁸ violent

¹⁴⁰⁸ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

¹⁴⁰⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

¹⁴¹⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

¹⁴¹¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 85.

¹⁴¹² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 85; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46.

¹⁴¹³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 85.

¹⁴¹⁴ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹⁴¹⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46.

¹⁴¹⁶ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴¹⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴¹⁸ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴¹⁹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴²⁰ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴²¹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴²² ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴²³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹⁴²⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴²⁵ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); TFV's December 2021 Observations [ICC-02/04-01/15-1920](#), para. 85.

¹⁴²⁶ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹⁴²⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i).

¹⁴²⁸ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 17.

disciplinary regimes to ensure obedience and compliance,¹⁴²⁹ and active participation in hostilities.¹⁴³⁰

349. The Chamber notes that child soldiers indeed suffered physical harm and injuries including gunshot wounds,¹⁴³¹ chest and back injuries,¹⁴³² bruises,¹⁴³³ chest pain,¹⁴³⁴ foot injuries from being forced to walk long distances,¹⁴³⁵ and other related combat injuries.¹⁴³⁶ Injuries were sustained during abductions,¹⁴³⁷ initiation ceremonies,¹⁴³⁸ whilst in captivity,¹⁴³⁹ during battles,¹⁴⁴⁰ and were caused as result of being beaten,¹⁴⁴¹ shot at,¹⁴⁴² caned,¹⁴⁴³ forced to carry heavy items,¹⁴⁴⁴ and forced to walk long distances.¹⁴⁴⁵

350. The Chamber recalls that, as found in the Sentence, witnesses consistently testified throughout the trial proceedings that they were beaten shortly after being abducted.¹⁴⁴⁶ Furthermore, ‘beating out the civilian’ of newly abducted children was a way to ensure compliance with orders, and a way to impress upon abductees that they were now part of a

¹⁴²⁹ UN’s Observations, [ICC-02/04-01/15-1972](#), para. 19.

¹⁴³⁰ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 38.

¹⁴³¹ See, *inter alia*, P-0307, a former LRA child soldier, stated that he was shot in the stomach and on his shoulder, hitting his bone, and explained ‘every time here and there [he] experience[s] some pain on the shoulder’, see P-0307, Transcript of Hearing, 01 February 2018, [ICC-02/04-01/15-T-152-Red2-ENG](#), (T-152), p. 74, lns 12-15.

¹⁴³² See, *inter alia*, P-0097, Transcript of Hearing, 19 September 2017, [ICC-02/04-01/15-T-108-Red2-ENG](#), (T-108), p. 69, ln 10; P-0252, a former LRA child soldier who was 11 at the time of his abduction, testified that he sustained injuries on both legs and his arm during his time in the bush, P-0252, Transcript of hearing, 16 June 2015, [ICC-02/04-01/15-T-87-Red2-ENG](#), (T-87), p. 55, ln 24, p.56, lns 14-15. P-0264, a former LRA child soldier, who stated that he was beaten with a machete ‘after beating me with the machete they beat me on my back, they beat me on my buttocks... my buttocks were bleeding, my check – my back was bleeding as well’, P-0264, Transcript of Hearing, 3 April 2017, [ICC-02/04-01/15-T-64-Red2-ENG](#), (T-64), p. 21, lns 13-15.

¹⁴³³ See, *inter alia*, P-0307, a former LRA child soldier, who stated that he was caned and had bruises on his buttocks, so he could hardly sit afterwards, P-0307, Statement, UGA-OTP-0266-0425-R01, para. 58.

¹⁴³⁴ See, *inter alia*, P-0097 at [T-108](#), p. 69, ln 25 to p. 70, ln 2.

¹⁴³⁵ See, *inter alia*, P-0314, a former LRA fighter and an LRA escort, recounted that ‘if, for example, someone is extremely tired and – because sometimes people would walk for long distances carrying heavy luggage, if your feet are swollen, if you are tired, yeah, the people would disappear’, P-0314, Transcript of Hearing, 29 May 2017, [ICC-02/04-01/15-T-74-Red-ENG](#), (T-74), p. 29, ln 24 to p. 30, ln 3. P-0340, a former LRA abductee and fighter, who stated that ‘the children that we were abducted with, their feet were swollen, they were weak, there was no food because we did not have enough food’, P-0340, Transcript of Hearing, 11 September 2017, [ICC-02/04-01/15-T-102-Red-ENG](#), (T-102), p. 18, lns 12-13.

¹⁴³⁶ See, *inter alia*, P-0252 at [T-87](#), p. 55, lns 15-19; P-0307 at [T-152](#), p. 68, lns 5-7.

¹⁴³⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2341.

¹⁴³⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2373-2379; see also P-0252 at [T-87](#), p. 50, lns 8-11.

¹⁴³⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360; see also P-0264 at [T-64](#), p. 20, ln 19 to p.21, ln 16.

¹⁴⁴⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 364; see also P-0307, Statement, UGA-OTP-0266-0425-R01, para. 49; P-0307 at [T-152](#), p. 74, lns 12-15.

¹⁴⁴¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2373-2379.

¹⁴⁴² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 365, referring to Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1239; see also P-0097 at [T-108](#), p. 72, lns 15-19.

¹⁴⁴³ P-0307, Statement, UGA-OTP-0266-0425-R01, para. 58.

¹⁴⁴⁴ P-0097 at [T-108](#), p. 68, lns 11-25.

¹⁴⁴⁵ See, *inter alia*, P-0097 at [T-108](#), p. 68, lns 24-25; P-0252 at [T-87](#), p. 77, lns 21-22.

¹⁴⁴⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

military organisation.¹⁴⁴⁷ For instance, P-0252, who was abducted during the attack in Odek at age 11,¹⁴⁴⁸ testified that, shortly after his abduction, older soldiers beat him ‘as an initiation process’.¹⁴⁴⁹ He further stated that he was hit with a machete and told to ‘leave [his] civilian life behind’.¹⁴⁵⁰ Similarly, P-0097, an abductee and former LRA child soldier,¹⁴⁵¹ testified that he received 50 strokes on his back and buttocks with canes that had been freshly cut, and explained that this was how the LRA welcomed people.¹⁴⁵²

351. Abducted children were also subject to the violent disciplinary regime of the LRA.¹⁴⁵³ The Sentence found that cruel methods of physical coercion were used to prevent the escape of abducted children and ensure obedience, and that physical violence was perpetrated against them in an uninterrupted manner while they were in captivity.¹⁴⁵⁴ In particular, the Chamber notes the testimony of P-0264, a former LRA child soldier abducted at age 11,¹⁴⁵⁵ who testified that he was beaten with a machete by LRA soldiers when he tried to escape,¹⁴⁵⁶ and that after the beatings, his buttocks, chest, and back were bleeding and he could not breathe.¹⁴⁵⁷

352. The Chamber further recalls that the testimony of numerous witnesses heard throughout the trial proceedings demonstrate that children serving as soldiers in the Sinia brigade sustained

¹⁴⁴⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2373; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

¹⁴⁴⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 323.

¹⁴⁴⁹ P-0252 at [T-87](#), p. 50, ln 8.

¹⁴⁵⁰ P-0252 at [T-87](#), p. 50, ln 11.

¹⁴⁵¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 298.

¹⁴⁵² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2376. *See also* P-0307, a former LRA child soldier, testified that when abductees were recruited into the army, they would give you ‘uncountable strokes of the cane’ to ‘take away the civilian life from [you]’, P-0307, Transcript of Hearing, 2 February 2018, [ICC-02/04-01/15-T-153-Red-ENG](#), (T-153), p. 23, lns 8-11; P-0330, a former LRA child soldier testified that after he had been recruited into the army, they told him to ‘kneel down and touch [his] nails and [he] was beaten with a wire lock’, P-0330, Transcript of Hearing, 10 March 2017, [ICC-02/04-01/15-T-51-Red2-ENG](#), (T-51), p. 57, lns 8-10.

¹⁴⁵³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

¹⁴⁵⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360; *see, inter alia*, P-0307, Statement, UGA-OTP-0266-0425-R01, para. 58. Also, P-0264, a former LRA child soldier abducted at age 11, who testified that he was severely beaten after trying to escape. He explained that after he was caught, he was taken to an operation room, where his hands were bound behind his back and he was blindfolded. The rebels started rubbing his neck with cassava stems and then beat him with a machete, P-0264 at [T-64](#), p. 21, lns 1-16. P-0233, a former LRA member, testified that other children had been beaten to death for trying to escape. When asked how he knew whether the children had been killed, he responded ‘because they were beaten, their skulls were smashed and their brains were all littering outside’, P-0233, Transcript of Hearing, 22 September 2017, [ICC-02/04-01/15-T-111-Red2-ENG](#), (T-111), p. 10, lns 19-25; P-0252, a former child soldier who was 11 at the time of his abduction, also testified that he was told he would be burnt with hot water if he tried to escape, he stated ‘they said they would put hot water to boil and then use that to burn me’, P-0252 at [T-87](#), p. 40, lns 3-4.

¹⁴⁵⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 330.

¹⁴⁵⁶ P-0264 at [T-64](#), p. 21, lns 12-13.

¹⁴⁵⁷ P-0264 at [T-64](#), p. 21, lns 13-16.

physical injuries whilst they took part in hostilities.¹⁴⁵⁸ For instance, P-0252, who was 11 at the time of his abduction, testified that he was injured whilst participating in a fight with government soldiers and that he lost consciousness for about one and a half days.¹⁴⁵⁹

353. The Chamber further notes that abducted children also sustained injuries as a result of being forced to carry heavy items for long periods, and as a result of being forced to walk long distances in difficult conditions.¹⁴⁶⁰ For example, P-0097, an abductee and former LRA child soldier,¹⁴⁶¹ testified that he still experiences back, chest, and shoulder pain due to the beatings and because he was forced to carry heavy items for long distances.¹⁴⁶²

354. Consistent with the evidence heard at trial, victims in the Sample also outlined that they were injured and wounded whilst in captivity.¹⁴⁶³

355. On this point, the Chamber also notes the evidence provided by Expert Witness Professor Wessells. In his report, the Expert indicated that abducted children were exposed to ‘profound violence, danger and insecurity’.¹⁴⁶⁴ Due to the LRA’s strict discipline system, ‘abducted children who disobeyed orders were subject to brutal beatings or other torture’¹⁴⁶⁵ and suffered physical wounds which impacted their health and ability to work.¹⁴⁶⁶ Moreover, according to the Expert, in order ‘to punish children who attempted to escape, the LRA ordered other abducted children to surround the escapee and beat him or her to death’.¹⁴⁶⁷ Children who were forcibly recruited into the LRA forces were also exposed to the violence and threats

¹⁴⁵⁸ See, *inter alia*, P-0307, Statement, UGA-OTP-0266-0425-R01, para. 49; P-0097, an abductee and former LRA child soldier testified that while in captivity he was shot by government soldiers when he was sent to search for food and sustained a serious injury on his shoulder, P-0097, Statement, UGA-OTP-0258-0489-R01, para. 29; P-0097 at [T-108](#), p. 69, ln 25 to p. 70, ln 2, p. 72, lns 18-19; P-0379, a former LRA fighter, testified that during the attack on the Pajule IDP camp, he witnessed a very young boy, who appeared to be a rebel, being shot around his shoulders and on his head, he stated ‘he fell lying on his back’, P-0379, Transcript of Hearing, 20 March 2017, [ICC-02/04-01/15-T-57-Red2-ENG](#), (T-57), p. 27, lns 9-13; P-0307 at [T-152](#), p. 74, lns 12-15.

¹⁴⁵⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2419; P-0252 at [T-87](#), p. 55, lns 15-19.

¹⁴⁶⁰ See, *inter alia*, P-0264, a former LRA fighter abducted at age 11, who was severely beaten after trying to escape and forced to carry a bag, recalled during trial ‘I was given a bag to carry. I told them, “I am unable to carry this bag”. They asked me, “Do you want to die?” I was in extreme pain and I was afraid so I ended up carrying the bag. My back was all – my back was all split, my buttocks were painful and my throat was extremely painful. I carried the bag, I walked for a little bit and fell down’, P-0264 at [T-64](#), p. 22, lns 6-10; P-0410, a former LRA child soldier abducted at 13, testified that he had chest pains all the time because of carrying heavy luggage, P-0410, Transcript of Hearing, 31 January 2018, [ICC-02/04-01/15-T-151-Red2-ENG](#), (T-151), p. 80, lns 23-24.

¹⁴⁶¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 298-299.

¹⁴⁶² P-0097 at [T-108](#), p. 68, lns 11-25; see also P-0330, Transcript of Hearing, 14 March 2017, [ICC-02/04-01/15-T-53-Red-ENG](#), (T-53), p. 37, lns 4-6.

¹⁴⁶³ See, *inter alia*, A/02099/16, A/02100/16.

¹⁴⁶⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 8.

¹⁴⁶⁵ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 8.

¹⁴⁶⁶ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 32.

¹⁴⁶⁷ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 8.

coming from the UPDF.¹⁴⁶⁸ As to the long-lasting health consequences the child soldiers bear, the Expert affirmed that there were ‘myriad health threats and problems’, which were often associated with the LRA’s brutal discipline.¹⁴⁶⁹

356. The Chamber further stresses that many of the injuries referred to above had long term consequences for the victims. Former child soldiers testified during the trial proceedings that they have long-lasting back pain,¹⁴⁷⁰ chest pain,¹⁴⁷¹ chronic bone pain,¹⁴⁷² and scars.¹⁴⁷³ The Chamber further notes that the findings in the Conviction Judgment, the Sentence, and the testimonies presented during the trial are consistent with the findings in the Expert Witness report. In his report, Professor Wessells stated that the physical injuries left ‘some children with long term physical disabilities’.¹⁴⁷⁴ The Expert asserted that children who grew up in the LRA and returned home ‘may experience a whole spectrum of increased health risk, pulmonary disease, coronary disease, asthma, [and] diabetes’.¹⁴⁷⁵

357. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that direct victims of the crime of conscription of children under the age of 15 years and their use to participate actively in armed hostilities, suffered physical harm as a result of the crimes for which Mr Ongwen was convicted. The physical harm suffered by these victims includes: beating as part of their initiation process; physical coercion; injuries sustained from participating in hostilities, including bullet wounds and shrapnel wounds; buttocks, chest, shoulder, and back wounds; bruises; foot injuries; long-lasting back pain and chest pain; chronic bone pain; scars; a myriad of health threats and problems; disabilities; and increased health risk, including pulmonary disease, coronary disease, asthma, and diabetes. The Chamber acknowledges that the physical harm suffered by the victims had long-lasting consequences.

¹⁴⁶⁸ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 8.

¹⁴⁶⁹ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

¹⁴⁷⁰ See, *inter alia*, P-0097 at [T-108](#), p. 69, ln 25 to p. 70, ln 2.

¹⁴⁷¹ See, *inter alia*, P-0330 stated during trial that until today he has chest problems and will ‘cough out blood because [he] carried the PK tin for a long time’, see P-0330 at [T-53](#), p. 37, lns 4-6.

¹⁴⁷² See, *inter alia*, P-0307, a former LRA fighter abducted before he was 15 years old, who stated that he was shot in the stomach and on his shoulder, the latter even hitting his bone, and testified that ‘every time here and there [he] experience[s] some pain on the shoulder’, see P-0307 at [T-152](#), p. 74, lns 12-16.

¹⁴⁷³ See, *inter alia*, P-0252, who was abducted age 11, during his testimony on trial recalled that ‘[he] was hit on [his] chest with a big stick. [He] still have the scar up to now’, see P-0252 at [T-87](#), p. 82, lns 24-25.

¹⁴⁷⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

¹⁴⁷⁵ PCV-0002 at [T-176](#), p. 46, lns 14-16.

(ii) Moral harm

358. The CLRV and a number of participants describe the moral harm suffered by former child soldiers. In particular, they identify psychological disorders,¹⁴⁷⁶ depression,¹⁴⁷⁷ anxiety,¹⁴⁷⁸ trauma,¹⁴⁷⁹ suicidal tendencies,¹⁴⁸⁰ difficulties in controlling aggressive impulses,¹⁴⁸¹ dissociative behaviour,¹⁴⁸² and stigmatisation, isolation, and rejection within families and communities.¹⁴⁸³ Parties and participants indicate that the moral harm was suffered by victims, *inter alia*, as a result of victimisation,¹⁴⁸⁴ exposure to an environment of violence, fear and threats,¹⁴⁸⁵ being separated from their families,¹⁴⁸⁶ and the inability to re-integrate into society.¹⁴⁸⁷

359. In particular, the Chamber notes that the testimonies heard throughout the trial indicate that child soldiers suffered psychological trauma,¹⁴⁸⁸ mental disorders,¹⁴⁸⁹ nightmares,¹⁴⁹⁰

¹⁴⁷⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁷⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 39.

¹⁴⁷⁸ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 39.

¹⁴⁷⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁸⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁸¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁸² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁸³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46.

¹⁴⁸⁴ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 39.

¹⁴⁸⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁸⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁸⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁴⁸⁸ See, *inter alia*, P-0252, who was 11 at the time of his abduction, testified about how he was forced to beat a person until death and reflected 'I saw things in the bush and all those things have completely traumatised me. The things that I did in the bush have completely traumatised me', see P-0252 at [T-87](#), p. 71, lns 1-3.

¹⁴⁸⁹ See, *inter alia*, P-0252 testified about spirits haunting him after his return home, he explained 'When I was causing all these atrocities, killing people, I lost consciousness and I did not feel anything. But when I returned home it still disturbs me up to now, I still feel haunted. Sometimes I leave home and just wander and vanish. It doesn't happen to you immediately when you are in the bush. It can haunt you briefly but you gain the strength to go on and keep doing the same thing and you become confident and brave enough to do whatever you are asked to do. But when you return home you start getting haunted and they all come back to you'. See P-0252 at [T-88](#), p. 29 ln 22 to p. 30, ln 4.

¹⁴⁹⁰ See, *inter alia*, P-0097 at [T-108](#), p. 77, lns 19-22; P-0309, a former LRA fighter who was abducted at age 13 testified that 'sometimes when I'm sleeping or when I'm just sitting, I -- I visualise the things that happened in the bush, I see them, they always come, they always spring up in my mind', see P-0309, Transcript of Hearing, 29 March 2017, [ICC-02/04-01/15-T-61-Red-ENG](#), (T-61), p. 60, lns 1-5; P-0410, a former LRA fighter abducted at 13, testified that 'all the kind of things that happened to me was not there, the nightmares, the bad dreams that

exposure to violence and fear,¹⁴⁹¹ emotional suffering caused by the separation from their families,¹⁴⁹² emotional distress from the prohibition of forming friendships during captivity,¹⁴⁹³ stigmatisation,¹⁴⁹⁴ loss of childhood,¹⁴⁹⁵ and loss of life plan.¹⁴⁹⁶

360. The Chamber notes that victims testified that they were taken by force, against their will, and felt scared and fearful during their abduction.¹⁴⁹⁷ For example, P-0097, an abductee and former LRA child soldier who was abducted at age 11 during his sister's wedding,¹⁴⁹⁸ testified that when he was taken, LRA fighters attacked the compound where his family were

I have now, were not there'. See P-0410, Transcript of Hearing, 1 February 2018, [ICC-02/04-01/15-T-152-Red-ENG](#), (T-152), p. 3, lns 14-24; P-0330, who was abducted as a child under the age of 15, testified that 'I also have a nightmare. There are particular months which I have these problems and I cry in the night alone'. He also testified that 'Also I have other terrible nightmares. Sometimes I wake up out of -- because of the nightmares and I fail to sleep again'. See P-0330 at [T-53](#), p. 38 lns 4-6, 14-15.

¹⁴⁹¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2341; see also, P-0097 at [T-108](#), p. 9, lns 2-7; P-0252, who was 11 at the time of his abduction, testified that he was forced to kill an abducted man. The witness testified that he beat the man very severely with a log as the LRA commanders instructed him to beat him until he cracked the man's skull completely. See P-0252 at [T-87](#), p. 70, ln 9 to p. 71, ln 3.

¹⁴⁹² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 362.

¹⁴⁹³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 362. See also P-0252, who was 11 at the time of his abduction testified that while in captivity 'you are not allowed to introduce yourself to each other. If you meet somebody that you know, you just have to pass that person and pretend that you do not know that person'. See P-0252 at [T-88](#), p. 34, ln 18 to p. 35, ln 2.

¹⁴⁹⁴ See, *inter alia*, P-0097, an abductee and former LRA child soldier, testified that 'there was a lot of stigmatisation. People would say that this so-and-so was abducted, he was a rebel, he killed, killed people'. See P-0097 at [T-108](#), p. 77, lns 9-11; P-0410, a former LRA fighter abducted at age 13, testified that 'life is not easy for me in the community where I live', and he clarified the meaning of this by saying 'people still looked at us as rebels up till now. When you want to say something or contribute towards a discussion, they will say, "this is a returnee. Sometimes he's still mentally disturbed" or they will say this or that about us'. See P-0410 at [T-151](#), p. 81, lns 6-8; P-0307, a former LRA fighter abducted before he was 15 years old, testified that, 'Sometimes somebody does not talk about directly to you, but they keep talking about that to other people. They would be saying this person returned from the bush and stigmatisation is the order of the day'. See P-0307 at [T-152](#), p. 75, lns 3-5; P-0252 testified that 'there was a lot of stigmatisation, there were a lot of insults. They would tell you that is you don't watch out, this person would kill you'. See P-0252 at [T-88](#), p. 36, lns 4-6.

¹⁴⁹⁵ See, *inter alia*, P-0309, a former LRA soldier abducted at age 13, testified 'my abduction and staying in the bush changed my life because I was not able to complete my education, and I lost a lot of friends, I no longer know the friends that I grew up'. See P-0309 at [T-61](#), p. 60, lns 9-14; P-0307 testified that he feels he is left behind, saying 'my abduction at a young age and my stay in the bush interrupted my life because, if I compare my life with that of my colleagues with whom we were living together, I, I am behind. If I had continued studying, I would have gone so far now. Even right now in terms of academic excellence I cannot excel because of the things that happened to me when I was in the bush. So I am lagging behind'. See P-0307 at [T-152](#), p. 74, lns 20-25.

¹⁴⁹⁶ See, *inter alia*, P-0309, a former LRA soldier who was abducted at age 13, stated 'My abduction and staying in the bush changed my life because I was not able to achieve my ambitions'. See P-0309 at [T-61](#), p. 60, lns 9-14.

¹⁴⁹⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2341. See also P-0070, a former battalion commander of the LRA, indicated during his testimony on trial 'Newly abducted people are fearful, very fearful, because they are not used to gunshots' P-0070, Transcript of Hearing, 15 September 2017, [ICC-02/04-01/15-T-106-Red-ENG](#), (T-106), p. 61, lns 24-25; P-0314, who was abducted when he was under 15, was questioned during trial about his abduction by recalling its victims application which was read during trial and indicated 'I walked with them in fear from that moment until about 4 p.m. of the next day where we were joined with a larger group', P-0314, Transcript of Hearing, 30 May 2017, [ICC-02/04-01/15-T-75-Red-ENG](#), (T-75), p. 62, ln 25 to p. 63, ln 3; P-0264 at [T-64](#), p. 18, lns 2-3.

¹⁴⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 298-299; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 359.

gathered.¹⁴⁹⁹ He recalled that the LRA soldiers were heavily armed, fired shots, and set houses on fire.¹⁵⁰⁰ When a group of LRA fighters found him, P-0097 indicated that he did not resist going with them, as he had heard stories about people refusing and being shot.¹⁵⁰¹

361. As found beyond reasonable doubt in the Conviction Judgment, abducted children were detained and kept in captivity and were subject to cruel methods of physical and psychological coercion, often for a long period of time, some even for years.¹⁵⁰² The Chamber further recalls its finding that the physical, and subsequent psychological violence, was not limited to the act of conscription through abduction and subsequent initiation rituals but also continued in an uninterrupted manner.¹⁵⁰³ Witness P-0309, who was abducted before the age of 15,¹⁵⁰⁴ recalled that when he was abducted, the LRA soldiers ‘gathered [them] together in a compound and ordered that those who had been newly abducted, four people, should be killed. [...] Those four people were killed before [them], in [their] presence, and [they] were warned that if [they] attempted to escape that's what would happen to [them]’.¹⁵⁰⁵

362. The Chamber also recalls its findings in the Conviction Judgment that new recruits were forced to kill and witness brutal killings.¹⁵⁰⁶ The evidence provided by P-0314 was particularly informative for the Chamber to reach this finding, as he testified that newly abducted people would be instructed to kill a person, while the ‘older people’ watched.¹⁵⁰⁷ P-0314 further indicated in his testimony that ‘what affected [him] most was torture and cruel treatment, which was very rampant, and then being forced to do things that [he] wouldn't want to do’.¹⁵⁰⁸

363. Abducted children were also prohibited from forming relationships with other victims which, as found in the Sentence, ‘further increased their mental suffering and their feeling of abandonment’.¹⁵⁰⁹ The Chamber also notes the emotional suffering child soldiers experienced

¹⁴⁹⁹ P-0097 at [T-108](#), p. 7, ln 10-11.

¹⁵⁰⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2341; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 359.

¹⁵⁰¹ P-0097 at [T-108](#), p. 9, lns 2-3.

¹⁵⁰² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

¹⁵⁰³ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

¹⁵⁰⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2345.

¹⁵⁰⁵ P-0309, Transcript of Hearing, 28 March 2017, [ICC-02/04-01/15-T-60-Red-ENG](#), (T-60), p. 39, lns 21-24, p. 40, lns 10-12.

¹⁵⁰⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 916.

¹⁵⁰⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 917; P-0314 at [T-74](#), p. 29, ln 20 to p. 30, ln 3. *See also* P-0264 testified that he and other new abductee were forced to beat an old man to death and were told to put the old man's blood on his forehead. He stated ‘We were still new, we were civilians, we were scared, there was blood, there was brains’, *see* P-0264 at [T-64](#), p. 17, ln 24 to p. 19, ln 3; P-0252 at [T-87](#), p. 70, ln 9 to p. 71, ln 3.

¹⁵⁰⁸ P-0314 at [T-75](#), p. 47, lns 4-5.

¹⁵⁰⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 362. *See also* P-0314 testified that forming friendships in the bush ‘was not allowed’. *See* P-0314 at [T-75](#), p. 52, lns 8-16; P-0330 testified that it was not easy to make strong

as a result of being separated from their families.¹⁵¹⁰ According to the Expert Witness Professor Wessells, separation from family had negative impacts on the mental health of child soldiers who found themselves in situations of ‘intense fear with no family to comfort them or to help them to calm down or cope with their situation’.¹⁵¹¹

364. The Chamber also notes that the fear of making new friendships experienced by the child soldiers¹⁵¹² had an impact on their later development of social skills. In particular, the Chamber recalls the testimony of P-0309, who stated:

When I came back from the bush when I'm with people, when I'm among people, I find it difficult to converse with people. If people talk about things that relate to me, then it makes me -- it makes me angry, it makes me sad, and that's something that never happened in my life before.¹⁵¹³

It's extremely difficult for me to stay with people. If there are a number of people who have congregated together and it's extremely difficult for me to sit and stay with them.¹⁵¹⁴

365. The Chamber also notes the long term psychological suffering of child soldiers from being exposed to violence during their time in the bush. Witnesses who had been integrated into the LRA as child soldiers testified during the trial that they continue to suffer from nightmares about their experience many years after.¹⁵¹⁵ The Chamber notes, for instance, that P-0097 stated that, in the past, he used to have nightmares and sometimes he gets ‘lost in thoughts and makes [him] fear that maybe [he] could still be abducted’.¹⁵¹⁶ Similarly, P-0309 testified that he always feels as if there is somebody who is creeping after him with a gun and sometimes when he is sleeping or sitting, he visualises the things that happened to him in the bush.¹⁵¹⁷

366. The Chamber also notes the moral harm child soldiers suffered upon returning to their families and communities. Evidence heard during the trial demonstrates that child soldiers

friendships in the LRA, if you developed friendships, you will ‘be suspected to be planning to escape, and that might bring problems to you’. See P-0330 at [T-53](#), p. 47, lns 10-15; P-0252 at [T-88](#), p. 34, ln 14 to p. 35, ln 2.

¹⁵¹⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 362.

¹⁵¹¹ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 10.

¹⁵¹² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 362.

¹⁵¹³ P-0309 at [T-61](#), p. 60, lns 11-14.

¹⁵¹⁴ P-0309 at [T-61](#), p. 61, lns 15-17.

¹⁵¹⁵ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 367. See also P-0410 at [T-152](#), p. 3, lns 12-15; P-0330 at [T-53](#), p. 38, lns 4-6, 12-16; P-0252, who testified that that after returning home, he felt haunted by the spirits after he had to kill and commit atrocities. See P-0252 at [T-88](#), p. 29, ln 18 to p. 30, ln 4.

¹⁵¹⁶ P-0097 at [T-108](#), p. 77, lns 20-21.

¹⁵¹⁷ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 366; see also P-0309 at [T-61](#), p. 59, ln 20 to p. 60, ln 5.

experienced stigmatisation and rejection upon returning from captivity,¹⁵¹⁸ which included insults¹⁵¹⁹ and threats.¹⁵²⁰ In addition, for many child soldier victims, life changed dramatically upon their return from captivity, they lost their friendships, and many were not able to continue with their life plans such as completing their schooling.¹⁵²¹

367. In addition, the Chamber notes that the accounts from child soldiers in the Sample also refer to suffering from stigmatisation and rejection upon returning from captivity.¹⁵²²

368. The Chamber also considers the findings of the Expert Witness Professor Wessells in relation to the long-lasting consequences of these crimes. The Expert indicated in his report that such high doses of traumatic exposure led to ‘unusually high burden of mental disorders and other forms of intense suffering’.¹⁵²³ On this point, the Chamber notes that the Expert recognised that a ‘significant number’ of those children who had been abducted and integrated into the LRA, suffered from a range of issues including anxiety and depression,¹⁵²⁴ aggressive behaviours,¹⁵²⁵ PTSD,¹⁵²⁶ everyday distress,¹⁵²⁷ as well as spiritual disturbances (*cen*).¹⁵²⁸ As noted above, the Expert explained that ‘*cen*’ reflects Acholi beliefs that the vengeful spirits of the dead can attach to and possess the living, causing severe problems for formerly abducted children and their families and communities.¹⁵²⁹ The Expert indicated that ‘*cen*’ was a significant source of suffering and social isolation,¹⁵³⁰ and that families often feared that returning children might bring ‘*cen*’ into the household, and that it would harm family members.¹⁵³¹

369. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the

¹⁵¹⁸ See, *inter alia*, P-0097, an abductee and former LRA child soldier, testified that people in his community would call him a rebel and say that he killed people, which made his life difficult, see P-0097 at [T-108](#), p. 77, lns 9-11; P-0410 testified that people in his community still looked at him as a rebels up till now and when he tries to contribute to a discussion, people say things like, this is a returnee, see P-0410 at [T-151](#), p. 81, lns 6-8.

¹⁵¹⁹ See, *inter alia*, P-0252 stated during his testimony, ‘life was very difficult afterwards, especially with regards to other people [...] they were insulting us constantly’. See P-0252 at [T-88](#), p. 35 lns 23-25; P-0307 at [T-152](#), p. 75, lns 3-5.

¹⁵²⁰ See, *inter alia*, P-0252 at [T-88](#), p. 36, lns 5-6.

¹⁵²¹ See, *inter alia*, P-0309 at [T-61](#), p. 60, lns 9-14; P-0252 testified that ‘being in the bush has wasted a lot of my time. [...] being in the bush made me lose everything’. See P-0252 at [T-87](#), p. 35, lns 8-10.

¹⁵²² See, *inter alia*, A/02099/16, A/02100/16.

¹⁵²³ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 11.

¹⁵²⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, pp. 11-12.

¹⁵²⁵ Expert Report Professor Wessells, UGA-PCV-0002-0076, pp. 11-12.

¹⁵²⁶ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 12.

¹⁵²⁷ Expert Report Professor Wessells, UGA-PCV-0002-0076, pp. 13-14.

¹⁵²⁸ Expert Report Professor Wessells, UGA-PCV-0002-0076, pp. 14- 15.

¹⁵²⁹ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 14.

¹⁵³⁰ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 6.

¹⁵³¹ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 25.

information obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that child soldiers suffered moral harm as a result of being direct victims of the crime of conscripting children under the age of 15 years and their use to participate actively in armed hostilities, for which Mr Ongwen was convicted. The moral harm suffered by these victims includes: feelings of fear and distress; psychological trauma; mental disorders; nightmares; emotional distress caused by the exposure to violence and fear; emotional suffering from being prohibited to form friendships while in captivity; feelings of abandonment caused by the separation from their families; long-lasting fears or traumas; symptoms of anxiety and depression, aggressive behaviour and PTSD; spiritual disturbances; stigmatisation and rejection upon return; loss of childhood; impact on social skills; and loss of life plan. The Chamber acknowledges that the moral harm suffered by these victims had long-lasting consequences.

(iii) Material harm

370. The Chamber notes that the LRVs, CLRV, and a number of the participants describe the material harm suffered by former child soldiers. Some of the material harm they identify include the interruption or loss of schooling;¹⁵³² lack of access to resources, shelter, and land;¹⁵³³ loss of vocational training or professional opportunities;¹⁵³⁴ and non-development of ‘civilian life skills’ which results in disadvantages, particularly with regard to employment (reduced socioeconomic opportunities).¹⁵³⁵

371. The Chamber notes that child victims had their education interrupted as a result of being abducted, and that many were not able to complete their schooling upon their return from captivity, which impacted their personal and professional life-plan.¹⁵³⁶ The Chamber recalls the numerous accounts of witnesses who detailed the interruption of their schooling. For instance, P-0309 testified that his ‘abduction and staying in the bush changed [his] life because

¹⁵³² LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), paras 17; CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 40.

¹⁵³³ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁵³⁴ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 40.

¹⁵³⁵ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 43.

¹⁵³⁶ See, *inter alia*, P-0252, was abducted at age 11, stated that ‘[he] was in primary 4’, and ‘[his] parents were very proud of [him], they were very proud of [his] studies, they pay [his] school fees knowing they are not wasting their money’. See P-0252 at [T-87](#), p. 70, ln 24 to p. 71, ln 1; P-0097, an abductee and former LRA child soldier, testified that ‘In the bush there was no school, there was no form of education’. He further testified ‘When I was abducted I lost between one or two years of education’. See P-0097 at [T-108](#), p. 71, ln 21, p. 78, lns 15.

[he] was not able to achieve [his] ambitions, [he] was not able to complete [his] education'.¹⁵³⁷ On this point, the Chamber notes that in his report, Expert Witness Professor Wessells recognised that former child soldiers are half as likely to be enrolled in school and are one third as likely to make the transition from primary to secondary education, when compared to children who had not been abducted.¹⁵³⁸

372. In addition to the evidence provided during the trial proceedings, the accounts of former child soldiers included in the Sample also refer to their inability to complete their education and the impact on their life plan resulting from their abduction by and integration into the LRA.¹⁵³⁹

373. Evidence heard during trial also demonstrates that for many former child soldiers, their ability to carry out labour was significantly impacted as a result of the harms they suffered while in captivity. P-0097, a former child soldier, testified that during his captivity he was whipped,¹⁵⁴⁰ severely beaten,¹⁵⁴¹ and was injured in his shoulder.¹⁵⁴² As a result, he stated that nowadays he cannot engage in physical work because of his back, chest, and shoulder pain.¹⁵⁴³

374. The Chamber further considers that, in addition to the above, the evidence provided during trial demonstrates that one of the results of being abducted was the lack of development of civilian life skills.¹⁵⁴⁴ This, along with the interruption and loss of schooling, impacted victims' prospects of later employment.¹⁵⁴⁵ During his testimony, P-0252 stated that the only thing he was taught while in the bush was how to protect his own life and to commit atrocities.¹⁵⁴⁶ Similarly, P-0314 testified about some of the challenges he faced seeking employment after his return, which included rejection and constant job switching.¹⁵⁴⁷

375. The Chamber notes that this is consistent with the conclusions of Expert Witness Professor Wessells, who underlined in his report that the abduction of children by the LRA 'pulls children away from work and opportunities to learn work-related skills'.¹⁵⁴⁸ The Expert explained that, as a consequence, formerly abducted children are less likely to do skilled work

¹⁵³⁷ P-0309 at [T-61](#), p. 60, lns 9-10.

¹⁵³⁸ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 15.

¹⁵³⁹ See, *inter alia*, A/02099/16, A/02100/16.

¹⁵⁴⁰ P-0097 at [T-108](#), p. 13, lns 7-10.

¹⁵⁴¹ P-0097 at [T-108](#), p. 50, lns 11-17.

¹⁵⁴² P-0097 at [T-108](#), p. 70, lns 1-2.

¹⁵⁴³ P-0097 at [T-108](#), p. 77, lns 12-14.

¹⁵⁴⁴ See, *inter alia*, P-0252 at [T-88](#), p. 35, lns 3-7; P-0309 at [T-61](#), p. 60, lns 9-14, 61, lns 15-18.

¹⁵⁴⁵ See, *inter alia*, P-0252 at [T-88](#), p. 35, lns 3-7; P-0314 at [T-75](#), p. 46, ln 19 to p. 47, ln 20.

¹⁵⁴⁶ P-0252 at [T-88](#), p. 35, lns 3-7.

¹⁵⁴⁷ P-0314 at [T-75](#), p. 46, ln 19 to p. 47, ln 20.

¹⁵⁴⁸ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 15.

and earn less than non-abducted children.¹⁵⁴⁹ The Chamber considers that the evidence clearly demonstrates that child soldiers were prevented from developing the civilian life skills they would have otherwise developed by interacting with people surrounding them in normal life.

376. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that former child soldiers suffered material harm as a result of being direct victims of the crimes of conscription or enlisting children under the age of 15 years and their use to actively participate in hostilities, for which Ongwen was convicted. The material harm suffered by these victims includes: the loss or interruption of education; loss of life-plan; economic loss due to long-lasting physical pain and psychological problems suffered during captivity; loss of opportunities due to stigmatisation; and the non-development of civilian life skills which later impacted their professional life. The Chamber also considers that it has been demonstrated, on a balance of probabilities, the material harm suffered by former child soldiers had long-lasting consequences.

b) Indirect victims of crimes against former child soldiers

(i) Physical harm

377. The CLRV submitted that indirect victims of the child soldiers suffered ‘tremendous harm’.¹⁵⁵⁰ Regarding physical harm, the CLRV notes this includes ‘injuries (as a result of trying to intervene to protect or free their abducted children or as a result of further violence associated to or caused by the direct victim)’ and ‘long-lasting health consequences experienced as a result of the sudden loss of a family member’.¹⁵⁵¹

378. Having assessed the findings in the Conviction Judgment and the Sentence, the evidence provided during trial proceedings, the results from the Sample, and the submissions from the parties and participants, the Chamber finds that there is insufficient evidence or information to support the conclusion that physical harm was suffered by indirect victims of the crimes of conscription or enlisting children under the age of 15 years and their use to actively participate in hostilities. Accordingly, the Chamber considers that it has not been

¹⁵⁴⁹ Expert Report Professor Wessells, UGA-PCV-0002-0076, pp. 15-16.

¹⁵⁵⁰ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 48.

¹⁵⁵¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 48.

established, on a balance of probabilities, that indirect victims of child soldiers suffered from physical harm as a result of the crimes for which Mr Ongwen was convicted.

(ii) Moral harm

³⁷⁹. The CLRV and a number of the participants describe the moral harm suffered by the indirect victims of the crimes against child soldiers. In particular, they identify psychological suffering;¹⁵⁵² traumas;¹⁵⁵³ psychological damages;¹⁵⁵⁴ and the development of psychological disorders,¹⁵⁵⁵ such as suicidal tendencies,¹⁵⁵⁶ depression,¹⁵⁵⁷ and dissociative behaviour.¹⁵⁵⁸ In their argument, these harms derived from both the abduction and the disappearance of their children, which are connected traumatic events,¹⁵⁵⁹ and due to being left without any information about the abducted children for a long time.¹⁵⁶⁰

380. The Chamber notes, as outlined in the Sentence, the emotional suffering that the direct victims' abduction and integration into the LRA brought upon their families.¹⁵⁶¹ Evidence heard throughout the trial indeed demonstrates how the families of the abducted child soldiers experienced emotional pain and worry for their children's integrity, wondering if they were still alive while they were in the bush.¹⁵⁶² On this point, the Chamber also notes the evidence provided by the Expert Witness, Professor Wessells, who explained in his report that families whose children were abducted were left in a state of ambiguous loss, as they had little way of knowing whether their children were alive.¹⁵⁶³ The Expert notes that parents and family members constantly worried about their abducted children and experienced deep anguish.¹⁵⁶⁴

¹⁵⁵² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 48.

¹⁵⁵³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 48.

¹⁵⁵⁴ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 36. The Chamber notes ICTJ limits the cases, in which the court should issue a reparation order for psychological damage of indirect victims of crime against child soldiers, to cases in which the child never returned.

¹⁵⁵⁵ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 37.

¹⁵⁵⁶ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 37.

¹⁵⁵⁷ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 37.

¹⁵⁵⁸ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 37.

¹⁵⁵⁹ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 36.

¹⁵⁶⁰ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27.

¹⁵⁶¹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 362.

¹⁵⁶² See, *inter alia*, P-0410, a former LRA child soldier abducted at 13, testified about the relationship with his family and stated that 'They were in pain and wondered whether I was still alive. But when I came back, they were happy'. [T-151](#), p. 81, Ins 11-13; P-0330, a former LRA child soldier, testified that when he escaped from the bush and saw his mother, she said 'Thank you for coming back, my child. I thought you were dead already', [T-53](#), p. 36, Ins 13-14.

¹⁵⁶³ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 25.

¹⁵⁶⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 25.

381. The Chamber recalls that it was previously found that former child soldiers suffered moral harm upon returning to their families and communities due to stigmatisation and changes in their behaviour.¹⁵⁶⁵ The Chamber underscores the impact that this also had on the families and communities of former child soldiers. As V-0003, a teacher in Lukodi, recalled, parents were not prepared or did not possess the required skills to manage or deal with returned children who had become very aggressive.¹⁵⁶⁶

382. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence and the evidence heard during trial proceedings, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that indirect victims of the crime of conscription of children under the age of 15 years and their use to participate actively in armed hostilities suffered moral harm as a result of the crimes for which Mr Ongwen was convicted. The moral harm suffered by these indirect victims includes: emotional suffering from the abduction and integration of children into the LRA; worry for the integrity of the victims while they were in captivity; feelings of anguish; and emotional stress from helping the victims deal with stigmatisation and changes in their behaviour. The Chamber acknowledges that the moral harm suffered by the indirect victims of the child soldiers had long-lasting consequences.

(iii) Material harm

383. In her submissions, the CLRV refers to the material harm suffered by the indirect victims of the crimes against child soldiers. In particular, they identify the material deprivation that results from the loss of the family member's help and contributions,¹⁵⁶⁷ and refer generally to other economic consequences or damages.¹⁵⁶⁸

384. The Chamber recalls the findings it made above in relation to the material loss suffered by former child soldiers due to the interruption of their schooling and the loss of their personal and professional life-plans.¹⁵⁶⁹ The Chamber notes that this caused an economic loss for the families who could no longer count on the victims' help and contributions.¹⁵⁷⁰ The Chamber

¹⁵⁶⁵ See paras 366-367 above.

¹⁵⁶⁶ V-0003 at [T-172](#), p. 18, ln 18 to p. 19 ln 4.

¹⁵⁶⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 48.

¹⁵⁶⁸ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 48.

¹⁵⁶⁹ See paras 371-376 above.

¹⁵⁷⁰ See, *inter alia*, P-0097, an abductee and former LRA child soldier, stated that after his abduction he was unable to engage in hard physical work which has also impacted his family. He further explained that because of his injuries, and his father's health state, his family can no longer run the shop they had before and they can only do peasantry farming. P-0097 at [T-108](#), p. 79, lns 6-14.

recalls, for instance, the testimony provided by P-0275, who was abducted at age nine and referred in his testimony to the impact his abduction had on his family.¹⁵⁷¹ He explained that his abduction significantly affected his family and that ‘now [he is] the most responsible person. [He is] the person who is supposed to take over. But [he is] unable to do that. [He is] unable to provide for them’.¹⁵⁷² For this reason, P-0275 is unable to pay the school fees of his brother’s children for whom he has been caring for following his brother’s death.¹⁵⁷³

385. On this point, the Chamber further recalls that Professor Wessells reported that former child soldiers abducted by the LRA suffered a myriad of health issues and problems which left ‘some abducted children with long term physical disabilities that impaired their ability to work and contribute to their families’.¹⁵⁷⁴

386. Considering the Conviction Judgment and Sentence and the evidence heard during trial proceedings, the Chamber is satisfied that it has been established, on a balance of probabilities, that indirect victims of the crime of conscription of children under the age of 15 years and their use to participate actively in armed hostilities suffered material harm as a result of the crimes for which Mr Ongwen was convicted. The material harm suffered by these indirect victims includes the material deprivation resulting from the loss of the family member’s help and contributions. The Chamber acknowledges that the material harm suffered by the indirect victims of the child soldiers had long-lasting consequences.

iv. Community Harm

a) Alleged harm caused to ‘community property’

387. The Chamber notes that in her submissions, the CLRV contends that victims lost access to health care, schooling, and the ability to engage in religious practices as a result of community property being destroyed, including hospitals, churches, and schools.¹⁵⁷⁵ In addition, the CLRV states that, due to the very nature of the crimes committed and their wide-range impact, cultural structures have been ‘deeply affected’.¹⁵⁷⁶ In its *amici* observations, the ARLPI also indicates that community structures, including schools and churches, were destroyed, and that, as a result, the broader community has been denied access to those

¹⁵⁷¹ P-0275 at [T-124](#), p. 20, lns 2-6.

¹⁵⁷² P-0275 at [T-124](#), p. 20, lns 10-11.

¹⁵⁷³ P-0275 at [T-124](#), p. 20, lns 6-9.

¹⁵⁷⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 9.

¹⁵⁷⁵ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 53.

¹⁵⁷⁶ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 53.

structures.¹⁵⁷⁷ This point is echoed in the FIDA-Uganda's Observations, wherein it is indicated that the disruption of social services and various institutions such as schools and hospitals has caused harm at a 'structural level'.¹⁵⁷⁸ Finally, FIDA-Uganda submit that the conflict has caused 'social and economic setbacks' to the 'development of the social and economic fabric of communities'.¹⁵⁷⁹

388. The Chamber recalls its findings in the Conviction Judgment, in which Mr Ongwen was found responsible for the destruction of property caused during the Abok and Lukodi IDP camp attacks.¹⁵⁸⁰ Whilst the Chamber acknowledges that damage to community property including hospitals, churches, and schools indeed may have been caused during the conflict in Northern Uganda,¹⁵⁸¹ its findings in relation to the crime of destruction of property – based on the charges brought by the Prosecutor and the evidence presented at trial – is limited to the destruction of houses, household goods, and livestock in the Abok and Lukodi IDP camps.¹⁵⁸²

389. Whilst none of the parties or participants allege that community harm was caused by the pillaging of food supplies or food aid, the Chamber notes that the evidence in the case file contains a wealth of information related to the harm caused to the community of victims as a whole due to the pillaging of food supplies and food aid in the context of all four attacks on the IDP camps. In effect, the Chamber notes that the IDP camps relied on aid agencies, such as the World Food Programme, to distribute food and other commodities to their respective populations.¹⁵⁸³ The evidence in the case file supports the conclusion that, during the attacks on each of the four IDP camps food supplies were stolen from civilian homes and trading centres.¹⁵⁸⁴ Regarding the Odek IDP attack, the Chamber recalls its finding in the Conviction Judgment, which stated that LRA attackers stole food aid which had only recently been distributed to the camp.¹⁵⁸⁵ Evidence heard throughout the trial and information contained in the Sample, indicate that food aid was also stolen from the other three IDP camps.¹⁵⁸⁶ Lukodi IDP camp resident P-0024 testified that it was not easy for camp residents to get food and that

¹⁵⁷⁷ ARLPI's Observations, [ICC-02/04-01/15-1925](#), para. 5(e)(7) (p. 7).

¹⁵⁷⁸ FIDA-Uganda's Observations, [ICC-02/04-01/15-1947](#), p. 11.

¹⁵⁷⁹ FIDA-Uganda's Observations, [ICC-02/04-01/15-1947](#), p. 10.

¹⁵⁸⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957 (Lukodi); paras 3001-3004 (Abok).

¹⁵⁸¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 53; ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 7; FIDA-Uganda's Observations, [ICC-02/04-01/15-1947](#), p. 11.

¹⁵⁸² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957 (Lukodi); paras 3001-3004 (Abok).

¹⁵⁸³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 10.

¹⁵⁸⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2848, 2898, 2951, 2997.

¹⁵⁸⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 165, 1462, 2898; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 201.

¹⁵⁸⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1645.

they ‘rel[ie]d on Caritas to give [them] food’.¹⁵⁸⁷ P-0024 further explained that Caritas had distributed food to the Lukodi IDP camp only two days before the attack,¹⁵⁸⁸ and that during the attack ‘the foods were taken’.¹⁵⁸⁹ A similar account was provided by P-0026, who explained that during the Lukodi attack, rebels entered her house and stole cooking oil ‘which [she] had just received [...] from Caritas’.¹⁵⁹⁰ Similarly, Abok IDP camp resident P-0293 also testified that during the attack, rebels took the ‘newly distributed’¹⁵⁹¹ food items. The victim further explained that, following the attack, they ‘never found any food items left’.¹⁵⁹² One of the accounts in Sample makes specific mention to the fact that the food aid, which had recently been distributed to the Pajule IDP camp, was taken from the houses during the Pajule attack.¹⁵⁹³

390. The Chamber recalls that Mr Ongwen was convicted for the war crime of pillaging in all four IDP camps.¹⁵⁹⁴ The Chamber further notes that evidence heard during the trial, as well as the accounts provided in the Sample, demonstrate that residents in the Pajule, Odek, Lukodi, and Abok IDP camps suffered widespread hunger as a result of the pillaging of food and food supplies. P-0325, an Odek IDP camp leader, testified that ‘the camp residents suffered so much’ following the pillaging of the World Programme Food, and that ‘many people suffered from intense hunger’.¹⁵⁹⁵ The impact that the pillaging of food aid had on the Odek IDP camp residents, as pointed out in the Sentence, ‘was great’.¹⁵⁹⁶ In addition, the account of a victim included in the Sample indicates that, following the Pajule attack and the looting of the World Food Programme food aid, members of the community were forced to eat unripe mangoes until the World Food Programme delivered another distribution.¹⁵⁹⁷ Other accounts in the Sample also describe the hunger – and in some instances starvation – community members suffered as a result of their food supplies being stolen.¹⁵⁹⁸

391. Taking into account that these reparations proceedings are strictly limited in reach and scope to the terms of the Conviction¹⁵⁹⁹ and that Mr Ongwen was not convicted for any

¹⁵⁸⁷ P-0024 at [T-78](#), p. 23, lns 1-5.

¹⁵⁸⁸ P-0024 at [T-78](#), p. 34, lns 9-10.

¹⁵⁸⁹ P-0024 at [T-78](#), p. 24, lns 22-23.

¹⁵⁹⁰ P-0026, Statement, UGA-OTP-0283-0093, para. 29.

¹⁵⁹¹ P-0293 at [T-138](#), p. 26, lns 5-7.

¹⁵⁹² P-0293 at [T-138](#), p. 26, lns 5-7.

¹⁵⁹³ See A/01592/16.

¹⁵⁹⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2842-2844, 2874 (Pajule); paras 2898-2900, 2927 (Odek); paras 2951-2953, 2973 (Lukodi); paras 2997-2999, 3020 (Abok).

¹⁵⁹⁵ P-0325, Statement, UGA-OTP-0283-1374, para. 45; see also Sentence, [ICC-02/04-01/15-1819-Red](#), para. 201.

¹⁵⁹⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 201.

¹⁵⁹⁷ See, *inter alia*, A/01592/16.

¹⁵⁹⁸ See, *inter alia*, A/01592/16, A/05397/15, A/01576/16, A/01736/16, A/06719/15.

¹⁵⁹⁹ See Section IV. SCOPE OF REPARATIONS IN THE ONGWEN CASE above.

destruction carried out on hospitals, churches, or schools, the Chamber considers that he cannot be held accountable to repair the damage that might have been caused to those structures within the general context of the conflict in Northern Uganda.

392. However, as noted above, the evidence clearly demonstrates that the Pajule, Odek, Lukodi, and Abok IDP camps relied on food distributions provided by aid agencies to feed their residents. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that the pillaging of food supplies and food aid caused harm to the entire community of victims of the Pajule, Odek, Lukodi, and Abok attacks.

b) Alleged harm caused by the loss of ability to carry out traditional rituals and customs

393. The Chamber notes that the CLRV argues that the disruption of social cohesion in the communities and the loss of traditions and customs caused harm to direct and indirect victims of the IDP camp attacks.¹⁶⁰⁰ The Chamber also observes that the CLRV does not provide any further information or evidence in support of this alleged harm. In the ICTJ and UVF's Observations, it is claimed that some victims are living with 'trauma' and 'spiritual disturbances' following the attacks on the camps, as they were not able to carry out local customs when burying their family members.¹⁶⁰¹ The ARLPI's Observations also indicate that community members reported to have seen ghosts in the places where the crimes took place, that those locations continue to 'haun[t] the community', and that members continue to be disturbed by bad nightmares if they 'bounce' on the human corpses.¹⁶⁰²

394. The Chamber recalls its finding in the Conviction Judgment that goods and livestock were pillaged and destroyed during attacks on the four IDP camps.¹⁶⁰³ The Chamber's assessment of the evidence indeed supports the conclusion that, in the context of the Pajule, Odek, Lukodi, and Abok attacks, the pillaging and destruction of goods and livestock significantly impaired the victims' ability to carry out traditional rituals and customs. V-0004,

¹⁶⁰⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

¹⁶⁰¹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 59.

¹⁶⁰² ARLPI's Observations, [ICC-02/04-01/15-1925](#), para. 5(e)(7), p. 7.

¹⁶⁰³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 150 (Pajule); para. 165 (Odek); para. 185 (Lukodi); para. 195 (Abok).

a local councillor in the Lukodi IDP camp at the time of the attack, testified that livestock was used, *inter alia*, as means for paying bride wealth,¹⁶⁰⁴ and that livestock was an ‘important element in the culture of Acholi, economically and socially’.¹⁶⁰⁵ V-0004 also testified that goats were used during traditional rituals ‘culturally important to the community’ to heal health conditions,¹⁶⁰⁶ and were also a source of food at funerals.¹⁶⁰⁷

395. The Chamber notes that the role that livestock plays in traditional marriages is also mentioned by one of the participants in the survey conducted by Expert Witness Dr Atim.¹⁶⁰⁸ The survey participant, who was married the day before the Odek attack, explains that the bride wealth that her husband paid her family, which included three cattle and six goats, was stolen by the rebels.¹⁶⁰⁹ Similarly, in his report, Expert Witness Professor Wessells indicated that families have been unable to continue their tradition of marriage because extreme poverty made it nearly impossible to pay the bride wealth needed for marriage.¹⁶¹⁰ Some victims in the Sample also referred to harm caused as a result of the pillaging and destruction of property, which included the inability to pay for traditional marriages.¹⁶¹¹

396. During the trial proceedings, the Chamber also heard evidence about how victims were unable to carry out rituals according to local customs as a result of the pillaging and destruction of livestock.¹⁶¹² V-0004 testified that goats are used in the traditional process of burying deceased persons and stated that they are also used to carry out traditional processes for families that know that their family member has passed away but do not have their body to bury.¹⁶¹³ V-0004 testified that to conduct the traditional process, family members would ‘sacrifice these goats and the ceremony would be conducted’.¹⁶¹⁴ When asked about the consequences of not following such rituals, V-0004 explained that failing to carry out practices when burying family members can bring ‘sickness to the family’¹⁶¹⁵ and can result in nightmares and illness.¹⁶¹⁶ V-0004 further testified that people in his own community told him about nightmares they had

¹⁶⁰⁴ V-0004 at [T-173](#), p. 26, lns 22-23.

¹⁶⁰⁵ V-0004 at [T-173](#), p. 27, ln 6.

¹⁶⁰⁶ V-0004 at [T-173](#), p. 27, lns 1-3.

¹⁶⁰⁷ V-0004 at [T-173](#), p. 27, lns 4-6.

¹⁶⁰⁸ Expert Report Dr Atim, UGA-V40-0001-0010, pp. 36-37.

¹⁶⁰⁹ Expert Report Dr Atim, UGA-V40-0001-0010, pp. 36-37.

¹⁶¹⁰ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 51.

¹⁶¹¹ *See, inter alia*, A/06812/15, A/01592/16, A/06660/15.

¹⁶¹² V-0004 at [T-173](#), p. 27, lns 1-23.

¹⁶¹³ V-0004 at [T-173](#), p. 30, lns 10-20.

¹⁶¹⁴ V-0004 at [T-173](#), p. 30, lns 18-19.

¹⁶¹⁵ V-0004 at [T-173](#), p. 30, ln 22.

¹⁶¹⁶ V-0004 at [T-173](#), p. 30, lns 22-23.

about their missing family members who they suspected had been killed but not buried properly.¹⁶¹⁷

397. On this point, the Chamber notes that throughout the trial proceedings, it also heard evidence about how the failure to bury family members in accordance with rituals may result in what has been termed over the course of the proceedings as ‘*cen*’. During his testimony, Expert Witness Professor Wessells testified about the importance of burial rituals, noting that if culturally prescribed rituals are not carried out or performed properly, the spirits become angry as they are ‘trapped between worlds’.¹⁶¹⁸ Similar evidence was given by Expert Witness Professor Musisi, who during his testimony explained that the failure or inability to bury loved ones according to custom, can result in ‘*cen*’.¹⁶¹⁹

398. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that the crimes of pillaging and destruction of property for which Mr Ongwen was convicted, caused harm to the entire community of victims of the Pajule, Odek, Lukodi, and Abok attacks, as it prevented them from engaging in and performing traditional rituals and customs that are culturally important to them.

c) Alleged harm caused by the separation and break down of families and communities

399. The Chamber notes that a number of the parties and participants describe the harm caused to victims¹⁶²⁰ and communities¹⁶²¹ as a result of the loss and separation of family members. Both victims’ representatives state that victims of the attacks suffered harm due to losing family members¹⁶²² on whom they were often dependant.¹⁶²³ In addition, the CLRV

¹⁶¹⁷ V-0004 at [T-173](#), p. 31, lns 1-7.

¹⁶¹⁸ The Chamber also notes that in his testimony, Expert Witness states that ‘*cen*’ can cause problems for one’s families and community and that that its consequences are collective in nature, *see* PCV-0002 at [T-176](#), p. 39, lns 8-15.

¹⁶¹⁹ PCV-0003 at [T-177](#), p. 15, lns 5-19.

¹⁶²⁰ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(v)(a) (p. 10); CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52(iii).

¹⁶²¹ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), p. 25; FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 10.

¹⁶²² LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(v)(a) (p. 10); CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52.

¹⁶²³ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(v)(a) (p. 10).

submits that victims of the attacks suffered harm from the ‘disruption of social cohesion in the communities’.¹⁶²⁴ The Registry notes that the break-up of the family units, unwanted pregnancies, and challenges faced by widows and widowers in providing for their children’s needs and education, resulted in their children failing to carry out their traditional roles within the family and engaging in undesirable behaviour.¹⁶²⁵ In addition, the Registry submits that this has caused ‘social harm’, as it affected the ‘family community fibre and structure’.¹⁶²⁶ The Registry also notes that the break-up of family units has caused social harm to direct victims of the thematic crimes.¹⁶²⁷ This is also argued by FIDA-Uganda, which indicates that the conflict caused ‘disruptions to families’ and to the development of the social fabric of the communities.¹⁶²⁸

400. The ICTJ and UVF’s Observations indicate that the harm caused by the act of abduction ‘inflicted deep wounds on the familial and social fabric’.¹⁶²⁹ In addition, these *amici* submit that the stigmatisation, ostracism, and rejection suffered by victims of SGBC and former child soldiers has impacted entire communities.¹⁶³⁰ This point is supported by the TFV, which submits that the harm suffered by victims of SGBC ‘affects the family and community as a whole over both the short and long term’.¹⁶³¹ In relation to the rejection and stigmatisation suffered by the SGBC victims, the TFV further notes that such harm impacts the entire community as it ‘leads to a weakening of the social fabric of families and communities’.¹⁶³² Finally, and in relation to former child soldiers, the TFV argues that the recruitment of child soldiers has caused significant social harm, which goes ‘beyond the affected individuals’ and can include issues such as rejection by family and community, and stigmatisation generally.¹⁶³³

401. In the context of all four IDP camp attacks, the Chamber recalls that civilians lost their family members as they were murdered and abducted during the attacks, with some of the abductees never returning.¹⁶³⁴ Many of the women, girls, and children who were abducted by

¹⁶²⁴ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52(viii).

¹⁶²⁵ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), p. 25.

¹⁶²⁶ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), p. 25.

¹⁶²⁷ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), p. 24.

¹⁶²⁸ FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 10.

¹⁶²⁹ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 41.

¹⁶³⁰ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 46; TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 74; UN’s Observations, [ICC-02/04-01/15-1972](#), para. 8; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), paras 28, 30.

¹⁶³¹ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 74.

¹⁶³² TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 74.

¹⁶³³ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 85.

¹⁶³⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 153-154 (Pajule); paras 171-174 (Odek); paras 187, 1799 (Lukodi); paras 201-203 (Abok).

the Sinia brigade and integrated into the LRA did not return to their families, and those who did, often experienced stigmatisation within their families as well as their community.¹⁶³⁵

402. Evidence heard during the trial and accounts in the Sample demonstrate the extent to which the crimes for which Mr Ongwen was convicted caused the separation and break down of families, which also impacted the social fabric of the community of victims. Witness testimonies and accounts within the Sample, outlined how, during the attacks, victims lost their children,¹⁶³⁶ siblings,¹⁶³⁷ parents,¹⁶³⁸ and caregivers.¹⁶³⁹ Some children became orphans¹⁶⁴⁰ while elderly victims were left alone with no support.¹⁶⁴¹ On this point, the Chamber notes the evidence provided by Expert Witness Dr Atim, who stated that the harm caused by the LRA during the attacks on the IDP camps ‘destroyed individuals and their families’.¹⁶⁴² Participants in the survey conducted by the Dr Atim indicated that entire households were destroyed during the attacks, families were disintegrated in their aftermath, and communities were negatively impacted as a result.¹⁶⁴³

403. The Chamber also notes the disruption to community relations that the abductions caused. The Chamber recalls its finding in relation to the ‘emotional suffering’¹⁶⁴⁴ surviving family members experienced, some for whom as a result, now have additional responsibilities.¹⁶⁴⁵ As pointed out in the Sentence, during the trial proceedings witnesses

¹⁶³⁵ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 5.

¹⁶³⁶ See, *inter alia*, P-0270 who testified about the abduction and killings of her sons, ‘the pain is so intense, seeing one of your children having been killed. You lose strength and people have to hold you’, see P-0270, Statement, UGA-OTP-0283-1297, paras 40-41; see also A/06838/15, A/06856/15, A/06719/15, A/06968/15.

¹⁶³⁷ See, *inter alia*, P-0066 who testified that since the abduction and killing of his brother, life has become painful, he stated ‘it was extremely painful, because this is somebody that was always in my life, somebody I saw everyday, somebody I knew very well, somebody who I knew right from childbirth. ... if the person leaves you, it’s painful because they always leave a gap’, see D-0066, Transcript of Hearing, 30 April 2019, [ICC-02/04-01/15-T-214-ENG](#), (T-214), p. 34, ln 22 to p. 35, ln 8; see also A/06890/15, A/02141/16, A/00405/16, A/01494/16, A/01737/16, A/01742/16.

¹⁶³⁸ See, *inter alia*, A/00838/16, A/00357/16, A/01645/16, A/01891/16, A/01914/16.

¹⁶³⁹ See, *inter alia*, A/06856/15, A/06719/15.

¹⁶⁴⁰ See, *inter alia*, P-0306 testified that ‘many of the people who died left children who were now orphans’, P-0306 at [T-130](#), p. 24, lns 16-17.

¹⁶⁴¹ See, *inter alia*, A/00432/16, A/00559/16.

¹⁶⁴² Expert Report Dr Atim, UGA-V40-0001-0010, p. 34.

¹⁶⁴³ The Chamber recalls that one of the survey participants referred to in Dr Atim’s expert report, indicated that he lost 40 people from his close family during the attack, and that the attack destroyed ‘the entire community’, see Expert Report Dr Atim, UGA-V40-0001-0010, p. 51. The Chamber also recalls that a similar account was provided by another survey participants from the Lukodi IDP camp, who reported that his ‘entire household was destroyed’ during the attack, and that his family has ‘disintegrated’, see Expert Report Dr Atim, UGA-V40-0001-0010, p. 34.

¹⁶⁴⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 362.

¹⁶⁴⁵ See, *inter alia*, P-0218 testified that following the attack on the IDP camp, people who lost family members were then ‘left with a burden of taking care of the children or the orphans’, see P-0218 at [T-90](#), p. 22, lns 1-3. See also testimony given by P-0269 who during his testimony stated ‘in Acholi, life is led communally’. P-0269

testified about how the abduction of family members has had long-lasting impacts on familial and community relations.¹⁶⁴⁶ Some family members of missing and deceased people have been required to take on extra caring responsibilities for orphaned children.¹⁶⁴⁷ Additionally, the loss of family members has also resulted in individuals not having the necessary labour to carry out work required to sustain other family members.¹⁶⁴⁸

404. The abductions had long-lasting consequences for community relations, as returnees were often rejected by their families and communities. Evidence heard during the trial also demonstrated how abductees who returned to their families and communities found it challenging to re-integrate and were often subjected to stigmatisation.¹⁶⁴⁹ In this regard, the Chamber notes the observations made by the participants, who argue that this led to a weakening of the community fibre and structure.¹⁶⁵⁰

405. Expert evidence heard during the trial also detailed the way in which these crimes have had long term consequences on the communities.¹⁶⁵¹ According to Expert Witness Dr Atim, sexual violence causes ‘disruptions in familial and community relations’, which she explained is perpetuated by the shame and stigma associated with women having ‘violated cultural norms surrounding moral and sexual behaviour’.¹⁶⁵² This is echoed by Expert Witness Professor Reicherter, who in his report noted that survivors of rape are often seen to bring dishonour to

explained to the Court that orphaned children were being supported by relatives, *see* P-0269 at [T-85](#), p. 63, lns 15-17.

¹⁶⁴⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 166.

¹⁶⁴⁷ *See, inter alia*, P-0218 at [T-90](#), p. 22, lns 1-3; P-0269 at [T-85](#), p. 63, lns 12-17.

¹⁶⁴⁸ The Chamber recalls that in Dr Atim’s report, one of the survey participants explained that, since his son was abducted, he no longer had the necessary labour to carry out the work required to sustain his family. Another of Dr Atim’s survey participants stated that because there were no men left in her family to help her, they couldn’t produce enough food for the family, Expert Report Dr Atim, UGA-V40-0001-0010, p. 66.

¹⁶⁴⁹ *See, inter alia*, V-0002 testified that he was abducted during the Abok IDP camp and experienced difficulties re-integrating into his family. He testified that before his abduction, he and his dad had a ‘very good and strong relationship’ but after his return, his father was ‘feeling a bit scared’ of him as he felt that his ‘mind had changed’. He also explained that he isn’t allowed to play with children in the community, as other members said that he would ‘teach their children with rebels activities’, V-0002 at [T-171](#), p. 18, lns 3- 5, p. 27, lns 10-11, p. 36, lns 6-9; *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2749; *see also* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 290, where it was noted that victims of forced marriage experienced ostracization. *See, inter alia*, P-0252 who testified that when he returned to his community, he experienced stigmatisation when he attended his school, he notes ‘my peers at the time saw a difference between us and the people who came from the bush’, P-0252 at [T-88](#), p. 36, lns 1-6. Also, P-0097 who stated ‘when I escaped from the bush, life was not easy for me, especially when I had just returned. But as time went on, I went back home and I got used, I started living normally. But there was a lot of stigmatisation. People would say that this so-and-so was abducted, he was a rebel, he killed, killed people, and that made my life a bit difficult. It didn’t continue much, but then I continued living my life’, P-0097 at [T-108](#), p. 77, lns 7-14.

¹⁶⁵⁰ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 74; ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 41.

¹⁶⁵¹ Expert Report Dr Atim, UGA-V40-0001-0010; Expert Report Professor Reicherter, UGA-PCV-0001-0020; Report Professor Wessells, UGA-PCV-0002-0076.

¹⁶⁵² Expert Report Dr Atim, UGA-V40-0001-0010, p. 45.

both their families and communities.¹⁶⁵³ In relation to former child soldiers, Professor Reicherter also indicated that the abduction of children ‘tore at the fabric of Acholi communities and society’ and ‘strained the fabric of economic and social life’.¹⁶⁵⁴ Expert Witness Professor Wessells also recognised that communities experienced shame and guilt for not being able to protect their children, which in Acholi society is both a family and community responsibility.¹⁶⁵⁵ Professor Wessells further noted that the act of abduction ‘damag[ed] the social relations within the Acholi society’.¹⁶⁵⁶

406. The Chamber also observes that many of the accounts in the Sample indicate that individuals who were abducted during the attacks had not returned home,¹⁶⁵⁷ which has resulted in extra caring responsibilities for surviving family members.¹⁶⁵⁸ The Chamber notes that accounts in the Sample also accounted for the stigmatisation victims experienced upon their return.¹⁶⁵⁹

407. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that the crimes for which Mr Ongwen was convicted resulted in families being separated for protracted periods of time, and in some instances, forever. The deaths, abductions, and separation of families caused significant disruption to family structures, duties, and responsibilities, as well as the rejection of some family members. Therefore, the Chamber is satisfied that the crimes for which Mr Ongwen has been convicted disrupted the social fabric in which the affected communities of victims functioned, and thus caused harm to the entire community of victims of these crimes.

¹⁶⁵³ Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 32.

¹⁶⁵⁴ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 28.

¹⁶⁵⁵ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 28.

¹⁶⁵⁶ Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 28.

¹⁶⁵⁷ *See, inter alia*, A/01610/16, A/01986/16, A/01998/16, A/01421/16, A/01247/16, A/01427/16, A/01509/16, A/01515/16, A/01528/16, A/01533/16, A/01643/16, A/01688/16, A/01736/16.

¹⁶⁵⁸ *See, inter alia*, A/01986/16, A/07005/15, A/00261/16, A/06719/15.

¹⁶⁵⁹ *See, inter alia*, A/01566/16, A/02101/16, A/00654/16.

v. *Transgenerational harm*

408. The LRVs, the CLRV, and a number of participants describe the transgenerational harm suffered by the descendants of the victims of the attacks,¹⁶⁶⁰ SGBC,¹⁶⁶¹ and child soldiers.¹⁶⁶² The Registry recalls that children born out of SGBC, although direct victims, can also suffer transgenerational harm as indirect victims.¹⁶⁶³ According to the CLRV and the LRVs, the transgenerational harm transmitted to indirect victims includes: physiological stresses;¹⁶⁶⁴ psychosocial harms;¹⁶⁶⁵ and stigmatisation.¹⁶⁶⁶

409. The Chamber notes its findings above relating to the scientific basis and the existence of the phenomenon transgenerational harm, whereby trauma is transmitted from the direct victims to their children.¹⁶⁶⁷ The Chamber also recalls its findings above relating to the different harms suffered by indirect victims, which includes the children of direct victims.¹⁶⁶⁸

410. The Chamber notes that at trial, it heard direct testimony from experts on the transgenerational harm phenomenon and its contours, as well as the manner in which it could manifest in the victims themselves.¹⁶⁶⁹ For example, the Chamber recalls the testimony of Expert Witness Professor Wessells who stated that ‘mothers who experience trauma actually transmit some of their stress and trauma to their offspring through hormonal mechanisms’, and added that ‘there is also evidence of genetic transmission’.¹⁶⁷⁰ Providing an example of this harm in the present case, Professor Wessells explained that ‘if a trauma occurs to a young girl who has just become a mother inside the LRA, the trauma doesn't stop with her, it will continue through her children and even through their children’.¹⁶⁷¹ On the same point, Expert Witness

¹⁶⁶⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 52; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(iii); ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 48; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 60.

¹⁶⁶¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 49-51; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 48.

¹⁶⁶² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 46-48; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 27(i); ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 48; ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 60.

¹⁶⁶³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), paras 28-29; ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 48.

¹⁶⁶⁴ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 32.

¹⁶⁶⁵ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 32.

¹⁶⁶⁶ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 48.

¹⁶⁶⁷ See paras 206 above.

¹⁶⁶⁸ See Sections VI.C.3.i.b.(ii) *Indirect victims of the attacks* above; VI.C.3.ii.c.(ii) *Indirect SGBC victims*. above; VI.C.3.iii.b.(ii) *Indirect victims*. above.

¹⁶⁶⁹ V-0001 at [T-174](#); PCV-0001 at [T-175](#); PCV-0002 at [T-176](#); PCV-0003 at [T-177](#); PCV-0003 at [T-178](#).

¹⁶⁷⁰ PCV-0002 at [T-176](#), p. 22, ln 20 to p. 23, ln 6; Expert Report Professor Wessells, UGA-PCV-0002-0076, p. 26-28.

¹⁶⁷¹ PCV-0002 at [T-176](#), p. 24, lns 2-4.

Professor Musisi explained during his testimony that both the social and epigenetic theories confirm that the effects of war on individuals have lasting effects long after a conflict has ended.¹⁶⁷²

411. The Chamber also considers the testimony of Expert Witness Professor Reicherter, who explained that there was consistent evidence that children of people with PTSD are at great risk of having mental health problems.¹⁶⁷³ During trial, Professor Reicherter described that women who are rape survivors and women who have PTSD often have a very different parenting style than those who are not rape survivors or do not have PTSD.¹⁶⁷⁴ He also stated that, based on the scientific evidence he analysed, it is expected that victims of SGBC in the present case and their future generations also present similar alterations as the ones described in the scientific evidence he examined.¹⁶⁷⁵

412. Lastly, Expert Witness Dr Atim also referred during her testimony to the results of the survey she conducted with a number of victims in the present case, which revealed the existence of a considerably lower level of school enrolment for children of victims in comparison with those of the general population of the same age.¹⁶⁷⁶ Dr Atim affirmed that this difference is ‘an aspect of the intergenerational effects even on those children who were not there during the attack’.¹⁶⁷⁷

413. Considering the findings beyond reasonable doubt reached by the Chamber in its Conviction Judgment and Sentence, the evidence heard during trial proceedings, and the information the Chamber obtained from its assessment of the Sample, all as summarised above, the Chamber is satisfied that it has been established, on a balance of probabilities, that children of direct victims and children born out of SGBC suffered transgenerational harm as a result of the crimes for which Mr Ongwen was convicted.

vi. Conclusions

414. Based the findings above, the Chamber hereby reiterates that it has been established, on a balance of probabilities, that the victims of the case experienced the following harm:

a. Regarding direct victims of the attacks:

¹⁶⁷² PCV-0003 at [T-177](#), p. 30, ln 13 to p. 32, ln 11.

¹⁶⁷³ PCV-0001 at [T-175](#), p. 28, lns 22-25; Expert Report Professor Reicherter, UGA-PCV-0001-0020, p. 8.

¹⁶⁷⁴ PCV-0001 at [T-175](#), p. 31, lns 12-17.

¹⁶⁷⁵ Expert Report Professor Reicherter, UGA-PCV-0001-0020, pp. 31-32.

¹⁶⁷⁶ V-0001 at [T-174](#), p. 30, ln 25 to p. 31, ln 14.

¹⁶⁷⁷ V-0001 at [T-174](#), p. 31, lns 12-14.

- i. Physical harm, including: bullet wounds in different parts of the body; amputated body parts; cuts to body parts; burn wounds; fractured limbs; scars; presence of bomb splinters; broken bones; dislocated body parts; chronic chest and back pain caused by being forced to carry heavy loads; foot injuries from walking long distances barefoot whilst in captivity; ailments sustained whilst in captivity; injuries and aches to different body parts caused by beatings and stabbings; permanent feeling of weakness; disabilities; and physical harm due to rape;
 - ii. Moral harm, including: severe mental pain and suffering; trauma; feelings of fear, panic, helplessness, and distress; psychological abuse; psychological trauma; emotional harm; stress; recurring painful memories; nightmares; severe violation of the dignity; suffering from being forced to leave their children behind; spiritual disturbances; and impaired psychosocial well-being and functioning; and
 - iii. Material harm, including: loss of housing and property; loss of personal items, clothes, goods, and food supplies; loss of livestock; lack of shelter; loss of property used for paying bride wealth, ploughing, food, school fees, and health treatment; loss of earning capacity and income generating opportunities; long-lasting economic impact; and loss life plan and opportunities for development, including loss of and disruption to schooling.
- b. Regarding indirect victims of the attacks:
- i. Moral harm, including: experiencing feelings of fear and distress; experiencing nightmares; psychological or emotional harm and traumas; pain associated with the loss of a family member; spiritual disturbances; deprivation of love, care, and support from a deceased family member; trauma after seeing people being killed or seeing dead bodies during the attack; suffering from witnessing the commission of crimes while abducted; pain for seeing a family member being killed or raped; pain of missing a family member who was either killed or abducted; shock, fear, and panic for the well-being of abducted children; deploring the trauma caused to an abducted family member; frustration for not having been able to defend a relative; and suffering from the lack of information regarding the whereabouts of an abducted family member; and
 - ii. Material harm, including: economic hardship, including loss of schooling; loss of the economic support previously provided by a killed or abducted direct victim; and the

economic burden associated with providing for dependents of murdered and abducted relatives.

c. Regarding direct SGBC victims:

- i. Physical harm, including: beatings; physical punishments; unconsciousness from beatings; hunger and dehydration; foot injuries; wounded legs; chest pain; back pain; permanent scars; physical harm from being raped; genital injuries, vaginal tears; chronic lower abdomen pain; chronic genital pain; pelvic pains and inflammatory disease; amenorrhoea; gynaecologic fistula; vaginal bleeding; permanent damage to one's reproductive system; miscarriage; physical harm due to pregnancy and child bearing; health complications during childbirth; somatic complaints; and sexually transmitted infections (including HIV and AIDS);
- ii. Moral harm, including: severe mental pain; emotional distress; confusion; constant fear of being beaten or raped; constant worry and stress; severe anguish; loneliness; anxiety; loss of dignity and pride; severe anguish, mental distress and disturbance for being forced to beat or kill other abductees; emotional stress of witnessing beatings and killings; serious psychological impact due to forced marriage; worry for having to care for children under violent conditions; feelings of humiliation; loss of dignity and pride as a result of being raped; rejection by spouses and family; ostracism, stigma and isolation upon return; shame; difficulties with relationships and getting married; recurrent memories and nightmares; mental trauma; psychological disorders, including suicidal tendencies, depression, and mental trauma; inability to be in loud or noisy environments; lack of desire to be sexually active; fear or dislike of men; and low self-esteem; and
- iii. Material harm, including: loss of education; loss of opportunities, including loss of future employment prospects, loss of life plan, and loss of opportunity to develop practical skills; loss associated with unemployment due to injuries sustained whilst in captivity; stigmatisation; loss associated with denied access to family land; and financial hardship as a result of responsibility of being the sole caregiver of children born out of rape.

d. Regarding children born out of forced marriage, forced pregnancy, rape, and sexual slavery:

- i. Physical harm, including: by having been born and raised within a violent environment enduring harsh living conditions, lacking access to adequate facilities, sanitation, and nutritious food;
 - ii. Moral harm, including: psychological harm; impaired psychosocial development and functioning; emotional distress; perturbed development and behavioural problems; significant stigmatisation and rejection from families and communities; and loss of identity; and
 - iii. Material harm, including: reduced access to school, health, education and employment; impaired personal and professional opportunities; and loss of access to land.
- e. Regarding indirect SGBC victims:
- i. Moral harm, including: psychological harm; psychological pain and frustration; shock; fear; panic; suffering from the separation of families; constant worry and profound agony from the lack of any information of the victims' well-being; post-traumatic stress disorder symptoms; social sense of hopelessness or lack of future vision; emotional burden of taking care of victims after their return; constant nightmares; psychosocial disturbance caused to family structures; emotional burden of taking care of victims' children in captivity; sadness for the crimes suffered by their relatives; and stigmatization as a result of being a relative of a child fathered by an LRA soldier; and
 - ii. Material harm, including: economic loss associated with providing for victims and their children born in captivity upon their return; loss of income from SGBC victims who are not contributing to their families; difficulties victims experience with regard to finding marriage; and disruption of social roles and household tasks.
- f. Regarding former child soldiers:
- i. Physical harm, including: beatings as part of their initiation process; physical coercion; injuries from participating in hostilities, including bullet wounds and shrapnel wounds; buttocks, chest, shoulder, and back wounds; bruises; foot injuries; long-lasting back pain and chest pain; chronic bone pain; scars; a myriad of health threats and problems; disabilities; and increased health risk, including pulmonary disease, coronary disease, asthma, and diabetes;

- ii. Moral harm, including: feelings of fear and distress; psychological trauma; mental disorders; nightmares; emotional distress caused by the exposure to violence and fear; emotional suffering from being prohibited to form friendships while in captivity; feelings of abandonment caused by the separation from their families; long-lasting fears or traumas; symptoms of anxiety and depression, aggressive behaviour and PTSD; spiritual disturbances; stigmatisation and rejection upon return; loss of childhood; impact on social skills; and loss of life plan; and
 - iii. Material harm, including: the loss or interruption of education; loss of life-plan; economic loss due to long-lasting physical pain and psychological problems suffered during captivity; loss of opportunities due to stigmatisation; and the non-development of civilian life skills which later impacted their professional life.
- g. Regarding indirect victims of crimes against former child soldiers:
- i. Moral harm, including: emotional suffering from the abduction and integration of children to the LRA; worry for the integrity of the victims while they were in captivity; anguish; and emotional stress from helping the victims to deal with stigmatisation and changes in their behaviour; and
 - ii. Material harm, including: economic loss associated with providing for victims and their children born in captivity upon their return; loss of income from SGBC victims who are not contributing to their families; difficulties victims experience with regard to finding marriage; and disruption of social roles and household tasks.
- h. Regarding the community of victims of the Pajule, Odek, Lukodi, and Abok attacks:
- i. Community harm, due to the pillaging of food supplies and food aid and to the crimes of pillaging and destruction that prevented the community from engaging in and performing traditional rituals and customs culturally important to them.
- i. Regarding the entire community of victims of the crimes for which Mr Ongwen was convicted:
- i. Community harm, due to the disruption to family structures and the social fabric in which the affected communities of victims functioned.
- j. Regarding children of direct victims and children born out SGBC:
- i. Transgenerational harm.

4. Causal link and standard of proof

i. Submissions

415. The Defence submits that victims who wish to receive reparations should provide evidence of the harm they suffered, along with a link to the crimes for which Mr Ongwen was convicted.¹⁶⁷⁸ Therefore, the Defence suggests the Chamber apply a ‘balance of probabilities’ as opposed to a *prima facie* standard of proof, so as to meet the strict criteria required to establish the causal link between the harm and the crimes included in the conviction.¹⁶⁷⁹

416. The CLRV notes that a causal link between the crimes for which Mr Ongwen was convicted and the harms must be established for the purposes of reparations, and that reparations proceedings require a less exacting standard of proof than trial proceedings.¹⁶⁸⁰ The CLRV submits that there are no compelling reasons to depart from the ‘but/for’ and ‘proximate’ cause harm standard set by the Court.¹⁶⁸¹

417. The LRVs submit that presumption of harm is sufficient when a person can establish, on a balance of probabilities, that they suffered direct or indirect harm as a result of one of the attacks on the Lukodi, Abok, Odek, and Pajule IDP camps at the relevant time of the attacks.¹⁶⁸² Additionally, the LRVs note that, with respect to the evidentiary criteria applicable to reparations proceedings, the Chamber should also follow the established ‘balance of probabilities’ test as the appropriate standard of proof.¹⁶⁸³ Additionally, with regard to documentation made available by victims, the LRVs suggest that the Chamber adopt the same reasoning given in *Ntaganda*, whereby the Chamber considered that a victim’s coherent and credible account shall be accepted as sufficient evidence for the purpose of establishing eligibility.¹⁶⁸⁴

¹⁶⁷⁸ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 59.

¹⁶⁷⁹ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 59; Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 55.

¹⁶⁸⁰ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 43.

¹⁶⁸¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 43.

¹⁶⁸² LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 40.

¹⁶⁸³ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 45.

¹⁶⁸⁴ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 46.

ii. *Chamber's determination*

418. The Chamber recalls that the causal link between the crime and the personal harm for the purpose of reparations is to be determined in light of the specific circumstances of the case.¹⁶⁸⁵

419. The Chamber adopts the 'but/for' standard of causation as to the relationship between the crimes and the harm. Moreover, it is required that the crimes for which a person was convicted were the 'proximate cause' of the harm for which reparations are sought, as established in the *Lubanga* case.¹⁶⁸⁶

420. The Chamber underlines that the 'proximate cause' is one that is legally sufficient to result in liability, assessing, *inter alia*, whether it was reasonably foreseeable that the acts and conduct underlying the conviction would cause the resulting harm.¹⁶⁸⁷

421. Furthermore, the Chamber stresses that the applicant shall provide sufficient proof of the causal link between the crime and the harm suffered, based on the specific circumstances of the case.¹⁶⁸⁸

422. With regard to the applicable standard of proof in reparations proceedings, the Chamber notes that such proceedings require a less exacting standard of proof than at the trial phase.¹⁶⁸⁹ In line with the previous jurisprudence, the Chamber adopts the 'balance of probabilities' test as the appropriate standard of proof in the present case.¹⁶⁹⁰

423. Victims eligible for reparations must provide sufficient proof of identity, of the harm suffered, and of the causal link between the crime and the harm.¹⁶⁹¹ Victims may use official

¹⁶⁸⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 131; *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 80.

¹⁶⁸⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 132; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 59; in line with Prosecution's Observations on Reparations, 28 February 2020, [ICC-01/04-02/06-2478](#), para. 16; The Registry's Observations on Reparations in the *Ntaganda* Case, 28 February 2020, [ICC-01/04-02/06-2475-AnxI](#), para. 48.

¹⁶⁸⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 133; *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), para. 44; *see also* *Katanga* Decision on Transgenerational Harm, [ICC-01/04-01/07-3804-Red-tENG](#), para. 16.

¹⁶⁸⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 135; *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 81.

¹⁶⁸⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 136.

¹⁶⁹⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 136; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 65; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 49-51; *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), para. 44; *see also* *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 42.

¹⁶⁹¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 137; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 22; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 45.

or unofficial identification documents, or any other means of demonstrating their identities.¹⁶⁹² In the absence of acceptable documentation, a statement signed by two credible witnesses establishing the identity of the victim and describing the relationship between the victim and any individual acting on their behalf is acceptable.¹⁶⁹³

424. The Chamber is aware of some of the difficulties that victims may face in producing the relevant information. For instance, the Chamber notes that the events that are the subject of the present proceedings themselves have had as one of their consequences the destruction of the documentation that could be used in the context of the proceedings.¹⁶⁹⁴ In addition, the Chamber notes that victims may often have difficulties obtaining or producing copies of official documents in Uganda.

425. The Chamber also emphasises the need to adopt a gender-inclusive and sensitive approach when applying the ‘balance of probabilities’ standard to sexual crimes.¹⁶⁹⁵ In this regard, the Chamber recalls rule 63(4) of the Rules and stresses that this prohibition should be translated into taking into account the additional difficulties that such victims may face in obtaining or producing evidence to demonstrate that they were victims of rape and or sexual slavery.¹⁶⁹⁶ Accordingly, the Chamber considers that a victim’s coherent and credible account shall be accepted as sufficient evidence to establish their eligibility as a victim on a balance of probabilities.¹⁶⁹⁷

426. Furthermore, the Chamber recalls that rule 94(1)(g) of the Rules, which is applicable to proceedings leading to individual reparations, requires victims to furnish supporting documentation to bolster their applications for reparations ‘[t]o the extent possible’. The rule makes allowance for the difficulties the victims may encounter in gathering evidence, including the passage of time since the crimes were committed.¹⁶⁹⁸ Although this rule is of less relevance

¹⁶⁹² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 137.

¹⁶⁹³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 137; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 57.

¹⁶⁹⁴ CLRVs’ December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 55; LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 47.

¹⁶⁹⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 139.

¹⁶⁹⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 139.

¹⁶⁹⁷ See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 139; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 204; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute (‘*Katanga* Judgment pursuant to Article 74 of the Statute’), 7 March 2014, [ICC-01/04-01/07-3436-tENG](#), para. 110; see also Public Redacted Version of the “Final Observations on Reparations of the Common Legal Representative of the Victims of the Attacks” (ICC-01/04-02/06-2633-Conf), 21 December 2020, [ICC-01/04-02/06-2633-Red](#), para. 36.

¹⁶⁹⁸ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 140.

Katanga Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 60; *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 61.

in relation to collective reparations,¹⁶⁹⁹ the Chamber finds that the principle underpinning it is applicable to the eligibility screening to be carried out at the implementation stage.¹⁷⁰⁰

5. *Analysis of the Sample of victims' dossiers*

i. Previous findings and general submissions on the Sample

427. As previously noted,¹⁷⁰¹ following developments in the *Ntaganda* case, the Chamber decided to rule upon a limited but representative sample of victims' dossiers in the case file, amounting to 5% of the universe of participating victims. In order to ensure a fair and proportional representation of the potential beneficiaries in the Sample, the Chamber instructed the VPRS to randomly select 205 victims from the list of participating victims, while keeping a proportional representation of victims from the attacks and from the thematic crimes.¹⁷⁰²

428. Having assessed the resulting composition of the Sample, the Chamber approved it as sufficiently representative of the universe of potential victims in the case, regarding gender, age, alleged harm, alleged crimes, and alleged locations where the crimes would have occurred.¹⁷⁰³ Considering that the Sample is a fair representation of the individuals who are likely to come forward to benefit from reparations in the present case, the Chamber is satisfied that its assessment allows it to reach statistically valid conclusions as to the victims entitled to benefit from reparations as a result of the crimes for which Mr Ongwen was convicted.¹⁷⁰⁴

429. In the Victims' Joint Submissions on the Sample, the victims' representatives recall that the standard of proof applicable at the reparations stage is that of a balance of probabilities.¹⁷⁰⁵ Accordingly, they argue that the Chamber's findings at trial demonstrate, on a balance of probabilities, that all victims included in the Sample suffered from harms arising from the crimes for which Mr Ongwen was convicted.¹⁷⁰⁶ As such, the victims' representatives submit that all victims included in the Sample are eligible for reparations.¹⁷⁰⁷ Should the Chamber rule otherwise, they submit that the victims must be given an opportunity to complement their accounts at a later stage.¹⁷⁰⁸

¹⁶⁹⁹ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 149; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 87-88.

¹⁷⁰⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 140.

¹⁷⁰¹ See paras 9-12 above.

¹⁷⁰² Decision on the Sample, [ICC-02/04-01/15-2024](#), paras 17-24, 26, 27(c).

¹⁷⁰³ Decision on the Registry Transmission, [ICC-02/04-01/15-2027](#), para. 9.

¹⁷⁰⁴ Decision on the Registry Transmission, [ICC-02/04-01/15-2027](#), paras 8-9.

¹⁷⁰⁵ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 30.

¹⁷⁰⁶ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), paras 31-33.

¹⁷⁰⁷ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 34.

¹⁷⁰⁸ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 34.

430. In addition, the CLRV makes detailed submissions as to the eligibility of each of the victims included in the Sample that she represents,¹⁷⁰⁹ and provides documentation related to resumptions of action and supplementary information to some of the victims' dossiers.¹⁷¹⁰

431. In the Defence's Submissions on the Sample, the eligibility of 178 victims is not contested as the Defence considers these individuals to 'meet the lower threshold of presenting a causal link to the crimes for which Mr Ongwen was convicted'.¹⁷¹¹ Regarding the remaining 27 individuals, the Defence argues that 15 should be dismissed, while 12 do not qualify as victims of thematic crimes, but show a possible causal link to non-thematic crimes for which Mr Ongwen was convicted.¹⁷¹²

ii. Analysis

a) Introduction

432. The Chamber underlines that it has analysed the victims' dossiers included in the Sample by conducting its own assessment of the facts, as alleged by each of the potential beneficiaries, while taking into account the parties' submissions and the additional information they provided. In carrying out this assessment and establishing the parameters for future eligibility determinations to be conducted at the implementation stage, the Chamber also took into account the Court's previous jurisprudence on the matter. In what follows, the Chamber elaborates on the relevant evidentiary criteria, conditions of eligibility, and the results of its assessment of the Sample.

b) Evidentiary criteria and standard of proof applied to the Sample

433. The Chamber recalls that, as found above, victims eligible for reparations must provide sufficient proof of: (i) identity; (ii) their victimhood; (iii) the harm suffered; and (iv) the causal link between the crime and the harm.¹⁷¹³ In addition, the Chamber recalls that reparations proceedings require a less exacting standard of proof than trial proceedings and, in line with

¹⁷⁰⁹ Annex 1 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx1-Red.

¹⁷¹⁰ See Annex 2 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx2-Red; Annex 3 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx3-Red; Annex 4 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx4-Red; Annex 5 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx5-Red; Annex 6 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx6-Red; Annex 7 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx7-Red; Annex 8 to CLRV's Submissions on the Sample, ICC-02/04-01/15-2041-Conf-Exp-Anx8-Red.

¹⁷¹¹ Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 21, referring to Public Annex A to Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-AnxA](#).

¹⁷¹² Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), paras 22-103, 107.

¹⁷¹³ See Section VI.C.5. Causal link and standard of proof above.

previous jurisprudence, the Chamber has adopted the ‘balance of probabilities’ test as the appropriate standard of proof in reparations proceedings.¹⁷¹⁴

434. In relation to the causal link, the Chamber recalls that it adopted the ‘but/for’ standard of causation as to the relationship between the crimes and the harm.¹⁷¹⁵ Moreover, the Chamber indicated that it is required that the crimes for which a person was convicted were the ‘proximate cause’ of the harm for which reparations are sought.¹⁷¹⁶ The Chamber underlines that the ‘proximate cause’ is one that is legally sufficient to result in liability, assessing, *inter alia*, whether it was reasonably foreseeable that the acts and conduct underlying the conviction would cause the resulting harm.¹⁷¹⁷

c) Conditions of eligibility

435. In order to be found eligible to benefit from reparations, victims need to comply with the following requirements:

i. First requirement: their identity;

ii. Second requirement:

1. for direct victims: whether the person has established, on a balance of probabilities, to be a direct victim of at least one of the crimes committed in the context of the attacks against the Pajule, Lukodi, Odek, or Abok IDP camps, and for which Mr Ongwen was convicted; and or of at least one of the thematic crimes for which Mr Ongwen was convicted.

2. for indirect victims:

a. whether the person has established, on a balance of probabilities, the victim status of the direct victim; and

b. whether the person has established, on a balance of probabilities, that they fall within at least one of the four categories of indirect victims recognised by the Chamber.

iii. Third requirement: whether the person has established, on a balance of probabilities, the existence of the alleged harm; and

¹⁷¹⁴ See para. 422 above; see also *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 35.

¹⁷¹⁵ See para. 419 above.

¹⁷¹⁶ See para. 419 above.

¹⁷¹⁷ See para. 420 above; see also *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 133.

iv. Fourth requirement: whether the victim has established, on a balance of probabilities, the causal link between the alleged harm and the crimes for which Mr Ongwen was convicted.

iii. Issues on the victims' eligibility arising from the analysis of the Sample

a) Supporting documentation

(i) Victims representatives' submissions

436. In the Victims' Joint Submissions on the Sample, the victims' representatives recall that most of the documentation that the victims could have relied upon was destroyed as a direct consequence of the crimes for which Mr Ongwen was convicted.¹⁷¹⁸ In addition, they argue that it is often not feasible to obtain identity documents, and official or unofficial documentation in Northern Uganda, as a result of the devastating outcome of the conflict and the large displacement of the population.¹⁷¹⁹ Furthermore, they submit that, given the distance between the IDP camps and the main cities and towns, it was impossible for victims to travel to obtain evidentiary documents.¹⁷²⁰

437. Regarding the specific difficulties that victims may face to provide documentary proof to support their claims, the victims' representatives submit:

- i. As to SGBC victims, the victims' representatives indicate that the victims cannot provide any proof of the crimes since, in most cases, they were unable to go to the hospital or get treated by doctors or forensic professionals.¹⁷²¹ In addition, they submit that most victims of SGBC would have been abused outside of the IDP camps, but within LRA areas of control, thus rendering it almost impossible for them to access health facilities.¹⁷²² The victims' representatives also state that the stigmatisation linked to SGBC prevented the victims from visiting hospitals or other health facilities where they could get medical records.¹⁷²³
- ii. As to the indirect victims of murder, the victims' representatives posit that some victims were unable to obtain their relatives' death certificates because such documents

¹⁷¹⁸ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 16.

¹⁷¹⁹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 17.

¹⁷²⁰ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 16.

¹⁷²¹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 19.

¹⁷²² Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 19.

¹⁷²³ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 19.

could not be issued during the conflict.¹⁷²⁴ They recall that the local administrative structures were destroyed or damaged during the LRA attacks on the IDP camps, and that, in particular, the local officials were displaced and the records destroyed.¹⁷²⁵ The victims' representatives further submit that some victims' relationships with their deceased family members is evidenced from the identification document attached to the dossier in which the names of the respective family members appear or is otherwise included in a declaration of a local authority.¹⁷²⁶

- iii. As to the victims of destruction of property or pillaging, the victims' representatives submit that the majority did not have documentation regarding ownership of the property at the time of the events, as it was not routinely issued in the IDP camps.¹⁷²⁷ They add that the few victims who did possess documentation regarding ownership of their property lost it either during or after the conflict.¹⁷²⁸ The victims' representatives also submit that no inventory was kept of the destroyed or pillaged belongings of the victims, because there was no system in the camps to record such kinds of properties.¹⁷²⁹ They further submit that there has been no acknowledgment or documentation of these harms by the national authorities, making it difficult for the victims to produce any documentation to prove that they lost their homes and all their belongings as a result of the crimes for which Mr Ongwen was convicted.¹⁷³⁰

438. Consequently, the victims' representatives posit that the Chamber should deem it adequate to accept official or unofficial identification documents or any other means of establishing the victims' identities and any other elements of their claims as needed, such as credible witness statements, statements of local authorities, and or use of factual presumptions when they lack direct proof.¹⁷³¹ Furthermore, they submit that in relation to SGBC victims, a consistent, credible, and reliable account from the victim may have sufficient probative value to satisfy the burden of proof, even in the absence of documents.¹⁷³²

¹⁷²⁴ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 21.

¹⁷²⁵ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 21.

¹⁷²⁶ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 21.

¹⁷²⁷ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 22.

¹⁷²⁸ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 22.

¹⁷²⁹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 22.

¹⁷³⁰ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 23.

¹⁷³¹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 18.

¹⁷³² Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 19.

(ii) Chamber's determination

439. The Chamber recalls that what is necessary to satisfy the evidentiary standard of 'a balance of probabilities' and what is reasonable to expect from victims in support of their claims, necessarily depends on the specific circumstances of the case.¹⁷³³

440. The Chamber notes that, during the present reparations proceeding, it has been made aware of the challenges the victims may face in producing documentary evidence to support their claims. In this regard, the Chamber particularly notes that Uganda informed that, as a consequence of the displacement that resulted from the insurgency, it has been difficult to issue birth, marriage, and death certificates.¹⁷³⁴ Moreover, Uganda indicated that, until August 2014, it did not issue national identification cards and only men who were taxable would have tax identification cards as of 2001.¹⁷³⁵ In addition, Uganda informed that most deaths in Uganda are not registered, except for the few that occur in hospitals.¹⁷³⁶

441. The Chamber notes as well the observations of the Prosecutor stating that due to the attacks committed by Mr Ongwen, 'victims lost important documents such as diplomas, identifications and other documents that might have assisted them in establishing their claims to reparations.'¹⁷³⁷

442. Having carefully assessed the submissions and observations detailed above, the Chamber concludes that, in light of the time elapsed since the commission of the crimes, the displacement of the victims, and the lack of official records, it is extremely difficult for the victims to obtain additional documentary evidence in support of their claims. The Chamber further underlines that the Defence has not contested the victims' representatives allegations as to the lack of supporting documentation.¹⁷³⁸

443. The Chamber is therefore satisfied that the victims, through their representatives, have sufficiently explained and justified their inability to produce additional supporting

¹⁷³³ See *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 53; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#) para. 510-512; *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-t-ENG](#), para. 65; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 203-204.

¹⁷³⁴ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 31.

¹⁷³⁵ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 31.

¹⁷³⁶ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 31.

¹⁷³⁷ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 33.

¹⁷³⁸ Except for the specific issues dealt with in paras [450-451](#) below.

documents.¹⁷³⁹ Bearing this in mind, the Chamber details below the specific requirements as to the supporting documentation the victims need to provide in order to prove, at the required standard, each of the four conditions of eligibility.

b) Compliance with the ‘balance of probabilities’ standard by the victims included in the Sample

444. The Chamber details below its reasoning as to the required information and documentation necessary for victims to fulfil each of the four conditions of eligibility at the required standard of ‘balance of probabilities’.

445. In order to reach its conclusions, the Chamber assessed the information included in the victims’ dossiers and the available supporting documents by verifying the intrinsic coherence and credibility of each account. In addition, the Chamber addressed the submissions of the parties with regard to each potential beneficiary. Moreover, the Chamber assessed the extrinsic coherence, consistency, and credibility of the victims’ accounts by contrasting them with the Chamber’s previous findings in the Conviction Judgment and the Sentence, and with the accounts of other victims’ dossiers included in the Sample.

446. In its assessment of the Sample, the Chamber first ruled upon the parties’ submissions as to the eligibility of victims to benefit from reparations in the present case. Considering that the victims’ representatives did not submit specific arguments as to the eligibility of 85 potential beneficiaries and the Defence only made submission regarding 27 victims, the Chamber refrained from making negative findings related to facts not alleged by the parties and only made positive findings when it was satisfied that there was sufficient information in the dossiers to reach a conclusion.

447. With the goal of assisting the eligibility process at the implementation stage, the subsections below also refer to issues noted by the Chamber when assessing the Sample, even if not raised by the parties.

(i) Issues related to the first requirement: identity

448. The Chamber notes that the victims’ representatives submitted that, given the difficulties in obtaining official documentation in Uganda discussed above, the Chamber

¹⁷³⁹ Note that by ‘additional supporting documents’ the Chamber means any document that holds evidentiary value to prove the victimhood or the harm suffered by the alleged victim. In this regard, documentation that aims to prove an individual’s identity is not considered to be an additional supporting document. See paras 448-455 below for issues related to identity documents.

should deem it appropriate to accept official or unofficial identification documents or any other means of establishing the victims' identities, as well as other elements of their claims.¹⁷⁴⁰ Consequently, the victims' representatives argue that the identities of all the victims included in the Sample are sufficiently established.¹⁷⁴¹

449. The Chamber also notes the Defence submission inviting the Chamber to 'set parameters regarding the identification documents to be furnished for those eligible, including, for example, national identity cards, passports and or recommendations from area Local Councils'.¹⁷⁴²

450. The Defence argues that victims who have reached the age of 18 years old should only use official identification documents, as opposed to being allowed to use unofficial documents.¹⁷⁴³ The Chamber considers that the Defence's submission is not sufficiently substantiated, and as such, it does not find merit in such proposal. The Chamber sees no reason to make an arbitrary distinction as to the documents the victims should use to prove their identity based solely on their age.

451. The Defence further submits that the use of unofficial documents would invite issues of impersonation for those otherwise ineligible.¹⁷⁴⁴ In this regard, the Defence argues that victims should have secured official identification documents by now considering how much time has passed since Mr Ongwen surrendered himself to the Court.¹⁷⁴⁵ As a result, the Defence requests that the Chamber depart from the approach taken in the *Ntaganda* case, arguing that securing official identification is nowhere near as hard in Uganda as it is in the DRC.¹⁷⁴⁶

452. The Chamber also notes the Defence's submission inviting the Chamber to 'set parameters regarding the identification documents to be furnished for those eligible, including, for example, national identity cards, passports and or recommendations from area Local Councils'.¹⁷⁴⁷

453. However, the Chamber has considered Uganda's submissions regarding the difficulties of issuing birth certificates.¹⁷⁴⁸ Specifically, Uganda did not issue national identification cards

¹⁷⁴⁰ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 18; *see also* CLRV's December 2021 Submissions [ICC-02/04-01/15-1923-Red](#), para. 58.

¹⁷⁴¹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 20.

¹⁷⁴² Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 40.

¹⁷⁴³ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 32.

¹⁷⁴⁴ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 32.

¹⁷⁴⁵ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 32.

¹⁷⁴⁶ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 32.

¹⁷⁴⁷ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 40.

¹⁷⁴⁸ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 31.

until August 2014 and only men who were taxable would have tax identification cards as of 2001.¹⁷⁴⁹ Similarly, the Chamber has considered the Registry's information that children of war face difficulties in obtaining Ugandan birth certificates and national identity documents.¹⁷⁵⁰ Consequently, having assessed the parties' and participants' observations, the Chamber sees no reason to depart from the approach followed by Trial Chamber II in the *Ntaganda* case.¹⁷⁵¹

454. Accordingly, victims may use official or unofficial identification documents, or any other means of establishing their identity. In the absence of acceptable documentation, a statement signed by two credible witnesses establishing the identity of the victim and describing the relationship between the victim and any individual acting on their behalf shall be acceptable.¹⁷⁵²

455. Upon consideration of the official and unofficial documents provided to prove the victims' identities included in the dossiers, the Chamber is satisfied that all but two of the 205 victims in the Sample provided sufficient proof of identity.¹⁷⁵³ In addition, the Chamber notes that the quality of the document submitted by one of the victims is such that it did not allow the Chamber to precisely establish the victim's identity. The documentation submitted by the victims to establish their identities consisted of copies of Ugandan national identity cards, official documents signed and stamped by local authorities, certificates of amnesty, and voter location slips. The Chamber therefore concludes that 202 of the 205 victims in the Sample successfully established their identity. Annex 1 details the victims who are yet to establish their identity,¹⁷⁵⁴ which they can still do at the implementation stage by submitting legible identity documents.

(ii) Issues related to the second requirement: direct or indirect victim status

456. As noted above, the Chamber considers that one of the preconditions for victims to be eligible for reparations is to demonstrate, on a balance of probabilities, that they are a direct or indirect victim of the crimes for which Mr Ongwen was convicted. In what follows, the Chamber details the manner in which it has conducted this assessment for: (i) victims of crimes

¹⁷⁴⁹ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 31.

¹⁷⁵⁰ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 10.

¹⁷⁵¹ See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 137.

¹⁷⁵² See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 137; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 57.

¹⁷⁵³ The two potential beneficiaries that did not submit any proof of identity are A/30006/13 and A/40007/14.

¹⁷⁵⁴ Namely, victims A/30000/13, A/30006/13 and A/40007/14.

committed in the context of the attacks against the IDP camps; (ii) SGBC victims; (iii) victims of crimes against child soldiers; and (iv) indirect victims.

a. Victims of the attacks against the IDP camps

457. As noted above, regarding the second requirement, victims of the attacks will need to demonstrate, on a balance of probabilities, that they are a direct victim of at least one of the crimes committed in the context of the attacks against the Pajule, Odek, Lukodi, or Abok IDP camps for which Mr Ongwen was convicted.¹⁷⁵⁵ In addition, the Chamber recalls its finding above as to the fact that the victims have sufficiently explained and justified their inability to produce additional supporting documents.¹⁷⁵⁶ Accordingly, the Chamber has verified: (i) whether the victim's account corresponds to the Chamber's findings as to the crimes for which Mr Ongwen was convicted, meaning that the facts described by the victim are consistent with those previously assessed by the Chamber when it made its factual findings beyond reasonable doubt in the Conviction Judgment or in the Sentence; and (ii) the intrinsic coherence and credibility of the victim's account, and whether it is also consistent with that of other victims. The Chamber will now turn to these two criteria.

458. As to the first criterion, the Chamber considers that its assessment should be qualitative rather than quantitative. In this regard, victims do not need to provide information on a predetermined set of specific criteria, but rather multiple factors may be taken into account.¹⁷⁵⁷ In its assessment, the Chamber analysed the information provided in each victim's dossier to verify whether the date of the event, the specific IDP camp, the description of events as pertaining to the various types of crimes, and the alleged perpetrators correspond to the Chamber's findings in its Conviction Judgment and Sentence regarding the crimes for which Mr Ongwen was found guilty.

459. To this end, the Chamber recalls that, in light of his conviction, Mr Ongwen cannot be held liable for crimes committed by other armed groups, but only by the LRA.¹⁷⁵⁸ In this regard, the Chamber considers that where a direct victim names the LRA rebels as being responsible for their suffering within the context of the attacks against the four IDP camps, this might,

¹⁷⁵⁵ See Section VI.B.2.i. Victims of the attacks at or near the IDP camps of Pajule, Odek, Lukodi, and Abok above.

¹⁷⁵⁶ See Section VI.C.5.iii.a. Supporting documentation above.

¹⁷⁵⁷ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), paras 70, 91; *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 90; Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), paras 24-25.

¹⁷⁵⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2822-3020.

depending on the circumstances, be sufficient to establish that the victim suffered crimes at the hands of the LRA.¹⁷⁵⁹

460. As to the facts pertaining to the various types of crimes, the Chamber recalls that in its Conviction Judgment, it set out in detail, based on its factual findings, the underlying acts for each of the counts for which Mr Ongwen was convicted in relation to the attacks against the four IDP camps. As such, in assessing the victims' dossiers, the Chamber has taken into consideration the potential beneficiaries' accounts as a whole, paying attention to facts alleged by the potential beneficiaries, including the dates, location, description of events, and verifying whether they correspond to the crimes included in the Conviction Judgment. If the Chamber made either no findings or negative findings in relation to the facts alleged by a potential beneficiary, the Chamber did not consider the person to be a victim of the crimes for which Mr Ongwen was convicted. To the contrary, if the Chamber made a positive finding in relation to the facts alleged by a potential beneficiary, the Chamber has proceeded to assess the information in the victim's dossier. In particular, the Chamber assessed the intrinsic coherence and credibility of the potential beneficiary's account and whether it is consistent with the account's other potential beneficiaries in order to determine whether the person has established, on a balance of probabilities, to be a victim of the crimes for which Mr Ongwen was convicted.

461. Where the Chamber made a specific finding as to the victimhood of a potential beneficiary in the Conviction Judgment, the Chamber relied on that finding for the purposes of reparations, considering that the person's victimhood has already been established beyond reasonable doubt – a higher standard of proof than the one required at this stage of the proceedings.¹⁷⁶⁰ In this regard, if a potential beneficiary has established his or her identity, and such identity corresponds to that of a positive finding explicitly mentioning this individual in the Conviction Judgment, the Chamber considered that the individual has also complied with the second requirement (victimhood).

462. As to the coherence, credibility, and consistency of the victims' accounts the Chamber recalls its findings above as to the applicable standard. Furthermore, the Chamber reiterates that, in accordance with the Court's previous jurisprudence,¹⁷⁶¹ slight discrepancies in the victims' dossiers, do not, on its face, cast doubt on the victims' credibility. When assessing the

¹⁷⁵⁹ See *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-t-ENG](#), para. 89.

¹⁷⁶⁰ See para. 422 above.

¹⁷⁶¹ See *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-t-ENG](#), para. 64; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-t-ENG](#), para. 70.

credibility of victims' accounts, the Chamber has paid attention to their intrinsic coherence, and whether they are also consistent with other victims' accounts in relation to the facts alleged. Thereafter, having regard to the victims' account and in light of its own findings in the Conviction Judgment and the Sentence, the Chamber has concluded whether the applicant has established, on a balance of probabilities, to be a direct victim of the crimes for which Mr Ongwen was convicted.

b. SGBC victims

463. The Chamber recalls that the SGBC victims are divided in two groups: victims of crimes directly perpetrated by Mr Ongwen (Counts 50 to 60), and victims of crimes not directly perpetrated by Mr Ongwen (Counts 61 to 68). Regarding the first group, the Chamber recalls that it has already identified all of the victims in the Conviction Judgment, and thus their victimhood has already been established beyond reasonable doubt.¹⁷⁶² Therefore, as long as these victims establish their identity, the Chamber considers that they have proven to be victims of the crimes for which Mr Ongwen was convicted.

464. As to SGBC victims of crimes not directly perpetrated by Mr Ongwen, the Chamber notes that these individuals must comply with the same two criteria mentioned above in relation to victims of the attacks, namely: (i) consistency between the victim's account and the Chamber's factual findings as to the crimes for which Mr Ongwen was convicted; and (ii) the intrinsic and extrinsic coherence and credibility of the victim's account.

465. In relation to the first criterion, the Defence recalled that the Confirmation Decision limited the SGBC for which Mr Ongwen could be convicted by including the common plan of enslaving women for the purpose of becoming wives and or household slaves.¹⁷⁶³ Consequently, the Defence argues that persons who experienced random acts of sexual violence, especially acts not committed under Mr Ongwen's command, do not qualify as victims of crimes for which Mr Ongwen was convicted under Counts 50 to 68.¹⁷⁶⁴ Similarly, the Defence challenges the eligibility of one potential beneficiary in the Sample as a SGBC victim based on the fact that he is male.¹⁷⁶⁵

¹⁷⁶² See Section VI.B.2.ii.a. Counts 50 to 60 - SGBC directly perpetrated by Dominic Ongwen above.

¹⁷⁶³ Defence's Submissions on the Sample, ICC-02/04-01/15-2050-Corr-Red, para. 39, referring to Decision on the confirmation of charges against Dominic Ongwen ('Confirmation of charges decision'), 23 March 2016, ICC-02/04-01/15-422-Red, paras 118-124.

¹⁷⁶⁴ Defence's Submissions on the Sample, ICC-02/04-01/15-2050-Corr-Red, para. 39, referring to Conviction Judgment, ICC-02/04-01/15-1762-Red, paras 2094-2095.

¹⁷⁶⁵ Defence's Submissions on the Sample, ICC-02/04-01/15-2050-Corr-Red, para. 41.

466. The Chamber recalls that for a potential beneficiary to be found eligible for reparations, it is necessary that the person has suffered from a crime that fall within the scope of the conviction. The Chamber further recalls that the SGBC charges as presented by the Prosecutor and confirmed by Pre-Trial Chamber II, concerned only women and girls that were abducted and ‘distributed’ to members of the Sinia brigade.¹⁷⁶⁶ Consequently, pursuant to article 74(2) of the Statute the Chamber could only enter a conviction within the terms of the facts and circumstances described in the charges. As a result, the scope of the conviction for SGBC is strictly limited to women and girls that were abducted and ‘distributed’ to members of the Sinia brigade.¹⁷⁶⁷ Therefore, where the person is male or there is no indication in the dossier that the person was abducted and ‘distributed’, the Chamber cannot find him or her eligible for reparations.

467. The Chamber notes that, unfortunately, twelve women and girls included in the Sample who alleged to have suffered from SGBC do not appear to have been abducted and ‘distributed’, and thus fall outside of the scope of the conviction. The Chamber acknowledges that women and girls appear to have indeed suffered from acts of sexual violence committed by members of the Sinia brigade, within the context of the attacks against the IDP camps, but without having been abducted and ‘distributed’. In this regard, the Chamber regrets that, as a result of the way in which the Prosecutor framed the charges, no findings could be made in relation to these allegations. As such, the Chamber is unable to find these women and girls eligible for reparations.

468. As to the second criterion, the Chamber notes the victims’ representatives submission that in relation to these victims a consistent, credible, and reliable account may have sufficient probative value for purposes of satisfying the burden of proof.¹⁷⁶⁸ The Chamber further notes that the Prosecutor advanced a similar view in its observations.¹⁷⁶⁹

469. In accordance with jurisprudence upheld by the Appeals Chamber,¹⁷⁷⁰ the Chamber considers it necessary to follow a gender-inclusive approach when applying the ‘balance of

¹⁷⁶⁶ Confirmation of charges decision, [ICC-02/04-01/15-422-Red](#), pp. 99-102.

¹⁷⁶⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 218, 2143-2182, 3093, 3097; as well as paras 3070, 3073, 3080, 3082, and 3086 referring to each one of the Counts; Sentence, [ICC-02/04-01/15-1819-Red](#), paras 325-355.

¹⁷⁶⁸ Victims’ Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 19.

¹⁷⁶⁹ Prosecutor’s February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 22.

¹⁷⁷⁰ See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 139; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 714; see also *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 204; *Katanga* Judgment pursuant to Article 74 of the Statute, [ICC-01/04-01/07-3436-ENG](#), para. 110.

probabilities' standard to SGBC. In this regard, the Chamber recalls rule 63(4) of the Rules¹⁷⁷¹ and acknowledges the additional difficulties these victims may face in obtaining or producing evidence to demonstrate their victimhood. Accordingly, the Chamber considers that the victim's coherent and credible account shall be accepted as sufficient evidence to establish their eligibility on a balance of probabilities.¹⁷⁷²

470. In the Defence's Submissions on the Sample, it is argued that SGBC victims must list something that can identify Mr Ongwen as the alleged leader of the group in order to be considered eligible.¹⁷⁷³ The Chamber recalls that, in light of his conviction, Mr Ongwen can only be held liable for the SGBC perpetrated by members of the Sinia brigade of the LRA.¹⁷⁷⁴ In that respect, the Chamber considers that, where a victim's coherent and credible account indicates that she was 'distributed' to a male member to the Sinia brigade, such a reference, depending on the circumstances, may suffice to establish that Mr Ongwen was the leader of the group. Such reference could consist in the victim mentioning that she was abducted in the context of the attacks against any one of the four IDP camps; that she mentions the name of a Sinia brigade commander; that she mentions to have been 'distributed' to a Sinia brigade member by Mr Ongwen; or that she mentions Mr Ongwen as responsible for the SGBC she suffered from; among other circumstances that could link her victimhood to crimes for which Mr Ongwen was convicted.

471. Lastly, the Chamber recalls that children who were born as a result of the crimes or children born out of the crimes of forced marriage, forced pregnancy, rape, and sexual slavery for which Mr Ongwen was convicted are eligible for reparations as direct victims.¹⁷⁷⁵ To that end, in accordance with the gender-inclusive and sensitive approach followed by the Chamber, it considers that, as held with regard to other SGBC victims, their coherent and credible account shall be accepted as sufficient evidence to establish their eligibility on a balance of probabilities.

¹⁷⁷¹ Rule 63(4) of the Rules: Without prejudice to article 66, paragraph 3, a Chamber shall not impose a legal requirement that corroboration is required in order to prove any crime within the jurisdiction of the Court, in particular, crimes of sexual violence.

¹⁷⁷² See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 139; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 714; see also *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 204; *Katanga* Judgment pursuant to Article 74 of the Statute, [ICC-01/04-01/07-3436-ENG](#), para. 110.

¹⁷⁷³ Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 20.

¹⁷⁷⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3069-3100.

¹⁷⁷⁵ See Section VI.B.2.ii.c. Children born out of forced marriage, forced pregnancy, rape, and sexual slavery above.

c. *Victims of crimes against child soldiers*

472. The Chamber notes that for a direct victim's child soldier status to be established on a balance of probabilities the victim must demonstrate (i) to have been under the age of 15 years at the time of the commission of the crime; and (ii) to have been conscripted into the LRA ranks and or used to participate actively in hostilities, between 1 July 2002 and 31 December 2005.¹⁷⁷⁶ The Chamber will now turn to these two criteria.

473. In the Victims' Joint Submission on the Sample, the victims' representatives submit that all former child soldiers included in the Sample have sufficiently demonstrated that they were under the age of 15 at the time of the commission of the crimes.¹⁷⁷⁷ The Chamber notes that for a direct victim to have been under the age of 15 years during the time frame of the charges, he or she must have been born after 1 July 1987. The Chamber further recalls the Appeals Chamber's finding in the *Lubanga* case that it is not required that the exact age of the victim be established, but only that the victim was under the age of 15 years.¹⁷⁷⁸

474. Having reviewed the four alleged child soldiers' dossiers, with a view to verifying whether they fulfil this criterion, as further elaborated in Annex I, the Chamber concludes that two of the four child soldiers in the Sample have demonstrated to have been under the age of 15 at some point during the relevant time frame, i.e. between 1 July 2002 and 31 December 2005.

475. Regarding the second criterion, the Chambers notes the victims' representatives submission that all former child soldiers in the Sample have sufficiently demonstrated that they were recruited and or used to participate in hostilities.¹⁷⁷⁹ The Chamber also notes that the victims' representatives recalled that multiple factors can be taken into account in order to meet the relevant standard of proof for these crimes.¹⁷⁸⁰

476. In the Defence's Submissions on the Sample, it is argued that the Chamber limited Counts 69 and 70 to persons in the Sinia Brigade under Mr Ongwen's command. Therefore, the Defence submits that persons who were not under Mr Ongwen's command, do not qualify

¹⁷⁷⁶ See *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 78; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 68.

¹⁷⁷⁷ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), paras 24-25.

¹⁷⁷⁸ Appeals Chamber, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, 1 December 2014, [ICC-01/04-01/06-3121-Red](#), para. 198; see also *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 70.

¹⁷⁷⁹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), paras 24-25.

¹⁷⁸⁰ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 25.

as victims of crimes for which Mr Ongwen was convicted.¹⁷⁸¹ In this regard, the Chamber recalls that, in light of his conviction, Mr Ongwen cannot be held liable for the recruitment and conscription of child soldiers into other armed groups, but only those into LRA's Sinia brigade.¹⁷⁸² Accordingly, the Chamber considers that, where a victim names at least one commander or one of the training camps mentioned in the Conviction Judgment or Sentence as those related to the Sinia Brigade, such a reference, depending on the circumstances, may suffice to establish that the victim indeed belonged to the Sinia brigade.¹⁷⁸³

477. As in the *Lubanga* and *Ntaganda* cases, the Chamber notes that its assessment of this aspect is qualitative rather than quantitative, as it does not require a set number of criteria to be met.¹⁷⁸⁴ As such, the victim's eligibility is determined by having regard to the quality of all the evidence the victim provides, assessed according to the relevant standard, i.e. balance of probabilities.¹⁷⁸⁵ In this regard, the Chamber notes that the two potential beneficiaries that established to be victims of Counts 69 and 70 were dual status witnesses, and that their victimhood was established beyond reasonable doubt in the Conviction Judgment.¹⁷⁸⁶

478. The Chamber further notes that the Conviction Judgment sets out the scope of Mr Ongwen's criminal responsibility and liability for reparations,¹⁷⁸⁷ and delineates the *time frame* of the charges, i.e. between 1 July 2002 and 31 December 2005. In this regard, the Chamber recalls that conscription is a continuous crime,¹⁷⁸⁸ and consequently, the fact that a child soldier was conscripted before the time frame of the charges does not necessarily mean that the conscription did not extend into the relevant time frame.¹⁷⁸⁹ It suffices that a child was conscripted or that a child participated actively in hostilities during the time frame of the charges.¹⁷⁹⁰

¹⁷⁸¹ Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 39, *referring to* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2310-2311.

¹⁷⁸² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3101-3115.

¹⁷⁸³ *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 89; *see also* *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 74.

¹⁷⁸⁴ *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 90; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 75.

¹⁷⁸⁵ *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 90; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 75.

¹⁷⁸⁶ *See* Annex I, eligibility assessment for potential beneficiaries A/02099/16 and A/02100/16.

¹⁷⁸⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 3101-3115.

¹⁷⁸⁸ *Ntaganda* Conviction Judgment, [ICC-01/04-02/06-2359](#), para. 1104; *Lubanga* Conviction Judgment, [ICC-01/04-01/06-2842](#), para. 618.

¹⁷⁸⁹ *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 89; *see also* *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 78.

¹⁷⁹⁰ *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 89; *see also* *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 78.

479. It follows that, even when a potentially eligible victim refers to dates outside the time frame for which Mr Ongwen was convicted, it does not affect his or her credibility as long as the victim establishes in a coherent and credible manner their conscription and or use to participate actively in hostilities at any time during the relevant time frame, and that they were under the age of 15 years at the relevant time.¹⁷⁹¹

d. Indirect victims

480. The Chamber reiterates that, to qualify as an indirect victim, a person must prove, on a balance of probabilities: (i) the victim status of the direct victim; and (ii) that he or she falls within at least one of the four categories¹⁷⁹² of indirect victims recognised by the Chamber and that he or she has personally suffered harm because of the commission of a crime against the direct victim.¹⁷⁹³

481. In the Defence Submission on the Sample, the Defence argues that indirect victims must prove: (i) a ‘strong relationship of significant importance’ with the direct victim; and (ii) direct harm.¹⁷⁹⁴ In relation to this argument, the Defence recalls the concept of indirect victim as set out by the Appeals Chamber in the *Lubanga* case.¹⁷⁹⁵

482. In the argument of the Defence, the alleged indirect victim must prove a very close relationship with the direct victim, and that the indirect victim suffered some type of measurable harm.¹⁷⁹⁶ The Defence acknowledges that a member of the nuclear family is generally accepted in the jurisprudence as an indirect victim.¹⁷⁹⁷ However, the Defence argues that it is incumbent upon the ‘applicant’ to prove the close family relationship and that the family member suffered harm because of the crime committed against the relative.¹⁷⁹⁸ Accordingly, the Defence submits that the alleged indirect victim must present something more than a document simply stating that he or she was related to the direct victim and misses the family member.¹⁷⁹⁹

¹⁷⁹¹ *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 94; *see also Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 79.

¹⁷⁹² (i) The family members of direct victims; (ii) anyone who attempted to prevent the commission of one or more of the crimes under consideration; (iii) individuals who suffered harm when helping or intervening on behalf of direct victims; and (iv) other persons who suffered personal harm as a result of these offences.

¹⁷⁹³ *See* para. 435 above.

¹⁷⁹⁴ Defence’s Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 18.

¹⁷⁹⁵ Defence’s Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), paras 15-16, *referring to Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), paras 6-7.

¹⁷⁹⁶ Defence’s Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 17.

¹⁷⁹⁷ Defence’s Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 17.

¹⁷⁹⁸ Defence’s Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 17.

¹⁷⁹⁹ Defence’s Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 17.

483. At the outset, following the jurisprudence of the *Lubanga* and *Ntaganda* cases,¹⁸⁰⁰ the Chamber considers that it cannot require the same level of detail from indirect victims as it does from direct victims. The Chamber acknowledges the fact that an indirect victim is not generally in a position to know and describe the detailed circumstances surrounding the victimhood of the direct victim.¹⁸⁰¹ It is therefore the Chamber's view that an indirect victim cannot be required to recount a direct victim's circumstances to the same degree of detail.¹⁸⁰² Therefore, the Chamber will consider the information provided by indirect victims on a case-by-case basis, having regard to each indirect victim's credible and coherent account, and any other corroborating information or evidence.¹⁸⁰³

484. As to indirect victims of murder, the Chamber notes Trial Chamber II's finding in the *Katanga* case, that the fact that the direct victim died can be established through the victim's narrative and a death certificate.¹⁸⁰⁴ In this regard, the Chamber recalls the observations of Uganda as to the difficulties in obtaining death certificates in this case.¹⁸⁰⁵ Moreover, the Chamber noted in its assessment of the Sample that the documents submitted by potential beneficiaries to attest kinship with deceased victims also indicated the fact that the latter had died. The Chamber further notes that 91 potential beneficiaries in the Sample submitted such documents attesting to the fact that the direct victim is deceased.¹⁸⁰⁶ Consequently, in addition to death certificates, the Chamber has also accepted kinship certificates to prove that the direct victim is deceased.

¹⁸⁰⁰ See *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), paras 161, 163, 165; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), paras 85, 106.

¹⁸⁰¹ *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 161.

¹⁸⁰² *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 161.

¹⁸⁰³ See *Lubanga* Decision on Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), paras 161, 163, 165; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), paras 85, 106.

¹⁸⁰⁴ *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 119.

¹⁸⁰⁵ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 31.

¹⁸⁰⁶ *Namely*, A/01456/16, A/01466/16, A/01485/16, A/01494/16, A/01576/16, A/01592/16, A/01605/16, A/01608/16, A/01626/16, A/01645/16, A/01737/16, A/01742/16, A/01760/16, A/01891/16, A/01907/16, A/01910/16, A/01914/16, A/01936/16, A/01962/16, A/02008/16, A/02067/16, A/06812/15, A/06826/15, A/06833/15, A/06838/15, A/06856/15, A/06876/15, A/06883/15, A/00802/16, A/00831/16, A/00838/16, A/00962/16, A/01085/16, A/01111/16, A/01120/16, A/01137/16, A/01138/16, A/01165/16, A/01167/16, A/01214/16, A/01219/16, A/01249/16, A/01294/16, A/01343/16, A/06929/15, A/06968/15, A/07005/15, A/02141/16, A/05158/15, A/05220/15, A/05523/15, A/05578/15, A/05675/15, A/05769/15, A/06344/15, A/06563/15, A/06657/15, A/06659/15, A/06660/15, A/00007/16, A/00038/16, A/00261/16, A/00335/16, A/00357/16, A/00360/16, A/00369/16, A/00387/16, A/00394/16, A/00428/16, A/00432/16, A/00448/16, A/00477/16, A/00499/16, A/00521/16, A/00534/16, A/00559/16, A/00602/16, A/00620/16, A/00743/16, A/06718/15, A/06719/15, A/06784/15, A/00252/16, A/00346/16, A/00405/16, A/00597/16, A/00861/16, A/01149/16, A/07041/15, A/07090/15, A/00654/16.

485. Regarding indirect victim status, the Chamber reiterates that it recognised four categories of indirect victims.¹⁸⁰⁷ In addition, the Chamber recalls that what is key is for indirect victims to prove that they suffered personal harm as a result of the commission of a crime against the direct victim.¹⁸⁰⁸ The Chamber further recalls that the personal harm suffered by indirect victims in the case at hand encompasses moral and material harm.¹⁸⁰⁹

486. As to the Defence's submission that indirect victims must prove the existence of a 'strong relationship of significant importance' or a 'close family relationship' with the direct victim to be eligible for reparations,¹⁸¹⁰ the Chamber recalls this has been ruled out by the relevant jurisprudence.¹⁸¹¹ In line with the Appeals Chamber jurisprudence, the Chamber considers that demonstrating the existence of a 'close *personal* relationship' is just *one* way of proving the moral harm suffered, resorting to a presumption.¹⁸¹² As such, the Chamber considers that proving the nature of the bond with the direct victim cannot and does not constitute a pre-condition to establish an indirect victim status, and therefore dismisses the Defence's argument.

487. In addition, the Chamber clarifies that, bearing in mind that one of the aims of the assessment of the Sample was precisely to gather information regarding the harms suffered by the victims, the Chamber refrained from resorting to presumptions. Consequently, a potential beneficiary alleging to be an indirect victim needs to establish that they have suffered personal harm under the same conditions as direct victims, i.e. on a balance of probabilities.

488. As to the Defence's submission that the alleged indirect victim must present something more than a document stating that he or she was related to the direct victim and misses the family member,¹⁸¹³ the Chamber recalls that an indirect victim does not necessarily need to be a family member of the direct victim.¹⁸¹⁴ As to the Defence's argument that a victim's statement indicating that he or she misses the direct victim is insufficient to prove the harm, the Chamber recalls that the alleged indirect victim must establish to have suffered personal harm on a balance of probabilities.¹⁸¹⁵ Accordingly, the Chamber assessed on a case-by-case basis

¹⁸⁰⁷ See para. 128 above.

¹⁸⁰⁸ See para. 128 above.

¹⁸⁰⁹ See para. 414 above.

¹⁸¹⁰ Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), paras 17-18.

¹⁸¹¹ See *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 608-640; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 116.

¹⁸¹² *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 622; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 116.

¹⁸¹³ Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 17.

¹⁸¹⁴ This applies exclusively for the first category of indirect victims, i.e. family members of direct victims.

¹⁸¹⁵ See para. 128 above.

whether the indirect victim has established the existence of the harm, taking into account all the information contained in the dossier. In this regard, the Chamber has considered that, when, for example, the direct victim is the murdered child of the potential beneficiary, proving the kinship and mentioning that this is a source of sadness is enough to establish the moral harm suffered by the indirect victim. Conversely, when the relation between the direct victim and the potential beneficiary is more distant, the Chamber considered that the alleged indirect victim must provide more information than simply stating that he or she misses the direct victim.

489. In this respect, the Chamber notes that several potential beneficiaries in the Sample claimed to have suffered personal harm as a result of the crimes suffered by a friend and have submitted a certificate to prove ‘friendship’. In light of the reasoning set out above, the Chamber considers that a ‘friendship certificate’ is not sufficient – on its own – to prove the existence of such a bond. The Chamber is of the view that, in these cases, a potential beneficiary must demonstrate, on a balance of probabilities, to have suffered moral harm by providing additional information as to how the loss of a friend caused them the alleged harm.

e. Chamber’s determination

490. Having analysed the 205 dossiers of victims contained in the Sample, using the aforementioned criteria to determine the victims status, the Chamber has reached the conclusions below.

491. Firstly, the Chamber notes that, according to the parameters provided by the Chamber, from the universe of 205 victims, the Registry transmitted dossiers of 174 potentially eligible victims of the attacks and 31 potentially eligible victims of the thematic crimes.¹⁸¹⁶ However, when assessing the eligibility of the victims, the Chamber found that 16 out of the 31 victims transmitted as part of the victims of the thematic crimes were also victims of the crimes committed during the attacks, which resulted in a third category. Therefore, the Chamber analysed the Sample, subdividing the victims between 174 victims of the crimes committed during the attacks in the IDP camps, 16 victims of *both* the crimes committed during the attacks and the thematic crimes, and 15 victims of *only* the thematic crimes.

492. Regarding the three abovementioned categories, the Chamber is satisfied that, on a balance of probabilities:

¹⁸¹⁶ Decision on the Sample, [ICC-02/04-01/15-2024](#), paras 26, 27(c).

- a. Of the 174 potentially eligible victims of the crimes committed during the attacks, 173 were found to qualify as direct or indirect victims of the crimes for which Mr Ongwen was convicted and one was considered not to qualify as such. The Chamber recalls that three of the 173 individuals who demonstrated to be victims of the attacks have only provisionally established their identity.¹⁸¹⁷ Therefore, the Chamber reiterates that these three victims will be required to submit legible documents to establish their identity at the implementation stage of the proceedings.

Of the 173 victims of the attacks, 116 of them established their victimhood as both direct and indirect victims, 55 as direct victims only, and two as indirect victims only.¹⁸¹⁸ Additionally, the Chamber found that 76 of these victims of the attacks are females, with the remaining 97 being males.

- b. Of the 16 potentially eligible victims of both the crimes committed during the attacks and the thematic crimes, all were found to qualify as direct or indirect victims of the crimes for which Mr Ongwen was convicted. In addition, the Chamber notes that 13 victims are both direct *and* indirect victims and three are direct victims only. The Chamber also notes that this subgroup contains 13 female victims and three male victims.
- c. Of the 15 potentially eligible victims of the thematic crimes only, nine were found to qualify as direct or indirect victims of the crimes for which Mr Ongwen was convicted and six were found not to qualify as such. All of the nine victims of *only* thematic crimes are direct victims.

Additionally, the Chamber notes that out of the 9 victims of the thematic crimes who demonstrated their status as victims, 7 are SGBC victims, all of whom are female. The remaining two victims are male and are victims of the crimes of conscription and use in hostilities of children under the age of 15.

493. Therefore, the Chamber observes that, out of the 198 victims who demonstrated to qualify as direct or indirect victims of the crimes for which Mr Ongwen was convicted (173 victims of the attacks + 16 victims of the attacks and thematic crimes + 9 victims of the thematic crimes): (i) 130 qualify as both direct *and* indirect victims; (ii) 66 qualify as direct victims only;

¹⁸¹⁷ See victims A/30000/13, A/30006/13, and A/40007/14.

¹⁸¹⁸ The Chamber notes that one of the victims also established her victimhood as a SGBC victim.

and (iii) two qualify as indirect victims only. The Chamber also notes that out of these 198 victims, 102 are male and 96 are female.

494. Finally, the Chamber recalls that victims assessed as not having demonstrated to be victims of the crimes for which Mr Ongwen was convicted will have an opportunity to supplement their dossiers and clarify their accounts at the implementation stage.

(iii) Issues related to the third requirement: harm

495. The Chamber recalls that after considering all relevant information before it – including the Conviction Judgment, the Sentence, the evidence submitted during the trial and sentencing proceedings, observations by the parties and other participants in the proceedings, such as the Prosecutor, Registry, the TFV, Uganda, and the *amici curiae* – it defined the different types of harm caused to direct and indirect victims of each of the crimes for which Mr Ongwen was convicted.¹⁸¹⁹

496. In this regard, the victims' representatives argue that, in the present case, the Chamber should follow the approach taken in the *Ntaganda* case and apply factual presumptions where the victims lack direct proof of the harm.¹⁸²⁰ Accordingly, the victims' representatives submit that once an individual has proven to be a victim of a crime on a balance of probabilities, certain harms should be presumed.¹⁸²¹

497. The Chamber notes that, when conducting the administrative eligibility process at the implementation stage of the proceedings, presumptions shall indeed be applied and certain harms can be presumed once victims have demonstrated their victimhood at the required threshold. However, for the purposes of the Sample, the Chamber has decided to refrain from relying on any factual presumptions in its assessment. The Chamber decided as such because the objective of this exercise is precisely to 'reach statistically valid conclusions as to the victims actually entitled to benefit from reparations as a result of the crimes for which Mr Ongwen was convicted'.¹⁸²² As such, the assessment of the Sample has particularly helped the Chamber to reach conclusions as to the factual presumptions that shall be relied upon in the present case when determining the eligibility of victims at the implementation stage. With this aim in mind, the Chamber assessed the Sample analysing the information contained in the

¹⁸¹⁹ See Section VI.C.3. *Definition of the types of harm suffered by the victims* above.

¹⁸²⁰ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 17, referring to *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 141.

¹⁸²¹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 17, referring to *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 143.

¹⁸²² Decision on the Registry Transmission, [ICC-02/04-01/15-2027](#), paras 8-9.

victims' dossiers and ruled exclusively on said information to obtain a clear idea of the types of harm the victims suffered as well as any patterns that could help the Chamber establish presumptions of fact. Since presumptions will be applied at the implementation stage of this reparations proceeding, all victims falling within the scope of presumptions will be then be entitled to have their harms presumed, including the victims in the Sample.

498. Consequently, because the Chamber has not relied on any factual presumptions in its assessment of the Sample, it has undertaken an evaluation of the credibility, coherence, and consistency of the accounts in the dossiers as to the alleged harms. After carrying out this analysis in a manner analogous to the one detailed above in relation to the victimhood of potential beneficiaries, the Chamber made findings as to the different types of harms suffered by the victims, as detailed in their respective dossiers.¹⁸²³

499. In carrying out this assessment, the Chamber noted that some victims alleged to have suffered harms for which there were no specific findings in the Conviction Judgment, but that could be considered a direct consequence of the attacks against the IDP camps. For example, some victims claimed to have suffered material harm as a result of the destruction of their property during the attacks against the Pajule and Odek IDP camps.

500. The Chamber recalls its findings in the Sentence that although the crime of attacking civilians as a conduct crime does not require a result in terms of infliction of harm, 'actual harm was, however, inflicted'.¹⁸²⁴ Following the reasoning of the *Ntaganda* case, where Trial Chamber II found that harms inflicted as a consequence of a conduct crime can be proven at the reparations stage of the proceedings,¹⁸²⁵ the Chamber considers that it is not prevented from making findings at this stage to the extent that the actual infliction of the harm is proven on a balance of probabilities.

501. In light of the above, the Chamber deems it appropriate to recognise any harm directly caused by the conduct crime of attacks against the IDP camps, such as physical injuries and or material destruction, if proven on a balance of probabilities and as long as there is no break in the chain of causation. The Chamber has applied this criterion in a strict manner, and has excluded harms inflicted against civilians in the context of the attacks that were not a necessary and natural consequence of the attacks against civilians, such as rape.

¹⁸²³ For a detailed account of the Chambers findings as to the harms suffered by the victims in the Sample, see Section VI.C.3. Definition of the types of harm suffered by the victims above.

¹⁸²⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 149.

¹⁸²⁵ See *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), paras 225-245.

502. Having analysed the 205 dossiers of victims contained in the Sample pursuant to the aforementioned criteria, the Chamber is satisfied that all 198 of the potential beneficiaries who have established their victimhood¹⁸²⁶ have also established, on a balance of probabilities, to have suffered harm falling within the scope of the harms defined by the Chamber as those caused to direct and indirect victims of the crimes for which Mr Ongwen was convicted.¹⁸²⁷

(iv) Issues related to the fourth requirement: causal link between the harm and the crimes

503. In the Defence's March 2022 Submissions, the Defence submits that the victims who wish to receive reparations should provide evidence of the harm they have suffered, along with a link to the crimes established in the Conviction Judgment.¹⁸²⁸ Moreover, in the Defence's Submissions on the Sample, it is argued that the Chamber should not create a causal link between the alleged victim and Mr Ongwen purely based on the fact that his name is mentioned in a victim's dossier.¹⁸²⁹

504. The Chamber recalls that in its Conviction Judgment it found Mr Ongwen guilty of 61 counts of war crimes and crimes against humanity, affecting the residents of the four IDP camps, and the victims of the thematic crimes.¹⁸³⁰ In this regard, to consider that a potential beneficiary has established the existence of a causal link between the harm and the crime, the Chamber does not consider that a mere reference to Mr Ongwen's name in the victim's dossier satisfies this requirement. On the contrary, as detailed above, the Chamber carefully scrutinised all of the information contained in a dossier and assessed whether each of the harms suffered by a potential beneficiary had as 'proximate cause' at least one of the crimes for which Mr Ongwen was convicted.¹⁸³¹

505. The Defence also submits that two potential beneficiaries failed to provide medical reports indicating the date on which their alleged injuries were inflicted, and that they therefore would be unable to prove the causal link between their alleged harm and a crime for which Mr Ongwen was convicted.¹⁸³²

506. On this point, the Chamber recalls its finding above as to the difficulties victims may have in obtaining or producing medical documentation in Uganda and its determination that

¹⁸²⁶ Including the three potential beneficiaries who have only provisionally established their identity.

¹⁸²⁷ See Section VI.C.3. Definition of the types of harm suffered by the victims above.

¹⁸²⁸ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 59.

¹⁸²⁹ Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), para. 20.

¹⁸³⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3116.

¹⁸³¹ See Section VI.C.4. Causal link and standard of proof above.

¹⁸³² Defence's Submissions on the Sample, [ICC-02/04-01/15-2050-Corr-Red](#), paras 29, 31.

their inability to produce certain additional supporting documentation must be sufficiently justified.¹⁸³³ Nevertheless, The Chamber notes the inconsistent approach taken by the Defence in contesting the existence of a causal link between physical injuries and the crimes for which Mr Ongwen was convicted, in relation to only two out of 49 victims who made similar claims.¹⁸³⁴ As such, the Chamber dismisses Defence's reasoning, and considers that the causal link between the harms they allegedly suffered and the crimes for which Mr Ongwen was convicted can be established through a credible, coherent, and consistent account.

507. Having analysed the 205 dossiers of victims contained in the Sample, pursuant to the aforementioned criteria, the Chamber is satisfied that all 198 of the potential beneficiaries who have established their victimhood and to have suffered from harms,¹⁸³⁵ have also established, on a balance of probabilities, the causal link between the harm and at least one of the crimes for which Mr Ongwen was convicted.¹⁸³⁶

*c) Conclusions as to the Sample*¹⁸³⁷

508. The Chamber reiterates that it analysed the Sample subdividing the victims between three categories: (i) 174 victims of the crimes committed during the attacks in the IDP camps; (ii) 16 victims of *both* the crimes committed during the attacks and the thematic crimes; and (iii) 15 victims of *only* the thematic crimes.

509. Regarding the three abovementioned categories, after detailed assessment, the Chamber is satisfied that 198 of the 205 victims included in the Sample have established, on a balance of probabilities, their eligibility as victims – direct or indirect – of the crimes for which Mr Ongwen was convicted, and accordingly, are entitled to benefit from reparations in the present case. These include:

- a. 173 victims found eligible as victims of the crimes committed during the attacks. The Chamber recalls that three of them have only provisionally established their identity. These victims will be entitled to benefit from reparations, as long as they provide a legible identification document during the implementation stage;

¹⁸³³ See Section VI.C.5.iii.a. Supporting documentation above.

¹⁸³⁴ The majority of the potential beneficiaries that alleged to have suffered similar harms were not contested by the Defence, *see, inter alia*, A/01688/16, A/01085/16, A/30007/12.

¹⁸³⁵ Including the potential beneficiaries who have only provisionally established their identity.

¹⁸³⁶ See Section VI.C.4. Causal link and standard of proof above.

¹⁸³⁷ See Annex II for the statistics reflecting the results of the assessment.

- b. 16 victims found eligible as victims of both the crimes committed during the attacks and the thematic crimes; and
- c. 9 victims found eligible as victims of the thematic crimes only.

510. The Chamber recalls that victims assessed as non-eligible are therefore not entitled to benefit from reparations in the present case. However, they will have an opportunity to supplement their dossiers and clarify their accounts at the implementation stage.

iv. Resumption of actions and other matters

511. The victims' representatives informed the Chamber that 13 of the victims in the Sample had already passed away.¹⁸³⁸ According to the information provided by the victims' representatives, while they were able to submit requests for resumption of actions in relation to some of the victims, for others, they are still in the process of collecting the necessary documentation.¹⁸³⁹ They also submit that the fact that a victim is deceased should not preclude the Chamber from making a determination as to their eligibility for reparations, as the victims' descendants or successors shall be entitled to receive reparations.¹⁸⁴⁰

512. The Chamber notes that in the event that a victim who was found eligible for reparations dies before benefiting from reparations, the victim's descendants or successors shall be equally entitled to benefit from them. The Chamber also clarifies that indirect victims who suffered personal harm are entitled to reparations in their own right, regardless of whether they are the rightful successors of the deceased victim. Consequently, and in accordance with the Court's consistent jurisprudence,¹⁸⁴¹ the Chamber considers that in order for a successor to be entitled to reparations the person must establish: (i) the beneficiary status of the deceased victim, i.e. establish his or her identity, status as direct or indirect victim, the harm suffered, and the causal link; (ii) the death of the beneficiary; (iii) his or her family relationship with the beneficiary; and (iv) his or her appointment by family members granting him or her authority to act on behalf of the deceased victim. Once these conditions have been met, the successor becomes entitled to the reparations awarded to the deceased beneficiary.

¹⁸³⁸ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), paras 27.

¹⁸³⁹ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), paras 27-28.

¹⁸⁴⁰ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), paras 27-28.

¹⁸⁴¹ See Trial Chamber II, *The Prosecutor v. Germain Katanga*, Decision on the Application for Resumption of Action brought by family members of deceased victim a/0195/08, 9 November 2021, [ICC-01/04-01/07-3891](#), para. 5; Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Decision on the Request of the Legal Representative of Victims for Resumption of Action for Deceased Victims a/11180/21 and a/11182/21, 21 December 2021, [ICC-01/12-01/15-437](#), para. 5; *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 137.

513. Regarding the deceased victims found eligible in the Sample, the Chamber considers that the successors will only need to prove the remainder of the conditions (two to four) as established above.

514. As to the evidence required to prove the elements above, the Chamber considers that the status as beneficiary of the deceased victim must be established in accordance with the applicable evidentiary criteria.¹⁸⁴² Conditions two to four must be proven through the use of official or unofficial documents, including through or by the statements of two credible witnesses or by an official document signed and stamped by a chief of locality demonstrating the kinship with the deceased victim and the appointment by family members granting authority to the successor to act on behalf of the deceased victim.¹⁸⁴³

515. The Chamber notes a resumption of action has been submitted in relation to ten¹⁸⁴⁴ out of the 13 victims reportedly deceased in the Sample.¹⁸⁴⁵ Having assessed the information and documentation provided, the Chamber is satisfied that eight out of the ten individuals who have requested resumption of actions¹⁸⁴⁶ in fact comply with all the requirements to become entitled to reparations on behalf of the deceased victim.

516. The victims' representatives also note that some of the victims included in the Sample were minors at the time they submitted applications to participate in the proceedings.¹⁸⁴⁷ They submit that, while some parents or guardians did not submit applications on their own behalf, they may also qualify as victims for the purpose of reparations.¹⁸⁴⁸

517. In this regard, the Chamber reiterates that any victim who complies with the requirements set out above would be eligible for reparations in account of the harm suffered as a consequence of the crimes for which Mr Ongwen was convicted. Accordingly, the Chamber does not foresee any impediment for parents who filed 'applications' on behalf of their children to be considered for reparations in their own right at the implementation stage as long as they comply with all relevant requirements to qualify as victims entitled to reparations in the present proceedings.

¹⁸⁴² See Section VI.C.4. Causal link and standard of proof above.

¹⁸⁴³ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 139.

¹⁸⁴⁴ A/01608/16, A/01952/16, A/02008/16, A/01167/16, A/05675/15, A/00038/16, A/00335/16, A/00521/16, A/00559/16, and A/00602/16.

¹⁸⁴⁵ See Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 26. A/01456/16, A/01608/16, A/01952/16, A/02008/16, A/01167/16, A/05675/15, A/00038/16, A/00335/16, A/00521/16, A/00559/16, A/00602/16, A/00663/16, and A/00610/16.

¹⁸⁴⁶ A/01608/16, A/01952/16, A/01167/16, A/00038/16, A/00335/16, A/00521/16, A/00559/16, and A/00602/16.

¹⁸⁴⁷ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 29.

¹⁸⁴⁸ Victims' Joint Submissions on the Sample, [ICC-02/04-01/15-2040](#), para. 29.

6. Presumptions of harm

i. Submissions and analysis

518. The CLRV argues that the use of factual presumptions is particularly valuable in cases of mass victimisation, when so much time has elapsed since the events and the documentation that could be used in the context of reparations was destroyed as a consequence of the events themselves.¹⁸⁴⁹ The Registry also supports the recourse to factual presumptions, as done in previous cases, in light of the difficulties victims of mass crimes face when needing to produce documents in support of their claims.¹⁸⁵⁰ Both the victims' representatives and the Registry support the position taken in the *Ntaganda* case, adopting presumptions of certain harms when a person can establish, on a balance of probabilities, to be a victim of a crime within the parameters of the conviction.¹⁸⁵¹ In the argument of the victims' representatives, an individual assessment of each victim's harm is neither feasible nor desirable, given the circumstances of the case, the lapse of time, and the difficulty in obtaining relevant documentation.¹⁸⁵² The LRVs further submit that in the event that collective reparations are solely or jointly awarded to victims, the necessity of proving specific harms becomes even more debatable, as it would result in unnecessarily protracted, complex, and expensive litigation.¹⁸⁵³ The Defence does not oppose the recourse to factual presumptions generally and suggests that some presumptions could be made in the case.¹⁸⁵⁴ However, the Defence argues that harm has to be proven rather than being a factual presumption.¹⁸⁵⁵

519. The Chamber reiterates its findings as to the extreme difficulties victims face when trying to obtain and produce additional documentary evidence in support of their claims, as a result of the time that has elapsed since the commission of the crimes, the displacement of

¹⁸⁴⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 55; *see also* Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 33; Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 35; ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 52.

¹⁸⁵⁰ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 30.

¹⁸⁵¹ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 40, 50-52; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 56-59; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 32.

¹⁸⁵² LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 47; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 58, 68.

¹⁸⁵³ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 49, *referring to Katanga Judgment on Reparations Order*, [ICC-01/04-01/07-3778-Red](#), para. 64.

¹⁸⁵⁴ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 46, indicating that it can be presumed that: a. there are victims of each of the crimes; b. more men than women have come forward as former child soldiers and victims of the attacks; c. the majority of victims are extremely poor and do not occupy positions of influence in their communities, save some exceptions; and d. most of the victims are Acholi and Langi.

¹⁸⁵⁵ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 35.

victims, and the lack of official records.¹⁸⁵⁶ The Chamber further underscores that, as detailed above,¹⁸⁵⁷ the evidence in the case file and the assessment of the Sample¹⁸⁵⁸ provide a wealth of information as to the severe harms the victims suffered as a result of the crimes for which Mr Ongwen was convicted. As stressed by the Appeals Chamber ‘the reasonableness of a factual presumption drawn by a trial chamber in reparation proceedings will depend upon the circumstances of the case’.¹⁸⁵⁹ In light of the circumstances of the present case, the Chamber finds appropriate to resort to factual presumptions in order to consider certain harms to be established to the requisite standard of proof, once a person has proven, on a balance of probabilities, to be a victim of the crimes that form part of the conviction.¹⁸⁶⁰

520. In the paragraphs below, the Chamber details the submissions made by parties and participants in the proceedings regarding the different presumptions of harm that should be afforded to the different groups of victims in the case, and subsequently issues its findings on the matter.

a) Presumptions related to the victims of the attacks

521. Regarding direct victims of crimes against persons committed within the context of the attacks, following the *Ntaganda* case, the CLRV submits that the Chamber should adopt a presumption of physical and psychological harm for direct victims of attempted murder and direct victims of the crimes committed during the attacks, who personally experienced the attacks.¹⁸⁶¹ This is supported by the Prosecutor and the ASF *et al.*¹⁸⁶² The CLRV further argues that the same presumption of physical and psychological harm should apply to victims of torture, enslavement, and outrages upon personal dignity, committed while in the LRA captivity, and not only during the attacks.¹⁸⁶³ Similarly, the ASF *et al* submit that the Chamber should presume physical and psychological harm for all direct victims of the crimes committed

¹⁸⁵⁶ See Section VI.C.4. Causal link and standard of proof above.

¹⁸⁵⁷ See Section VI.C.3. Definition of the types of harm suffered by the victims above.

¹⁸⁵⁸ The Chamber reiterates that it did not apply presumptions in its assessment of the Sample, precisely in order to determine, based on the information contained in the Sample and the rest of the evidence in the case file, whether presumptions should be applied during the administrative eligibility process. See *above*, para. 497.

¹⁸⁵⁹ *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 76.

¹⁸⁶⁰ For a similar approach, see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 141-143, referring to, *inter alia*, *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), paras 179-185; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), paras 4, 75; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 61

¹⁸⁶¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 63.

¹⁸⁶² Prosecutor’s February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 34; ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 57.

¹⁸⁶³ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 63.

during the attacks and crimes committed against civilians thereafter.¹⁸⁶⁴ As a way of facilitating and expediting the eligibility process and addressing the multitude of potential beneficiaries, the TFV suggests that a presumption that all individuals included in the list of inhabitants of the camps suffered psychological harm, irrespective of whether they were present at the camp at the time of the attack, should be recognised.¹⁸⁶⁵ The LRVs adds that a presumption of material, physical, and psychological harm shall be established in favour of all victims of the attacks and persons who were abducted by the Sinia Brigade.¹⁸⁶⁶ The Chamber notes that the Defence does not specifically oppose the adoption of any of the presumptions referred to above.¹⁸⁶⁷

522. The Chamber reiterates that Mr Ongwen was convicted for several crimes against persons committed during and in the aftermath of the attacks on the Pajule, Odek, Lukodi, and Abok IDP camps, including attacks against the civilian population,¹⁸⁶⁸ murder,¹⁸⁶⁹ attempted murder,¹⁸⁷⁰ torture,¹⁸⁷¹ enslavement,¹⁸⁷² persecution,¹⁸⁷³ and outrages upon personal dignity.¹⁸⁷⁴ The attacks were of large scale and considerable magnitude, committed against tens of thousands of victims,¹⁸⁷⁵ and executed by a large number of LRA fighters armed with an assortment of weapons, resulting in a large scale of victimisation.¹⁸⁷⁶

¹⁸⁶⁴ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 58.

¹⁸⁶⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 90.

¹⁸⁶⁶ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 53-54.

¹⁸⁶⁷ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 35-41.

¹⁸⁶⁸ In the Pajule, Odek, Lukodi, and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2824, 2874, 2876, 2927, 2929, 2973, 2975, 3020.

¹⁸⁶⁹ In the Pajule, Odek, Lukodi, and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2826-2827, 2874, 2878-2880, 2927, 2931-2933, 2973, 2977-2979, 3020.

¹⁸⁷⁰ In the Odek, Lukodi, and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2882-2883, 2927, 2935-2936, 2973, 2981-2982, 3020.

¹⁸⁷¹ In the Pajule, Odek, Lukodi, and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2829-2833, 2874, 2885-2889, 2927, 2938-2942, 2973, 2984-2988, 3020.

¹⁸⁷² In the Pajule, Odek, Lukodi, and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2839-2840, 2874, 2895-2896, 2927, 2948-2949, 2973, 2994-2995, 3020.

¹⁸⁷³ In the Pajule, Odek, Lukodi, and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2846-2849, 2874, 2906-2908, 2927, 2959-2961, 2973, 3006-3008, 3020.

¹⁸⁷⁴ In the Odek IDP camp, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2902-2904, 2927.

¹⁸⁷⁵ The Chamber recalls that in the context of the attack on the Pajule IDP camp, it was estimated that 15,000 to 30,000 people lived in the camp at the time, *see* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150. In the context of the attack on the Odek IDP camp, the Chamber found that between 2,000 and 3,000 people lived in the camp at the moment of the attack, *see* Sentence, [ICC-02/04-01/15-1819-Red](#), para. 185. In the context of the attack at the Lukodi IDP camp, the exact number of victims of the attack was not possible to determine, but the Chamber was satisfied that a large contingent of civilians lived in there at the time of the attack, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1644. In the case of the Abok IDP Camp, the Chamber found that at least 7,000 to just over 13,000 civilians resided in the camp, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1858.

¹⁸⁷⁶ Sentence, [ICC-02/04-01/15-1819-Red](#), paras 143, 149 (Pajule); para. 185 (Odek); para. 223 (Lukodi); para. 258-259 (Abok).

523. As to moral harm, the Chamber recalls its findings above as to the long-lasting consequences of the moral harm suffered by the direct victims of the crimes against persons committed during and in the aftermath of the four attacks, which include, *inter alia*, psychological trauma, emotional harm, stress, nightmares, and impaired psychosocial well-being and functioning.¹⁸⁷⁷ The assessment of the Sample also allows the Chamber to estimate that a very high percentage of these victims indeed suffered moral harm, with approximately 90% of all direct victims of the attacks¹⁸⁷⁸ and of each of the crimes¹⁸⁷⁹ having demonstrated, to the requisite standard of proof, to have suffered moral harm. The Chamber further recalls that ‘it is inherent to human nature that all those subjected to brutal acts [...] experience intense suffering, anguish, terror and insecurity’.¹⁸⁸⁰

524. Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific moral harm alleged by each potential direct victim of crimes against persons committed during and in the aftermath of the attacks, once their victimhood has been established on a balance of probabilities.¹⁸⁸¹ As to the TFV’s request for the presumption to apply to all individuals included in the list of inhabitants of the camps, irrespective of whether they were present at the camp at the time of the attack, the Chamber notes that this would, in fact, amount to a presumption of victimhood, which has been rejected for the reasons outlined above.¹⁸⁸² The Chamber notes, however, that a presumption of victimhood regarding the crimes of attack against the civilian population as such and persecution through the underlying act of attacks against the civilian population has been adopted in this case regarding all of the residents of the four IDP camps attacked and all other individuals who were present in the camps at the time of the attacks.¹⁸⁸³ Consistent with the Court’s jurisprudence,¹⁸⁸⁴ the Chamber

¹⁸⁷⁷ See para. 242 above.

¹⁸⁷⁸ See Annex II, p. 2, where is detailed that 89.60% of the eligible victims of the attacks (only) demonstrated to have suffered moral harm and 93.75% of the victims of both attacks and thematic crimes demonstrated to have suffered moral harm.

¹⁸⁷⁹ See Annex II, p. 5, where is detailed that the following percentage of victims demonstrated to have suffered moral harm as victims of the crimes of (i) attack against the civilian population, 89.84%; (ii) persecution 89.84%; (iii) pillaging 89.66%; (iv) destruction of property 90.38%; (v) attempted murder 50% (noting that only 2 victims of this crime were included in the sample and only 1 claimed to have suffered moral harm); (vi) torture 89.80%; and (vii) enslavement 90.20%.

¹⁸⁸⁰ For a similar approach, see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 146, referring to *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 128.

¹⁸⁸¹ For a similar approach, see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 146, referring to *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 185; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 129, 131.

¹⁸⁸² See paras 153-159 above.

¹⁸⁸³ See para. 164 above.

¹⁸⁸⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 146; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 123-131.

considers that moral harm can also be presumed regarding this latter category of victims, but only to the extent that they can demonstrate, at the required threshold, to have personally experienced the attack.

525. Accordingly, the Chamber presumes moral harm for all individuals who have established, on a balance of probabilities, to have personally experienced the attacks and are direct victims of crimes against persons committed during and in the aftermath of the attacks, including attacks against the civilian population as such; attempted murder; torture; enslavement; outrages upon personal dignity; and persecution, through the underlying acts of attack against the civilian population as such, attempted murder, torture, enslavement, and outrages upon personal dignity. Accordingly, individuals who were not present and did not personally experience the attacks will have to demonstrate, at the required balance of probabilities threshold, that they suffered moral harm as a result of the attacks.

526. Regarding physical harm, the Chamber notes the developments in the *Ntaganda* case,¹⁸⁸⁵ in which the parties and participants based their submission, wherein a presumption of physical harm has been maintained only for direct victims of attempted murder,¹⁸⁸⁶ forcible transfer and displacement, and persecution through the underlying acts of forcible transfer and displacement.¹⁸⁸⁷

527. In the present case, the Chamber recalls that civilians who survived attempts of murder because of independent circumstances, sustained severe injuries with long-lasting effects.¹⁸⁸⁸ The injuries included cuts on the head, gunshot wounds, broken limbs, toes cut off by bullet wounds, injuries which required body parts to be amputated, scars from bullet wounds, dislocated joints, permanent eye damage, permanent feeling of weakness, and burn wounds.¹⁸⁸⁹ 100% of the victims of attempted murder included in the Sample also demonstrated to have suffered physical harm.¹⁸⁹⁰

¹⁸⁸⁵ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 698-705.

¹⁸⁸⁶ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 256.

¹⁸⁸⁷ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), paras 259-264.

¹⁸⁸⁸ See para. 223 above.

¹⁸⁸⁹ See, *inter alia*, Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 184, 1514, 1535, 1545, 1758, 1762, 1808, 1940; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 231; P-0274, Statement, UGA-OTP-0283-1307, paras 34, 37, 48; P-0282, Statement, UGA-OTP-0283-1346, paras 30-32; P-0218, Statement, UGA-OTP-0238-0720-R01, para. 30.

¹⁸⁹⁰ See Annex II, p. 5.

528. Similarly, the Chamber recalls that victims of torture and enslavement suffered ‘grave physical abuse’¹⁸⁹¹ as a result of severe mistreatment, in the course of the attacks and in their aftermath, including instances of rape, beatings with sticks, clubs, hoes, and guns, being tied to each other, forced to carry heavy loads and walk for long distances, oftentimes barefoot and under threat of beating and death, because of the conditions they were forced to endure during their time in captivity, or injuries sustained when trying to escape.¹⁸⁹² The type of long-lasting¹⁸⁹³ injuries they suffered include rib injuries,¹⁸⁹⁴ chest pain,¹⁸⁹⁵ foot injuries,¹⁸⁹⁶ sharp tree stumps and splinters,¹⁸⁹⁷ injuries in different body parts, teeth pain as a result of the constant beating,¹⁸⁹⁸ injuries caused by bomb splinters,¹⁸⁹⁹ difficulties walking long distances due to chronic pain,¹⁹⁰⁰ and permanent ear injuries from being beaten.¹⁹⁰¹ The assessment of the Sample provides a similar picture, with 88% of the victims of torture and 82% of the victims of enslavement having demonstrated, at the required standard, to have suffered physical harm.¹⁹⁰² The Chamber notes that it does not have sufficient information to reach a similar conclusion in relation to the victims of attacks against the civilian population and outrages upon personal dignity.

529. Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific physical harm alleged by each potential direct victim of attempted murder, torture, enslavement, and persecution through the underlying acts of attempted murder, torture, and enslavement and that such physical harm shall be presumed once their victimhood has been established on a balance of probabilities.

530. Regarding material harm, the Chamber notes that the evidence in this case demonstrate that the physical injuries that victims suffered in the context of the attacks also substantially impacted their economic lives. Expert evidence heard at trial indicates that the physical injuries victims suffered during the attacks continue to have a significant material impact on the victims

¹⁸⁹¹ Sentence, [ICC-02/04-01/15-1819-Red](#), paras 190, 195 (Odek); para. 228 (Lukodi); para. 264 (Abok); *see also* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1571 (Odek); paras 1978-1979 (Abok).

¹⁸⁹² *See* para. 225 above.

¹⁸⁹³ *See, inter alia*, Sentence, [ICC-02/04-01/15-1819-Red](#), para. 160; P-0006 at [T-140](#), p. 21, lns 9-15; P-0249 at [T-79](#), p. 53, lns 19-23.

¹⁸⁹⁴ *See, inter alia*, P-0269 at [T-85](#), p. 53, lns 19-24.

¹⁸⁹⁵ *See, inter alia*, P-0406 at [T-154](#), p. 86, lns 17, 25.

¹⁸⁹⁶ *See, inter alia*, Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1578; P-0268, Statement, UGA-OTP-0283-1285, para. 57; P-0304 at [T-133](#), p. 30, lns 15-19.

¹⁸⁹⁷ *See, inter alia*, P-0006 at [T-140](#), p. 21, lns 9-15.

¹⁸⁹⁸ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1808; P-0024 at [T-77](#), p. 21 ln 16.

¹⁸⁹⁹ P-0406 at [T-154](#), p. 30, lns 3-5.

¹⁹⁰⁰ P-0406 at [T-154](#), p. 86, ln 25 to p. 87 ln 2.

¹⁹⁰¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1806.

¹⁹⁰² *See* Annex II, p. 5.

today.¹⁹⁰³ Expert Witness Dr Atim indicated that the majority of the victims of the attacks who suffered physical harm reported a disability, which, in turn, affected their livelihoods, access to human and material resources,¹⁹⁰⁴ ability to work,¹⁹⁰⁵ and education.¹⁹⁰⁶ Victims with lower psychosocial well-being were also found to have lower household wealth, lower earnings, and lower income potential.¹⁹⁰⁷ Other evidence in the case file indicates that these victims had become poor and could not return to the work they used to do in the past.¹⁹⁰⁸ This is consistent with the Chamber's findings in the Sample, where a number of victims stated they could no longer work in the same capacity due to injuries they had sustained during the attacks.¹⁹⁰⁹ 100% of the victims of attempted murder and 76% of the victims of torture and enslavement in the Sample indeed demonstrated, at the required standard, to have suffered material harm.¹⁹¹⁰

531. Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific material harm alleged by each potential direct victim of attempted murder, torture, enslavement, and persecution through the underlying acts of attempted murder, torture, and enslavement and that such material harm shall be presumed, once their victimhood has been established on a balance of probabilities.

532. Regarding direct victims of crimes against property committed within the context of the attacks, the CLRV submits that a presumption of psychological harm for victims who lost their home or material assets having a significant effect on their daily life should be adopted.¹⁹¹¹ This is supported by the Registry, the Prosecutor, Uganda, the ASF *et al.*, and the LRVs, with the latter noting that there will be very few or negligible number of victims who only suffered material harm without personally being at the sites of the IDP camps at the time of the attacks.¹⁹¹² The ASF *et al.* also suggest that the Chamber should presume psychological harm for victims who experienced material loss with significant impact on their lives.¹⁹¹³ The CLRV

¹⁹⁰³ Expert Report Dr Atim, UGA-V40-0001-0010, p. 60.

¹⁹⁰⁴ Expert Report Dr Atim, UGA-V40-0001-0010, p. 53.

¹⁹⁰⁵ Expert Report Dr Atim, UGA-V40-0001-0010, p. 52.

¹⁹⁰⁶ V-0001 at [T-174](#), p. 29, ln 21 to p. 30, ln 2; P-0009 at [T-81](#), p. 90, lns 4-18; P-0239 at [T-138](#), p. 47, ln 21 to p. 48, ln 3.

¹⁹⁰⁷ Expert Report Dr Atim, UGA-V40-0001-0010, p. 62.

¹⁹⁰⁸ V-0004 at [T-173](#), p. 23, lns 12-19; P-0009 at [T-81](#), p. 86, lns 14-17.

¹⁹⁰⁹ *See, inter alia*, A/01423/16, A/01608/16, A/01610/16, A/01665/16, A/01688/16, A/01832/16, A/01938/16, A/02069/16, A/06883/15, A/01085/16, A/06929/15, A/00161/16, A/00369/16, A/00394/16, A/00861/16, A/02099/16,

¹⁹¹⁰ *See* Annex II, p. 5.

¹⁹¹¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 64.

¹⁹¹² Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 32; Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 34; Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 33; ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 57; LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 52, 54.

¹⁹¹³ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 58.

also suggests that a presumption of material harm should be adopted for these victims.¹⁹¹⁴ The Chamber notes that the Defence does not specifically oppose the adoption of any of the presumptions referred to above.¹⁹¹⁵

533. The Chamber reiterates that Mr Ongwen was convicted for the crimes against property of pillaging¹⁹¹⁶ and destruction of property¹⁹¹⁷ committed in the context of the attacks on the IDP camps. The Chamber further recalls that, in the context of the Pajule attack, looting was ‘widespread’,¹⁹¹⁸ and the items looted represented ‘the basic means of survival for the population’.¹⁹¹⁹ In the Odek attack, in addition to the food and household items, the LRA attackers also took the recently distributed food aid.¹⁹²⁰ In the context of the Lukodi and Abok attacks, the impact of pillaging on the residents was ‘considerable’.¹⁹²¹ The Chamber also found beyond reasonable doubt in the Conviction Judgment that the destruction in the Abok IDP camp and the damage to homes was enormous.¹⁹²² In the Lukodi IDP Camp, the Chamber found that approximately 210 huts were burnt.¹⁹²³

534. As to material harm, the Chamber notes that in the Sentence, the Chamber found that the victims suffered severe economic consequences as a result of the widespread looting and pillaging across the four IDP camps.¹⁹²⁴ As noted above, the evidence in the case file demonstrates that the economic impact of these crimes was long-lasting, people became very poor and were not able to pay for bride wealth, ploughing, food, school fees and health treatments, and people suffered from starvation.¹⁹²⁵ Consistent with the findings beyond reasonable doubt made at trial, the victims of pillaging included in the Sample reported that they were very poor,¹⁹²⁶ lived in poverty,¹⁹²⁷ suffered hunger, or were forced to drop out of

¹⁹¹⁴ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 65.

¹⁹¹⁵ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 35-41.

¹⁹¹⁶ In the Pajule, Odek, Lukodi, and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2842-2844, 2874, 2898-2900, 2927, 2951-2953, 2973, 2997-2999, 3020.

¹⁹¹⁷ In the Lukodi and Abok IDP camps, *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2955-2957, 2973, 3001-3004, 3020.

¹⁹¹⁸ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 170; Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2842.

¹⁹¹⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 170; P-0047 at [T-114](#), p. 38, lns 1-6.

¹⁹²⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2898-2899.

¹⁹²¹ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 238 (Lukodi); para. 273 (Abok).

¹⁹²² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1915.

¹⁹²³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1795.

¹⁹²⁴ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 169 (Pajule); para. 201 (Odek); para. 238 (Lukodi); para. 273 (Abok).

¹⁹²⁵ V-0004 at [T-173](#), p. 26, ln 23 to p. 27 ln 10; P-0293 at [T-138](#), p. 26, lns 17-19.

¹⁹²⁶ A/01442/16, A/01949/16, A/02069/16, A/01936/16, A/01840/16.

¹⁹²⁷ A/01688/16, A/01760/16, A/01952/16.

school as they no longer had the financial means to continue their studies.¹⁹²⁸ In fact, 100% of the victims of pillaging in the Sample demonstrated, at the required standard, to have suffered material harm.¹⁹²⁹

535. Similarly, as found beyond reasonable doubt in the Conviction Judgment, victims of destruction ‘had lost it all’.¹⁹³⁰ As noted by Expert Witness Dr Atim, the destruction in the camps was ‘extensive’.¹⁹³¹ Consistent with the above, victims in the Sample also reported that they are now poor as their homes had been burnt down,¹⁹³² which for some resulted in lack of shelter¹⁹³³ and hunger.¹⁹³⁴ Others reported not being able to generate an income following the destruction of their property,¹⁹³⁵ and no longer being able to support family members.¹⁹³⁶ Some also reported having to drop out of school as they no longer had the financial means to continue attending, as a result of their property being destroyed.¹⁹³⁷ In fact, 100% of the victims of destruction of property in the Sample demonstrated, at the required standard, to have suffered material harm.¹⁹³⁸

536. Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific material harm alleged by each potential direct victim of pillaging and destruction of property, and persecution through the underlying acts of pillaging and destruction of property and that such material harm shall be presumed, once their victimhood has been established on a balance of probabilities.

537. As to moral harm, the Chamber reiterates its findings in the Sentence that the gravity *in abstracto* of pillaging was considerable, having a great impact on the residents of the camps who suffered a great deal, including from intense hunger, and because physical violence against civilians was employed as a method of looting.¹⁹³⁹ Regarding destruction of property, the Chamber also reiterates its findings in the Sentence that, apart from the deprivation of the owner’s right to property, destruction of property may also have additional gravity depending on the *de facto* economic, social, cultural or environmental function of the property

¹⁹²⁸ A/01509/16, A/00428/16, A/00360/16.

¹⁹²⁹ See Annex II, p. 5.

¹⁹³⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1791.

¹⁹³¹ Expert Report Dr Atim, UGA-V40-0001-0010, p. 59.

¹⁹³² A/01936/16, A/01354/16.

¹⁹³³ A/06812/15.

¹⁹³⁴ A/01427/16, A/05397/15, A/06660/15.

¹⁹³⁵ A/05158/15, A/05220/15, A/05523/15, A/05578/15.

¹⁹³⁶ A/05675/15.

¹⁹³⁷ A/05769/15, A/05739/15.

¹⁹³⁸ See Annex II, p. 5.

¹⁹³⁹ Sentence, [ICC-02/04-01/15-1819-Red](#), paras 201-203, 238-240, 273-275.

destroyed.¹⁹⁴⁰ In the concrete circumstances of the present case, the Chamber found that the gravity of the crime was considerable as several hundred civilian homes were destroyed, together with the civilians' household goods, food stocks, and animals.¹⁹⁴¹ Civilians left the camps with no possessions.¹⁹⁴² The Chamber further notes that 90% of the victims of pillaging and destruction of property in the sample demonstrated to have suffered from moral harm.¹⁹⁴³ In these circumstances, the Chamber finds justified to follow the jurisprudence from the *Ntaganda* case and recognise the great suffering of persons that lost their homes or material assets with significant impact on their daily life.¹⁹⁴⁴

538. Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific moral harm alleged by each potential direct victim of pillaging and destruction of property with significant impact on their daily life, and persecution through the underlying acts of pillaging and destruction of property with significant impact on their daily life and that such moral harm shall be presumed, once their victimhood and the fact that these crimes had a significant impact on their daily life has been established on a balance of probabilities.

539. Regarding indirect victims of the attacks, also following the *Ntaganda* case, the CLRV submits that a presumption of psychological harm for indirect victims who are close family members of direct victims of murder should be adopted.¹⁹⁴⁵ The LRVs, the Registry, the Prosecutor, Uganda, and the ASF *et al.* support the adoption of this presumption.¹⁹⁴⁶ The Registry submits that an additional presumption of psychological harm for indirect victims who are close relatives of direct victims of the attacks should be recognised.¹⁹⁴⁷ Similarly, the ASF *et al.* suggest that the Chamber adopt a presumption of psychological harm for family members of direct victims of murder, torture, and other grave crimes committed in the camps and or thereafter.¹⁹⁴⁸ The LRVs further submit that a presumption of physical, psychological, and material harm should be adopted for persons who witnessed the attacks.¹⁹⁴⁹ The Chamber notes

¹⁹⁴⁰ Sentence, [ICC-02/04-01/15-1819-Red](#), para. 242.

¹⁹⁴¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 1785-1786, 1791-1795, 2955 (Lukodi); paras 196, 1910-1915, 1917, 1923-1924, 3001 (Abok); Sentence, [ICC-02/04-01/15-1819-Red](#), paras 243, 277.

¹⁹⁴² Sentence, [ICC-02/04-01/15-1819-Red](#), para. 245.

¹⁹⁴³ See Annex II, p. 5.

¹⁹⁴⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 147.

¹⁹⁴⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 64.

¹⁹⁴⁶ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 54; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 32; Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 34; Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 33; ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 57.

¹⁹⁴⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 33.

¹⁹⁴⁸ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 58.

¹⁹⁴⁹ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 54.

that the Defence does not specifically oppose the adoption of any of the presumptions referred to above.¹⁹⁵⁰

540. As to moral harm, the Chamber recalls that the record of the case and the Sample contains ample information regarding the moral harm suffered by close family members of direct victims of crimes against persons committed in the course of the attacks. The evidence demonstrates that they suffered severe moral impact including pain associated with the loss of a family member; deprivation of love, care and support from a deceased family member; pain for seeing a family member being killed or raped; pain of missing a family member who was either killed or abducted; deploring the trauma caused to an abducted family member; frustration for not having been able to defend a relative; and suffering from the lack of information about the whereabouts of an abducted family member.¹⁹⁵¹ In these circumstances, the Chamber considers it justified to recognise the great suffering of close family members of direct victims of crimes against persons committed in the course of the attacks.¹⁹⁵²

541. Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific moral harm alleged by each potential close family member of direct victims of crimes against persons committed within the context of the attacks, once their status as indirect victims (victimhood) has been established on a balance of probabilities. Following the *Ntaganda* case, the Chamber underscores that close family members for the purposes of presuming their harm are understood to be all those members of a family living within the same household.¹⁹⁵³

542. The Chamber notes that it does not have sufficient information to reach a similar conclusion in relation to the physical, psychological, and material harm suffered by persons who witnessed the attacks, as suggested by the LRVs.¹⁹⁵⁴

b) Presumptions related to victims of thematic crimes

543. Regarding SGBC victims, following the *Ntaganda* case, the CLRV argues that a presumption of material, physical, and psychological harm should be applied to direct victims and indirect victims who are close family members of direct victims of all SGBC for which Mr Ongwen was convicted.¹⁹⁵⁵ This is supported by the LRVs, the Registry, the Prosecutor, and

¹⁹⁵⁰ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 35-41.

¹⁹⁵¹ See para. 269 above.

¹⁹⁵² For a similar approach, see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 147; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 112-122.

¹⁹⁵³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 145.

¹⁹⁵⁴ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 54.

¹⁹⁵⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 62.

the ASF *et al.*¹⁹⁵⁶ The Registry further submits that a presumption of physical, psychological, and material harm should be recognised for children of war.¹⁹⁵⁷ The Chamber notes that the Defence does not specifically oppose the adoption of the presumptions referred to above.¹⁹⁵⁸

544. The LRVs further note that requiring proof of harm for these victims may be overly disadvantageous to women, given that they were disproportionately affected by SGBC in the context of the *Ongwen* case.¹⁹⁵⁹ They further argue that even in the limited cases where victims were able to pass through reception centres such as the Gulu Support and Children Organisation ('GUSCO'), it is 'very possible' that they would not be able to access their records.¹⁹⁶⁰ The Defence disagrees with this argument, noting that the Prosecutor collected thousands of records from GUSCO and other reception centres, which, the Defence argues, the LRVs should consult to verify the stories of their clients.¹⁹⁶¹

545. As to direct SGBC victims, including the children born out of these crimes, the Chamber reiterates its findings based on abundant evidence in the case file and the Sample as to the extensive, severe, and long-lasting consequences of the physical, moral, and material harm suffered by them. SGBC victims suffered physical and moral harms caused by the brutal sexual and physical violence used against them – as mode of coercion, to prevent escape, to rape, to obtain labour, and as a form of torture; because of the harsh living conditions to which they were subjected; and as a result of being born and grow up within a violent environment, without access to adequate facilities, sanitation, and nutritious food.¹⁹⁶² Similarly, these victims suffered severe moral harm as a result of being away from their families and because of the ostracization, stigmatisation, and rejection they experienced upon their return when trying to reintegrate into their families and communities, and lastly, a loss of identity.¹⁹⁶³ They also suffered material harm due to loss of education, opportunities, life plan, unemployment due to injuries sustained whilst in captivity and stigmatisation, lack of access to family land, and, in the case of mothers, for being the sole caregiver for children born out SGBC.¹⁹⁶⁴ A very high

¹⁹⁵⁶ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 53; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 32; Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 34; ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 55.

¹⁹⁵⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 33.

¹⁹⁵⁸ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 35-41.

¹⁹⁵⁹ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 48.

¹⁹⁶⁰ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 48.

¹⁹⁶¹ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 35.

¹⁹⁶² See paras 279-290; 315-318 above.

¹⁹⁶³ See paras 291-306; 319-326 above.

¹⁹⁶⁴ See paras 307-314; 327-332 above.

percentage of the SGBC victims in the Sample demonstrated to have suffered physical, moral, and material harm.¹⁹⁶⁵

546. In these circumstances, the Chamber finds justified to recognise that direct SGBC victims, including the children born out of these crimes, suffered extensive and severe physical, moral, and material harm.¹⁹⁶⁶ Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific physical, moral, and material harm alleged by each potential SGBC victim, including children born out of these crimes, once their victimhood has been established on a balance of probabilities.

547. As to indirect SGBC victims, the Chamber reiterates its findings as to the abundant evidence in the case file and in the Sample on the psychological pain and frustration families felt when women and girls members of their family were abducted; the constant worry and profound agony from the lack of any information of the victims' well-being; and the emotional suffering and financial burden they experienced when they returned home.¹⁹⁶⁷

548. In these circumstances, the Chamber finds justified to recognise that close family members of SGBC victims, suffered extensive moral and material harm.¹⁹⁶⁸ Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific moral and material harm alleged by each potential close family members of direct SGBC victims, once their status as indirect victims (victimhood) has been established on a balance of probabilities. Following the *Ntaganda* case, the Chamber underscores that close family members for the purposes of presuming their harm are understood to be all those members of a family living within the same household.¹⁹⁶⁹

549. Regarding victims of crimes against child soldiers, the CLRV argues that the same presumptions recognised and applied in the *Ntaganda* and *Lubanga* cases which acknowledges material, physical, and psychological harm for direct and indirect victims who are close family members of victims of conscription and use of children under the age of 15 in hostilities, should be applied in the current case.¹⁹⁷⁰ This is supported by the LRVs, the Registry, the TFV, the

¹⁹⁶⁵ See Annex II, p. 5.

¹⁹⁶⁶ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 145.

¹⁹⁶⁷ See Section VI.C.3.ii.c. Indirect SGBC victims above.

¹⁹⁶⁸ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 145.

¹⁹⁶⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 145.

¹⁹⁷⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 61.

Prosecutor, ASF *et al.*¹⁹⁷¹ The TFV further argues that, in the circumstances of the case, the Chamber may also consider to entertain a factual presumption that former child soldiers were exposed directly or indirectly to SGBC, thus suffering from the harm associated with it.¹⁹⁷² The Chamber notes that the Defence does not specifically oppose the adoption of the presumptions referred to above.¹⁹⁷³

550. As to direct victims (former child soldiers), the Chamber reiterates its findings based on abundant evidence in the case file and the Sample as to the extensive, severe, and long-lasting consequences of the physical, moral, and material harm suffered by former child soldiers. They suffered physical and moral harms due to the exposure to violence and fear and for the mistreatment received during abductions, initiation ceremonies, while in captivity, due to forced labour, during battles, and because they were subject to a violent disciplinary regime, including cruel methods of physical and psychological coercion, for being forced to commit and witness the commission of crimes.¹⁹⁷⁴ They underwent emotional distress due to the separation from their families, the prohibition of forming friendships during captivity, and the stigmatisation and rejection they experienced upon returning from captivity.¹⁹⁷⁵ They also suffered moral and material harm due to long-lasting physical pain, loss of education, childhood, and life plan, and the non-development of civilian life skills.¹⁹⁷⁶ A very high percentage of child soldiers in the Sample demonstrated to have suffered physical, moral, and material harm.¹⁹⁷⁷

551. In these circumstances, the Chamber finds that it is justified to recognise that child soldiers, suffered extensive and severe physical, moral, and material harm.¹⁹⁷⁸ Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific physical, moral, and material harm alleged by each potential former child soldier once their victimhood has been established on a balance of probabilities.

552. As to indirect victims of crimes against child soldiers, the Chamber reiterates its findings as to the abundant evidence in the case file and in the Sample regarding the emotional

¹⁹⁷¹ LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 51, 53; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 32; Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 34; ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 55.

¹⁹⁷² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 91.

¹⁹⁷³ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 35-41.

¹⁹⁷⁴ See Section VI.C.3.iii.a. Direct victims, former child soldiers above.

¹⁹⁷⁵ See Section VI.C.3.iii.a. Direct victims, former child soldiers above.

¹⁹⁷⁶ See Section VI.C.3.iii.a. Direct victims, former child soldiers above.

¹⁹⁷⁷ See Annex II, p. 5.

¹⁹⁷⁸ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 145; *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 180.

suffering that the abduction and integration into the LRA brought upon the families of child soldiers; the deep anguish for the uncertainty as to whether their children were alive; and the financial burden they experienced when they returned home.¹⁹⁷⁹

553. In these circumstances, the Chamber finds justified to recognise that close family members of former child soldiers suffered extensive moral and material harm.¹⁹⁸⁰ Consequently, the Chamber considers that it shall not be necessary to scrutinise the specific moral and material harm alleged by each potential close family member of former child soldiers, once their status as indirect victims (victimhood) has been established on a balance of probabilities. Following the *Ntaganda* case, the Chamber underscores that close family members for the purposes of presuming their harm are understood to be all those members of a family living within the same household.¹⁹⁸¹

c) Other alleged presumptions of harm

554. The Chamber notes that, on account of the types of traumas and impacts on family and social dynamics caused by the crimes included in the conviction, the CLRV argues that a presumption of psychological harm should apply to all victims in the case.¹⁹⁸² The CLRV also posits that the Chamber should consider establishing a presumption of transgenerational harm for all victims of the case, but mainly for children born out of rape or children of direct victims.¹⁹⁸³ The Registry suggests that a presumption of transgenerational harm should be recognised for all children and grandchildren of direct victims in the case.¹⁹⁸⁴ The Defence disagrees with this proposal and argues that the alleged victims must be required to prove a demonstrable nexus between the harm suffered by the (direct) victim and the (alleged) transgenerational harm.¹⁹⁸⁵

555. The Chamber, however, notes that it does not have sufficient information to reach a conclusion as to presumptions of moral harm for all victims in the case or for a presumption of transgenerational harm, as proposed by the CLRV and the Registry.

¹⁹⁷⁹ See Section VI.C.iii.b Indirect victims of crimes against former child soldiers above.

¹⁹⁸⁰ For a similar approach see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 145; *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 180.

¹⁹⁸¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 145.

¹⁹⁸² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 66.

¹⁹⁸³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 67; CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 4.

¹⁹⁸⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 33.

¹⁹⁸⁵ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 36.

ii. Conclusions

556. Based on the findings above, the Chamber hereby reiterates that the following presumptions of harm shall apply in the present case:

- a. Regarding direct victims of crimes against persons committed within the context of the attacks, the following presumptions of harm shall apply:
 - i. moral harm for all individuals who have established, on a balance of probabilities, to have personally experienced the attacks and to be direct victims of attacks against the civilian population, attempted murder, torture, enslavement, outrages upon personal dignity, and persecution, through the underlying acts of attack against the civilian population as such, attempted murder, torture, enslavement, and outrages upon personal dignity;
 - ii. physical harm for all individuals who have established, on a balance of probabilities, to be direct victims of attempted murder, torture, enslavement, and persecution through the underlying acts of attempted murder, torture, and enslavement;
 - iii. material harm for all individuals who have established, on a balance of probabilities, to be direct victims of attempted murder, torture, enslavement, and persecution through the underlying acts of attempted murder, torture, and enslavement;
- b. Regarding direct victims of crimes against property committed within the context of the attacks, the following presumptions of harm shall apply:
 - i. material harm for all individuals who have established, on a balance of probabilities, to be direct victims of pillaging and destruction of property, and persecution through the underlying acts of pillaging and destruction of property;
 - ii. moral harm for all individuals who have established, on a balance of probabilities, to be direct victims of pillaging and destruction of property with significant impact on their daily life, and persecution through the underlying acts of pillaging and destruction of property with significant impact on their daily life;
- c. Regarding indirect victims of the attacks, the following presumption of harm shall apply:
 - i. moral harm for all individuals who have established, on a balance of probabilities, to be indirect victims who are close family members of direct victims of crimes against persons committed within the context of the attacks;

- d. Regarding SGBC victims, the following presumptions of harm shall apply:
- i. physical, moral, and material harm for all individuals who have established, on a balance of probabilities, to be a direct SGBC victim, including children born out of these crimes;
 - ii. moral and material harm for all individuals who have established, on a balance of probabilities, to be indirect victims who are close family members of direct SBGC victims;
- e. Regarding former child soldier victims, the following presumptions of harm shall apply:
- i. physical, moral, and material harm for all individuals who have established, on a balance of probabilities, to be former child soldiers; and
 - ii. moral and material harm for all individuals who have established, on a balance of probabilities, to be indirect victims who are close family members of former child soldiers.

557. The Chamber reiterates once again that close family members for the purposes of presuming their harm are understood to be all those members of a family living within the same household. Further, the Chamber recalls that no presumptions were applied to the Chamber's determination of the eligibility of the victims included in the Sample. However, all presumptions above should apply in relation to the victims in the Sample and be made effective at the implementation stage of the proceedings.

D. FOURTH ELEMENT: TYPES AND MODALITIES

1. Type of reparations

i. Submissions

558. Individual Reparations. The LRVs submit that some victims expressed a preference for individual reparations and propose compensation sums related to: loss of life, missing persons who are presumed dead, SGBC victims, child victims, and victims who lived in IDP camps.¹⁹⁸⁶ The Defence objects to this proposal, arguing that it will significantly delay the distribution of reparations and that ascertaining the true beneficiaries will be impossible.¹⁹⁸⁷ It is for this

¹⁹⁸⁶ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23. For example, regarding loss of life, the LRVs submit that victims should be awarded seven heads of cattle, or the monetary equivalent, which is approximately \$286 USD per head of cattle or 1,000,000 UGX.

¹⁹⁸⁷ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 43.

reason that the Defence urges the Chamber to consider collective reparations.¹⁹⁸⁸ The Registry does not take a position regarding what type of reparations are most appropriate and instead summarises the views of those it consulted with, including some victims who expressed a desire for individual reparations. For instance, the Registry explains that the ‘large majority’ of victims expressed a preference for monetary compensation, noting that they are best placed to invest any money awarded in order to cover their most pressing needs so that they can individually address the distinct harm they suffered.¹⁹⁸⁹

559. The CLRV also proposes individual reparations for the so-called ‘wives’ of Mr Ongwen and their children born out of rape.¹⁹⁹⁰ The CLRV argues that collective reparations are not appropriate for this group of victims and that individual reparations would be feasible, and convenient.¹⁹⁹¹ The Chamber notes that the CLRV appears to have expanded this request to include the ‘seven women in Mr Ongwen’s household and the children born out of the crimes committed against them’ in its later submission.¹⁹⁹² The CLRV further stresses that ‘the unique story and consequences’ for these victims require ‘specifically tailored reparations measures’.¹⁹⁹³ The Defence agrees that collective reparations are not appropriate for the former ‘wives’ of Mr Ongwen and their children born out of rape and that individual reparations are appropriate for this group and other identifiable SGBC victims.¹⁹⁹⁴ The Prosecutor agrees with individual reparations for the direct SGBC victims of Mr Ongwen, and their children, but only if such reparations can be implemented without causing tension or a hierarchy of victims.¹⁹⁹⁵

560. The TFV recommends against providing individual reparations to the ‘seven women in Mr Ongwen’s household and the children born out of the crimes committed against these women by Mr Ongwen himself’.¹⁹⁹⁶ The TFV instead suggests that reparations are ‘provided to the seven women in the same way as to all other SGBC victims in the case, *i.e.* in the form of rehabilitation as part of the collective reparation order’.¹⁹⁹⁷ The CLRV disagrees with the proposal made by the TFV to treat these victims as other SGBC victims.¹⁹⁹⁸

¹⁹⁸⁸ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 43.

¹⁹⁸⁹ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 42; Registry’s February 2022 Observations, [ICC-02/04-01/15-1975](#), para. 21.

¹⁹⁹⁰ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 80.

¹⁹⁹¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 79-80.

¹⁹⁹² See CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), paras 45-46.

¹⁹⁹³ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), paras 45-46.

¹⁹⁹⁴ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 64.

¹⁹⁹⁵ Prosecutor’s February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 38.

¹⁹⁹⁶ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 108-111.

¹⁹⁹⁷ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 110.

¹⁹⁹⁸ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 45.

561. Collective Reparations with Individualised Components. The CLRV submits that victims' needs would best be addressed by collective reparations with an individual component.¹⁹⁹⁹ The CLRV states that victims 'overwhelmingly expressed a preference for individual reparations', although collective reparations with an individual component would also be accepted.²⁰⁰⁰ The Defence submits that collective reparations with individualised components may be appropriate in the circumstances and asks the Chamber to consider them.²⁰⁰¹ The Prosecutor proposes a combination of individual and collective reparations though alternatively argues that collective reparations with an individual component are appropriate, as in the *Ntaganda* case.²⁰⁰²

562. The Registry submits that victims do not fully understand the notion of 'collective reparations with an individual component'²⁰⁰³ and that many 'opposed the idea of collective reparations without any individualizable effects' for fear that it would prevent the 'real' victims from having their harms fully addressed.²⁰⁰⁴

563. Collective Reparations. The LRVs submit that a small group of victims supported collective reparations for children born out of forced pregnancy and the 'general community' of victims in Abok, Odek, and Lukodi.²⁰⁰⁵ The LRVs also submit that general victims' communities should be afforded collective reparations where individual requests cannot be met.²⁰⁰⁶ The CLRV, however, explains that victims of the attacks preferred cash payments and were not in favour of collective reparations as they were concerned that such a programme would have no direct effect on individuals.²⁰⁰⁷ Specifically, victims were concerned that projects would fail, as others had, and that the scarce resources of the Court would be used on capacity building, which in their view, is the responsibility of the Government.²⁰⁰⁸ That being said, the need to reinforce local infrastructure such as schools and medical centres was recognised.²⁰⁰⁹

¹⁹⁹⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 75.

²⁰⁰⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 75.

²⁰⁰¹ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 51; Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 43.

²⁰⁰² Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 37.

²⁰⁰³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 42.

²⁰⁰⁴ Registry's February 2022 Observations, [ICC-02/04-01/15-1975](#), para. 22.

²⁰⁰⁵ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), paras 24-25.

²⁰⁰⁶ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 24.

²⁰⁰⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 74.

²⁰⁰⁸ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 74.

²⁰⁰⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 74.

564. The TFV submits that collective community-based reparations should be ordered by the Chamber.²⁰¹⁰ The TFV explains that if the Chamber were to order rehabilitation as a modality, it may not need to specify that rehabilitation measures have an individual component, as by their very nature, rehabilitation measures are victim-centred and have an individual component as the rehabilitation prescribed will depend on the individual needs of victims.²⁰¹¹ The CLRV agrees with this rationale, but notes the importance of communicating the individual impact of collective measures to victims in order to manage their expectations considering many victims prefer individual awards.²⁰¹² The CLRV therefore requests the Chamber to specify this aspect in the Reparations Order.²⁰¹³

565. The Registry explains that some interlocutors believed that the collective impact of the crimes meant that reparations should benefit entire communities, with healthcare, rehabilitation, and education services supported.²⁰¹⁴ Further, the Registry submits that a limited number of individuals consulted stressed that ‘given the magnitude of the victimisation throughout Northern Uganda during the two-decades long war between the LRA and the Government, individual reparations for only the victims of Mr Ongwen are not appropriate or feasible and that only collective reparations should be awarded’.²⁰¹⁵

566. Uganda submits that with the exception of SGBC victims, child soldiers, and victims of relatives that were murdered, reparations should be collective, with the goal of rebuilding the regions.²⁰¹⁶ Uganda further submits that collective reparations are appropriate given the ‘enormity of eligible victims’ and as it would not necessarily require identifying individual victims.²⁰¹⁷

567. FIDA-Uganda also submits that collective community-based reparations are appropriate to repair the community as a whole.²⁰¹⁸ However, the LRVs state that they cannot support this proposal due to the overwhelming preference for individualised monetary awards expressed during their consultations with victims.²⁰¹⁹ The ICTJ and UVF also submit that collective community-based reparations are appropriate, in order to strengthen existing

²⁰¹⁰ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 101, 104; TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 35.

²⁰¹¹ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 101.

²⁰¹² CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 43.

²⁰¹³ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 43.

²⁰¹⁴ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 42.

²⁰¹⁵ Registry’s December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 43.

²⁰¹⁶ Uganda’s February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 25.

²⁰¹⁷ Uganda’s February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 25.

²⁰¹⁸ FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), p. 16.

²⁰¹⁹ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 26.

community infrastructure and build new infrastructure that would benefit the community and reduce divisions, resentment or jealousy within it.²⁰²⁰ This is supported by the LRVs.²⁰²¹

568. Collective and Individual Reparations. The Prosecutor defers to the victims, the TFV, and the Registry to assist the Chamber in determining the appropriate types and modalities of reparations in this case.²⁰²² However, it urges the Chamber to take into account the large number of victims who may apply and be entitled to reparations, the large number of victims identified by the Chamber in the Conviction Judgment and Sentence, and the serious, long-lasting and diverse consequences of the victims.²⁰²³ Based on these factors, the Prosecutor proposes a combination of individual and collective reparations.²⁰²⁴ Alternatively, the Prosecutor argues that collective reparations with an individual component are appropriate, as in the *Ntaganda* case.²⁰²⁵ With the exception of FIDA-Uganda, most *amici curiae* propose some form of collective and individual reparations.²⁰²⁶

ii. *Chamber's determination*

569. The Chamber notes that pursuant to rule 97(1) of the Rules, it may award reparations on an individualised basis (under rule 98(2) of the Rules), a collective basis (under rule 98(3) of the Rules) or both.²⁰²⁷

570. As is noted above by way of incorporation of the *Ntaganda* Principles,²⁰²⁸ the Chamber considers that individual reparations are those where the ensuing benefit is afforded directly to an individual to repair the harm the person suffered as a consequence of the crimes for which the defendant was convicted, conferring upon a victim a benefit to which they are exclusively entitled.²⁰²⁹

²⁰²⁰ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 61.

²⁰²¹ LRVs' March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 29.

²⁰²² Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 36.

²⁰²³ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 36.

²⁰²⁴ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 37.

²⁰²⁵ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 37.

²⁰²⁶ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21; ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 7-12; ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 68; UN's Observations, [ICC-02/04-01/15-1972](#), para. 25; and ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 47.

²⁰²⁷ *Katanga* Reparations Order, [ICC-01/04-01/07-3728](#), para. 265; *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 32.

²⁰²⁸ See para. 59 above.

²⁰²⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 79; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 271.

571. Collective reparations refer to their nature (type of goods or services distributed or mode of their distribution) or their recipients (communities or groups).²⁰³⁰ They differ from individual reparations in that they benefit a group or category of persons who have suffered a shared harm.²⁰³¹ The group need not be vested with prior legal personality or a collective right and the shared harm does not necessarily pre-suppose the violation of a collective right.²⁰³² When collective reparations are awarded, they should address the harm victims suffered on an individual and a collective basis.²⁰³³

572. While several permutations are possible,²⁰³⁴ there are primarily two forms of collective reparations.²⁰³⁵ The first category of collective reparations (‘community-based reparations’) is intended to benefit a community of victims as a whole and does not specifically address individual members thereof.²⁰³⁶ The second category (‘collective reparations with individualised components’) focuses on the individual members of the group. Although they are collective in nature, they result in individual benefits to respond to the harms, needs and current situation of the individual victims in the group.²⁰³⁷

573. Rule 98(3) of the Rules provides the factors that are relevant for a determination as to whether a collective award is ‘more appropriate’, namely, ‘the number of victims and the scope, forms and modalities of reparations’.²⁰³⁸

574. In the present case, based on the factors set out under rule 98(3) of the Rules, the Chamber considers that collective community-based reparations are the most appropriate type of reparations to address the harm suffered by the victims of the crimes for which Mr Ongwen was convicted.

²⁰³⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 80; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 273.

²⁰³¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 80; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 275; *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 193; see also *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), paras 59, 67.

²⁰³² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 80; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 276.

²⁰³³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 80; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 33.

²⁰³⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 81; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 40.

²⁰³⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 81; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 278.

²⁰³⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 81; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 279.

²⁰³⁷ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 81; *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 280.

²⁰³⁸ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 148(d) and (e).

575. The Chamber wishes to make clear that collective community-based reparations refer to both the *group* that will receive reparations and the *mode* in which reparations will be delivered.²⁰³⁹ With respect to the group that will receive reparations, the Chamber is referring to the community of eligible victims in this case, not the Northern Ugandan community at large.²⁰⁴⁰ Regarding the mode in which reparations are delivered, the Chamber is referring to community-based measures and programmes that can reach large numbers of victims in a less resource intensive manner.

576. The Chamber will now turn to the factors it has considered pursuant to rule 98(3) of the Rules in determining that collective community-based reparations are more appropriate, namely, the number of victims and the scope, forms, and modalities of reparations.

577. In the Chamber's view, the primary reason why collective community-based reparations are appropriate and necessary in this case is the overwhelming number of eligible victims. As noted by the Prosecutor²⁰⁴¹ 4,096 victims were authorised to participate in the proceedings pursuant to article 68(3) of the Statute,²⁰⁴² which is almost double the number of participating victims in *Ntaganda*.²⁰⁴³ In addition, as discussed in more detail below, the Chamber estimates that there would be approximately 49,772 potential beneficiaries of reparations. This case therefore represents one of the largest groups of victims potentially eligible for reparations in the Court's history.²⁰⁴⁴ The only case with a similar number of victims is the *Al Mahdi* case, where Trial Chamber VIII determined that the eligible victims

²⁰³⁹ The Chamber recalls that collective reparations can refer to their nature (type of goods or services distributed or mode of their distribution) or their recipients (communities or groups), *see Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 80; *see also Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 273.

²⁰⁴⁰ *See Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 193. The Trial Chamber held that collective reparations may benefit any group bound by collective harm and suffering as a consequence of the crimes of the convicted person. *See also* TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 101. The Chamber concurs with the TFV's proposal of collective measures that will 'address the entire collective of victims of the crimes for which Mr Ongwen has been convicted'.

²⁰⁴¹ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 36.

²⁰⁴² 6 May 2021 Order, [ICC-02/04-01/15-1820](#), para. 3. While this 6 May 2021 Order (and the Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 36) refer to 4,095 victims, the Chamber notes that application a/01426/16, assessed by the VPRS as falling inside the scope of the Case (Pajule IDP camp), was erroneously initially not transmitted to the Chamber, so the actual number of participating victims is 4,096, *see* Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs; and Decision on the Registry Additional Information on Victims, [ICC-02/04-01/15-2024](#), para. 18, fn 37 and page 16.

²⁰⁴³ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 36, citing *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 234.

²⁰⁴⁴ In the *Katanga* case 297 victims were found eligible for reparations, *see Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 287; in the *Ntaganda* case the approximate number of direct and indirect victims was estimated at 10,500 individuals, *see Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 320; in the *Lubanga* case the final number of beneficiaries of reparations was 2,471 victims, *see* Trial Chamber II, *Prosecutor v. Thomas Lubanga Dyilo*, Twelfth Decision on the TFV's administrative decisions on applications for reparations and additional matters, 30 August 2023, [ICC-01/04-01/06-3558-Red](#), para. 11.

included the entire population of Timbuktu, which at the relevant time was approximately 70,000 people.²⁰⁴⁵ As a result of, *inter alia*, the number of victims, the Chamber determined that collective reparations were appropriate for the community of Timbuktu.²⁰⁴⁶ The comparable number of victims in this case militates in favour of a collective award.

578. The Chamber considers that promptness, efficiency, and effectiveness are important considerations when determining the types and modalities of reparations ordered. Collective reparations with an individualised component, or an individual reparations programme, could take decades to implement given the number of victims in this case. In this respect, the Chamber finds merit in the Defence's submission that collective reparations may be appropriate as the implementation of individual reparations would significantly delay the distribution of reparations.²⁰⁴⁷ The Chamber recalls the current circumstances in the *Lubanga* case where the first reparations decision was issued on 7 August 2012²⁰⁴⁸ for crimes committed in 2002-2003.²⁰⁴⁹ Implementation of collective reparations with an individualised component only commenced in 2021 for a limited number of victims²⁰⁵⁰ and less than half of the victims were benefiting from the programme by December of 2023.²⁰⁵¹ The TFV makes a similar point in reference to the *Katanga* case, explaining that an individualised approach within a collective reparation award was possible given that there were only 297 identified victims.²⁰⁵² The TFV points out that even with a small number of victims, the individualised approach in the *Katanga* case 'was and still is, even at the current last phase of implementation, highly resource, and

²⁰⁴⁵ *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), paras 83, 141.

²⁰⁴⁶ *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), paras 83, 141. While there were only 139 applications from victims during the reparations phase, Trial Chamber VIII found that there was collective harm suffered across Timbuktu, which was a city of approximately 70,000 people around the time of the attack, and ordered collective reparations to address the damage caused.

²⁰⁴⁷ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 43.

²⁰⁴⁸ *Lubanga* Reparations Decision, [ICC-01/04-01/06-2904](#). The Chamber notes that Trial Chamber I did not specify reparations in Lubanga as 'collective with an individualised component' in the original Reparations Decision, though collective reparations with a service-based approach, also known as collective reparations with an individualised component, were later approved for implementation in this case and are currently being implemented. See for example, Trial Chamber II, *Prosecutor v. Thomas Lubanga Dyilo*, Order approving the proposed programmatic framework for collective service-based reparations submitted by the Trust Fund for Victims, 6 April 2017, [ICC-01/04-01/06-3289](#), para. 16.

²⁰⁴⁹ *Lubanga* Conviction Judgment, [ICC-01/04-01/06-2842](#), para. 1358.

²⁰⁵⁰ See e.g. Trial Chamber II, *Prosecutor v. Thomas Lubanga Dyilo*, Fifteenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017 and 7 February 2019, 21 October 2021, [ICC-01/04-01/06-3524](#), paras 19-21, in which the TFV explains that as of 21 October 2021, 60 beneficiaries had started to benefit from physical rehabilitation while 123 beneficiaries were benefiting from psychological support.

²⁰⁵¹ Twenty-third progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 12 October 2016, 6 April 2017 and February 2019, 6 December 2023, ICC-01/04-01/06-3560-Conf, para. 14.

²⁰⁵² TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 38.

time intensive’ and it ‘would be hard to replicate this approach in the *Ongwen case*’.²⁰⁵³ The Chamber considers that the prolonged implementation of reparations impedes the transformative effect for beneficiaries. The Chamber is of the view that reparations orders at the Court must take into account lessons learned through past experiences so that the Court can better serve victims. This is especially true considering the unique nature of reparations proceedings before the Court, where the substantive and procedural framework has been mostly developed by an evolving – and at times differing – body of jurisprudence.²⁰⁵⁴

579. The Chamber is mindful that Mr Ongwen is indigent and the TFV has limited resources, which means that in conjunction with the number of victims, prompt and effective implementation of individual reparations is unlikely to be possible. The Chamber does not consider it feasible to order individual reparations for approximately 49,772 victims when that remedy, in all probability, may take decades to implement or may never be implemented at all. This would be contrary to the ‘do no harm’ principle as well as the principle that reparations should be appropriate, adequate, and prompt.²⁰⁵⁵ It would further serve as a source of confusion and frustration for victims.²⁰⁵⁶ This is consistent with the approach of the Appeals Chamber of the Special Criminal Court of the Central African Republic, which found that a trial chamber cannot order reparation measures whose implementation are not guaranteed or at least probable.²⁰⁵⁷ The Chamber has taken into account the victims’ desire for ‘meaningful and timely reparations’ and considers that collective community-based reparations in this case are the only feasible option for prompt implementation given the number of victims.²⁰⁵⁸

580. The Chamber recognises that many victims,²⁰⁵⁹ the Defence,²⁰⁶⁰ and participants²⁰⁶¹ have expressed their desire for individual reparations or collective reparations with individualised components. The Chamber has carefully reviewed and considered these submissions. While the Chamber understands the desire for individual reparations, it remains

²⁰⁵³ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 38.

²⁰⁵⁴ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 10.

²⁰⁵⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 50-52,89-90.

²⁰⁵⁶ *Sallet* Reparations Appeal, [N°13-2023](#), para. 99.

²⁰⁵⁷ *Sallet* Reparations Appeal, [N°13-2023](#), paras 98-100.

²⁰⁵⁸ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), paras 17, 61. The TVF underlines that it does not have the obligation to finance the full amount of liability and its role should not be depicted in this way.

²⁰⁵⁹ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 75.

²⁰⁶⁰ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 51

²⁰⁶¹ Prosecutor’s February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 37; FJDI, WVCN’s Observations, [ICC-02/04-01/15-1922](#), para. 21; ARLPI’s Observations, [ICC-02/04-01/15-1925](#), pp. 7-12; ASF *et al.*’s Observations, [ICC-02/04-01/15-1971](#), para. 68; UN’s Observations, [ICC-02/04-01/15-1972](#), para. 25; and ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 47.

convinced, for the reasons described above, that a collective award that addresses the entire community of eligible victims will ensure a more efficient, prompt, and practical approach. The extremely large number of victims would make an individual assessment of their harm for the purposes of granting individual reparations, or collective reparations with an individualised component, resource-intensive, time consuming, and, in the end, would be disproportionate to what could be achieved.²⁰⁶²

581. The Chamber has also considered the victims' concerns that collective reparations would have no direct effect on individuals, that projects could fail, and that scarce resources would be used on capacity building, which in their view, is the responsibility of the Government.²⁰⁶³ First, the Chamber reassures victims that reparations issued by the Court are in no way meant to address issues within Ugandan society that are otherwise the responsibility of the Government. While the implementation of reparations often requires the cooperation of governments,²⁰⁶⁴ reparations programmes are not a replacement for government responsibility. It is neither the purpose of reparations at the Court, nor practically feasible, for the TFV to oversee the long term maintenance of projects that should otherwise be government led.²⁰⁶⁵ With respect to the victims' concerns that collective reparations would have no direct effect on individuals, the Chamber reiterates that collective community-based reparations programmes should be designed by the TFV to benefit the victims. Finally, the Chamber cannot comment on unspecified collective projects that victims claim have failed, but can assure victims that the Court and the TFV are committed to the implementation of successful community reparations in this case.

582. The Chamber has considered the proposal of the CLRV,²⁰⁶⁶ which is supported by the Defence,²⁰⁶⁷ that the five so-called 'wives' of Mr Ongwen and their children who were born out of rape or other SGBC should be awarded individual reparations. As noted above, the CLRV appears to have expanded this request to include the 'seven women in Mr Ongwen's household and the children born out of the crimes committed against them' in its later submission.²⁰⁶⁸ The Chamber has therefore considered the CLRV's expanded request that all

²⁰⁶² *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), paras 66-69; *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 150.

²⁰⁶³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 74.

²⁰⁶⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 100; TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 61.

²⁰⁶⁵ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 44.

²⁰⁶⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 80.

²⁰⁶⁷ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 64.

²⁰⁶⁸ See CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), paras 45-46.

direct SGBC victims of the crimes directly perpetrated by Mr Ongwen be awarded individual reparations. While the Chamber acknowledges and deeply sympathises with the suffering these victims experienced, it is not convinced that separate reparations should be issued to this group. The Chamber has decided to award collective community-based reparations to all eligible victims in this case, and these victims are a part of that community. The Chamber therefore finds that reparations should be awarded to these victims as part of the collective reparation order.²⁰⁶⁹

583. The Chamber notes that the CLRV has provided no grounds as to why a separate reparation award is justified. The UN Guidelines, Optional Protocol and the United Nations' report filed in the *Bemba* case, which are cited by the CLRV, simply state that child victims are entitled to receive reparations and that they must have access to adequate procedures to seek compensation for damages.²⁰⁷⁰ The Chamber finds that this is unrelated to the question of why a separate reparations award is warranted for the direct victims of SGCB crimes directly perpetrated by Mr Ongwen.

584. With respect to the CLRV's submission that the 'unique stories and consequences' that these victims experienced require tailored reparations measures, the Chamber acknowledges the distinct suffering that these victims experienced as well as the unique suffering of all victims. The Chamber notes, however, that given the high number of potential victims in this case, reparations cannot be tailored individually to address the specific circumstances of each victim. The Chamber further shares the concern highlighted by the Prosecutor and the Registry that the implementation of such reparations could cause tension between victims and suggest that there is a hierarchy of victimhood.²⁰⁷¹ The Chamber is concerned that individual reparations for one group of victims – based either on the type of crime experienced or a common direct perpetrator – is contrary to the principle that all victims are to be treated equally and that reparations awards must avoid creating tensions, jealousy, or animosity.²⁰⁷² As a result,

²⁰⁶⁹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 110.

²⁰⁷⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 79.

²⁰⁷¹ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 38. The Chamber notes that the Prosecution was in favour of individual reparations for this group of victims but only if such reparations could be implemented without causing tension or a hierarchy of victims. *See also* Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 40, where the Registry stressed that some interlocutors stressed the need for a reparations program that did not discriminate or create a hierarchy of victims, specifically referencing that victims of SGBC perpetrated directly by Mr Ongwen should be treated the same as victims of SGBC not directly perpetrated by him.

²⁰⁷² *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 41-44; *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 94.

the Chamber rejects this proposal and the proposal of the Defence that individual reparations are appropriate for identifiable victims of SGBC.²⁰⁷³

585. With respect to the scope, forms, and modalities of reparations, as will be explained below, the Chamber is confident that the modalities it has ordered to address the multi-layered types of harm that the victims suffered can be distributed collectively to the community of victims in this case.

586. Finally, the assessment of what type of reparations are ‘appropriate’ must take into account the rights of the convicted person.²⁰⁷⁴ The Chamber notes that the present Order does not go beyond the crimes for which Mr Ongwen was convicted. Mr Ongwen was given the opportunity to make submissions, *inter alia*, on the scope of reparations, the scope of victimhood to be repaired, and the types of reparations to be awarded.

587. Considering its decision to award collective community-based reparations, the Chamber sees no need to rule on the merits of individual applications for reparations, pursuant to rule 94 of the Rules.²⁰⁷⁵

2. Modalities of reparations

588. Before reviewing the submissions with respect to modalities, the Chamber notes that many of the parties and participants have proposed specific reparation projects in their submissions. While the Chamber has outlined these proposals below, it will not rule on specific projects at this stage of the proceedings. The Chamber’s assessment of specific projects will take place once the TFV has submitted its DIP and the parties have had the opportunity to comment. The Chamber is grateful, however, for the many proposals of the parties and participants, which generally reflect the views of the victims. The Chamber therefore urges the TFV to consider these proposals, to the extent they are relevant and fall within the types and modalities ordered, when drafting the DIP for the Chamber’s review.

i. Submissions

589. The LRVs propose three reparation packages. First, the LRVs propose support with housing, livelihood and a symbolic award.²⁰⁷⁶ Specifically, the LRVs submit that this would include a three room house, two bulls and an ox plough for each household and a symbolic

²⁰⁷³ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 64.

²⁰⁷⁴ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 90.

²⁰⁷⁵ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 152; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 87-88.

²⁰⁷⁶ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), paras 30-32.

cash payment of \$1,429 USD equivalent to 5 million UGX.²⁰⁷⁷ The LRVs submit that the beneficiaries under this modality would be victims who suffered personal, non-personal harm, and harm to property and would ‘target victims who are presently of advanced age; persons with disabilities; households who suffered loss of loved ones and are presently taking care of orphans; households having a person(s) still missing or are unaccounted for; victims of SGBC; former child soldiers; and children born out of forced pregnancy’.²⁰⁷⁸

590. Second, the LRVs propose a livelihood support and a symbolic award. The LRVs explain that this would include two bulls and an ox plough and a symbolic award of \$1,429 USD equivalent to 5 million UGX per household.²⁰⁷⁹ The beneficiaries of such an award would be those who suffered both personal harm, non-personal harm and harm to property but do not fall in the first beneficiary category.²⁰⁸⁰

591. Lastly, the LRVs propose that rehabilitation should be provided to victims with health complications, including, physical, psychological and mental illnesses.²⁰⁸¹

592. The CLRV lists a number of reparation projects requested by victims²⁰⁸² and discusses reparation modalities with respect to: victims of SGBC; victims of the crimes of recruitment and use of child soldiers; and victims of the attacks and other crimes.

593. With respect to SGBC victims, the CLRV submits that they require medical, educational, professional, material, psycho-social, and communal services, which would require collective reparations with an individual component.²⁰⁸³ The CLRV is not persuaded that giving a symbolic monetary amount to victims of SGBC, a measure proposed by the TFV,²⁰⁸⁴ would be helpful.²⁰⁸⁵ The CLRV submits that the sum would be so modest that the positive impact on victims would be limited and it could also create tensions in the

²⁰⁷⁷ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 31.

²⁰⁷⁸ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 32.

²⁰⁷⁹ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 33.

²⁰⁸⁰ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 34.

²⁰⁸¹ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 35.

²⁰⁸² The CLRV lists: access to educational programs; vocational skills training; income generating activities; purchasing of farm machinery and livestock; rental of farmland; purchasing of land and building of homes; access to sufficient food; payment of children’s school fees; coverage of medical costs for themselves and family members; and reducing trauma and anxiety caused by the attacks. *See* CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 72-73.

²⁰⁸³ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 76-77.

²⁰⁸⁴ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 111.

²⁰⁸⁵ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 47.

community.²⁰⁸⁶ Regarding the so-called ‘wives’ of Mr Ongwen and their children born out of rape and other SGBC, the CLRV proposes to award them individual reparations.²⁰⁸⁷

594. Regarding victims of the crimes of recruitment and the use of child soldiers, the CLRV submits that the modalities of restitution, compensation, rehabilitation and transformative and symbolic measures are appropriate.²⁰⁸⁸ The CLRV advocates for collective reparations with individual components, which would include a service package that: addresses the physical and psycho-social harm suffered; provides education or learning opportunities; provides social care to help restore family relations; and facilitates the victims’ access to physical and psychological health care.²⁰⁸⁹

595. Regarding victims of the attacks and of other crimes, the CLRV submits that services targeted should be medical, educational, professional, material, psycho-social and cultural.²⁰⁹⁰ The CLRV also submits that victims of the attacks expressed a preference to be provided with individual payments.²⁰⁹¹ The Defence notes that cash payments could cause conflict within communities if individuals receive different monetary funds and stresses that an extensive amount of time would be required to determine the exact amounts that should be awarded to each victim.²⁰⁹²

596. Finally, the CLRV refers to specific rituals existing in the Acholi, Lango, and Teso cultures, and suggests that some modalities of reparations could be drawn in combination with the other modalities eventually developed.²⁰⁹³

597. The Defence submits that ‘by definition, restitution is not possible in the current case’.²⁰⁹⁴ The Defence further submits that compensation can be awarded to victims of both direct and indirect SGBC and that it is ‘crucial to provide victims with opportunities for rehabilitation’.²⁰⁹⁵ The Defence submits that rehabilitation measures can be made to victims of the four IDP camps and may include medical services and healthcare, psychological, psychiatric, and social assistance, as well as any relevant legal and social services.²⁰⁹⁶

²⁰⁸⁶ CLRV’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 47.

²⁰⁸⁷ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 80.

²⁰⁸⁸ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 81.

²⁰⁸⁹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 83-85.

²⁰⁹⁰ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 87.

²⁰⁹¹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 74-75.

²⁰⁹² Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 63.

²⁰⁹³ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 88- 92.

²⁰⁹⁴ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 53.

²⁰⁹⁵ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), paras 54-55.

²⁰⁹⁶ Defence’s December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 55.

ii. Observations

598. With respect to the modalities of reparations, the TFV submits that restitution and compensation are not appropriate in this case.²⁰⁹⁷ The TFV submits that compensation is inappropriate as ‘it is impossible, given the high number of victims and lapse of time, to assess the loss each individual suffered in economic terms’.²⁰⁹⁸ The TFV also submits that restitution requests predominantly relate to the building of a home or buying of land.²⁰⁹⁹ However, the TFV notes that victims often refer to a restitution of the house they lost before they moved to the IDP camps, and these losses likely fall outside of the scope of the Reparations Order.²¹⁰⁰ The TFV therefore submits that restitution should not be granted as a modality of reparations.²¹⁰¹ The TFV does note, however, that monetary payments could be part of a socio-economic rehabilitation measure or of a symbolic financial contribution for specific harm suffered.²¹⁰²

599. The TFV argues that the focus should instead be on rehabilitation measures that include physical, psychological, and socio-economic rehabilitation.²¹⁰³ The TFV notes however that proposals such as improving existing infrastructure, such as health services and schools, fall within the responsibility of Uganda and could not be practically maintained by the TFV.²¹⁰⁴

600. The TFV is also supportive of satisfaction measures and symbolic measures, including symbolic compensation to certain categories of victims in recognition of the specific harm they suffered.²¹⁰⁵ The TFV notes that other symbolic measures, such as to recognise the harm suffered by ‘the northern communities that were particularly affected by the crimes [...]’ may also be appropriate.²¹⁰⁶

601. As mentioned above, the TFV submits that a symbolic amount could be awarded to all SGBC victims and their children born out of SGBC crimes, in order to acknowledge their individual suffering.²¹⁰⁷ However, the TFV states that this would have to be carefully assessed in light of the principles of non-discrimination, do no harm, and the possibility of re-

²⁰⁹⁷ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 97.

²⁰⁹⁸ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 97.

²⁰⁹⁹ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 36.

²¹⁰⁰ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 36.

²¹⁰¹ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 97.

²¹⁰² TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 37.

²¹⁰³ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 98, 104.

²¹⁰⁴ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 44.

²¹⁰⁵ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 99, 104.

²¹⁰⁶ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 99.

²¹⁰⁷ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 111.

traumatization.²¹⁰⁸ The TFV states that it will have to carefully assess the number of SGBC victims and the availability of resources if it were to propose such a measure in the DIP.²¹⁰⁹

602. Finally, the TFV outlines a number of challenges that it will need to take into account when developing the DIP.²¹¹⁰ The TFV also notes the possibility of reparations causing conflict in communities where individuals who suffered during the conflict, but do not qualify as victims of this case, are not provided reparations.²¹¹¹ The TFV suggests that these tensions could be countered with non-eligible individuals benefitting from community-based reparations.²¹¹²

603. Regarding the modalities of reparations, the Registry submits that symbolic reparations in the form of apologies,²¹¹³ especially from the Government of Uganda, memory centres and monuments, are supported by victims.²¹¹⁴ Beyond this, the Registry does not list the modalities that it considers appropriate under article 75 of the Statute, but provides a number of specific reparation programmes that it proposed during its consultations with victims.²¹¹⁵

604. The Prosecutor proposes the modalities of compensation, rehabilitation and restitution, if possible.²¹¹⁶

605. Uganda submits that in addition to restitution, compensation, and rehabilitation, the Chamber should award satisfaction measures (i.e. a public apology, an accurate account of the violations, and memorials to commemorate the impact of war in Northern and Eastern Uganda).²¹¹⁷ Uganda also advocates for gender-sensitive reparations²¹¹⁸ and requests that the

²¹⁰⁸ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 111.

²¹⁰⁹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 111.

²¹¹⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 112-122.

²¹¹¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 122.

²¹¹² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 122.

²¹¹³ In its Additional Submission, the Registry notes that a 'small number of participants' said that an apology from Mr Ongwen would be beneficial. *See* Registry's February 2022 Observations, [ICC-02/04-01/15-1975](#), para. 25.

²¹¹⁴ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 45.

²¹¹⁵ These reparation programs include: land, housing, educational programmes (including building schools and vocational skills training centres), vocational training, health care (including building hospitals), psychological and psychosocial counselling, individual monetary compensation, community programmes to avoid stigmatisation, specialized reparation packages for children related to health, nutrition and education, assistance with obtaining birth certificates and national identification documents, housing, memorial sites/services, and livestock. *See* Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 47, for a detailed breakdown of type of reparations per victim category. In the Registry's February 2022 Observations, the Registry submits that some victims also wanted reparation programs aimed at recognizing the suffering of the thematic crimes of victims, including that of male survivors of sexual violence and that of men who are single parents of children of war. *See* Registry's February 2022 Observations, [ICC-02/04-01/15-1975](#), para. 23.

²¹¹⁶ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 37.

²¹¹⁷ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 22.

²¹¹⁸ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 23.

Court adopt reparations that are transformative in nature and that adhere to the principle of non-discrimination.²¹¹⁹ The CLRV agrees with Uganda's inclusion of satisfaction measures, in particular a public apology of Mr Ongwen, so long as victims consent²¹²⁰ as well as with the importance of gender-sensitive reparations.²¹²¹ Finally, Uganda submits that, in light of the communal rather than individualistic social structure of Uganda, a reparations award should balance the direct harm individuals suffered with a structure that is 'Government-led but people-centric'.²¹²² The CLRV concurs with putting a focus on 'communal more than individual interests' in recognition of Ugandan social structures.²¹²³

606. FJDI and WVCN submit that individual reparations should come in the form of income support (a lump sum followed by monthly support payments), land, housing assistance and long term specialised medical care including mental health services.²¹²⁴ For collective modalities, FJDI and WVCN propose access to education²¹²⁵, general health services, access to legal aid, and assistance in dispute resolution over land.²¹²⁶ FJDI and WVCN also make a number of recommendations to facilitate victims' success and sustainability in agriculture.²¹²⁷ As for symbolic reparations, FJDI and WVCN propose material and financial support for memorial prayers, services and other activities, as well as memorial sites and community centres in the four IDP locations and a museum in Gulu.²¹²⁸ FJDI and WVCN also make recommendations with respect to the implementation of the suggested reparations.²¹²⁹

607. The ARLPI proposes individual reparations such as: livestock compensation; financial compensation; education; entrepreneurship (business skills development and vocational training); facilitation of business start-up opportunities; and public housing.²¹³⁰ Collective reparations proposed include: the construction of monuments; a museum regarding the war that can be used as an educational and training centre for peace building; establishing counselling centres; organised memorial prayers; cleansing ceremonies; a recreational centre; a number of community education measures (to reduce the stigmatization of LRA soldiers); reconciliation

²¹¹⁹ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 24.

²¹²⁰ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 51.

²¹²¹ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 52.

²¹²² Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 25.

²¹²³ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 51.

²¹²⁴ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(a)(i)-(iv) pp 12-13.

²¹²⁵ FJDI submits that due to community resentment and animosity, access to school is best distributed collectively, *see* FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(b)(i) p 12.

²¹²⁶ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(b)(i)-(iv) pp 12-13.

²¹²⁷ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(c)(i)-(iii) pp 13-14.

²¹²⁸ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(d) pp 14-15.

²¹²⁹ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), paras 21(e)-22 pp 15-17.

²¹³⁰ ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 7-9.

ceremonies; and establishing community and school peace clubs to learn about peace building and conflict transformation.²¹³¹ The ARLPI also provides associated cost estimates to ‘fairly repair the harms suffered [...]’.²¹³²

608. FIDA-Uganda proposes reparations programmes such as: health services, education, empowerment skills (e.g. vocational training), assistance with resettlement and individual entitlements to land, establishment of a ‘compensation commission’, and a gender inclusive and sensitive approach to reparations, including the empowerment of women.²¹³³

609. The UN proposes a number of reparation programmes including: access to health services; mental health and psychosocial support services; access to birth registration, legal identity documents and nationality; social reintegration measures, including rehabilitation programmes; education; livelihood and economic opportunities; access to land; monetary compensation; and satisfaction measures.²¹³⁴

610. The LRVs agree with the UN’s submission with respect to the importance of the following modalities: restoration of livelihoods, access to land, particularly for women, children born as a result of SGBC and some former child soldiers²¹³⁵ and the need for access to health services.²¹³⁶ However, the LRVs argue that the UN’s suggestion that the Chamber order the construction of health centres within victims’ communities raises questions as to how these centres will be sustained and maintained, which is beyond the responsibility of the Court.²¹³⁷ The LRVs therefore support the proposal of ASF *et al.* to reinvigorate existing health facilities so as to respond to community health care needs.²¹³⁸ The LRVs also agree with the UN’s submission on the provision of legal aid as a form of reparations for the purpose of obtaining legal documents such as identity documents.²¹³⁹ The LRVs point out that in the event a monetary award is given to victims, they will require identity documents to be able to open bank accounts.²¹⁴⁰ Finally, the LRVs strongly disagree with the UN’s suggestion of *mato oput* by Mr Ongwen as a form of reparation for victims,²¹⁴¹ though believe that *mato oput* could be

²¹³¹ ARLPI’s Observations, [ICC-02/04-01/15-1925](#), pp. 9-12.

²¹³² ARLPI’s Observations, [ICC-02/04-01/15-1925](#), pp. 12-16.

²¹³³ FIDA-Uganda’s Observations, [ICC-02/04-01/15-1947](#), pp. 17-20.

²¹³⁴ UN’s Observations, [ICC-02/04-01/15-1972](#), paras 35-48.

²¹³⁵ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 15.

²¹³⁶ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), paras 14-16.

²¹³⁷ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 18.

²¹³⁸ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 18.

²¹³⁹ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 31.

²¹⁴⁰ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 31.

²¹⁴¹ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), paras 32-34.

a form of reparation if certain child soldiers were to engage in the process so long as certain conditions are met, which they outlines in their submission.²¹⁴²

611. The ICTJ and UVF submit that collective reparations with individualised components are appropriate given the number of victims in this case in the form of a ‘Standard Reparations Package’ (‘SRP’).²¹⁴³ This SRP would include: a standard compensation amount; specialised medical services; land and housing; education assistance; economic development opportunities; and support for exhumations and reburials.²¹⁴⁴ The LRVs submit that ICTJ and UVF’s submission, that the most feasible form of reparations is collective with an individualised feature, supports the LRVs’ consultations where it was expressed that ‘compensation in the form of cash payments is most preferable to victims as a form of reparations’.²¹⁴⁵ However, the LRVs submit that victims believe this figure should vary with regard to the gravity of the harm suffered by each victim.²¹⁴⁶ ICTJ and UVF also suggests specific reparations for child soldiers and children born of war²¹⁴⁷ as well as symbolic reparations.²¹⁴⁸

iii. Chamber’s determination

612. The Chamber notes that it must identify the most appropriate modalities of reparations, based on the specific circumstances of the case. As set out above by the adoption of the *Ntaganda* Principles, the modalities of reparations may include restitution, compensation, rehabilitation, symbolic, and satisfaction measures.²¹⁴⁹ Once again, the Chamber considers that the large group of victims in this case and the extent of the harm they suffered has a bearing on what modalities are appropriate. The Chamber also considers, as noted above, that a trial chamber must order reparation measures whose implementation are at least probable.²¹⁵⁰ As noted by the Appeals Chamber, identifying the harm caused to victims is inter-linked with identifying the appropriate modalities of reparations in the specific case.²¹⁵¹ Thus, the modality

²¹⁴² LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 38.

²¹⁴³ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 47.

²¹⁴⁴ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), paras 47-59.

²¹⁴⁵ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 27.

²¹⁴⁶ LRVs’ March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 28.

²¹⁴⁷ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), paras 63-69.

²¹⁴⁸ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), paras 70-73.

²¹⁴⁹ See para. 57 above.

²¹⁵⁰ *Sallet* Reparations Appeal, [N°13-2023](#), paras 98-100.

²¹⁵¹ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 200.

of reparations can only be determined by reference to the harms suffered and which the reparations seek to remedy.²¹⁵²

613. Bearing in mind the extent of the multi-layered harms suffered by the large number of victims in this case, the Chamber considers that the only way to address the harms in a concrete, effective, and timely manner is through collective community-based reparations focused on rehabilitation and symbolic/satisfaction measures.

614. While compensation and restitution modalities were proposed by the parties²¹⁵³ and some participants,²¹⁵⁴ the Chamber concludes that they are not appropriate in this case. Restitution aims, to the extent possible, at restoring the victims to their circumstances before the crime was committed, even if full restitution will often be unachievable for victims of the crimes in this case.²¹⁵⁵ Compensation, as a form of economic relief consists in the award of monetary funds for an economically assessable damage.²¹⁵⁶ Restitution and compensation are forms of individual reparation, which the Chamber has already ruled is not appropriate due to the extremely high number of victims in this case.²¹⁵⁷ On a practical note, the Chamber concurs with the TFV that it would be impossible, given the high number of victims and the amount of time since the crimes occurred to assess individual economic loss.²¹⁵⁸

615. In light of the above, the Chamber has addressed below the modalities awarded in the present case and the way in which it envisages the rehabilitation and symbolic and satisfaction measures to be implemented.

a) Rehabilitation measures

616. The Chamber notes that rehabilitation measures are directed at facilitating victims' reintegration into society, taking into account the different impacts crimes have on victims of different genders.²¹⁵⁹ Rehabilitation should aim at the restoration of a function or the

²¹⁵² *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 200.

²¹⁵³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 81; LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), paras 53-55. Note that the Defence submits that compensation should be awarded but that restitution is not possible.

²¹⁵⁴ *See, inter alia*, Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 37; Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 22; ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 7-9; UN's Observations, [ICC-02/04-01/15-1972](#), para. 46.

²¹⁵⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 201.

²¹⁵⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 202.

²¹⁵⁷ *See* paras 578, 580 above.

²¹⁵⁸ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 97.

²¹⁵⁹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 203; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 67(iii).

acquisition of new skills required as a result of the changed circumstances of a victim due to the crimes.²¹⁶⁰ Rehabilitation for victims should aim to restore, as far as possible, their independence, physical, mental, social, and vocational ability; and full inclusion and participation in society.²¹⁶¹

617. In the present case, the Chamber awards collective community-based rehabilitation programmes directed at addressing all types of harm suffered by the victims as identified by the Chamber, i.e. physical, moral, material, community, and transgenerational harms. These programmes should be designed by the TFV in close consultation with the victims. Collective community-based measures of rehabilitation in this regard may include: rehabilitative medical services (including physical, psychiatric and psychological programming) to address physical and moral harms and socio-economic rehabilitation to address material harms.²¹⁶² Collective programmes could include, for example, group educational programming,²¹⁶³ vocational skills training,²¹⁶⁴ and community programmes designed to eradicate the stigmatisation of victims of SGBC or child soldiers.²¹⁶⁵ The TFV also suggests providing trauma care through intensive group psychotherapy, which the Chamber finds appropriate.²¹⁶⁶

618. The Chamber's decision to award community-based rehabilitation measures in the present case is grounded in the large number of victims and the extent of the multi-layered harms they suffered, which necessitates a community-based approach to the distribution of reparations. The Chamber further notes the TFV's submission that individual (one-to-one) rehabilitation measures, which are costly, may not be required for all beneficiaries in this case.²¹⁶⁷ Therefore, the Chamber directs the TFV to design community-based rehabilitation programming that can reach a large number of victims in a less resource intensive manner.

619. While the Chamber considers that the TFV should focus on collective programming that reaches large groups of victims, the Chamber wishes to make clear that this should not

²¹⁶⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 203.

²¹⁶¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 203.

²¹⁶² *See, inter alia*, the types of services that the TFV has been able to provide as part of its assistance mandate (where programmes are community-collective in nature), in northern Uganda in the form of physical and psychological rehabilitation, material support activities, SGBC activities, and peacebuilding activities, *see* TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 133, 155, 159.

²¹⁶³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 72(a).

²¹⁶⁴ *See, inter alia*, FJDI and WVCN propose educational programmes for farmers in order to generate higher yields and higher values for crops to be sold on domestic and international markets. FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(c) pp13-14; *see also* CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 72(b).

²¹⁶⁵ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), paras 41, 47.

²¹⁶⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 142-143.

²¹⁶⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 167.

include projects which would otherwise be the responsibility of the Government such as building and staffing hospitals, museums, or other infrastructure projects.²¹⁶⁸ The Chamber finds merit in the TFV's submission that such measures are first and foremost the responsibility of the Government and could not feasibly be maintained over a long period of time by the TFV.²¹⁶⁹ The Chamber considers that such a short term approach could in the end be harmful to victims, which is contrary to many of the reparations principles adopted in this Order.

b) Symbolic and satisfaction measures

620. The Chamber notes that symbolic measures are intended to help contribute to the process of rehabilitation,²¹⁷⁰ while satisfaction measures are aimed at acknowledging the violations and safeguarding the dignity and reputation of the victims.²¹⁷¹ Symbolic and satisfaction measures in this case are directed at addressing all harms. As detailed below, as part of the symbolic and satisfaction measures, the Chamber considers it appropriate for the collective community-based reparations awarded in the present case to include: (i) the payment of a symbolic award for each victim; and (ii) other community symbolic and satisfaction measures.

(i) Symbolic award

621. The Chamber considers it appropriate for each eligible direct and indirect victim in the case to receive a symbolic award of **€750 EUR**. In reaching its determination to award this symbolic cash payment, the Chamber has taken the following considerations into account:

622. First, the Chamber acknowledges the victims' expectations to receive monetary awards, in particular: (i) for loss of life and missing/unaccounted persons, consistent with the Acholi/Lango cultures;²¹⁷² (ii) as SGBC victims;²¹⁷³ (iii) as former child soldiers;²¹⁷⁴ and (iv)

²¹⁶⁸ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(c) p13. FJDI, WVCN explain the importance of distinguishing between Government of Uganda assistance projects and reparations.

²¹⁶⁹ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 44

²¹⁷⁰ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 208.

²¹⁷¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 207.

²¹⁷² LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(i)-(ii), indicating that consistent with the Acholi/Lango cultures, the perpetrator should be required to pay seven heads of cattle, or the monetary equivalent, for every life lost, noting that the monetary value per head of cattle is \$286 USD equivalent to 1 million UGX. Accordingly, seven heads of cattle would amount to \$2,002 USD equivalent to 7 million UGX.

²¹⁷³ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(iii), indicating they request a monetary award to support themselves in rebuilding their lives, with which they intend to construct a three-four roomed permanent house, and purchase two bulls and an ox plough for ploughing land, which they value at \$5,714 USD equivalent to 20 million UGX.

²¹⁷⁴ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(iv), indicating that they request a monetary award to enable them undergo skilling or support their children at school, valued between \$857 USD and \$5,714 USD equivalent to 3 million UGX and 20 million UGX.

as victims of the attacks.²¹⁷⁵ The CLRV also noted that victims of the attacks expressed a similar preference.²¹⁷⁶ The Registry also noted that most victims expressed a preference for individual pecuniary compensation that would enable them to become financially independent and self-reliant.²¹⁷⁷

623. The Chamber has considered the Defence's submission that conflict may arise if different monetary awards are granted to victims and that an extensive amount of time would be required to determine the exact amounts that should be awarded to each victim.²¹⁷⁸ The Chamber finds merit in the Defence's submission to the extent that most of the estimated large number of victims entitled to reparations in the present case are both direct and indirect victims of several crimes and are likely to have suffered extensive multi-layered harms. As such, the task of determining the value of each of the harms suffered by each potential beneficiary amounts to a nearly impossible undertaking. In an effort to mitigate the Defence's concerns, while recognising the victims' suffering, the Chamber has decided to set the same *ex aequo et bono* symbolic award for all direct and indirect victims of the crimes for which Mr Ongwen was convicted.

624. Second, the Chamber is conscious of the time that the design of the rehabilitation measures will take and notes that it may be years before the programmes may commence. As such, mindful that many victims are in dire need of immediate support,²¹⁷⁹ and acknowledging that payments may also take time to be executed,²¹⁸⁰ the Chamber intends this symbolic payment to serve as a 'stopgap' for victims before they can begin benefiting from the rehabilitative community programming modality of the reparations awarded.

625. Third, the Chamber considers that victims are best placed to address their own immediate needs arising from the harm they have suffered. The Chamber is hopeful that this symbolic payment will facilitate victims' ability to address their basic needs, and in doing so, place them in a better position to contribute to and engage in the consultations required for the

²¹⁷⁵ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(v), indicating that, considering that they suffered different types of harm, they request monetary compensation in the sums between \$571 USD and \$14,286 USD, equivalent to 2 million UGX and 50 million UGX, that they would use to construct three-roomed permanent housing and purchase two or more bulls and an ox plough to aid their livelihoods through tilling land.

²¹⁷⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 74.

²¹⁷⁷ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 42; Registry's February 2022 Observations, [ICC-02/04-01/15-1975](#), paras 21, 26.

²¹⁷⁸ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 63.

²¹⁷⁹ See, *inter alia*, Victims' Request for Urgent Support to Victims presenting with Mental Health Challenges and Other Victims Requiring Urgent Medical Intervention, 28 August 2023, [ICC-02/04-01/15-2054-Red2](#); CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 39.

²¹⁸⁰ As detailed at paras [633](#), [821](#) below.

design, development, and implementation of the remaining modalities of the collective community-based reparations awarded, i.e. rehabilitation and other symbolic measures.²¹⁸¹ The Chamber is optimistic that this approach would enhance a victim-centred approach to the design of the programme, which would result in the concrete realisation of the reparations principles for the victims of the case.

626. Fourth, as to the amount of the symbolic payment, in its discretion, the Chamber has considered that, in the circumstances of the present case, €750 EUR is a fair amount to be awarded as a symbolic payment to direct and indirect victims of the case. In reaching the above determination, the Chamber has considered, *inter alia*, the symbolic payment awarded in the *Katanga* case. In that case, Trial Chamber II granted a ‘symbolic award of USD 250 compensation’ although noting that it ‘was not intended as compensation for the harm in its entirety’.²¹⁸² The Chamber underlines that the symbolic monetary payment awarded to the victims in the present case is not intended as restitution, nor as a compensation for the harm, as it was, at least in part, in the *Katanga* case. The Chamber has also considered the Appeals Chamber’s clear indication that the amount awarded in the *Katanga* case ‘should not be viewed as a precedent or indication of quantum when it comes to the determination of awards in future cases’.²¹⁸³ Consistent with the above, although not viewing it as precedent or indication of quantum, the Chamber has taken the \$250 USD symbolic compensation awarded in the *Katanga* case, among other factors, as a point of reference in its calculations.

627. Cognisant that the symbolic amount in the *Katanga* case was awarded in 2017 in a case related to the situation in the Democratic Republic of Congo (‘DRC’), the Chamber considers

²¹⁸¹ The Chamber has considered Trial Chamber II’s reasoning to reject a similar proposal by the TFV for a socio-economic starter sum in the *Ntaganda* case, *see Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), paras 40-46. However, the Chamber is of the view that the situation in the present case is substantially different and the reasoning can be distinguished. In the *Ntaganda* case, the TFV proposed that a starter sum be given to victims *at the commencement* of the physical, psychological, or socio-economic programming. However, as a result of the overlapping victims in the *Lubanga* and the *Ntaganda* cases, the programme in the *Ntaganda* case was already designed and was actually running for at least a sub-group of victims, i.e. child soldiers. Accordingly, Trial Chamber II was of the view that the objectives the TFV wanted to achieve through that cash payment would be better obtained through the successful and timely deployment of the reparations programmes already envisaged and in place for an important part of the victims. Similarly, considering the need to treat victims equally, Trial Chamber II clearly indicated that such cash payment could only be considered if it was also paid to the *Lubanga* victims. Awarding such payment in the *Ntaganda* case when it had not been awarded to the *Lubanga* victims would have created an unequal treatment between child soldiers who would have entered into the programme first as *Lubanga* victims. However, in the present case, the symbolic payment is intended to allow victims to engage in the required consultations to design and develop a programme that does not exist, unlike in *Ntaganda*, and there is no risk of differential treatment between victims as the sum is awarded to the benefit of all victims equally.

²¹⁸² *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 300.

²¹⁸³ Appeals Chamber, *Prosecutor v. Germain Katanga*, Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled “Order for Reparations pursuant to Article 75 of the Statute” (‘*Katanga* Appeals Judgment on Reparations Order’), 8 March 2018, [ICC-01/04-01/07-3778-Red](#), para. 149.

that, to serve as a point of reference, it should be first adjusted to its current value in Uganda. In order to achieve this, the Chamber has decided to rely on the nominal *per capita* gross domestic product ('GDP') growth and the difference in the costs of living between the DRC and Uganda, according to the information provided by the World Bank.²¹⁸⁴ In addition, because the last year on record in the World Bank's website is the year 2022, the Chamber has relied on the information provided by the Uganda Bureau of Statistics,²¹⁸⁵ in order to adjust (per inflation rates) the values until January 2024. Specifically, the Chamber has, as a first step, updated the *Katanga* amount according to the nominal GDP growth in the DRC between 2017 (the year of the *Katanga* Reparations Order) and 2022 (the last year on record on the World Bank's website). The nominal GDP per capita in the DRC in 2017 was \$451.1 USD while in 2022 it was \$653.7 USD, which amounts to a total growth of 45%.²¹⁸⁶ Accordingly, \$250 USD adjusted per nominal GDP *per capita* growth in the DRC between 2017 and 2022 (45%) results in \$362.5 USD. These calculations are illustrated below.

DRC	GDP <i>per capita</i> 2017	GDP <i>per capita</i> 2022	GDP growth
	\$451.1 USD	\$653.7 USD	45%

$$\$250 \text{ USD in 2017} \times 45\% = \$362.5 \text{ USD in 2022}$$

628. Since the calculations above were made using data relevant to the DRC, the Chamber considers it necessary to adjust this figure to reflect its value in Uganda. The nominal GDP *per capita* in Uganda in 2022 was \$964.4 USD, which compared to the \$653.7 USD nominal GDP *per capita* for the same year in the DRC, results in a 48%²¹⁸⁷ difference between the two countries. Accordingly, \$362.5 USD in the DRC in 2022 adjusted at its value in Uganda for the same year (48% difference) amounts to \$536.5 USD. These calculations are illustrated below:

²¹⁸⁴ World Bank, 'GDP per Capita (1984-2022) in the Democratic Republic of the Congo', <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=CD>, last visited 14 February 2024, at 18:38 hrs.

²¹⁸⁵ Uganda Bureau of Statistics, 'Uganda Consumer Price Index' (January 2024), <https://www.ubos.org/wp-content/uploads/2024/01/CPI-PUBLICATION-FOR-JANUARY-2024.pdf> ('Uganda Consumer Price Index 2024'), last visited 14 February 2024, at 18:42 hrs.

²¹⁸⁶ Approximated from 44.9124362669%.

²¹⁸⁷ Approximated from 47.5294477589%.

Nominal GDP <i>per capita</i> 2022	DRC	Uganda	GDP difference
	\$653.7 USD	\$964.4 USD	48%

$$\$362.5 \text{ USD (for DRC)} \times 48\% = \$536.5 \text{ USD (for Uganda)}$$

629. Since that the last year on record in the World Bank's website was 2022, the Chamber then adjusted the value to the current cost of living, which was done by relying on the information provided by the Ugandan Bureau of Statistics regarding inflation. The annual inflation in Uganda in January 2024 reached 2.8%.²¹⁸⁸ Accordingly, adjusting \$536.5 USD in Uganda in 2022 in light of the annual inflation rate in the country during 2023 (2.8%), brings the sum to equate to approximately \$551.5 USD in January 2024. Lastly, converting this amount from USD to EUR at the official exchange rate between USD and EUR in February 2024 results in €508.5 EUR.²¹⁸⁹ In light of the above, the Chamber concludes that the symbolic amount of \$250 USD awarded in the *Katanga* case in 2017, currently in Uganda would equate to approximately €508.5 EUR.

630. As noted above, in reaching its determination as to the amount of the symbolic payment, the Chamber took into account the symbolic compensation granted in the *Katanga* case, as a point of reference only. However, the Chamber underlines that granting a higher symbolic amount in the present case shall not be understood as implying that victims in the *Katanga* case suffered less than the victims in the present case or that the Chamber considers the victims in this case to be of greater significance or importance than the victims in other cases. Reparations orders are distinct as they are designed based on the specific circumstances of each case and must therefore be viewed in their entirety to understand how each order addresses victims' harms. With this in mind, the Chamber notes that, in addition to the symbolic compensation of \$250 USD, in the *Katanga* case victims were also awarded 'collective reparations designed to benefit each victim, in the form of support for housing, support for an income-generating activity, support for education and psychological support'.²¹⁹⁰ In the case at hand, however,

²¹⁸⁸ See Uganda Consumer Price Index 2024.

²¹⁸⁹ European Commission, 'Exchange rate (InforEuro)', [InforEuro, the exchange rate of the Euro currency \(europa.eu\)](https://inforeuro.ec.europa.eu/), last visited on 27 February 2024 at 9:30 hrs, referring to European Central Bank, 'Euro foreign exchange reference rates', [Euro foreign exchange reference rates \(europa.eu\)](https://www.ecb.europa.eu/press/pr/eurofxref/eurofxref.htm), last visited on 27 February 2024 at 9:30 hrs.

²¹⁹⁰ *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](https://www.iccnij.org/icc-01-04-01-07-3728-tENG), paras 304, 306, and operative part p. 118. See also, Trial Chamber II, *The Prosecutor v. Germain Katanga*, Fifteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2024, [ICC-01/04-01/07-3919](https://www.iccnij.org/icc-01-04-01-07-3919), paras 9-12,

collective community-based reparations are awarded, which may not provide the same targeted individual support to repair individual harms that victims in the *Katanga* case were able to receive due to the small number of victims in that case. As such, taking into account the parties' and participants' submissions as to the individual costs of different services required to address the victims' harms,²¹⁹¹ and acknowledging the victims' agency and capacity to make their own decisions regarding how to best address their own circumstances, the Chamber considers that a higher sum is justified in the present case.

631. Fifth, the Chamber notes that the symbolic payments ordered in the *Katanga* case were awarded as a form of individual reparation.²¹⁹² However, for the reasons stated above, namely the number of potentially eligible victims and the extent of the harm they suffered, the Chamber considers that the symbolic sum awarded in this case is part of the collective community-based award. The Chamber considers this symbolic payment to be communal in nature, as the same amount of money ought to be provided to each member of the community of eligible victims. The individual circumstances of the victims have no bearing on whether a victim is entitled to receive the monetary award or on the amount of such an award. The decision to provide this symbolic award is based solely on a victim's membership to the community of victims in this case.

632. The Chamber has considered the submission of the TFV that specific groups of victims should receive symbolic payments, such as victims of SGBC.²¹⁹³ While the Chamber acknowledges the distinct suffering of victims of SGBC, it is of the opinion, as explained above, that awarding a symbolic payment to only a certain groups of victims is contrary to the principle that all victims are to be treated equally and that reparations awards must avoid creating tensions, jealousy, or animosity.²¹⁹⁴

633. Sixth, the Chamber acknowledges that, in light of the convicted person's indigency, the payment of the symbolic award to victims will be subject to a corresponding decision of the TFV's Board of Directors and to the TFV's ability to complement the reparations award. As such, as discussed in more detail in the section below, the Chamber underlines that priorities

detailing that 253 beneficiaries were provided with at least one item of their choice to perform income-generating activities, 56 beneficiaries were provided with housing support, and all eligible victims of the case present in Ituri (266) received psychological support.

²¹⁹¹ See, *inter alia*, CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 97-100 and CLRV's Tables of Costs, [ICC-02/04-01/15-1923-AnxI](#); TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 164; FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 22 (pp. 16-18).

²¹⁹² *Katanga* Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 298-300.

²¹⁹³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 99, 111.

²¹⁹⁴ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 94.

will need to be established by the TFV in line with the Chamber's instructions,²¹⁹⁵ which implies that not all victims would receive the sum at the same time as payments would be issued depending on the victims' urgent needs and vulnerability and the availability of resources.

634. The Chamber also notes the LRVs' submission that in the event a monetary award is given to victims, they will require identity documents to be able to open bank accounts.²¹⁹⁶ The Chamber therefore instructs the TFV to take this into account when determining the way in which cash payments would be executed.

(ii) Other community-based satisfaction and symbolic measures

635. The Chamber also considers appropriate to include in the design of the collective reparations in the present case other community-based satisfaction or symbolic measures. Such measures could include apologies from Mr Ongwen or the Government of Uganda, to the extent that such apologies are voluntary and accepted by the victims.²¹⁹⁷ The TFV could consider implementing, based on its consultations with the victims, other symbolic measures such as those suggested by FJDI and WVCN as well as ALRPI, which may include: memorial centres; monuments; human rights sensitisation and training; community memorial ceremonies; memorial prayers; reconciliation and cleansing ceremonies.²¹⁹⁸ The Chamber finds merit in FJDI and WVCN's submission that memorials preserve the experiences of survivors and 'aid in healing communities, providing a basis for future peace and toleration providing a foundation for future advocacy and conflict prevention'.²¹⁹⁹ The Chamber further considers that these measures could help alleviate tensions between victims in this case and victims of the war in general, who may be able to incidentally benefit from these community-based symbolic measures only.²²⁰⁰ The Chamber wishes to be clear, however, that the fact that victims

²¹⁹⁵ See paras 658-662 below.

²¹⁹⁶ LRVs' March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 31.

²¹⁹⁷ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 52; In its February 2022 Observations, the Registry notes that a 'small number of participants' said that an apology from Mr Ongwen would be beneficial. See Registry's February 2022 Observations, [ICC-02/04-01/15-1975](#), para. 25; Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 45.

²¹⁹⁸ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(d)(i); ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 9-12.

²¹⁹⁹ FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(d)(ii); Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 45; see also Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 47, in which the Registry states that indirect victims requested memory centres and or building monuments to commemorate the victims; see also FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 21(d)(ii)-(iii); UN's Observations, [ICC-02/04-01/15-1972](#), para. 47.

²²⁰⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 99, 122. *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), paras 214-215, in which the Appeals Chamber held that while community based

of the war in general may incidentally benefit from symbolic reparations has no impact on the liability of the convicted person.

636. Finally, the Chamber notes its intention that the recognition of the harm suffered by victims in this Order, the Conviction Judgment and the Sentence will serve as a satisfaction measure for victims in this case.²²⁰¹ The Chamber further notes that in this Order, it has assessed in great detail the different types of harms suffered by the direct and indirect victims of the crimes for which Mr Ongwen was convicted.²²⁰² The Chamber intends for the detailed accounting of the harm suffered by individual victims to serve a dual purpose of ensuring that reparations are not awarded to remedy harms beyond the crimes for which Mr Ongwen was convicted,²²⁰³ while also publicly acknowledging and recounting the harms the victims experienced as a result of Mr Ongwen's crimes. While the number of victims in this case makes collective reparations the only possible answer, the Chamber is hopeful that this public acknowledgment may play a role in repairing the harm suffered by individual victims.

637. The Chamber also expects that the collective community-based reparations awarded to victims in the present case have a transformative value. Reparation measures should indeed strive to tackle the cultural meaning and understanding of violence as well as the structural barriers leading to victims' stigmatisation, for instance, to enable all victims of sexual violence to come forward, seek help, and engage in the reparations process, which in turn should contribute to undermine the underlying causes of violence.²²⁰⁴

638. Lastly, acknowledging the TFV's limitations in terms of available resources, the Chamber considers that the payment of symbolic monetary awards should be prioritised over rehabilitation and other symbolic measures, given the victims' submissions.

reparations must only be granted to a group whose members meet the eligibility criteria to be considered a victim of the convicted person, this should 'not be seen as precluding other members of the affected communities from being able to benefit from activities undertaken by the Trust Fund in relation to its assistance mandate'.

²²⁰¹ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 88. The Chamber in the *Ntaganda* Reparations Order held that convictions, sentences, and reparations orders, which contain an assessment of the types of harms, serve to raise awareness about the extent of the damage caused and result in a recognition thereof.

²²⁰² See paras 166-414 above.

²²⁰³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 130, referring to *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 184.

²²⁰⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 209.

3. Prioritisation

639. In this section, the Chamber addresses and rules on the various submissions and observations made by the parties and participants in the proceedings regarding whether any victims or groups of victims may require prioritisation in the reparations process.

i. Submissions and observations

640. The LRVs concur with the *Ntaganda* principle relating to prioritisation and submit that, while all victims are to be treated fairly and equally, there may be a need to afford priority to certain victims.²²⁰⁵ However, the LRVs submit that prioritisation must take place in a ‘holistic and well thought manner’ and that the most vulnerable must be eligible for reparations on an immediate basis.²²⁰⁶

641. For example, the LRVs submit that priority should be given to the following categories of victims: (i) those who have current serious medical conditions (whether chronic or disease-related), including potentially life-threatening conditions or as a result of SGBC; (ii) those who are unable to access decent housing or shelter which seriously impacts their dignity and survival; and (iii) those who are in severe financial need which could potentially have an impact on their day-to-day survival and their ability to feed themselves.²²⁰⁷ Following these initial three categories of victims, the LRVs argue that prioritisation should be given to elderly victims, victims of SGBC, former child soldiers, and children born out of rape.²²⁰⁸

642. In addition, the LRVs indicate that recent consultations with participating victims have allowed them to identify victims falling within the following categories that should be prioritised: (i) victims of SGBC, who are living with injuries and the impact of those;²²⁰⁹ (ii) elderly victims, who lost those on whom they depended for livelihood support and are unable to access decent shelter because they cannot construct their own housing due to its labour intensive nature;²²¹⁰ (iii) victims and or survivors of third-degree burns and other injuries;²²¹¹ and (iv) child-headed families and children born in captivity, who are often not recognised by the family members of their mothers and therefore not entitled to benefit from the mother’s

²²⁰⁵ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 24, 65; see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 94-95.

²²⁰⁶ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 66-67.

²²⁰⁷ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 67-68.

²²⁰⁸ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 68.

²²⁰⁹ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 72(i).

²²¹⁰ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 72(ii).

²²¹¹ LRVs’ December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 72(iii).

family land resources owing to the patriarchal nature of the society and land conflicts that characterise the return to the communities.²²¹²

643. The CLRV recalls that in the *Ntaganda* case an Initial Draft Implementation Plan ('IDIP') was established to expeditiously address the urgent needs of victims and submits that the same approach should be followed in the present case.²²¹³ Accordingly, the CLRV submits that the process of prioritisation should begin *before* – through an IDIP – and continue *during* the implementation phase, and adds that the notion of prioritisation should refer to the possibility of addressing, as a priority, situations that can no longer wait, and put in place measures for the benefit of the victims whose needs can also no longer wait to be addressed.²²¹⁴

644. In her submission, the CLRV notes that a significant number of the 1,532 victims she represents currently live in extremely poor health conditions of physical or mental health, and or lack resources and incomes, particularly in cases where they are the sole providers for their family.²²¹⁵ The CLRV notes that this category of victims includes individuals facing physical conditions, ailments, or ill-health, necessitating an urgent medical assistant without which their lives may be lost. The CLRV highlights that this category of victims also includes elderly individuals, children and young adults who were abducted into the LRA, and child soldiers and children born in captivity.²²¹⁶ The CLRV submits that the successful reintegration and survival of children formerly abducted into the LRA and children born in captivity in society depends on their urgent access to specific support, which includes education and vocational trainings.²²¹⁷

645. Consequently, the CLRV requests that the Chamber indicate that the following categories of victims be considered as priority groups in developing and implementing reparations programmes: (i) former child soldiers and children born in captivity, as well as child-headed families; (ii) victims of SGBC and their children born out of rape;²²¹⁸ (iii) victims with a condition that is either medical, physical or other, which can be qualified as life-threatening in light of their respective individual situation; and (iv) the elderly.²²¹⁹

²²¹² LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), para. 72(iv).

²²¹³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 36.

²²¹⁴ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 39.

²²¹⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 39.

²²¹⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 39.

²²¹⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 39.

²²¹⁸ The CLRV also submits that the victims of SGBC crimes directly perpetrated by Mr Ongwen should be prioritised in the implementation of reparations. *See* CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 47.

²²¹⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 41.

646. The Defence submits that all victims must be treated fairly and equally, but that priority may need to be given to certain victims who are in a particularly vulnerable situation or require urgent assistance.²²²⁰ The Defence recalls the groups of individuals who were given priority in the *Ntaganda* case.²²²¹

647. The Registry indicates that during its consultations, the following vulnerabilities were mentioned (in no particular order): (i) victims with serious physical injuries, disabilities, severe mental health issues, psychological trauma and other urgent medical needs, which partially or fully impair their capacity to work and provide for themselves and their families; (ii) victims whose family members were killed or abducted and never returned, especially elderly parents, widows, widowers, and orphans; and (iii) survivors of sexual violence, both women and men, as well as children of war.²²²² The Registry notes that survivors of sexual violence and children of war were mentioned most often as being extremely vulnerable and notes that the majority of these individuals were exposed to an environment of abuse, violence and fear and now live with guilt and shame, rejected and stigmatised by their families and communities.²²²³

648. The TFV recalls that, while all victims are to be treated fairly and equally, priority may need to be given to certain victims who are in a particularly vulnerable situation or require urgent assistance.²²²⁴ The TFV recalls the groups that were given priority in the *Ntaganda* Reparations Order.²²²⁵ However, the TFV submits that following the previous jurisprudence regarding prioritisation would, in fact, create an extremely large group of priority victims, due to the high number of potential beneficiaries in the case.²²²⁶ The TFV argues that because the conflict in relation to the LRA is not currently ongoing in Northern Uganda and there are no IDP camps, it could be considered that this case has different prioritisation needs.²²²⁷

649. The TFV states that, from its experience in Northern Uganda, the most vulnerable victims may be those with long-standing physical injuries or mental illnesses that have gone unaddressed for nearly 20 years.²²²⁸ The TFV notes that the impact of these injuries and illnesses is particularly high, as these conditions impede victims' and their families' well-being

²²²⁰ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 44.

²²²¹ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 45.

²²²² Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 24.

²²²³ Registry's December 2021 Observations, [ICC-02/04-01/15-1919-AnxII](#), para. 24.

²²²⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 59.

²²²⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 59, *referring to Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 214.

²²²⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 59.

²²²⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 60.

²²²⁸ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 61.

and hinder their ability to effectively contribute to their families' income and the development of their community.²²²⁹ The TFV submits that addressing these harms will therefore have a positive impact on the victims, their families, and their communities.²²³⁰

650. Lastly, the TFV submits that considering the expected high number of beneficiaries in the case, the limited human resources in terms of specialists that can address the harm, and the limited financial resources of the TFV, prioritisation will be necessary.²²³¹ However, the TFV suggests that prioritisation may be based on criteria other than the harm suffered by the victims.²²³² The TFV also proposes a community-based approach to 'identify and shape' rehabilitation measures and suggests a 'flexible and open' approach for the TFV to be able to shape prioritisation and adapt implementation to available resources.²²³³

651. Uganda requests that the Chamber pay particular attention to SGBC victims as well as former female LRA abductees and children born in captivity.²²³⁴ With regard to the latter, Uganda states that their mothers require medical and psychological treatment to deal with the trauma of the suffering they have undergone and the stigma of being considered 'bush wives', and also require assistance to fend for their families.²²³⁵ Uganda also notes that men who were forcefully recruited into the LRA and elderly victims whose children were murdered during the war should receive priority.²²³⁶

652. In the ICTJ and UVF's Observations, the *amici* posit that, per the Court's case law, the Chamber should grant priority to those victims who are in a particularly vulnerable situation or require urgent assistance.²²³⁷ The ICTJ and UVF submit that priority should be given to the following categories of victims: (i) victims who need urgent physical and psychological medical care, including those who still have shrapnel and bullet wounds in their bodies; (ii) persons who sustained disability resulting from Mr Ongwen's crimes; (iii) victims of sexual and gender based crimes; (iv) elderly victims who are unable to fend for themselves; (v) victims who are homeless and are facing financial hardship; (vi) children born out of wartime sexual violence; and (vii) former child soldiers.²²³⁸ The *amici* argue that all of the aforementioned

²²²⁹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 61.

²²³⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 61.

²²³¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 62.

²²³² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 62.

²²³³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 62.

²²³⁴ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 32(d).

²²³⁵ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 32(d).

²²³⁶ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 32(d).

²²³⁷ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 8.

²²³⁸ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 9.

victims should be considered as in need of urgent assistance. Lastly, ICTJ and UVF submit that victims of rape who are HIV-positive, HIV-positive children born of rape, and partners of victims of rape who have also been infected with HIV/AIDS should be prioritised to prevent permanent damage, including death.²²³⁹

653. The ASF *et al.* submit that, given the types of victimisation in the present case, the criteria established by the Court in the *Ntaganda* Reparations Order²²⁴⁰ are applicable here.²²⁴¹ As such, the *amici* advocate in favour of prioritising the same groups of individuals as in the *Ntaganda* case.²²⁴² Furthermore, the *amici* note that the Chamber could establish other priority factors based on the existence of recurring harms it identifies during the reparation proceedings.²²⁴³

654. ARLPI submit that the following categories of victims require urgent and fair reparations: (i) children born in LRA captivity, unaccompanied and formerly abducted children; (ii) formerly abducted persons; (iii) people living with bomb, grenade splinters, or bullets in them; (iv) women including widows, young girls, and female headed households; (v) elders whose children and relatives were killed or abducted; (vi) persons living with disabilities caused by the LRA conflict; and (vii) the broader community in Acholi and Lango who were in IDP camps.²²⁴⁴

ii. Chamber's determination

655. As noted above, the Chamber has adopted the *Ntaganda* Principles, including the principle of Prioritisation, which indicates that while all victims are to be treated fairly and equally, priority may need to be given to certain victims who are in a particularly vulnerable situation or require urgent assistance.²²⁴⁵ As a result, when determining prioritisation, in the *Ntaganda* case Trial Chamber VI decided that 'priority should be given to individuals who require immediate physical and/or psychological medical care, victims with disabilities and the elderly, victims of sexual or gender-based violence, victims who are homeless or experiencing financial hardship, as well as children born out of rape and sexual slavery and former child soldiers'.²²⁴⁶

²²³⁹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 10.

²²⁴⁰ See *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 214.

²²⁴¹ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 41.

²²⁴² ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 41.

²²⁴³ ASF *et al.*'s Observations, [ICC-02/04-01/15-1971](#), para. 42.

²²⁴⁴ ARLPI's Observations, [ICC-02/04-01/15-1925](#), para. 5(d).

²²⁴⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 92-93.

²²⁴⁶ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 214.

656. The Chamber finds that the categories of victims prioritised in the *Ntaganda* case are indeed in a particularly vulnerable situation and should therefore also receive prioritisation in the present case. However, the Chamber finds merit in the TFV's submission²²⁴⁷ that it may not be feasible to implement this approach in the present case due to the large number of potential beneficiaries. In particular, the Chamber notes that applying such priorities, without any further refinement, would result in all thematic potential beneficiaries in this case falling within the categories of prioritised victims, which may amount to several thousand individuals.²²⁴⁸

657. The Chamber also finds merit in the submissions of the victims' representatives²²⁴⁹ that the most vulnerable victims who require urgent assistance should be prioritised first and benefit from reparations as expeditiously as possible. The Chamber therefore, while recognising that the vulnerable victims identified in the *Ntaganda* Reparations Order²²⁵⁰ should indeed be also prioritised in the present case, considers it necessary to establish additional prioritisation requirements specifically tailored to this case. This approach is taken in light of the particular circumstances of the present case, in order to ensure that the most urgent needs of victims are addressed as much as possible in a timely manner, while managing victims' expectations and minimising the potential for disappointment and diminished confidence in the Court and the reparations proceedings as a whole.

658. In determining the further prioritisations set out below, the Chamber highlights that it does not consider that the harm suffered by a certain category of victims is greater, more important, or more significant than others. Rather, in making its determination, the Chamber merely endeavours to provide a workable framework in the circumstances of the present case,²²⁵¹ while ensuring that victims who are in the most *urgent* need of dire assistance, whose lives are at an increased risk of danger, receive particular attention in the near term.

659. In accordance with the foregoing, the Chamber considers that first priority should be given to the vulnerable victims who are in dire need of urgent assistance. Accordingly, victims experiencing life-threatening needs deriving from the harms caused by the crimes for which

²²⁴⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 59.

²²⁴⁸ See Section VI.E.2.ii.b. Direct victims of thematic crimes below.

²²⁴⁹ See in particular, LRVs' December 2021 Submissions, [ICC-02/04-01/15-1921](#), paras 66-68; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 36.

²²⁵⁰ When referring to 'vulnerable victims' the Chamber means all victims prioritised in the *Ntaganda* Reparations Order, see *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 214.

²²⁵¹ See, *inter alia*, TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 62, stressing that in light of the expected high number of beneficiaries in the case, the limited human resources in terms of specialists that can address the harm, and the limited financial resources of the TFV, prioritisation will be necessary.

Mr Ongwen was convicted should be the first to benefit from reparations. Here, the Chamber adopts the approach taken in the *Ntaganda* case and considers that ‘urgent needs’ for prioritisation purposes are those for which the ‘victims need to receive immediate physical and/or psychological medical care, and/or support due to financial hardship that endangers the person’s life’.²²⁵² These individuals are those whose very survival is at stake and who, as a result, need immediate attention to appropriately address and mitigate the potentially life-threatening effects of the harm they suffered.

660. Second, the Chamber considers that vulnerable direct participating victims, should receive priority. In the view of the Chamber, for as long as the urgent needs of vulnerable victims, direct or indirect, are first addressed, it seems reasonable to focus afterwards on the *direct* victims, i.e. those whose harm was a direct result of the commission of the crimes for which Mr Ongwen was convicted,²²⁵³ and who have *participated* in the Court’s proceedings. The Chamber recalls the large scale and significant magnitude of the crimes for which Mr Ongwen was convicted and the multifaceted nature of the harms suffered by the direct victims.²²⁵⁴ The Chamber further notes that, as reflected in the Sample, the overlap between direct and indirect victims in the present case is substantial and only a marginal number of eligible victims in the Sample, only 1.01%,²²⁵⁵ would qualify as indirect victims-only. At the same time, the Chamber notes that the crimes for which Mr Ongwen was convicted were committed two decades ago, and victims who have participated in the Court’s proceedings have done so for nearly a decade,²²⁵⁶ making important contributions to the search for truth and justice through their active participation before the Court. As such, the Chamber considers that these victims should also receive priority.

661. Third, all remaining vulnerable victims should receive priority, including direct and indirect victims and regardless of their participation in the Court’s proceedings.

662. Lastly, all remaining non-vulnerable victims should receive reparations.

²²⁵² See Trial Chamber II, *Prosecutor v. Bosco Ntaganda*, Decision on the TFV’s initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#), para. 7.

²²⁵³ See Section VI.B.2. Direct victims above.

²²⁵⁴ See Sections VI.C.3.i.a. Direct victims of the attacks, VI.C.3.ii.a Direct SGBC victims, VI.C.3.ii.c Children born out of forced marriage, forced pregnancy, rape, and sexual slavery, and VI.C.3.iii.a Direct victims, former child soldiers, above.

²²⁵⁵ See Annex II, p. 5.

²²⁵⁶ See, *inter alia*, Decision on victims’ participation November 2015, [ICC-02/04-01/15-350](#); Decision on victims’ participation 15 December 2015, [ICC-02/04-01/15-369](#); Decision on victims’ participation 24 December 2015, [ICC-02/05-01/15-384](#).

4. Conclusion

663. Having considered the factors set out under rule 98(3), the Chamber considers that collective community-based reparations are the most appropriate type of reparations to address the harm suffered by the victims of the crimes for which Mr Ongwen was convicted. The Chamber notes that the primary reason why collective community-based reparations are appropriate and necessary in this case is the high number of potential beneficiaries and the extent of the harm they suffered.

664. Regarding the modalities of reparations, the Chamber considers that the only way to address the harms in a concrete, effective, and timely manner is through collective community-based reparations focused on rehabilitation and symbolic/satisfaction measures. Specifically, the Chamber considers that the following modalities should be included: (i) Rehabilitation measures, consisting of collective community-based rehabilitation programmes directed at rectifying all types of harm identified by the Chamber, i.e. physical, moral, material, community, and transgenerational harms;²²⁵⁷ and (ii) Symbolic and satisfaction measures, including a) a symbolic award of €750 EUR for all eligible victims; and b) other community symbolic and or satisfaction measures. The Chamber also recalls that its detailed recounting of the harm suffered in this Order serves as a satisfaction measure in this case.²²⁵⁸ Lastly, acknowledging the TFV's limitations in terms of available resources, the Chamber considers that the payment of the symbolic monetary awards should be prioritised over the rehabilitation and other symbolic measures, given the victims' submissions.

665. With respect to prioritisation among victims, the Chamber considers that: first priority should be given 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. Lastly, all remaining non-vulnerable victims should receive reparations.

E. FIFTH ELEMENT: AMOUNT OF LIABILITY

1. General considerations

666. At the outset, the Chamber notes that Mr Ongwen was convicted for crimes committed jointly with others in relation to (i) Counts 1 to 5 and 8 and 9, i.e. crimes committed within the

²²⁵⁷ See para. 414 above.

²²⁵⁸ See paras 166-414 above.

context of the attack on the Pajule IDP Camp;²²⁵⁹ (ii) Counts 11 to 17 and 20 to 23 i.e. crimes committed within the context of the attack on the Odek IDP Camp;²²⁶⁰ (iii) Counts 61 to 68, i.e. SGBC crimes not directly perpetrated by Mr Ongwen;²²⁶¹ and (iv) Counts 69 and 70, i.e. conscription and use in armed hostilities of children under the age of 15 years.²²⁶²

667. Regarding the shared liability of Mr Ongwen and his co-perpetrators relating to the crimes for which he was convicted, the Chamber notes that they are all jointly liable *in solidum* to repair the full extent of the harm caused to the victims.²²⁶³ However, the Chamber underlines that this does not diminish Mr Ongwen's liability to repair *in full* the harm caused to all victims of the crimes for which he was convicted.²²⁶⁴ To the contrary, Mr Ongwen and his co-perpetrators are jointly and severally liable to repair in full the harm suffered by the overlapping victims and all remain liable to reimburse the funds that the TFV may eventually use to complement the reparation awards for their shared victims.²²⁶⁵

668. In the sections below, the Chamber details its assessment of the factors the Court's jurisprudence has considered when determining the amount of the convicted person's financial liability for reparations.

2. *Estimated number of victims potentially eligible for reparations*

669. In this section, the Chamber details the parties' and participants' submissions and observations on the estimated number of direct and indirect victims potentially eligible for reparations, and the Chamber's determination thereon.

²²⁵⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2874, concluding that Mr Ongwen committed these crimes 'jointly with Vincent Otti, Raska Lukwiya, Okot Odhiambo, and other LRA commanders'.

²²⁶⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2927, concluding that Mr Ongwen committed these crimes 'jointly with Joseph Kony and other Sinia Brigade leaders'.

²²⁶¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3100, concluding that Mr Ongwen committed these crimes 'jointly with Joseph Kony and the Sinia Brigade leadership'.

²²⁶² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 3115, concluding that Mr Ongwen committed these crimes 'jointly with Joseph Kony and the Sinia Brigade leadership'.

²²⁶³ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 219. *See, also, Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 271-273.

²²⁶⁴ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 221. *See, also, Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), para. 178; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 308.

²²⁶⁵ *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 221. *See, also, Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 272.

i. Submissions and observations

a) Registry's observations

670. As ordered by the Chamber,²²⁶⁶ the Registry, in consultation with the victims' representatives and the TFV,²²⁶⁷ undertook a 'mapping' of victims potentially eligible for reparations, collecting key information on (i) direct and indirect victims of the attacks against the Pajule, Odek, Lukodi, and Abok IDP camps; and (ii) direct and indirect victims of thematic crimes committed by Mr Ongwen and the Sinia Brigade in Northern Uganda between 1 July 2002 and 31 December 2005.²²⁶⁸ According to the Registry, this involved: (a) consulting interlocutors in Uganda and elsewhere (for example, central and local authorities, international organizations and agencies, non-governmental organisations, civil society actors, and community leaders);²²⁶⁹ (b) conducting focus-group interviews with approximately 330 individuals in Uganda (including victims of the attacks subject to Mr Ongwen's conviction, former child soldiers, SGBC victims and their 'children of war', intermediaries, local, religious and cultural leaders, and representatives of community-based, non-governmental and international organisations with human rights or humanitarian mandates);²²⁷⁰ (c) analysing information in the case file and application forms for participation;²²⁷¹ and (d) conducting open source research on the different categories of victims potentially eligible for reparations in the present case.²²⁷²

671. The Registry notes that its ability to collect consistent and sufficient information during its mapping exercise was impacted by a series of factors and challenges, most notably COVID-19 pandemic-related restrictions and the limited (human) resources at the Registry's disposal.²²⁷³ As a result, the Registry was able to consult only a comparatively limited number

²²⁶⁶ 6 May 2021 Order, [ICC-02/04-01/15-1820](#), para. 5(iv).

²²⁶⁷ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 2, 4-12.

²²⁶⁸ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 2.

²²⁶⁹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 4. The Chamber notes that the Registry also submitted a formal request for information to the Government of Uganda, including *inter alia*, (i) any record of children conscripted in the Sinia Brigade of the LRA, with emphasis on the period from 1 July 2002 until 31 December 2005; (ii) any record regarding returnees from the LRA from 2015 up to the present day; (iii) any record regarding victims of sexual and gender based crimes committed by the LRA in Northern Uganda, as well as any information regarding programs/initiatives related to these victims; census information for the Pajule-Lapul, Odek, Lukodi and Abok IDP camps as close as possible to the time of the Sinia Brigade attacks (2003-2004); and (iv) most recent census from districts in Northern Uganda with particular emphasis on the Acholi, Lango and Teso regions, as well as the four case locations. As of December 2021, a response was still outstanding. Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 5.

²²⁷⁰ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 18.

²²⁷¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para.13.

²²⁷² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para.13.

²²⁷³ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 27; Registry's Progress Report on Mapping, [ICC-02/04-01/15-1863](#), paras 17-19.

of interlocutors in the field.²²⁷⁴ Moreover, the victims representatives' limitations in producing key information relevant to the Registry mapping due to the COVID-19 pandemic impacted the information contained in the Registry's Mapping Report.²²⁷⁵

(i) Victims of the attacks

672. As to the number of victims potentially eligible for reparations, the Registry submits that an approximate overall number of victims residing in the camps at the time of the attacks can presently be fixed at a range between 41,000 and 50,000 individuals.²²⁷⁶ The Chamber sets out below a summary of the Registry's submissions with respect to each camp, with reference to figures and estimates provided to the Registry by the victims' representatives. The Chamber notes that in some instances, these figures do not correspond with the figures the victims' representatives submitted before the Chamber:

- a. **Pajule IDP camp.**²²⁷⁷ In its meetings with intermediaries and local leaders, the Registry was informed that there were approximately 23,800 residents in the Pajule IDP camp (excluding the large number²²⁷⁸ of visitors present in the camp to celebrate Uganda's Independence Day) at the time of the 10 October 2003 attack.²²⁷⁹ The respondents also indicated that thousands of boys and girls were abducted from Pajule at the time of the attacks on the camps, which the Registry submits lends further corroboration to the Chamber's relevant finding in the Conviction Judgment.²²⁸⁰ During relevant field activities, the CLRV identified 908 households, of between 1 and 15 family members, as potential

²²⁷⁴ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 27.

²²⁷⁵ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 27.

²²⁷⁶ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 31.

²²⁷⁷ The Registry recalls the following numbers retained by the Chamber in the Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), at para. 1174: 'The evidence indicates that an estimated 15,000 to 30,000 people lived within the entirety of Pajule IDP camp in October 2003', and fn. 2396 (in particular '[...] P-0008 lists of Pajule/Lapul residents, UGA-OTP-0137-0058, at 0058-9 (listing 17,432 residents on the Pajule side of the camp and 13,710 residents on the Lapul side as of November 2003). The Chamber notes that the document is stamped and signed by Okema John Brown (P-0008), as camp commandant of the Pajule IDP camp.') P-0008 lists of Pajule/Lapul residents, UGA-OTP-0137-0058, at 0058-9 (listing 17,432 residents on the Pajule side of the camp and 13,710 residents on the Lapul side as of November 2003). *See* Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 40.

²²⁷⁸ The Registry notes that it has to date not been in a position to receive any estimates as to the approximate amount of visitors in the camp on that day. Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 41.

²²⁷⁹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 43.

²²⁸⁰ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 43, *referring to* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1355 ('Estimates of the number of persons abducted by the LRA attackers from Pajule IDP Camp on 10 October 2003 range from 100 to 1,210. [...] the Chamber is satisfied that the evidence shows that the LRA abducted hundreds of civilians from Pajule IDP Camp.') and fn. 3102.

additional beneficiaries who did not participate in the trial proceedings.²²⁸¹ The Registry notes the figures it has been able to ascertain correspond with what was submitted in evidence at trial and that the figures reported by the CLRV do not purport to cover the entirety of the Pajule IDP camp population at the time of the attack.²²⁸² Considering the foregoing, the Registry concludes a rough estimate of the number of victims of this attack is up to 30,000.²²⁸³ Nevertheless, the Registry observes that owing to the potential overall size of the camp's community at the time, its estimation is approximate and would benefit from further confirmation.²²⁸⁴

- b. **Odek IDP camp:**²²⁸⁵ During focus-group interviews conducted by the Registry in the former Odek IDP camp, different figures were provided that range from 6,800 to 7,500 residents of the camp at the time of the attack. These numbers do not include the 100 to 200 individuals from neighbouring villages who were visiting the camp on the day of the attack.²²⁸⁶ The interlocutors recommended that the Registry consult the former block leaders, as they were keeping records at the time of the events. However, as of December 2021, the Registry's efforts to obtain these records were unsuccessful.²²⁸⁷ Through data gathering activities in the field, the LRVs identified 2,956 individuals who may be eligible as potential beneficiaries for reparations for the attack on the Odek IDP camp, representing 503 households.²²⁸⁸ However, the Registry notes that this figure is not conclusive as the LRVs hope to continue to gather more concrete data on this group of potential beneficiaries

²²⁸¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 44. The Registry notes that this would lead to a figure of close to 7,000 potential further beneficiaries if one were to average a household with 7,5 family members. See Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 44.

²²⁸² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 45.

²²⁸³ Registry's Additional Information, [ICC-02/04-01/15-2019](#), fn. 20.

²²⁸⁴ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 45.

²²⁸⁵ The Registry recalls the following numbers retained by the Chamber in the Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 171, 1384, 1550: 'The evidence indicates that there were between 2,000 and 3,000 residents in the camp at the time of the April 2004 attack'; 'In the course of the attack, LRA fighters abducted at least 40 civilian residents from the camp: men, women and children.'; '[...] at least 52 persons were killed in the course of the attack on Odek IDP camp by the LRA, both in the camp and during the retreat. The Chamber is also satisfied that the evidence shows that the LRA attempted to kill at least ten people'. See Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 35.

²²⁸⁶ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 36.

²²⁸⁷ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 36.

²²⁸⁸ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 37. The Chamber notes that the LRVs subsequently identified 1,972 additional potentially eligible beneficiaries for reparations for Odek, excluding the 447 participating victims identified that are represented by the LRVs, totalling 2,419 potential beneficiaries; see LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15, with confidential *ex parte* annex C; Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

in order to identify the entirety of potential reparation beneficiaries (including all victims who already participated at the trial stage).²²⁸⁹

- c. **Ludoki IDP camp:**²²⁹⁰ The consensus in the groups the Registry consulted was that there were around 6,000 residents in the Ludoki IDP camp during the attack of 19 May 2004, with one camp leader specifying that there were between 800 and 1000 households in the camp at the time of the attack, with families having on average, 6 to 8 members.²²⁹¹ As of December 2021, the LRVs' activities in the field identified 3,261 individuals, representing 716 households, that may be eligible as potential beneficiaries of reparations for the Ludoki attack.²²⁹² The Registry notes that the LRVs agree with the Registry that an approximation of 6,000 residents in the Lukodi camp at the material time may represent the upper limit of the potential beneficiaries.²²⁹³
- d. **Abok IDP camp:**²²⁹⁴ According to the information received during the Registry's focus-group interviews, there were approximately 13,000 people living in the Abok IDP Camp at the time of the attack.²²⁹⁵ The data received by the LRVs as of December 2021, identified 11,044 individuals as residents of the Abok IDP camp at the material time of the attack.²²⁹⁶

²²⁸⁹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 38.

²²⁹⁰ The Registry recalls the following numbers retained by the Chamber in the Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 186, 187, 1644 and 1779: '[...] the Chamber is unable to make a definitive conclusion as to the number of civilians that lived [in] Lukodi IDP camp. However, in light of the evidence, including the evidence of camp residents testifying about their experiences within the camp, the Chamber is satisfied that a large number of civilians lived within Lukodi IDP camp at the time of the attack.'; 'Approximately 210 civilian huts in the camp were burnt.'; 'LRA fighters abducted at least 29 civilians, men, women and children, to carry looted goods from the camp.'; 'The Chamber is satisfied that the evidence shows that at least 48 persons were killed by the LRA in the course of the attack on Lukodi IDP camp [and] that the evidence shows that the LRA attempted to kill at least 11 other persons.' See Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 31.

²²⁹¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 33.

²²⁹² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 34. This number is inclusive of victims of the attack on Lukodi IDP camp who are already participating in the case, see Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 33. The Chamber notes that the LRVs subsequently identified 2,012 additional potentially eligible beneficiaries for reparations for Lukodi, excluding the 1,236 participating victims identified that are represented by the LRVs, totalling 3,248 potential beneficiaries; see LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15, with confidential *ex parte* annex C; Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

²²⁹³ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 35.

²²⁹⁴ The Registry recalls the following numbers retained by the Chamber in the Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 197 and 1858: 'While the evidence is not uniform on this point, estimates range from there being at least 7,000 to just over 13,000 residents in the camp at the time of the June 2004 attack'; 'The attackers killed at least 28 civilian residents of the camp.' See Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 37.

²²⁹⁵ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 39.

²²⁹⁶ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 40. The Chamber notes that the LRVs subsequently identified 10,347 additional potentially eligible beneficiaries for reparations for Abok, excluding the 884 participating victims identified that are represented by the LRVs, totalling 11,231 potential beneficiaries; see LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15, with confidential *ex parte* annex C; Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

The LRVs concur that an approximation of 13,000 individual residents of the Abok IDP camp at the material time may represent the upper limit of the potential beneficiaries for the attack on the camp.²²⁹⁷

673. The Registry observes that the aforementioned figures are only partly supported by documents and or corroborated by other sources.²²⁹⁸ It notes that as of December 2021, efforts to liaise with the former leadership of the camps in order to obtain and conserve records and lists had proven unsuccessful and it had not been able to obtain relevant records from the competent Ugandan authorities.²²⁹⁹

674. The Registry suggests that ongoing efforts of the victims' representatives to determine the overall size of communities in the camps where their clients (used to) reside would further inform and corroborate the present estimates. The Registry submits that for a more precise estimate number of victims of the attacks per camp, a group/household identification and registrations process could be conducted together with the victims' representatives with the support of local interlocutors in and around the camps.²³⁰⁰ As to exclusively indirect victims of the attacks, the Registry notes that according to the information collected during the mapping exercise, entire families were residing in the four IDP camps with only isolated instances of family members living outside the camps. Therefore, the number of family members of direct victims who were not present in the camps on the day of the attacks would be relatively insignificant and could only be established, if at all, during a targeted identification and registration exercise.²³⁰¹

(ii) Victims of thematic crimes

675. As to the number of victims of thematic crimes potentially eligible for reparations, the Registry notes that none of the interlocutors consulted was in a position to provide estimate numbers.²³⁰² The Registry submits that there are no specific records on the number of child abductions and recruitments by the Sinia Brigade during the time relevant to Mr Ongwen's convictions. Specifically, the Registry observes that all reports by national or international organisations and scholars cover the crimes of the LRA as a whole and the information therein does not allow the Registry to extract estimate numbers relevant only to the crimes committed

²²⁹⁷ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 42.

²²⁹⁸ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46.

²²⁹⁹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46.

²³⁰⁰ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 47.

²³⁰¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 48.

²³⁰² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 49.

by Mr Ongwen and the Sinia Brigade.²³⁰³ Similarly, resources on the record of the case consulted by the Registry, including databases containing information about LRA abductees, did not allow for the determination of an estimate number of Sinia Brigade victims, as the information regarding the commanders or affiliation to a particular brigade or battalion was often missing, unclear or solely referring to the LRA as a whole.²³⁰⁴ In addition, the Registry notes that records are scarce and incomplete as regards SGBC and children born out of such violence within the temporal and geographic confines of the Conviction Judgment.²³⁰⁵ The lapse of time is a compounding factor for all of the above.²³⁰⁶ Therefore, the Registry submits that it is unable to provide estimates at this juncture beyond a ‘ballpark’ figure, noting that it may be unrealistic to expect that an exhaustive number of thematic crimes victims will ever be established.²³⁰⁷

676. Nevertheless, in order to assist the Chamber with an ‘approximate ballpark’ figure of potential beneficiaries, the Registry refers to a report published in 2007 (the ‘Berkeley Report’),²³⁰⁸ based on the databases of eight out of nine reception centres operating in early 2006 in Northern Uganda.²³⁰⁹ The Registry observes that according to the Berkeley Report, a total of 22,759 individuals were included in the aggregate reception centre databases and an additional 2,472 individuals were registered in the other reception centre operating at the time.²³¹⁰ The Berkeley Report, however, estimates that only about 43% of all abducted children passed through a reception centre.²³¹¹ The Registry further notes that the total number of 25,231 individuals set forth in the Berkeley Report does not take into account people who were abducted by the LRA and have not returned, people who were abducted by the LRA and

²³⁰³ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 49, 53.

²³⁰⁴ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 50.

²³⁰⁵ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 54.

²³⁰⁶ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 54.

²³⁰⁷ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 49, 54.

²³⁰⁸ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52, *referring to* P. Phuong, P. Vinck, E. Stover, ‘Abducted: The Lord’s Resistance Army and Forced Conscription in Northern Uganda.’ (UC Berkeley: Human Rights Center, 2007), <https://escholarship.org/uc/item/7963c61v> (‘Berkeley Report’). The report is widely cited in other literature on the matter, *see* T. Allen, J. Atingo, D. Atim, J. Ocitti, C. Brown, C. Torre, C. A Fergus, M. Parker, ‘What Happened to Children Who Returned from the Lord’s Resistance Army in Uganda?’, (Journal of Refugee Studies, Volume 33, Issue 4, December 2020), available at: <https://academic.oup.com/jrs/article/33/4/663/5780446>, pp. 666, 669, 672 ; S. Oola, L. Moffett, ‘“CulPi Bal”-Reparations for the Northern Ugandan Conflict, Stephen Oola and Luke Moffett, June 2020, Reparations, Responsibility & Victimhood in Transitional Societies’, (Reparations, Responsibility & Victimhood in Transitional Societies), <https://pure.qub.ac.uk/en/publications/cul-pi-bal-reparations-for-the-northern-ugandan-conflict>, p. 7; J. Annan, C. Blattman, K. Carlson, D. Mazurana, ‘The State Of Female Youth In Northern Uganda: Findings from the Survey of War-Affected Youth (SWAY) Phase II.’, (Survey of War Affected Youth, 2008), <https://dl.tufts.edu/concern/pdfs/r781wt069>, pp. 73, 89.

²³⁰⁹ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 52.

²³¹⁰ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52.

²³¹¹ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52. *referring to* Berkeley Report, p. 9.

returned but did not go through a reception centre, and people who did go through a reception centre but were not registered or whose records were lost.²³¹² With respect to the age of the abductees, the Registry notes that according to the Berkeley Report, although most of the reception centres were established to serve children, a little over one-third (34%) of all registered former abductees were over 18 years old and some were as old as 81 years of age.²³¹³ Those younger than 12 years old represented 8% of the registered former abductees, including 4% who were born in captivity (897 children).²³¹⁴ Further, women represented only 24% of the former abductees received at all reception centres.²³¹⁵

677. After considering information from other sources, the Berkeley Report makes the inference that ‘the LRA has abducted 24,000 to 38,000 children and 28,000 to 37,000 adults as of April 2006’ with ‘the total number of abductions over the 2002-2006 period [being] at roughly 19,000 adults and 22,000 children.’²³¹⁶ The Registry proposes that taking this rough estimate of a total of 41,000 children and adults abducted between 2002 and April 2006 (‘which would include SGBC victims and child soldiers’) and dividing it between the four LRA brigades could provide a ‘rough indicator’ of 10,000 individuals abducted by the Sinia brigade between 2002 and July 2006.²³¹⁷ However, the Registry further notes that it has no information as to whether some of the brigades were more active than others during the relevant period, and that most abductees spent time in at least two LRA brigades.²³¹⁸ In addition, the Registry highlights that there is an overlap between the victims of thematic crimes and the victims of the attacks.²³¹⁹

678. The Registry emphasises that the figure provided for victims of thematic crimes is a rough indication only and that a mapping exercise of this magnitude is a continuing process which gains in precision as activities progress.²³²⁰

²³¹² Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52, referring to Berkeley Report, p. 20.

²³¹³ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52, referring to Berkeley Report, p. 11.

²³¹⁴ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52, referring to Berkeley Report, p. 11.

²³¹⁵ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52, referring to Berkeley Report, pp. 2, 11, 18, 23.

²³¹⁶ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52.

²³¹⁷ The Chamber relies on the most up-to-date number provided by the Registry in the Additional Information, while noting that in the Mapping Report this number was estimated at 10,250 victims, see Decision on the Sample, [ICC-02/04-01/15-2024](#), fn. 44; Registry’s Additional Information, [ICC-02/04-01/15-2019](#), fn. 24; Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 31, 55.

²³¹⁸ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 53.

²³¹⁹ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 55.

²³²⁰ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 61.

679. As to the numbers of indirect victims linked to the thematic crimes direct victims, the Registry submits that the categories of indirect victims and their approximate number can be provided once the approximate number of direct victims is established.²³²¹

680. Finally, the Registry observes that the success of the reparations programme depends, in part, on the Court's ability to reach victims and record their demands for justice in an effective and meaningful way. Providing estimate numbers that are not properly corroborated in the field can be problematic as it may close the door on potential further victims eligible for reparations. Particularly with a view to the scarceness of solid data regarding thematic crime victims, the Registry advises that 'the numbers provided in the Mapping Report may not yet lend themselves as a solid basis for the issuance of a reparations order.'²³²²

b) LRVs' submissions

(i) Victims of the attacks

681. The LRVs recall that they represent victims with status before the Court from the three charged locations of Odek, Lukodi and Abok.²³²³ The LRVs asked intermediaries located in the areas of the former IDP camps to recreate lists of individuals and their household members who lived in the Odek, Lukodi and Abok IDP camps at the time they were attacked by the LRA by consulting with former camp leaders and or officials, as well as any records available, including any lists previously used by the World Food Programme for its food distribution in the IDP camps.²³²⁴ The LRVs submit that based on the lists generated, they estimate that the number of potentially eligible beneficiaries for reparations identified, and excluding the participating victims identified that are represented by the LRVs, is approximately: 1,972 from Odek, 2,012 from Lukodi, and 10,347 from Abok.²³²⁵ However, the LRVs emphasise that the lists, while comprehensive, are not conclusive and may require further improvement.²³²⁶

²³²¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 56.

²³²² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 59.

²³²³ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 12.

²³²⁴ The LRVs asked intermediaries located in the areas of the former IDP camps to recreate these lists. The lists were generated by consulting with the former camp leaders and or officials, as well as any records available, including any lists previously used by the World Food Program for its food distribution in the IDP camps. See LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), paras 13-14, with confidential *ex parte* annexes A, B and C available to the Registry and Chamber.

²³²⁵ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15.

²³²⁶ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 16.

(ii) Victims of thematic crimes

682. As to the number of victims of thematic crimes, the LRVs observe that Expert Witness Professor Allen acknowledged that it was very difficult to estimate the number of people abducted from Northern Uganda, but suggested that it was in the thousands, concurring that the figure of 66,000 proposed by researchers Christopher Blattman and Jeannie Annan was a fair and accurate number.²³²⁷ The LRVs further highlight the findings of a report to the Parliament of the Republic of Uganda on the performance of the Amnesty Commission from 2002 to 2008, which recorded that as of 16 April 2010, some 12,772 former LRA fighters had been demobilised. However, the LRVs note that this number represents those who went through the amnesty process alone and that many other abducted individuals did not go through the formal reporting and demobilisation processes.²³²⁸ The LRVs concede that it is impossible to assess how many of these individuals would have been under the command of Mr Ongwen during the charged period.²³²⁹

683. The LRVs additionally submit that through engagement with participating victims, the LRVs have documented 327 individuals potentially eligible for reparations as victims of thematic crimes, who are known in person by some of the participating victims represented by the LRVs.²³³⁰

684. The LRVs note that in the Registry's Mapping Report, the Registry observed that it was not in a position to generate reliable numbers of potentially eligible beneficiaries for reparations arising from the thematic crimes and recommended that it and the LRVs be allowed to continue to generate more information.²³³¹ Having regard to the foregoing, and mindful of the total estimates offered by the Registry in its mapping report, the LRVs submit that the Chamber has no real and practical approximate estimate number of victims of thematic crimes to inform its deliberation of the appropriate reparations for such victims.²³³² The LRVs therefore request authorisation to generate information on the group of victims falling under the thematic crimes in lieu of a deliberate mapping.²³³³

²³²⁷ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 18.

²³²⁸ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 20.

²³²⁹ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 20.

²³³⁰ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 21, confidential *ex parte* annex D.

²³³¹ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 19.

²³³² LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 22.

²³³³ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 23.

c) *CLRV's submissions*

(i) *Victims of the attacks*

685. The CLRV submits that, as of December 2021, she had identified 1,351 potential additional beneficiaries (comprised of 908 in the Pajule area, 191 in the Odek area, 143 in the Lukodi area, and 109 in the Gulu area).²³³⁴ These numbers relate to the head of each household in which between 1 and 15 members reside, some or most of whom could be direct or indirect victims. The vast majority of these individuals could not participate at trial.²³³⁵ In addition, the CLRV identified at least a further 100 beneficiaries, including the persons acting on behalf of victims who were minor at the time of the application, who also qualify as direct victims and who did not file an application on their own.²³³⁶ The CLRV underlines that these identification efforts are preliminary and the estimate remains conservative, noting that much of this information was collected during the COVID-19 pandemic and it is presumed that not all persons concerned were able to come forward, notably due to movement restrictions.²³³⁷ She notes that this information was collected in a discrete way to avoid creating expectations pending a determination on the scope of reparations to be awarded,²³³⁸ emphasising that in light of the unprecedented temporal and material scope of the case, it is expected that an extremely high number of potential beneficiaries—in the figures of thousands—will manifest themselves as the reparations proceedings progress, information is conveyed to the affected communities and implementation of the reparations begins.²³³⁹ In this respect, the CLRV concurs with the Registry that a reasonable estimate of the number of victims present in the IDP camps at the time of the attacks ranges between 41,000 and 50,000 individuals.²³⁴⁰ However, the CLRV agrees with the Defence that the exact number of victims may never be conclusively determined given the passage of time and the nature of the crimes committed by the LRA.²³⁴¹

²³³⁴ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 24-28.

²³³⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24.

²³³⁶ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 37.

²³³⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24; CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38.

²³³⁸ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24.

²³³⁹ CLRV's February 2023 Submission, [ICC-02/04-01/15-2031-Red](#), paras 6, 38.

²³⁴⁰ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38, *referring to* Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 43-45 (Pajule); paras 36-38 (Odek); paras 31, 33-35 (Lukodi); paras 39-42 (Abok).

²³⁴¹ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 17, *referring to* Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 37.

(ii) Victims of thematic crimes

686. As to victims of thematic crimes, the CLRV submits that the estimates provided by the Registry are too conservative and do not reflect the full extent of the victimisation.²³⁴² She observes that the Registry also noted that the existing records do not account for children who never returned, or only account for certain types of abductees (for instance those who went through reception centres).²³⁴³ Accordingly, the CLRV submits that the Chamber should not rely on the current estimate of potential beneficiaries of the victims of the thematic crimes.²³⁴⁴ However, the CLRV does not favour further mapping at this stage of proceedings, noting that it will delay the reparations process and is not likely to generate more accurate data than that already provided by specialised LRA experts and reviewed by the Registry in reaching its conservative estimate.²³⁴⁵ The CLRV suggests that a more accurate estimate will only be achieved at the time of the implementation of reparations, when the TFV will assess the eligibility of each victim.²³⁴⁶

d) Defence's submissions

687. The Defence submits that the exact number of victims may never be determined given the passage of time and the nature of the crimes committed by the LRA.²³⁴⁷ It asserts that this is exacerbated by evidence elicited during trial that the UPDF committed some atrocities at the Pajule, Odek, Lukodi, and Abok IDP camps.²³⁴⁸

(i) Victims of the attacks

688. With respect to the calculation of potential victims of the attacks generally, the Defence emphasises that in its review of the Sample, there were many persons who claimed to have more than one home, such that the household estimates determined by the Registry would be inflated.²³⁴⁹ The Defence submits the Chamber must be mindful of the significance of multiple homes for one household when determining the estimated number of victims.²³⁵⁰ The Defence further submits that the Chamber should order the LRVs, CLRV, and Registry to determine if

²³⁴² CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 7, 39.

²³⁴³ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 39.

²³⁴⁴ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 40.

²³⁴⁵ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 40.

²³⁴⁶ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 7, 40.

²³⁴⁷ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 37; Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 42.

²³⁴⁸ Defence's December 2021 Submissions, [ICC-02/04-01/15-1917](#), para. 37.

²³⁴⁹ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 16, referring to A/01762/16 (Pajule); A/01249/16 (Odek); A/05397/15 (Ludoki with 4 huts); A/00181/16 (Abok).

²³⁵⁰ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 16.

any victims are beneficiaries of compensation awarded by the High Court of Uganda to former landowners in Lagno, who owned the property in which many IDP camps were located, including Abok IDP camp.²³⁵¹

689. In respect of each of the IDP camps, the Defence urges the Chamber to take a conservative approach in determining the number of potential victims,²³⁵² submitting as follows in response to the submissions of the Registry and the victims' representatives:²³⁵³

- a. **Pajule IDP camp:** The Chamber should not consider any increase in the number of potential victims beyond the actual estimated residents of the camp (i.e. 23,800).²³⁵⁴ While the Defence concedes it is likely that non-residents were visiting Pajule for the Uhuru Day festivities, it submits that it is equally likely that residents left the camp to celebrate with friends and family in other locations, negating any increase in the number of potential beneficiaries.²³⁵⁵ The Defence takes issue with the Registry's representation that 'thousands of boys and girls were abducted from Pajule at the time of the attacks on the camp', noting that Mr Ongwen was only convicted for one attack on 10 October 2003, and questioning how many persons above the estimated number of residents were abducted during different attacks.²³⁵⁶ Noting that the figure of 30,000 potential beneficiaries is 'extremely high', the Defence concludes that the Chamber should use the lowest number possible generated by the Registry.²³⁵⁷
- b. **Odek IDP camp:** The Registry's estimated number of potential victims, based on residents numbering 6,800 to 7,500, is extremely high in the context of the mapping exercise undertaken by the LRVs, which identified 2,682 potential victims.²³⁵⁸ The Defence submits that the Chamber should not include in its calculations additional persons who were visiting

²³⁵¹ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 17, referring to *Oneka Jackson & 5505 others v Attorney General*, in the High Court of Uganda at Lira, Civil Suit No. 027 of 2016 annexed at Annex A, [ICC-02/04-01/15-2035-AnxA](#).

²³⁵² Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), paras 18, 20 (Pajule); paras 22-23 (Odek); paras 25-26 (Lukodi); para. 29 (Abok).

²³⁵³ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), paras 15-19; see also Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 20.

²³⁵⁴ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), paras 18-19.

²³⁵⁵ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 19.

²³⁵⁶ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 18, referring to Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 43.

²³⁵⁷ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), paras 18, 20.

²³⁵⁸ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 21, referring to Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 36; LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15 (noting that not all of the potential victims of Odek are represented by the LRVs).

the camp, noting it is just as likely that persons were also not at Odek IDP camp during the attack because they were visiting family and friends elsewhere.²³⁵⁹

- c. **Lukodi IDP camp:** The Registry's estimated number of potential victims, based on a figure of 6,000 residents of the Lukodi IDP camp, is extremely high in light of the mapping exercise conducted by the LRVs, which identified 3,656 potential victims.²³⁶⁰ The Defence submits that such a large disparity suggests the Registry's estimates may be largely inflated without any official records.²³⁶¹ The Defence submits the number of potential victims identified by the LRVs appears to be more in line with the size of the Lukodi IDP camp, especially when the Chamber considers that approximately 26.3% of the victims in the Sample said that they had multiple huts. The Defence submits that if one were to use the conservative estimate of the Registry, and multiple it by 73.7%, the Chamber would reach a number of 3,538 estimated victims, which is close to the LRVs' estimate.²³⁶²
- d. **Abok IDP camp:** The Registry's estimated number of 13,000 potential victims is high considering that the mapping exercise undertaken by the LRVs identified 11,185 potential beneficiaries.²³⁶³ The Defence submits that such a significant variance suggests the Registry's estimates may be inflated without any official records.²³⁶⁴ The Defence notes the Registry does not give an estimated number of households for Abok and that 29.3% of victims from the Sample for Abok had more than one hut. The Defence urges the Chamber to use caution as information related to households is missing and could prove to be a significant factor as a significant number of households had multiple homes.²³⁶⁵

(ii) Victims of thematic crimes

690. The Defence submits that the Registry commits two key errors in its estimate of victims of thematic crimes potentially eligible for reparations. Firstly, the Defence submits that the Registry incorrectly uses a divisor of four, rather than six, brigades in the LRA, noting that the LRA was comprised of Sinia, Stockree, Gilva, Trinkle, Jogo Division and Control Altar

²³⁵⁹ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 22.

²³⁶⁰ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 24, *referring to* Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 35; LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 18 (noting that not all of the potential victims of Lukodi are represented by the LRVs).

²³⁶¹ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 24.

²³⁶² Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 25.

²³⁶³ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 27.

²³⁶⁴ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 27.

²³⁶⁵ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 28.

brigades.²³⁶⁶ The Defence argues that this misconception that there were only four units causes a serious miscalculation of the alleged number of potential victims and submits that the Chamber must take into account that there were six LRA units/bodies operating in Uganda in determining the overall number of potential victims.²³⁶⁷ Secondly, the Defence asserts that the Registry's calculation of victims of thematic crimes appears to be premised on the number of persons abducted during the entire temporal scope of the case (from 1 July 2002 to 31 December 2005),²³⁶⁸ whereas Mr Ongwen assumed command of the Sinia Brigade on 4 March 2004.²³⁶⁹ The Defence submits that using 1 March 2004 as a rounded date, Mr Ongwen controlled Sinia Brigade for 22 months, or 52.38%, of the temporal scope of the case.²³⁷⁰

691. Rounding the Registry's total figure of 41,000 persons abducted between 2002 and April 2006²³⁷¹ to 40,000, the Defence proffers an alternate calculation correcting the Registry's aforementioned alleged errors. The Defence proposes that 40,000 be divided by six (units), equating to 6,667, and then multiplied by 0.5238 (the percentage of the jurisdiction of the case during which Mr Ongwen controlled by the Sinia brigade), arriving at the figure of 3,492 persons abducted from 1 March 2004 to 31 December 2005.²³⁷²

692. Finally, the Defence highlights the testimony of P-0189, who stated that on 4 September 2006, when he met with Mr Ongwen, there were between 200 to 300 persons in his group. The Defence submits that even given the fact that this is just over eight months after the temporal scope of the case, this number is largely inconsistent with the potential number of victims estimated by the Registry.²³⁷³

e) TFV's observations

693. The TFV submits that any exercise to determine numbers of potential beneficiaries prior to the implementation of reparations will be inexact, noting that potential beneficiaries continue to come forward at various stages of implementation, including as a result of

²³⁶⁶ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), paras 14-15, *referring to* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 854-864, 1176-1177.

²³⁶⁷ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 14, *referring to* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 854-864, 1176-1177.

²³⁶⁸ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 16, *referring to* Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 52-55.

²³⁶⁹ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), paras 16-17, *referring to* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 137.

²³⁷⁰ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 17.

²³⁷¹ *See* Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52.

²³⁷² Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 19; Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 14.

²³⁷³ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 13.

outreach.²³⁷⁴ In proffering an ‘educated guess’ on the number of potential beneficiaries based on information collected from various sources and stakeholders, the TFV proposes that the starting point must be the number of participating victims: 4,095.²³⁷⁵ While the TFV acknowledges that a participating victim may not in all circumstances automatically qualify for receiving reparations, it submits that most likely a large number, if not all, of the participating victims would be eligible for reparations.²³⁷⁶ Nevertheless, the TFV submits that the bulk of the number of potential beneficiaries, especially in relation to the attacks on the camps, child soldiers, and the SGBC not directly perpetrated by Mr Ongwen, remains uncertain.²³⁷⁷

694. Having considered the estimates provided in the Mapping Report, the TFV submits that it has no reason to doubt that the estimated total number of beneficiaries of reparations put forth by the Registry constitutes an approximate number for reparations in this case.²³⁷⁸ It further notes that the Registry, CLR, LRVs, and TFV have rather similar views on the number of potential victims and submits this is an element the Chamber should factor in when assessing the reliability of the information before it.²³⁷⁹

(i) Victims of the attacks

695. As to the number of victims of the attacks potentially eligible for reparations, the TFV concurs with the assessment that it is highly likely that all those resident at the camps at the time of the attacks are potential beneficiaries of reparations, considering the scope of the conviction. The TFV submits that the figure of 50,000 constitutes an approximate minimum number of victims of the attacks, as this is an estimate of only those resident at the camps at the time of the attacks, and does not account for individuals who were visiting the camps in the relevant period.²³⁸⁰

²³⁷⁴ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 43; TFV’s February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 8.

²³⁷⁵ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 43-44. The Chamber notes that application a/01426/16, assessed by the VPRS as falling inside the scope of the Case (Pajule IDP camp), was erroneously initially not transmitted to the Chamber, so the actual number of participating victims is 4,096, *see* Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs; and Decision on the Registry Additional Information on Victims, [ICC-02/04-01/15-2024](#), para. 18, fn 37 and page 16.

²³⁷⁶ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 44.

²³⁷⁷ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 45.

²³⁷⁸ TFV’s February 2023 Submissions, [ICC-02/04-01/15-2032](#), paras 10-11.

²³⁷⁹ TFV’s February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 12.

²³⁸⁰ TFV’s February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 14.

(ii) Victims of thematic crimes

696. As to the number of victims of thematic crimes potentially eligible for reparations, the TFV recalls the Registry's submissions that the estimated total number of victims of the thematic crimes provided in the Mapping Report – approximately 10,000 – was offered as a ballpark figure of potential beneficiaries, based on the rough estimate number of children and adults abducted between 2002 and 2006, noting that overlap likely exists between victims of the attacks and victims of the thematic crimes, the extent of which cannot be easily nor conclusively determined at this stage.²³⁸¹ The TFV is of the view that the above mentioned general figure can be considered as a minimum estimate, noting that potential victims coming forward may be a few hundreds more or less.²³⁸²

f) Prosecutor's observations

697. The Prosecutor submits that it is not a precondition to the issuance of the reparations order for the Chamber to determine the potential beneficiaries, nor to identify them.²³⁸³ Accordingly, the Prosecutor observes that the Chamber may either choose to identify in the reparations order the victims eligible to benefit from reparations (and rule on the applications for reparation under rule 94 if it decides to request them), or more appropriately if the Chamber orders collective reparations, set out the criteria of eligibility for such victims in the Reparations Order and entrust the TFV to identify the beneficiaries at the implementation stage.²³⁸⁴ The Prosecutor notes that the CLRV appears to endorse the latter approach given the large number of potential victims.²³⁸⁵ Considering the characteristics of this case, particularly the large number of potential beneficiaries of reparations and the difficulty in ensuring that all potential beneficiaries come forward within a reasonable time period, the Prosecutor concurs with the CLRV that the Chamber may wish to follow the *Ntaganda* approach and set out the criteria of eligibility for potential beneficiaries of reparations.²³⁸⁶

698. The Prosecutor emphasises that if the Chamber elects to rely on estimates as to the number of victims who may be potential beneficiaries of reparations, it must endeavour to

²³⁸¹ TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 15, referring to Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 55-56.

²³⁸² TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 16.

²³⁸³ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 17, referring to *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), para. 231.

²³⁸⁴ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 17.

²³⁸⁵ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 17, referring to CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 16, 35.

²³⁸⁶ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 18.

obtain an estimate that is as *concrete as possible*, based on a sufficiently strong evidential basis, with any uncertainties resolved in favour of Mr Ongwen.²³⁸⁷ In this regard, the Prosecutor defers to the victims' representatives, the TFV and the Registry as to the estimated number of victims who may benefit from reparations in this case.²³⁸⁸ It notes that 4,095 victims are already authorised to participate in the proceedings, most of whom would appear to be eligible for reparations.²³⁸⁹ Finally, the Prosecutor observes that the Conviction Judgment and Sentencing Judgment provide guidance to identify many of the victims of Mr Ongwen's crimes.²³⁹⁰

g) Uganda's observations

699. Uganda submits that given the war permeated the entire northern and part of the eastern region of Uganda, any attempt to single out a few individuals as direct victims is likely to engender controversy and pit victims against one another.²³⁹¹ For this reason, Uganda recommends using the current statistics which place the total population in the victim region at 1,470,554 for the Acholi Region, 2,362,569 for the Teso Region and 2,131,495 for the Lango Region as of 2014.²³⁹²

h) Amici curiae' observations

700. In the ICTJ and UVF's Observations, the *amici* observe that 'an effort to compile all available data suggested that, by 2006, over 24,000 children and over 28,000 adults had been recruited. It was also speculated that the total number might possibly be as high as 75,000'.²³⁹³ They note that most of these recruits were children under the age of 15 as established in the Judgment of this Court.²³⁹⁴

²³⁸⁷ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 19.

²³⁸⁸ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 20.

²³⁸⁹ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 20, *referring to* TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 44-45. The Chamber notes that application a/01426/16, assessed by the VPRS as falling inside the scope of the Case (Pajule IDP camp), was erroneously initially not transmitted to the Chamber, so the actual number of participating victims is 4,096, *see* Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs; and Decision on the Registry Additional Information on Victims, [ICC-02/04-01/15-2024](#), para. 18, fn 37 and p. 16.

²³⁹⁰ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 20.

²³⁹¹ Uganda's February 2022 Submissions, [ICC-02/04-01/15-1978](#), para. 30.

²³⁹² Uganda's February 2022 Submissions, [ICC-02/04-01/15-1978](#), para. 30.

²³⁹³ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 34, *referring to* Tim Allen, Jackline Atingo, Dorothy Atim, James Ocitti, Charlotte Brown, Costanza Torre, Cristin A Fergus, Melissa Parker. *What Happened to Children Who Returned from the Lord's Resistance Army in Uganda?* Journal of Refugee Studies, Volume 33, Issue 4, December 2020, pp. 663–683, <https://doi.org/10.1093/jrs/fez116>, p. 666.

²³⁹⁴ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 34.

ii. *Chamber's determination*

701. In making an order for reparations to, or in respect of, victims pursuant to article 75 of the Statute, a trial chamber does not have to set out the precise number of beneficiaries.²³⁹⁵ It is permissible for the order for reparations instead to set out eligibility criteria from which victims can be identified.²³⁹⁶ Nevertheless, establishing the number of beneficiaries to be repaired by the award, even where collective reparations are ordered, will often be a fundamental parameter in determining what reparations are appropriate and the amount of the award.²³⁹⁷ Indeed, in the *Lubanga* case, the Appeals Chamber emphasised that one of the factors that a trial chamber must consider in determining what reparations are appropriate for the purposes of article 75(2) of the Statute is how many victims are likely to come forward and benefit from collective reparations programmes during the implementation phase.²³⁹⁸ Similarly, in the *Ntaganda* case, the Appeals Chamber ruled that in the circumstances of the case—where collective reparations with individualised components were awarded—the Trial Chamber had a duty to establish an actual, or estimated number of victims of the award.²³⁹⁹ The Appeals Chamber underscored that, if the trial chamber resorts to estimates as to the number of victims, such estimates must be as concrete as possible, based on a sufficiently strong evidential basis, with any uncertainties to be resolved in favour of the convicted person.²⁴⁰⁰ Where there is uncertainty as to the number of victims, the Court should ensure a collective approach that ensures reparations reach those victims who are currently unidentified.²⁴⁰¹

702. The Chamber recalls that in the 6 May 2021 Order, it directed the parties, Registry and TFV, and invited the Prosecutor and the Republic of Uganda, to make submissions on the number of direct and indirect victims of the crimes for which Mr Ongwen was convicted who may potentially be eligible for reparations,²⁴⁰² and instructed the Registry, with the assistance

²³⁹⁵ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 150; *see also* *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 92, *referring inter alia* to *Lubanga* Reparations Decision, [ICC-01/04-01/06-2904](#), para. 219.

²³⁹⁶ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 151.

²³⁹⁷ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 152, 155, 157; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 89, 223.

²³⁹⁸ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 89, 223.

²³⁹⁹ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 157-159, 168, 172.

²⁴⁰⁰ For instance, by assuming a lower number of victims, or by discounting the amount of liability. *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 90, 223-224; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 153, 165, 168, 171.

²⁴⁰¹ *Lubanga* Reparations Decision, [ICC-01/04-01/06-2904](#), para. 219; *see also* *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 92, stressing that '[t]his finding was not overturned by the Appeals Chamber'.

²⁴⁰² 6 May 2021 Order, [ICC-02/04-01/15-1820](#), paras 5(i)-(ii).

and cooperation of the victims' representatives, to undertake a comprehensive mapping of potentially eligible victims.²⁴⁰³ Notwithstanding the continuing challenges posed by the COVID-19 pandemic, for which the Chamber made appropriate allowances,²⁴⁰⁴ the Chamber afforded the parties and participants ample opportunity to gather data and generate figures to enable them to make informed submissions as to the number of potential beneficiaries. On 16 December 2022, the Chamber invited the parties, the Registry, the TFV and the Prosecutor to make additional submissions on the estimated total number of potential beneficiaries of reparations and the methodology used to make such calculations.²⁴⁰⁵ The Chamber notes, however, that only the Registry, victims' representatives and Uganda proffered any independent estimates as to the potential number of victims of the attacks on the IDP camps, while the Registry alone offered baseline estimates as to the potential number of victims of thematic crimes.

703. The Chamber acknowledges the challenges experienced by the parties and participants in identifying potential victims, noting that many of the estimates provided were conservative, or not conclusive, and that further inquiries were recommended.²⁴⁰⁶ The Chamber recognises the possibility that additional as yet unidentified potential victims may come forward throughout the implementation process,²⁴⁰⁷ and notes, for example, the Registry's suggestion that ongoing efforts of the victims' representatives to determine the overall size of communities in the camps where their clients (used to) reside would further inform and corroborate estimates.²⁴⁰⁸ However, the Chamber recalls that at this stage of proceedings, establishing the number of potential beneficiaries to be repaired by the award, even where collective reparations are ordered, is a fundamental parameter in determining what reparations are appropriate and the amount of the award.²⁴⁰⁹

704. The Chamber considers it is not strictly obligated to identify the precise number of potential beneficiaries in the circumstances of the present case, where collective community-

²⁴⁰³ 6 May 2021 Order, [ICC-02/04-01/15-1820](#), para. 5(iv).

²⁴⁰⁴ Decision on requests for extension of time, 19 July 2021, [ICC-02/04-01/15-1865](#); Decision on Victims' request for extension of time, 18 November 2021, [ICC-02/04-01/15-1910](#).

²⁴⁰⁵ Decision on the Sample, [ICC-02/04-01/15-2024](#), para. 31(a), p. 16.

²⁴⁰⁶ *See, inter alia*, Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 27, 45; LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 16; CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24; CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38; TFV's February 2023 Submissions, [ICC-02/04-01/15-2032](#), para. 14.

²⁴⁰⁷ *See, inter alia*, TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 43-44; CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 6, 38.

²⁴⁰⁸ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46.

²⁴⁰⁹ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 152, 155, 157; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 89, 223.

based reparations are being awarded. However, noting the recent approach of the Appeals Chamber,²⁴¹⁰ and in an effort to avoid lengthy litigation, the Chamber sets out below its determination as to the estimated number of potential beneficiaries of the: (i) attacks on the IDP camps; and (ii) thematic crimes. Having regard to the foregoing considerations, the Chamber emphasises that the figures detailed below are purely estimates, grounded on the strongest evidential basis available to the Chamber, for the purposes of assessing Mr Ongwen's liability for reparations. Having resolved any discrepancies and uncertainties in these estimates in favour of Mr Ongwen,²⁴¹¹ the Chamber considers that the figures detailed below represent a conservative minimum estimate, which should not be understood as a definitive determination as to the number of beneficiaries eligible for reparations, nor should they be seen to limit the number of potential beneficiaries who may come forward to be considered eligible to benefit from reparations.

705. The Chamber emphasises the importance of proactive and diligent efforts to identify potential beneficiaries as early as possible in proceedings, and to ensure, to the extent possible, that supporting records are preserved. Indeed, in future, the Chamber would encourage the Registry, assisted by the parties, where applicable, to endeavour to fully map, or at least trace, the relevant potential victim population by the time the parties have concluded their closing statements. As the Appeals Chamber observed, rule 94(2) of the Rules and regulation 56 of the Regulations of the Court in fact suggest this approach and aim to advance reparations proceedings with all expedition.²⁴¹²

a) Direct victims of the attacks

706. The Chamber notes that the Registry, the CLRV, the TFV, and the Prosecutor appear to largely concur as to the total estimated range of potential victims of the attacks on the IDP camps. Specifically, the Registry's Mapping Report concludes that an approximate overall number of victims residing in the IDP camps at the time of the attacks can presently be fixed at a range between 41,000 and 50,000 individuals.²⁴¹³ However, the Chamber observes that the collective total of the individual figures provided by the Registry for each IDP camp, as further

²⁴¹⁰ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 152, 155, 157, 168; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 89, 223.

²⁴¹¹ See *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 90, 223-224; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 153, 165, 171.

²⁴¹² See *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 340; *Prosecutor v. Said*, Decision on matters relating to the participation of victims during the trial, 13 April 2022, [ICC-01/14-01/21-278](#), para. 88; *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, Second decision on the admission of victims to participate in trial proceedings, 3 October 2022, [ICC-02/05-01/20-761](#), paras 13-20.

²⁴¹³ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 31.

detailed in its subsequent Additional Information submissions, is ‘up to’ 56,700 individuals.²⁴¹⁴ The CLRV agrees that a range of between 41,000 and 50,000 individuals is a reasonable estimate,²⁴¹⁵ notwithstanding the considerably smaller number of potential beneficiaries she identified (totalling 1,351 households of between 1 and 15 members,²⁴¹⁶ together with an additional 100 beneficiaries²⁴¹⁷) as a result of her preliminary inquiries.²⁴¹⁸ The TFV provides no independent figures, submitting that it has no reason to doubt the estimate advanced by the Registry, noting that it is highly likely that all the residents at the camps at the time of the attacks are potential beneficiaries, and concluding that the figure of 50,000 constitutes an approximate ‘minimum number’ of victims of the attacks.²⁴¹⁹ The Prosecutor similarly does not offer any estimates or analysis, deferring to the victims’ representatives, the Registry and the TFV, without distinction, as to the estimated number of victims who may benefit from reparations, and observing that the Conviction Judgment and Sentence provide guidance to identify many of the victims of Mr Ongwen’s crimes.²⁴²⁰

707. For the purposes of reaching a more concrete estimate, and noting the differences in the maximum number of potential victims identified by the Registry (50,000²⁴²¹ and 56,700²⁴²²), the Chamber turns to assess the specific submissions of the Registry, victims’ representatives and Defence with respect to the number of potential victims of the attacks on each IDP camp for which Mr Ongwen was convicted.

708. In determining the number of potentially eligible victims of the attacks on each IDP camp, the Chamber has remained mindful of the Defence’s suggestion that the Sample indicates that some IDP camp residents had more than one home or hut, ‘meaning that the

²⁴¹⁴ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 33, 36, 39, 43; Registry’s Additional Information, [ICC-02/04-01/15-2019](#), fns. 20-23, indicating that in the Mapping Report, it provided a rough estimate of the number of victims who suffered harm at ‘up to’: 30,000 for Pajule IDP camp; 7,700 for Odek IDP camp; 6,000 for the Lukodi IDP camp and 13,000 for the Abok IDP camp. *See also* Decision on the Sample, [ICC-02/04-01/15-2024](#), para. 22, which notes that the Mapping Report estimates the following figures: Pajule camp (30,000), Odek camp (7,700), Ludoki camp (6,000), Abok camp (13,000).

²⁴¹⁵ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38, *referring to* Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 43-45 (Pajule); paras 36-38 (Odek); paras 31, 33-35 (Lukodi); paras 39-42 (Abok).

²⁴¹⁶ This figure is comprised of 908 in the Pajule area, 191 in the Odek area, 143 in the Lukodi area, and 109 in the Gulu area. CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24.

²⁴¹⁷ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 37.

²⁴¹⁸ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 24-28.

²⁴¹⁹ TFV’s February 2023 Submissions, [ICC-02/04-01/15-2032](#), paras 10-11, 13-14.

²⁴²⁰ Prosecutor’s February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 20.

²⁴²¹ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 31.

²⁴²² Registry’s Additional Information, [ICC-02/04-01/15-2019](#), fns. 20-23, indicating that in the Mapping Report, it provided a rough estimate of the number of victims who suffered harm at ‘up to’: 30,000 for Pajule IDP camp; 7,700 for Odek IDP camp; 6,000 for the Lukodi IDP camp and 13,000 for the Abok IDP camp. *See also* Decision on the Sample, [ICC-02/04-01/15-2024](#), para. 22.

household estimates determined by the Registry would be inflated.’²⁴²³ However, the Chamber finds no information to suggest that a resident’s affiliation with multiple huts equates to an inflated ‘household’ estimate. Rather, household estimates appear to be calculated with reference to the individual head of a ‘household’ or family group and their associated household members, irrespective of the number of huts in which their household reside.²⁴²⁴ Further, as already observed, the Chamber considers that contrary to the Defence’s inference, whether or not potential victims are beneficiaries of compensation awarded by the High Court of Uganda²⁴²⁵ is immaterial to their eligibility as victims in this case.²⁴²⁶

709. Recalling the eligibility criteria established by the Chamber delineating the categories of eligible victims entitled to benefit from reparations in the present case,²⁴²⁷ the Chamber similarly dismisses Uganda’s recommendation to use the 2014 statistics for the total populations in the victim regions of Acholi, Teso and Lango to determine the number of victims of the attacks potentially eligible for reparations.²⁴²⁸

(i) Pajule IDP camp

710. The Chamber recalls its findings in the Conviction Judgment that an estimated 15,000 to 30,000 people lived in the Pajule IDP camp—which comprised both the Pajule and Lapul IDP camps²⁴²⁹—at the time of the attack.²⁴³⁰ While the Registry’s mapping exercise conducted

²⁴²³ Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), paras 16, 25, 28.

²⁴²⁴ See e.g. the manner in which households are identified by the LRVs in LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), confidential *ex parte* annexes A, B and C.

²⁴²⁵ Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 17, referring to *Oneka Jackson & 5505 others v Attorney General*, in the High Court of Uganda at Lira, Civil Suit No. 027 of 2016 annexed at Annex A, [ICC-02/04-01/15-2035-AnxA](#).

²⁴²⁶ See para. 49 above.

²⁴²⁷ See Section VII.C. [Eligibility criteria](#) below.

²⁴²⁸ See Uganda’s February 2022 Submissions, [ICC-02/04-01/15-1978](#), para. 30.

²⁴²⁹ The Chamber recalls that although Pajule and Lapul were registered as two separate IDP camps by the Ugandan government, in practice they were treated as one IDP camp, commonly referred to as the Pajule IDP camp. It further recalls that at trial the evidence showed that the LRA attacked the camp as one entity. Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 1173-1174. See para. 98 above.

²⁴³⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 144, 1174 (fn 2396), referring to P-0084, Statement, UGA-OTP-0139-0149-R01, at para. 66 (testifying that he believed there were over 15,000 people at Pajule in October 2003); P-0007, Statement, UGA-OTP-0283-0037, at para. 55 together with Handwritten report, UGA-OTP-0147-0239, at 0239 (indicating that in November 2003 the Lapul side of the camp had a population of 14,155); P-0009 at [T-81](#), p. 78, ln 22 to p. 79, ln 6 (stating that there were three to four thousand people living in the camp); P-0008 lists of Pajule/Lapul residents, UGA-OTP-0137-0058, at 0058-9 (listing 17,432 residents on the Pajule side of the camp and 13,710 residents on the Lapul side as of November 2003). The Chamber notes that the document is stamped and signed by Okema John Brown (P-0008), as camp commandant of the Pajule IDP camp. In his testimony, Okema John Brown stated that he compiled the list from information provided to him by the block leaders of the Pajule side and from the camp commandant of the Lapul side (UGA-OTP-0283-0048, para. 60). The Chamber considers this list to be an authentic record created by P-0008 on 30 November 2003; see also Sentence, [ICC-02/04-01/15-1819-Red](#), para. 150.

in 2021 identified approximately 23,800 residents of the Pajule IDP camp²⁴³¹ at the relevant time,²⁴³² in its subsequent submission of Additional Information on victims, the Registry refers to, and relies upon the ‘rough estimate’ it purportedly provided in its Mapping Report of ‘up to 30,000’ victims.²⁴³³ The Registry provides no additional support for the figure of 30,000, beyond referencing a footnote in its prior submissions which cited the findings of the Chamber in the Conviction Judgment.²⁴³⁴ The Defence offers no independent figures or calculations, but submits that the figure of 30,000 victims is ‘extremely high’, insisting that the Chamber should not entertain any increase in the number of potential victims beyond the estimate of 23,800 residents of the camp.²⁴³⁵ The Chamber is unpersuaded by the Defence’s suggestion that any estimate above the number of 23,800 residents may include persons who were abducted during different attacks beyond the October 2003 attack for which Mr Ongwen was convicted,²⁴³⁶ reiterating that the information received by the Registry in relation to abductees appears to be immaterial to the Registry’s overall calculation of the number of victims of the attack on the Pajule IDP camp.²⁴³⁷

711. As previously noted, the remaining parties²⁴³⁸ and participants largely defer to the total number of victims of the IDP camp attacks proffered by the Registry.²⁴³⁹ In this regard, the Chamber emphasises that although the CLRV identifies a relatively low figure of 908 households (of between 1 and 15 family members)²⁴⁴⁰ from the Pajule area as potential ‘additional beneficiaries’, the CLRV submits that this number is indicative of ‘a very

²⁴³¹ Excluding the unquantified ‘large number’ of visitors present in the camp on the day of the attack celebrating Uganda’s Independence Day.

²⁴³² Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 43. The Chamber considers that the information received by the Registry indicating that ‘thousands of boys and girls were abducted from Pajule at the time of the attacks on the camps’ appears to be immaterial to the Registry’s overall calculation of the number of victims of the attack on the Pajule IDP camp.

²⁴³³ Registry’s Additional Information, [ICC-02/04-01/15-2019](#), fn. 20.

²⁴³⁴ Registry’s Additional Information, [ICC-02/04-01/15-2019](#), fn. 20, referring to Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 40, in which *inter alia* the Registry recalls the following numbers retained by the Chamber in the Trial Judgment, at para. 1174: ‘The evidence indicates that an estimated 15,000 to 30,000 people lived within the entirety of Pajule IDP camp in October 2003’.

²⁴³⁵ Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), paras 18-19.

²⁴³⁶ Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 18.

²⁴³⁷ See footnote [2432](#) above.

²⁴³⁸ The Chamber recalls that the LRVs do not represent victims from Pajule and, therefore, do not make submissions on the number of victims of the attack on the Pajule IDP camp.

²⁴³⁹ See para. [706](#) above.

²⁴⁴⁰ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 24, 28; CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 37. The Chamber recalls the Registry’s observations that applying an average of 7.5 family members per household would lead to a figure of ‘close to 7,000’ (i.e. 6,810) potential further beneficiaries, see Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 44.

minimum’,²⁴⁴¹ concurring that the Registry’s estimated range of the total number of victims present in all IDP camps at the time of the attacks is reasonable.²⁴⁴²

712. The Chamber has considered the available information, including the evidence submitted at trial. The Chamber finds particularly compelling the list of residents of the Pajule/Lapul IDP camps, dated 30 November 2003, signed and stamped by the Camp Leader of the Pajule IDP camp,²⁴⁴³ who testified that he compiled the list from information provided to him by the block leaders of the Pajule side and from the Camp Leader of the Lapul side of the Pajule IDP camp.²⁴⁴⁴ This list records a total of 31,142 residents of the Pajule IDP camp as of November 2003 (17,432 residents from the Pajule side and 13,710 residents from the Lapul side).²⁴⁴⁵ These figures are also largely consistent with a handwritten list compiled by the Lapul Camp Leader, dated 26 November 2003, indicating that the Lapul side of the camp had a ‘population’ of 14,155.²⁴⁴⁶ The Chamber notes that these signed, stamped, and dated lists are contemporaneous records, prepared some six weeks after the October 2003 attack, by the camp commandants, who the Chamber considers were well placed to quantify the number of residents of the Pajule IDP camp. The figure of 23,800 initially proffered by the Registry, on the other hand, was based on ‘limited information related to numbers’²⁴⁴⁷ conveyed to the Registry during meetings with unidentified ‘intermediaries and local leaders’²⁴⁴⁸ in 2021, some 18 years after the attacks.²⁴⁴⁹ Further, the Registry concedes that this figure was only partly supported by documents and or corroborated by other sources,²⁴⁵⁰ and would benefit from further confirmation,²⁴⁵¹ noting that its efforts to liaise with the former leadership of the camps

²⁴⁴¹ The CLRV cites the challenges faced in the collection of information and the limitations thereof, noting it is expected that thousands more victims may come forward, *see* CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24; CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 6, 37-38; *see also* Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 45.

²⁴⁴² CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38, *referring to* Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 43-45 (concerning Pajule).

²⁴⁴³ List of Pajule/Lapul residents, UGA-OTP-0137-0058; *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1174, fn. 2396.

²⁴⁴⁴ P-0008, Statement, UGA-OTP-0283-0048, para. 60; *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1174, fn. 2396.

²⁴⁴⁵ Lists of Pajule/Lapul residents, UGA-OTP-0137-0058; *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1174, fn. 2396.

²⁴⁴⁶ List of Lapul residents, UGA-OTP-0147-0239, at 0239; P-0007, Statement, UGA-OTP-0283-0037, para. 55; *see* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1174, fn. 2396.

²⁴⁴⁷ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 24.

²⁴⁴⁸ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46.

²⁴⁴⁹ The Registry further notes with respect to information related to numbers gathered from interlocutors in the four former IDP camps, generally, ‘In some cases the numbers received were not consistent and the Registry’s efforts to obtain clarification and follow-up information/lists after the meetings were unsuccessful to date; efforts in this regard are ongoing’, Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 24.

²⁴⁵⁰ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46.

²⁴⁵¹ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 45.

and the competent Ugandan authorities to obtain records and lists had proven unsuccessful.²⁴⁵² Having regard to the foregoing, the Chamber estimates that the number of potentially eligible victims of the attack on the Pajule IDP camp amounts to approximately 30,000 individuals in total.

713. The Chamber takes note of the Registry's submission that a 'large number' of visitors were also present in Pajule IDP camp celebrating Uganda's Independence Day at the time of the attack on 10 October 2003.²⁴⁵³ However, in the absence of any estimate of the number of visitors purportedly present,²⁴⁵⁴ the Chamber resolves this uncertainty in favour of Mr Ongwen²⁴⁵⁵ and makes no additional allowance for visitors in its determination of the number of victims of the attack on the Pajule IDP camp.²⁴⁵⁶ The Chamber emphasises, however, that this conclusion does not render visitors to Pajule IDP camp at the time of the attack ineligible for reparations. As to the Defence's submission that some residents may equally have been absent celebrating with friends and family elsewhere at the time of the attack,²⁴⁵⁷ the Chamber recalls its finding that residents of the camp, even if not physically present during the attack, may still be considered victims of the attack.²⁴⁵⁸

(ii) Odek IDP camp

714. The Chamber recalls its findings in the Conviction Judgment that the evidence indicates that there were between 2,000 and 3,000 residents in the camp at the time of the attack.²⁴⁵⁹ Specifically, the Chamber notes witness statements on the record wherein the Camp Leader of Odek IDP camp estimated there were about 2,000 residents in the camp,²⁴⁶⁰ and a block leader estimated there were approximately 3,000 residents.²⁴⁶¹ Similarly, a contemporaneous post-attack incident report of an Internal Security Organisation ('ISO') officer, dated 'May '04', which was prepared based on information gathered from camp leaders and survivors of the

²⁴⁵² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46.

²⁴⁵³ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 43.

²⁴⁵⁴ The Registry notes that it has to date not been in a position to receive any estimates as to the approximate amount of visitors in the camp on that day, Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 41.

²⁴⁵⁵ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 90, 223-224; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 153, 165, 171.

²⁴⁵⁶ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 19.

²⁴⁵⁷ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 19.

²⁴⁵⁸ See para. 163 above.

²⁴⁵⁹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 159, 1384, fn. 3185 referring to P-0274, First Statement, UGA-OTP-0283-1307, para. 16; P-0325, Statement, UGA-OTP-0283-1374, para. 15; see also P-0301, Incident Report, UGA-OTP-0249-0438-R01, at 0438; Notebook, UGA-OTP-0267-0180-R01 at 0181; Notebook, UGA-OTP0267-0182-R01, at 0183; P-0274, Second Statement, UGA-OTP-0283-1320, paras 17, 22; Sentence, [ICC-02/04-01/15-1819-Red](#), para. 185.

²⁴⁶⁰ P-0274, First Statement, UGA-OTP-0283-1307, para. 16.

²⁴⁶¹ P-0325, Statement, UGA-OTP-0283-1374, para. 15.

attack, placed the number of residents of the Odek IDP camp at 2,600.²⁴⁶² The Chamber also considered extracts from two notebooks provided by the Camp Leader, with the date ‘13/5/2005’, which itemised the number of households and population of each block of the Odek IDP, totalling over 6,000 residents.²⁴⁶³ While the Camp Leader gave evidence that the data contained in the notebooks was based on information collected from the Odek IDP camp in January and February 2004,²⁴⁶⁴ noting the later date marked on the notebooks, and the Camp Leader’s prior statement estimating there were 2,000 residents in the Odek IDP camp, the Chamber ultimately afforded greater weight to the aforementioned witness evidence.²⁴⁶⁵

715. Turning to the submissions of the parties and participants, the Chamber observes that the Registry’s Mapping Report indicates that during focus group interviews different figures were provided ranging from 6,800 to 7,500 residents of the Odek IDP camp at the time of the attack.²⁴⁶⁶ Considering that these figures are only partly corroborated by unspecified documents and or other sources,²⁴⁶⁷ that the interlocutors of these interviews recommended that the Registry consult former block leaders who kept records at the time of the events, and that the Registry’s efforts to obtain these records have been unsuccessful,²⁴⁶⁸ the Chamber finds little support for adopting the comparatively ‘high’²⁴⁶⁹ estimated number of residents advanced by the Registry. In this regard, the Chamber can envisage the possibility that such estimates may be inflated without any official records, as the Defence suggests.²⁴⁷⁰

716. In contrast, the data gathered by the LRVs and their intermediaries in the field in consultation with former camp leaders and or officials²⁴⁷¹—which identified 2,419²⁴⁷² former

²⁴⁶² P-0301, Incident Report, UGA-OTP-0249-0438-R01, at 0438; P-0301, Statement, UGA-OTP-0280-1051, para. 60.

²⁴⁶³ Notebook, UGA-OTP-0267-0180-R01 at 0181; Notebook, UGA-OTP0267-0182-R01, at 0183.

²⁴⁶⁴ P-0274, Second Statement, UGA-OTP-0283-1320, paras 17, 22.

²⁴⁶⁵ See Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), fn. 3185.

²⁴⁶⁶ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 36.

²⁴⁶⁷ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46.

²⁴⁶⁸ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 36.

²⁴⁶⁹ See Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 21.

²⁴⁷⁰ Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 21.

²⁴⁷¹ LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 14.

²⁴⁷² This figure is comprised of the 447 participating victims from the Odek IDP camp represented by the LRVs, together with 1,972 additional potential beneficiaries from the Odek IDP camp identified by the LRVs; see LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15, with confidential *ex parte* annex C; Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs. The Chamber notes that there appears to be an inconsistency between these numbers and the total of 2,071 listed in the ‘Family Size’ column in confidential *ex parte* annex C to the LRVs’ February 2023 Submissions. For the purposes of the Chamber’s calculations, the Chamber defers to the figure included in the cover filing, further noting that this is the figure upon which the Defence has made submissions. See Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 21, fn. 40. For clarity, the Chamber observes that the figure of 2,628 cited by the Defence is comprised of the 1,972 additional potential beneficiaries from the Odek IDP camp identified by the LRVs, together with the 656 participating victims represented by *both* the LRVs and the CLRV (excluding victims of thematic crimes).

residents of the Odek IDP camp as potential beneficiaries—is consistent with the range provided by the Chamber in the Conviction Judgment.²⁴⁷³ Notably, it is particularly proximate to the figure specified in the contemporaneous ISO incident report prepared shortly after the attack.²⁴⁷⁴ Although the LRVs emphasise that the list, while comprehensive, is not conclusive and some further improvement on the data may be needed,²⁴⁷⁵ the Chamber considers that the figure of 2,419 provides a reasonable estimate of potential victims of the attack on the Odek IDP camp, particularly when viewed in the context of the other evidence on the trial record.

717. Although the CLRV identified a considerably smaller number of potential beneficiaries for the Odek IDP camp, numbering some 191 households of 1 to 15 members,²⁴⁷⁶ noting that the CLRV’s identification efforts were preliminary and her estimate conservative,²⁴⁷⁷ the Chamber finds the figure advanced by the LRVs and supported by more comprehensive data to be more compelling. The Chamber also notes it has no information as to the extent to which there is any overlap between the potential beneficiaries identified by the LRVs and CLRV. Accordingly the Chamber estimates that the number of potentially eligible victims of the attack on the Odek IDP camp amounts to approximately 2,419 individuals in total.

718. Finally, in the absence of any further information in relation to the 100 to 200 individuals from neighbouring villages the Registry reports were visiting the camp on the day of the attack,²⁴⁷⁸ the Chamber makes no allowance for visitors in its estimated number of potential beneficiaries.²⁴⁷⁹ The Chamber emphasises, however, that this conclusion does not render visitors of the Odek IDP camp ineligible for reparations. As to the Defence’s submission that it is just as likely that some residents were not at the camp during the attack because they were visiting friends and family elsewhere,²⁴⁸⁰ the Chamber recalls its finding that residents of the camp, even if not physically present during the attack, may still be considered victims of the attack.²⁴⁸¹

²⁴⁷³ P-0301, Incident Report, UGA-OTP-0249-0438-R01, at 0438, listing the population of the camp at 2,600 persons.

²⁴⁷⁴ P-0301, Incident Report, UGA-OTP-0249-0438-R01, at 0438, listing the population of the camp at 2,600 persons.

²⁴⁷⁵ LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 16.

²⁴⁷⁶ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 24-28.

²⁴⁷⁷ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24; CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38.

²⁴⁷⁸ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 36.

²⁴⁷⁹ See *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 90, 223-224; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 153, 165, 171.

²⁴⁸⁰ Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 22.

²⁴⁸¹ See para. [163](#) above.

(iii) Lukodi IDP camp

719. The Chamber recalls its findings in the Conviction Judgment that a ‘large contingent’ of civilians lived in the camp at the time of the attack.²⁴⁸² However, in light of the significant disparity in the witnesses’ evidence as to the number of residents of the camp, the Chamber concluded that the exact number of victims of the attack was not possible to determine.²⁴⁸³ Specifically, a police investigator who examined Lukodi in the aftermath of the attack testified that the Lukodi camp leader told him that the camp had around 7,000 residents at the time of the attack;²⁴⁸⁴ a local councillor of Lukodi testified that although it was not easy to know the exact number, he estimated the camp had about 4,000 residents at the time of the attack;²⁴⁸⁵ and another witness who spent time in Lukodi estimated that roughly 400-500 people lived in the camp.²⁴⁸⁶

720. The Chamber has also considered two notebooks which were in evidence at trial, labelled ‘Rwot Kweri Laco-Anga’²⁴⁸⁷ and ‘Rwot Kweri Lukodi’,²⁴⁸⁸ containing handwritten lists which purport to record the number of households and their members in these areas of the Lukodi IDP camp.²⁴⁸⁹ However, considering *inter alia* that the date of compilation of the lists in these notebooks is unknown beyond that it predates the attack,²⁴⁹⁰ that some data is missing from the lists,²⁴⁹¹ that one of the Lukodi camp leaders testified that at least one of notebooks was never used because the format did not correspond to the agreed format,²⁴⁹² and that the lists record data for only two of several areas of the Lukodi IDP camp,²⁴⁹³ the Chamber does not find them to be probative for the purposes of establishing the number of victims of the Lukodi IDP camp.

721. The submissions of the parties and participants as to the number of potential beneficiaries for the Lukodi IDP camp are similarly varied. The Registry’s Mapping Report

²⁴⁸² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 178, 1644.

²⁴⁸³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1644. The Chamber noted that P-0017, a police investigator who examined Lukodi in the aftermath of the attack.

²⁴⁸⁴ P-0017, Statement, UGA-OTP-0280-0857, para. 201.

²⁴⁸⁵ V-0004 at [T-173](#), p. 8, lns 9-13.

²⁴⁸⁶ P-0035, Statement, UGA-OTP-0283-0102, para. 19.

²⁴⁸⁷ See List, UGA-OTP-0069-0054.

²⁴⁸⁸ See List, UGA-OTP-0069-0092.

²⁴⁸⁹ See P-0060, Statement, UGA-OTP-0283-0826, paras 80-81, 83-84.

²⁴⁹⁰ See P-0060, Statement, UGA-OTP-0283-0826, paras 80, 83 indicating only that ‘the rwot kweri filled out the book, before the attack in May 2004’.

²⁴⁹¹ See, *inter alia*, P-0060, List, UGA-OTP-0069-0092, missing entries 60-72, 182-197.

²⁴⁹² See P-0060, Statement, UGA-OTP-0283-0826, para. 81.

²⁴⁹³ *Contra* confidential *ex parte* annex B to LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), listing Laco Anga, Lagot Kicol, Lalweny, Loyoboo, Lukodi and Onyayo Rwot; see also P-0060, Statement, UGA-OTP-0283-0826, para. 85.

indicates that the consensus in the groups the Registry consulted was that there were around 6,000 residents in the Ludoki IDP camp during the attack, with one camp leader specifying that there were between 800 and 1000 households in the camp at the time of the attack, with families having on average, 6 to 8 members.²⁴⁹⁴ In contrast, based on data gathered by the LRVs and their intermediaries in the field in consultation with former camp leaders and or officials,²⁴⁹⁵ albeit ‘not conclusive’,²⁴⁹⁶ the LRVs identify 3,248²⁴⁹⁷ residents of the Lukodi IDP camp as potential beneficiaries. The CLRV identifies an even smaller figure of 143 households of between 1 and 15 members,²⁴⁹⁸ noting, however, that her efforts are preliminary and the estimate remains conservative.²⁴⁹⁹ The Chamber notes it has no information as to the extent to which there is any overlap between the potential beneficiaries identified by the LRVs and CLRV.

722. While the Registry indicates that the LRVs agree that an approximation of 6,000 may represent the ‘upper limit’ of potential beneficiaries,²⁵⁰⁰ and the CLRV supports the total estimated range of victims advanced by the Registry,²⁵⁰¹ the Chamber takes note of the Defence’s submissions that the Registry’s estimate is proportionately high and may be inflated without any official records.²⁵⁰² Considering the disparity in estimates, and observing that the Registry indicates its figures are only partly supported by unspecified documents and or other sources and that efforts to obtain camp records and lists have proven unsuccessful,²⁵⁰³ the

²⁴⁹⁴ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 33.

²⁴⁹⁵ LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 14.

²⁴⁹⁶ LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 16.

²⁴⁹⁷ This figure is comprised of 1,236 participating victims from the Lukodi IDP camp represented by the LRVs, together with 2,012 additional potential beneficiaries from the Lukodi IDP camp identified by the LRVs, *see* LRVs’ February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15, with confidential *ex parte* annex B; Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs. The Chamber notes that there appears to be an inconsistency between these numbers and the total of 3,154 (namely, 519 (Laco Anga); 697 (Lagot Kicol); 667 (Lalweny); 155 (Loyoboo); 518 (Lukodi); 598 (Onyayo Rwot)) listed in the ‘Family Size’ column in confidential *ex parte* annex C to the LRVs’ February 2023 Submissions, p. 13, 30, 45, 49, 61. For the purposes of the Chamber’s calculations, the Chamber defers to the figure included in the cover filing, further noting that this is the figure upon which the Defence has made submissions, *see* Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 24, fn. 43. For clarity, the Chamber observes that the figure of 3,656 cited by the Defence is comprised of the 2,012 additional potential beneficiaries from the Lukodi IDP camp identified by the LRVs, together with the 1,644 participating victims represented by *both* the LRVs and the CLRV (excluding victims of thematic crimes).

²⁴⁹⁸ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24.

²⁴⁹⁹ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 24; CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38.

²⁵⁰⁰ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 35.

²⁵⁰¹ CLRV’s February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 38, *referring to* Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 31, 33-35 (concerning Lukodi).

²⁵⁰² Defence’s March 2023 Response, [ICC-02/04-01/15-2035](#), para. 24.

²⁵⁰³ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 46. In this regard, the Chamber takes note of the Defence submission that such a large disparity suggests the Registry’s estimates may be inflated without any official records.

Chamber resolves the uncertainty in favour of Mr Ongwen in opting for the number of potential victims identified by the LRVs, which has a stronger evidentiary basis.²⁵⁰⁴ The Chamber, therefore, estimates that the number of potentially eligible victims of the attack on the on the Lukodi IDP camp amounts to approximately 3,248 individuals in total.

(iv) Abok IDP camp

723. The Chamber recalls its findings in the Conviction Judgment referring to estimates ranging from at least 7,000 to just over 13,000 residents in the Abok IDP camp at the time of the attack.²⁵⁰⁵ The Chamber notes that the evidence presented at trial, while not uniform,²⁵⁰⁶ suggests that the number of residents of the Abok IDP camp fluctuated significantly, beginning at around 7,000 and increasing to 13,000 sometime before the attack, before diminishing to some 9,000 to 10,000 residents after the attack.²⁵⁰⁷ Resources were scarce and lists of residents, which were compiled by the camp's 'block leaders' and conveyed to the camp secretary, were updated infrequently, as a result of which periodic variations in numbers of residents were not necessarily captured as people moved in and out of the camp.²⁵⁰⁸

724. Although the Registry's Mapping Report, which identifies approximately 13,000 residents in the Abok IDP Camp at the time of the attack,²⁵⁰⁹ is consistent with the upper range specified in the Conviction Judgment, it appears that this figure is based on limited information related to numbers and only partly corroborated by unspecified documents and or sources.²⁵¹⁰ As such, the Chamber finds the LRV's identification of 11,231²⁵¹¹ potential named

²⁵⁰⁴ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 90, 223-224; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 153, 165, 171.

²⁵⁰⁵ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1858, referring to P-0284, Statement, UGA-OTP-0283-1355, para. 25; P-0293, Transcript of Hearing, 29 November 2017, [ICC-02/04-01/15-T-139-ENG ET](#), (T-139), p. 8, ln 18 to p. 11, ln 4; P-0306, Statement, UGA-OTP-0261-0277-R01, para. 15; P-0306 at [T-130](#), p. 51, ln 21 to p. 53, ln 19; see P-0293, Population of Abok IDP camp, UGA-OTP-0244-1197; P-0306, Population of Abok IDP camp, UGA-OTP-0247-1269.

²⁵⁰⁶ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 1858.

²⁵⁰⁷ See P-0284 Statement, UGA-OTP-0283-1355, at para. 25; P-0293 at [T-139](#), p. 8, ln 18 to p. 11, ln 4; P-0306, Statement, UGA-OTP-0261-0277-R01, para. 15; P-0306 at [T-130](#), p. 51, ln 21 to p. 53, ln 19; P-0293, Population of Abok IDP camp, UGA-OTP-0244-1197; P-0306, Population of Abok IDP camp, UGA-OTP-0247-1269.

²⁵⁰⁸ See P-0293 at [T-138](#), p. 11, ln 12 to p. 12, ln 12; P-0293 at [T-139](#), p. 8, ln 18 to p. 11, ln 4.

²⁵⁰⁹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 39; see also Registry's Additional Information, [ICC-02/04-01/15-2019](#), fn. 23; Decision on the Sample, [ICC-02/04-01/15-2024](#), para. 22.

²⁵¹⁰ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), fn. 24, para. 46.

²⁵¹¹ This figure is comprised of the 884 participating victims from the Abok IDP camp represented by the LRVs, together with the 10,347 additional potential beneficiaries from the Abok IDP camp identified by the LRVs, see LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 15, with confidential *ex parte* annex A; Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs. The Chamber notes that there appears to be an inconsistency between these numbers and the total of 11,022 (namely, 2,550 (Ajerijeri); 1,853 (Ariba); 2,302 (Bar); 2,252 (Bario); 1,684 (Itubara); 381 (Various)) listed in the 'Family Size' column in confidential *ex parte* annex A to the LRVs' February 2023 Submissions, pp. 75, 127, 203, 276, 330, 345. For the purposes of the

beneficiaries, based on lists of individuals and their household members who lived in the Abok IDP camp at the time of the attack,²⁵¹² more probative. In this regard, the Chamber finds that there is merit in the Defence's suggestion that the Registry's estimates may be inflated without any official records.²⁵¹³ While the Registry indicates that the LRVs concur that an approximation of 13,000 may represent the 'upper limit' of potential beneficiaries from the Abok IDP camp,²⁵¹⁴ and the LRVs emphasise that their lists, while comprehensive, are not conclusive and may require further improvement,²⁵¹⁵ the Chamber resolves the discrepancy in estimates in favour of Mr Ongwen by opting for the lower figure.²⁵¹⁶ Accordingly, the Chamber estimates that the number of potentially eligible victims of the attack on the Abok IDP camp amounts to approximately 11,231 individuals in total.

(v) Estimated total number of potentially eligible victims of the attacks on the IDP camps

725. Based on the Chamber's foregoing assessment, the Chamber estimates that the number of potentially eligible victims of the attacks on the IDP camps amounts to approximately: 30,000 individuals for Pajule; 2,419 individuals for Odek; 3,248 individuals for Lukodi; and 11,231 individuals for Abok. Accordingly, the Chamber estimates that the total number of potentially eligible victims of the attacks on the IDP camps for which Mr Ongwen was convicted is approximately 46,898 individuals.

Estimated number of potentially eligible victims of the attacks on the IDP camps				
Pajule	Odek	Lukodi	Abok	Total
30,000	2,419	3,248	11,231	46,898

Chamber's calculations, the Chamber defers to the figure included in the cover filing, further noting that this is the figure upon which the Defence has made submissions, *see* Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 27, fn. 48. For clarity, the Chamber observes that the figure of 11,185 cited by the Defence is comprised of the 10,347 additional potential beneficiaries from the Abok IDP camp identified by the LRVs, together with the 838 participating victims represented by *both* the LRVs and the CLRV (excluding victims of thematic crimes).

²⁵¹² The Chamber notes the lists were recreated by intermediaries by consulting with the former camp leaders and/or officials as well as any records available, including any lists previously used by the World Food Program for its food distribution in the IDP camps. LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), paras 13-14.

²⁵¹³ Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 27.

²⁵¹⁴ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 42. The Chamber further recalls that although the CLRV does not provide any independent figures for the Abok IDP camp, she supports the Registry's total estimated number of victims of the attacks on the IDP camps. *See* CLRV's February 2023 Submission, [ICC-02/04-01/15-2031-Red](#), para. 38, *referring to* Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 39-42 (concerning Abok).

²⁵¹⁵ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 16.

²⁵¹⁶ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 90, 223-224; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 153, 165, 171.

b) Direct victims of thematic crimes

726. The Chamber notes that the parties and participants appear to concur that there is a dearth of reliable information available to inform a determination as to the number of potential victims of the thematic crimes (child soldiers and SGBC) for which Mr Ongwen was convicted.²⁵¹⁷ Specifically, the Chamber recalls that according to the Registry, none of the interlocutors consulted was in a position to provide estimate numbers.²⁵¹⁸ Further, the Registry observes that there are no specific records on the number of child abductions and recruitments by the Sinia Brigade during the time relevant to Mr Ongwen's convictions,²⁵¹⁹ and records are scarce and incomplete as regards SGBC and children born out of such crimes within the temporal and geographic confines of the Conviction Judgment.²⁵²⁰ The lapse of time is a compounding factor for all of the above.²⁵²¹

727. The Chamber takes note of the Registry's submission that providing estimate numbers that are not properly corroborated in the field can be problematic as it may close the door to potential further victims eligible for reparations.²⁵²² On the other hand, as the CLRV submits, further mapping at this stage of proceedings will delay the implementation of reparations and is unlikely to generate more accurate data than that already provided by specialised experts and reviewed by the Registry in reaching its conservative estimate.²⁵²³

728. The Chamber has carefully weighed the importance of generating estimates of potential beneficiaries which are as accurate and inclusive as possible against the need to ensure the timely and effective implementation of reparations.²⁵²⁴ The Chamber has remained particularly mindful of its obligation to consider, in determining what reparations are appropriate for the purposes of article 75(2) of the Statute, the number of victims likely to come forward and benefit from collective reparations programmes during the implementation phase.²⁵²⁵ While, as the CLRV suggests, a more accurate estimate could be achieved at the time of the

²⁵¹⁷ See Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 49, 52-54; LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 18, 20, 22; CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), paras 7, 39; TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 46.

²⁵¹⁸ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 49.

²⁵¹⁹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 49.

²⁵²⁰ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 54.

²⁵²¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 54.

²⁵²² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 59.

²⁵²³ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 40.

²⁵²⁴ See, *inter alia*, *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), para. 33.

²⁵²⁵ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 152, 155, 157, 165, 168-169; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 89, 223.

implementation of reparations when the eligibility of each victim will be assessed,²⁵²⁶ in light of the Appeals Chamber ruling²⁵²⁷ the Chamber cannot defer its determination of the number of potential victims until this phase. Further, the Chamber emphasises that these victim estimates are based on projections used for the purposes of calculating Mr Ongwen's liability and do not limit the number of eligible beneficiaries who can come forward to benefit from the reparations ordered.

729. The Chamber has considered the LRV's request for authorisation to generate information on the group of victims falling under the thematic crimes in lieu of a deliberate mapping.²⁵²⁸ The Chamber is unclear as to the distinction the LRVs draw between 'generating information' and 'deliberate mapping'. The Chamber notes that it indeed would have been of assistance to the Chamber had the LRVs made efforts to generate information in relation to victims of thematic crimes (beyond the 327 potential victims of thematic crimes it documented through engagement with participating victims²⁵²⁹) in response to the Chamber's repeated instructions. However, in the Chamber's view, in the interests of the victims, it is imperative that there be no further delay in the order and implementation of reparations in this case. Accordingly, the Chamber proceeds to make its estimations as to the approximate number of potentially eligible victims of thematic crimes for which Mr Ongwen was convicted based on the information presently at its disposal.

(i) Former child soldiers

730. As a basis for the Chamber's preliminary calculations, and noting that the Defence does not in principle object,²⁵³⁰ the Chamber turns to the figures advanced in the Berkeley Report proffered by the Registry.²⁵³¹ The Chamber observes that the Berkeley Report analyses data gathered from eight out of the nine 'reception centres' operating in Uganda in early 2006, which receive and assist children, youth and adults who escaped from the LRA, or were captured in battle.²⁵³² Although the data contained in the report is imperfect and incomplete,²⁵³³ the Chamber considers it provides a reasonable foundation for the purposes of extrapolating

²⁵²⁶ CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 7.

²⁵²⁷ *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 168-169.

²⁵²⁸ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 23.

²⁵²⁹ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 21, confidential *ex parte* annex D.

²⁵³⁰ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 19, adopting the figure of 40,000 as the basis for its calculations.

²⁵³¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52.

²⁵³² Berkeley Report, pp. 2, 7, 20-21. Although one reception centre (Rachele) chose not to participate in the 'The Database Project', which forms the basis of the Berkeley Report, the aggregated data from that reception centre as to the total number of abductees was still included in the Berkeley Report.

²⁵³³ See e.g. Berkeley Report, pp. 9-10, 20-22.

estimates in order to inform the Chamber's determination as to the number of potentially eligible victims in order to set the amount of liability, which is preferable to the alternatives advanced. In this regard, the Chamber observes that although Expert Witness Professor Allen agreed that the figure of 66,000 abductees from northern Uganda advanced by researchers Christopher Blattman and Jeannie Annan was 'probably accurate',²⁵³⁴ this figure appears to apply to the period from 1989-2004.²⁵³⁵ Equally, the Chamber notes that there is insufficient supporting information included in the report of the Parliament of the Republic of Uganda on the performance of the Amnesty Commission from 2002 to 2008, to which the LRVs refer, to enable the figure of 12,772 demobilised former LRA fighters to be of any utility to the Chamber's analysis.²⁵³⁶

731. Without wishing to reiterate the Registry's analysis of the Berkeley Report, which is detailed in the overview of submissions above,²⁵³⁷ the Chamber recalls that based on the data contained in the Report, the Registry proposes to take a rough estimate of a total of 41,000²⁵³⁸ individuals (comprised of 22,000 children²⁵³⁹ and 19,000 adults,²⁵⁴⁰ which 'would include SGBC victims and child soldiers'²⁵⁴¹), who were abducted by the LRA from 2002 to April 2006, as the basis for its calculations.²⁵⁴² Noting that there are no specific records on the amount of child abductions and recruits by the Sinia Brigade during the time relevant to Mr Ongwen's

²⁵³⁴ LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 18, referring to P-0422 at [T-28](#), p. 62, lns 10-12 referring to UGA-OTP-0272-0002 at 0149, 0152.

²⁵³⁵ See UGA-OTP-0272-0002 at 0152.

²⁵³⁶ See LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 20, referring to Office of the Clerk to Parliament, "Report of the Standing Committee on Commissions, Statutory Authorities and State Enterprises on the Performance of the Amnesty Commission from 2002-2008, March 2010, p. 5. <https://www.parliament.go.ug/cmisis/browser?id=14006fa6-4346-4714-af7c-073398a045bf%3B1.0>.

²⁵³⁷ See paras 676-678 above.

²⁵³⁸ The Defence does not contest this figure, adopting a rounded figure of 40,000 as the basis for its calculations. See Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 19, referring to Decision on the Sample, [ICC-02/04-01/15-2024](#), para. 22 and noting Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#).

²⁵³⁹ Data gathered from the reception centres indicates that 10,232 children passed through the reception centres from 2002 to 2006. Estimates of the rate of registration at the reception centres vary from 32% to 43% to 50-51% to 75% of all children abducted by the LRA (noting, for example, that many abductees have returned home without passing through a reception centre, while some have not returned). The figure of 'roughly' 22,000, adopted by the Registry, was extrapolated in the Berkeley Report by applying a registration rate of approximately 50% (Berkeley Report, pp. 2, 9, 20-22). Extrapolating a figure based on the registration rate at least partially addresses the concerns noted by the CLRV and Registry that certain individuals (such as those who were abducted by the LRA and have not returned or did not go through a reception centre) would not be accounted for. See CLRV's February 2023 Submissions, [ICC-02/04-01/15-2031-Red](#), para. 39; Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 52, referring to Berkeley Report, p. 20.

²⁵⁴⁰ Data gathered from the reception centres indicates that 4,612 adults passed through the reception centres from 2002 to 2006. Estimates of the rate of registration at the reception centres vary from 19 to 25%, to 35% of all adults abducted by the LRA. The figure of 'roughly' 19,000, adopted by the Registry, was extrapolated in the Report by applying a registration rate of approximately 25% (Berkeley Report, pp. 9, 21-22).

²⁵⁴¹ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 55.

²⁵⁴² Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 52, 55, referring to Berkeley Report, pp. 21-22.

conviction, the Registry divides the figure of 41,000 individuals (which does not distinguish between adults and children) between the four LRA brigades to provide a ‘rough indicator’ rounded down to 10,000 individuals abducted by the Sinia brigade between 2002 and April 2006.²⁵⁴³

732. While the Registry’s analysis provides a helpful starting point, given that not all adults who were abducted by the LRA were victims of SGBC, the Chamber considers that the inclusion of adults in the Registry’s base figure artificially inflates its calculations as to the number of victims of thematic crimes. The Chamber further observes that the figure of 22,000 children included in the body of the Berkeley Report relates to children under the age of 18, whereas Mr Ongwen was convicted for crimes perpetrated against children under the age of 15. Based on additional data included in Annex 1 to the Berkeley Report, which provides a further breakdown by age group for each reception centre, the Chamber calculates that, on average, 37.4% of all abductees were under the age of 15.²⁵⁴⁴ Accordingly, for the purposes of the Chamber’s further analysis in relation to child soldiers, the Chamber adopts the figure of 15,334 children under the age of 15 (reflecting 37.4% of the previously advanced total of 41,000 adult and child abductees²⁵⁴⁵). The Chamber notes that the percentage of child soldiers under the age of 18 is nearly the same ($15,334 : 22,000 = 0.697$, i.e. 69.7 %) as the percentage calculated in the *Lubanga* reparation order (71 %), although with a different method.²⁵⁴⁶ The Chamber considers SGBC separately.

733. The Chamber notes that Mr Ongwen was convicted of conscription and use in hostilities of children under the age of 15 specifically, regarding the ‘large number of children under the age of 15 years abducted during the four attacks relevant to the charges and generally between 1 July 2002 and 31 December 2005 in Northern Uganda and assigned to service in the Sinia Brigade’.²⁵⁴⁷ However, the figure adopted by the Registry is generated by data for the period between ‘2002 and April 2006’. Noting that the Berkeley Report does not specify the month

²⁵⁴³ Registry’s Additional Information, [ICC-02/04-01/15-2019](#), fn. 24; Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), paras 31, 54-55; *see also* Decision on the Sample, [ICC-02/04-01/15-2024](#), fn. 44.

²⁵⁴⁴ Annex I to the Berkeley Report sets out data from each of the nine reception centres indicating the percentage of abductees who passed through each reception centre by age group. This percentage of children under the age of 15 was determined by tallying the percentage of abductees in the age groups 0-4, 5-9 and 10-14 for each of the nine reception centres and then calculating the average percentage thereof, *see* Berkeley Report, Annex I, pp. 26, 28, 31, 33, 35, 38, 40-41, 43.

²⁵⁴⁵ Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 55. *See* para. 731 above.

²⁵⁴⁶ Annex III to the *Lubanga* Decision on the Size of Reparations Award, [ICC-01/04-01/06-3379-AnxIII](#), pp. 2, 13-14.

²⁵⁴⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 223-225, 2329-2402, 2415-2447, 3102-3104, 3115, 3116 (p. 1076).

of commencement in 2002, the Chamber assumes, for Mr Ongwen's benefit, that the data applies to the period commencing in January 2002. Therefore, the Chamber considers it appropriate to discount the figure by six months for the period from January until July 2002, and a further four months for the period from January to April 2006, to reflect the period applicable to Mr Ongwen's conviction. The Chamber will therefore apply a total reduction of 19.23%,²⁵⁴⁸ as detailed below.

734. In the same vein, the Chamber dismisses the Defence's submission that the figure should be discounted by 52.38% to reflect the 22 month period of the jurisdiction of the case during which Mr Ongwen controlled the Sinia Brigade,²⁵⁴⁹ reiterating that Mr Ongwen's conviction for conscripting and use in hostilities of children under the age of 15 pertained to the period between 1 July 2002 and 31 December 2005.²⁵⁵⁰ The Chamber similarly dismisses the Defence's suggestion that the Registry should have applied a divisor of six, rather than four, LRA brigades to the overall number of abductees to reflect a number representative of those abducted by the Sinia brigade.²⁵⁵¹ In this respect, the Chamber recalls its findings in the Conviction Judgment that the LRA was divided into four brigades: Sinia, Stockree, Gilva and Trinkle.²⁵⁵² In contrast, Control Altar was described as the 'overall group' and headquarters of the LRA, 'where the most senior commanders are',²⁵⁵³ while 'Jogo' appears to have been a similarly overarching 'division'.²⁵⁵⁴ While the Defence asserts that the 'Control Altar and Jogo Division operated the same as the Sinia, Trinkle, Stockree and Gilva Brigades', inferring that they too 'carried out operations, abducted persons and distributed women as wives within the LRA',²⁵⁵⁵ it cites no evidence or information to support this proposition. The Chamber also notes that there is evidence on the record to suggest that after being abducted and trained by one of the four brigades, some child soldiers were then brought to Joseph Kony/Control

²⁵⁴⁸ This reflects 10 of the 52 month period for which data is available.

²⁵⁴⁹ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), paras 17, 19; Defence's March 2023 Response, [ICC-02/04-01/15-2035](#), para. 14.

²⁵⁵⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), p. 1076.

²⁵⁵¹ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), paras 14-15, *referring to* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 854-864, 1176-1177.

²⁵⁵² Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 123, 857.

²⁵⁵³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 856-857, 862, 2799.

²⁵⁵⁴ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 862 *referring to* P-0070, Transcript of Hearing, 14 September 2017, [ICC-02/04-01/15-T-105-Red2-ENG WT](#), (T-105), p. 57, lns 7-11, p. 62, lns 15-20, testifying 'because in the army when there is a brigade then there also has to be a division' [...], the division commander 'was in charge of all the brigades' and was 'second-in-command after Control Altar'.

²⁵⁵⁵ Defence's February 2023 Submissions, [ICC-02/04-01/15-2030](#), para. 15.

Altar,²⁵⁵⁶ further supporting a divisor of four. Nevertheless, in applying a divisor of four, the Chamber has remained mindful of the Registry's observations regarding the absence of information as to whether some of the LRA brigades were more active than others during the relevant period, and that most abductees spent time in at least two LRA brigades.²⁵⁵⁷

735. Applying the foregoing analysis to the data included in the Berkeley Report, the Chamber considers that an estimate of the number of potentially eligible victims of the crime of conscripting and use in hostilities of children under the age of 15 could be calculated as follows: the Chamber first reduces the figure of 15,334 children under the age of 15²⁵⁵⁸ by 19.23% for the months that are outside the scope of the conviction (i.e. 2,949),²⁵⁵⁹ which equates to 12,385 children. The Chamber then divides this figure of 12,385 children by the four LRA brigades (to approximate those abducted by the Sinia brigade), which equals an estimated 3,096 potentially eligible former child soldier victims. The Chamber emphasises that this is a conservative estimate, noting that the Berkeley Report indicates that the prevalence of abduction figures collected among the population suggests that the number of abductees is higher.²⁵⁶⁰ In reaching this estimate, the Chamber also reiterates the limitations of these calculations, based on estimates and extrapolated data.

(ii) SGBC victims

736. Turning to SGBC victims, the Chamber acknowledges that some of the potentially eligible former child soldiers victims identified above may have also been subject to SGBC for which Mr Ongwen was convicted, or may be the children thereof. In this regard, the Chamber notes that 4% of abductees were born in captivity,²⁵⁶¹ suggesting that they were born of SGBC. Applying the figures and analysis detailed above, the Chamber calculates that 4% of 41,000 abductees equates to 1,640 children born of SGBC. When this figure is multiplied by 19.23%, consistent with the temporal scope of the conviction, and divided by four LRA brigades, it equates to approximately 79 children born of SGBC, of the 3,096 potentially eligible former child soldier victims already counted above. So as not to double count victims for the purposes

²⁵⁵⁶ See, *inter alia*, P-0209, Transcript of Hearing, 27 February 2018, [ICC-02/04-01/15-T-160-ENG WT](#), (T-160), p. 9, lns 10-12; D-0134, Transcript of Hearing, 16 September 2019, [ICC-02/04-01/15-T-240-Red-ENG WT](#), (T-240), p. 32, lns. 18-20; see also P-0406 at [T-154](#), p. 20, lns 19-22, p. 21, lns 21-23; P-0233 at [T-111](#), p. 50, lns 2-9.

²⁵⁵⁷ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 53; see also LRVs' February 2023 Submissions, [ICC-02/04-01/15-2033](#), para. 20.

²⁵⁵⁸ Reflecting 37.4% of the total of 41,000 adult and children abductees, as described in paragraph 732 above.

²⁵⁵⁹ See para. 733 above.

²⁵⁶⁰ Berkeley Report, p. 22.

²⁵⁶¹ Berkeley Report, p. 12.

of its determination of the amount of Mr Ongwen's liability, the Chamber focuses its analysis on SGBC victims who fall outside the scope of the Chamber's previous calculations, namely women over the age of 15. The Chamber will first focus its analysis on women aged between 15 and 18, and thereafter on women aged over 19 years old.

737. According to the Berkeley Report, 24% of all abductees were female.²⁵⁶² This means that of the aforementioned total of 41,000 abductees (adult and child),²⁵⁶³ approximately 9,840 were female. Based on additional data included in Annex I to the Berkeley Report, the Chamber determines that an average of 33.41%²⁵⁶⁴ of all abductees were aged between 15 and 18. Using these figures (i.e. 33.41% of 9,840), the Chamber calculates that approximately 3,288 abductees²⁵⁶⁵ were females aged between 15 and 18. Applying the same analysis detailed above, the Chamber first reduces the figure of 3,288 abducted women aged between 15 and 18 by 19.23%²⁵⁶⁶ (i.e. 632) to reflect the temporal period applicable to the conviction, which equates to 2,656 individuals. The Chamber then divides this figure of 2,656 by four (to approximate those abducted by the Sinia brigade), which amounts to an estimated 664 women aged between 15 and 18 abducted by the Sinia brigade during the period applicable to the conviction.

738. According to the Berkeley Report, approximately 5.5% of all former abductees were women over the age of 19.²⁵⁶⁷ The Chamber calculates that 5.5% of the previously advanced figure of 41,000 abductees²⁵⁶⁸ equates to 2,255 female abductees over the age of 19. Applying the same analysis detailed above, the Chamber first reduces the 2,255 women by 19.23%²⁵⁶⁹ (i.e. 434) to reflect the period applicable to the conviction, which equates to 1,821 women. The Chamber then divides this figure by four (to approximate those abducted by the Sinia brigade), which equals an estimate of approximately 455 women over the age of 19 abducted by the Sinia brigade during the period applicable to the conviction.

²⁵⁶² Berkeley Report, p. 11.

²⁵⁶³ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 55. See para. 731 above.

²⁵⁶⁴ Annex I to the Berkeley Report sets out data from each of the nine reception centres indicating the percentage of abductees who passed through each reception centre by age group. This percentage of women aged between 15 and 18 was determined by tallying the percentage of abductees in the 15-18 age group for each of the nine reception centres and then calculating the average percentage thereof, see Berkeley Report, Annex I, pp. 26, 28, 31, 33, 35, 38, 40-41, 43.

²⁵⁶⁵ This figure reflects 33.41% of 9,840.

²⁵⁶⁶ See para. 733 above.

²⁵⁶⁷ Berkeley Report, pp. 11-12. For completeness, the Chamber notes that according to the Berkeley Report, 4.8% of abductees were women aged 19-30, 0.6% of abductees were women aged 31-45, and 0.1% of abductees were women over the age of 45.

²⁵⁶⁸ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 55. See para. 731 above.

²⁵⁶⁹ See para. 733 above.

739. The foregoing calculations indicate that approximately 1,119 women aged over 15 years old were abducted by the Sinia brigade in the period between 1 July 2002 and 31 December 2005. The Chamber notes that it cannot definitively conclude that all abducted women over the age of 15 were subject to SGBC. However, the Chamber recalls its findings from the Conviction Judgment that the principal aim of the LRA's abduction of women and girls in Northern Uganda was for them to serve as so-called 'wives' and domestic servants,²⁵⁷⁰ and that Joseph Kony, Mr Ongwen and the Sinia brigade leadership engaged in a coordinated and methodical effort to abduct women and girls and to force them to serve in the Sinia brigade for these very purposes.²⁵⁷¹ Moreover, the evidence demonstrates that Sinia brigade members regularly forced abducted women and girls who had been 'distributed' to them to have sexual intercourse.²⁵⁷² The Chamber also recalls its conclusion that the evidence from both victims and former LRA fighters and commanders gives rise to a powerful inference that almost all the abducted women and girls in the Sinia Brigade had broadly similar experiences of victimisation.²⁵⁷³ While the evidence varied as to whether female abductees were distributed to men immediately upon abduction, or a short period thereafter,²⁵⁷⁴ and younger abducted girls were frequently used as household servants, referred to as *ting tings*, until they were considered mature enough to become so-called 'wives',²⁵⁷⁵ the evidence overwhelming indicates that the vast majority of female abductees were subject to some form of SGBC. Indeed, the evidence suggests that even women who served as LRA fighters also served as so-called 'wives'.²⁵⁷⁶

740. In arriving at a number which reasonably reflects the estimated number of potentially eligible victims of SGBC, the Chamber has also remained mindful of its finding in the Conviction Judgment that 'at any time' in the period between 1 July 2002 and 31 December 2005, there were over one hundred abducted women and girls in the Sinia brigade.²⁵⁷⁷ Specifically, P-0205 testified that there were close to 50 women in the Oka battalion, more than 50 in the Terwanga battalion, and more than 30 in the Siba battalion;²⁵⁷⁸ P-0374 estimated that

²⁵⁷⁰ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2814; *see also* Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 2100, 2217.

²⁵⁷¹ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 212.

²⁵⁷² *See, inter alia*, Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 218, 2265.

²⁵⁷³ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 2142.

²⁵⁷⁴ *See, inter alia*, Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 214, 2143, 2146-2147, 2153, 2163, 2173-2174, 2221.

²⁵⁷⁵ *See, inter alia*, Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), paras 217, 2143, 2205, 2249, 2252-2255, 2273.

²⁵⁷⁶ *See, inter alia*, Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), fn. 1731.

²⁵⁷⁷ Conviction Judgment, [ICC-02/04-01/15-1762-Red](#), para. 213, 2141.

²⁵⁷⁸ P-0205, Transcript of Hearing, 7 March 2017, [ICC-02/04-01/15-T-48-Red2-ENG WT](#), (T-48), p. 27, ln 16 to p. 28, ln 9.

there were 200-300 so-called ‘wives’ and *ting tings* in Sinia;²⁵⁷⁹ and P-0142 stated that in 2003-2004 there were around 100 so-called ‘wives’ in Sinia, and 30 to 70 ‘young girls who were not yet ready to marry’.²⁵⁸⁰ In this regard, the Chamber notes that the conviction spanned a period of three and a half years, during which time the Chamber considers there would have been some turnover in both the members of the Sinia brigade, and in the so-called ‘wives’ and *ting tings*. The Chamber has also had regard to the Registry’s submissions indicating that 145 participating victims reported being victims of SGBC.²⁵⁸¹ However, the Registry further observes that the number of participating victims who reported suffering harm as a result of these types of crimes is extremely low, despite information that the number of these victims is actually much higher,²⁵⁸² noting that this may arise from inhibitions of these victims to come forward due to potential social stigma.²⁵⁸³

741. Taking all of the foregoing into consideration, mindful of the Chamber’s obligation to resolve any uncertainty in favour of Mr Ongwen, the Chamber determines that a conservative estimate of the approximate number of potentially eligible victims of SGBC, excluding those victims already accounted for in its calculations of former child soldiers, is approximately 1,000. This brings the total estimate of potentially eligible direct victims of thematic crimes to 4,096 individuals.

c) Total estimated number of potentially eligible direct victims

742. As detailed above, the Chamber has determined that the estimated number of potentially eligible victims of the attacks on the IDP camps would amount to approximately 46,898 individuals, and the number of potentially eligible victims of thematic crimes would amount to approximately 4,096 individuals, equating to a total estimated number of victims of approximately 50,994 individuals. However, in addition to the aforementioned overlap between potential former child soldiers victims and SGBC victims, the Chamber notes that there is also an overlap between the victims of thematic crimes and the victims of the attacks on the IDP camps,²⁵⁸⁴ for which appropriate deductions must also be made.

²⁵⁷⁹ P-0374 at [T-150](#), p. 7, lns 12-25.

²⁵⁸⁰ P-0142, Transcript of Hearing, 5 May 2017, [ICC-02/04-01/15-T-71-Red2-ENG WT](#), (T-71), p. 40, lns 3-10.

²⁵⁸¹ This figure includes victims who also suffered harm as a result of one of the four IDP camps attacks, *see* Registry’s Additional Information, [ICC-02/04-01/15-2019](#), p. 9.

²⁵⁸² Registry’s Additional Information, [ICC-02/04-01/15-2019](#), para. 21.

²⁵⁸³ Registry’s Additional Information, [ICC-02/04-01/15-2019](#), para. 21.

²⁵⁸⁴ *See, inter alia*, Registry’s Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 55.

743. Extrapolating from the Registry's data identifying the number of overlapping *participating* victims who are both victims of the attacks on the IDP camps and victims of thematic crimes, the Chamber estimates that approximately 2,144 *potentially* eligible victims would also qualify as both victims of the attacks on the IDP camps and victims of thematic crimes, as detailed below.

IDP Camp	Participating Victims ²⁵⁸⁵			Estimated Number of Potentially Eligible Direct Victims	
	A. Victims of thematic crimes ²⁵⁸⁶	B. Victims of the attack (including victims of thematic crimes) ²⁵⁸⁷	C. Percentage of victims of <i>both</i> the attack and thematic crimes ²⁵⁸⁸ (A / B = C)	D. Estimated number of potential victims of the attack ²⁵⁸⁹	E. Estimated number of potential victims of <i>both</i> the attack and thematic crimes ²⁵⁹⁰ (C x D = E)
Pajule	37	794	4.66%	30,000	1,398
Odek	34	692	4.91%	2,419	119
Lukodi	9	1,653 ²⁵⁹¹	0.54%	3,248	18
Abok	48	885	5.42%	11,231	609
TOTAL	128	4,024		46,898	2,144

²⁵⁸⁵ See Registry's Additional Information, [ICC-02/04-01/15-2019](#), pp. 8-9, as updated in Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

²⁵⁸⁶ This column identifies the number of victims of each IDP camp attack who were also victims of thematic crimes.

²⁵⁸⁷ This column identifies the total number of victims of each IDP camp attack (including those who are also victims of thematic crimes).

²⁵⁸⁸ This column identifies the percentage of participating victims from each IDP camp who are also victims of thematic crimes (calculated by dividing the number of victims of thematic crimes by the total number of victims of the attacks).

²⁵⁸⁹ This column identifies the estimated number of potentially eligible victims of the attacks on each IDP camp, as calculated by the Chamber.

²⁵⁹⁰ This column identifies the estimated number of potentially eligible victims who may qualify as victims of *both* the attacks on the IDP camps and thematic crimes.

²⁵⁹¹ This figure includes one application which was from an organisation. Registry's Additional Information, [ICC-02/04-01/15-2019](#), p. 8, as updated in Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

744. By way of explanation, the Chamber notes that from the pool of *participating* victims who were victims of the attacks on the IDP camps, the Chamber identifies for each IDP camp: (i) the number of participating victims who are victims of thematic crimes; and (ii) the total number of participating victims who are victims of the attack (including victims who are also victims of thematic crimes). The Chamber then divides figure (i) by figure (ii) to ascertain the percentage of *participating* victims who are *both* victims of the attack *and* victims of thematic crimes ('dual victims'). The Chamber then applies these percentages to the estimated number of *potentially* eligible victims of each IDP camp attack to ascertain the number of *potentially* eligible 'dual victims' for each IDP camp. Tallying the numbers for each camp, the total number of *potentially* eligible 'dual victims' equates to approximately 2,144 individuals. As a corollary, deducting the 2,144 potential 'dual victims' from the estimated total of 4,096 potential victims of thematic crimes, the Chamber concludes that approximately 1,952²⁵⁹² potentially eligible victims would be exclusively victims of thematic crimes.

745. So as not to double count these potentially eligible 'dual victims', the Chamber deducts the 2,144 potentially eligible dual victims from the estimated overall total of 50,994 potentially eligible victims, and determines that the approximate number of potentially eligible direct victims of the crimes for which Mr Ongwen was convicted for the purposes of calculating his liability for reparations is approximately 48,850 individuals.

Estimated Number of Potentially Eligible Direct Victims		
Victims of the IDP camp attacks	Victims of thematic crimes (only)	Total number of direct victims
46,898	1,952	48,850

d) Total estimated number of potentially eligible indirect victims

746. As to the number of exclusively indirect victims of the attacks on the IDP camps, the Chamber notes the Registry's submission that considering that entire families were residing in the four IDP camps, with only isolated instances of family members living outside the camps, the number of family members of direct victims who were not present in the camps on the day

²⁵⁹² For completeness, the Chamber notes that amongst the pool of participating victims, the Registry identified 72 victims of thematic crimes with no link to the attacks on the IDP camps. However, this does not change the Chamber's overall calculation of victims as indeed victims of the thematic crimes include other victims. See Email from VPRS to the Chambers Legal Officer, 06 February 2024 at 12:19 hrs.

of the attacks would be relatively insignificant.²⁵⁹³ Consistent with the Registry's observations, the Chamber recalls its finding that, as reflected in the Sample, there is a significant overlap between direct and indirect victims of the attacks on the IDP camps in the present case.²⁵⁹⁴ Extrapolating from the Sample, which identified only 1.06%²⁵⁹⁵ of victims as exclusively indirect victims of the attacks on the IDP camps, the Chamber estimates that there would be approximately 497²⁵⁹⁶ potentially eligible indirect victims of the attacks on the IDP camps.

747. With respect to indirect victims of the thematic crimes, the Registry provides no basis for assessment, submitting that the categories of indirect victims and their approximate number can be provided once the approximate number of direct victims is established.²⁵⁹⁷ The Chamber notes that of the small number of victims of exclusively thematic crimes reviewed as part the Sample, no victims were identified as indirect victims only.²⁵⁹⁸ However, noting the sample size,²⁵⁹⁹ the Chamber does not consider that this is representative of the overall number of indirect victims of exclusively thematic crimes. In the absence of any relevant data in the present case, for the purposes of estimating the approximate number of indirect victims of thematic crimes, the Chamber adopts an average of the percentage of the total number of victims found eligible to qualify as indirect victims in the *Lubanga* case (23%) and the estimate used in the *Ntaganda* case (20.5%),²⁶⁰⁰ respectively. The Chamber therefore estimates that the approximate number of potentially eligible indirect victims of the thematic crimes would amount to 21.75% of the total estimate of 1,952 individuals, equating to approximately 425 indirect victims.

²⁵⁹³ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 48.

²⁵⁹⁴ See para. 660 above.

²⁵⁹⁵ See Annex II, p. 5.

²⁵⁹⁶ This figure represents 1.06% of 46,898 (the total number of potential victims of the attacks on the IDP camps).

²⁵⁹⁷ Registry's Mapping Report, [ICC-02/04-01/15-1919-AnxI](#), para. 56.

²⁵⁹⁸ See Annex II, p. 4.

²⁵⁹⁹ The Sample included 15 victims of thematic crimes only (as distinct from the further 16 victims included in the Sample who were victims of both thematic crimes and the attacks on the IDP camps).

²⁶⁰⁰ *Ntaganda* Reparations Addendum, [ICC-01/04-02/06-2858-Red](#), para. 296, fn. 780, referring to Annex II, p. 2.

Estimated Number of Potentially Eligible Indirect Victims			
Victims of:	Estimated number of direct victims	Percentage of indirect victims	Estimated number of indirect victims
IDP camp attacks	46,898	1.06%	497
Thematic crimes (only)	1,952	21.75%	425
TOTAL			922

e) Conclusions as to the total estimated number of potentially eligible victims

748. Having regard to the submissions of the parties and participants and the evidence detailed herein, and explicitly resolving all uncertainties mentioned in this section in favour of Mr Ongwen, the Chamber estimates that the total number of potentially eligible direct and indirect victims of the crimes for which Mr Ongwen was convicted for the purposes of determining Mr Ongwen's liability for reparations is approximately 49,772 victims, comprised of approximately: (i) 48,850 direct victims, of whom approximately: (a) 46,898 are direct victims of the attacks on the IDP camps; and (b) 1,952 are direct victims of thematic crimes (only); and (ii) approximately 922 indirect victims, of whom approximately: (a) 497 are indirect victims of the attacks on the IDP camps; (iv) 425 are indirect victims of thematic crimes (only).

Estimated Total Number of Potentially Eligible Direct and Indirect Victims			
Victims of:	Direct Victims	Indirect Victims	Total Victims
IDP camp attacks	46,898	497	47,395
Thematic crimes (only)	1,952	425	2,377
TOTAL	48,850	922	49,772

3. *Amount of Mr Ongwen's financial liability*

749. In the paragraphs below, the Chamber details the parties' and participants' submissions and observations and makes its determination as to the costs to repair the harm caused to the victims in the present case and the consequent amount of liability for reparations to be imposed against the convicted person.

i. Submissions and observations

a) CLRV's submissions

750. The Chamber notes that the CLRV provides abundant information as to the relevant structures in place for reparations²⁶⁰¹ and the current costs to access services in close proximity to the victims in the case.²⁶⁰² From the information collected, the CLRV highlights the following issues:

- a. Regarding schooling and education, the CLRV notes that there are several factors which hinder access to primary school, including a lack of pre-school programmes for children between 3 to 5 years of age.²⁶⁰³ In addition to the costs for tuition and fees to access school, which vary considerably from one area to another and depend on whether a school is run by the government or is a private school – although noting that primary education is, in principle, free²⁶⁰⁴ – the CLRV underlines that most schools ask parents for supplies every term.²⁶⁰⁵ The CLRV notes that these costs total an average of 1,734,600 UGX annually per student.²⁶⁰⁶ The CLRV further adds that: (i) secondary education fees vary annually depending on the area; (ii) very few students access university education; and (iii) language courses are not easily accessible in Northern Uganda.²⁶⁰⁷
- b. As for vocational trainings and access to income generating activities, the CLRV notes that the victims she represents expressed some preferences, but underlines that victims' needs

²⁶⁰¹ See CLRV's List of existing infrastructures, [ICC-02/04-01/15-1923-Anx2](#).

²⁶⁰² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 93-94.

²⁶⁰³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 96.

²⁶⁰⁴ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), fn 120.

²⁶⁰⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 97-98.

²⁶⁰⁶ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 97.

²⁶⁰⁷ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 99-101, *see* related costs per location at CLRV's Tables of costs, [ICC-02/04-01/15-1923-AnxI](#), p. 46 (Pajule); pp. 3-4 (Odek); pp. 29-34 (Lukodi); pp. 13-19 (Gulu).

and choices often change over time and therefore should be checked again at the time of implementation.²⁶⁰⁸

- c. Regarding housing, the CLRV highlights that many of her clients either live in rental housing located on a rental land or sometimes own their own huts which are, most of the time, located on a land that does not necessarily belong to them, and consequently need assistance to purchase land and build a house large enough to accommodate them and their families.²⁶⁰⁹
- d. Regarding access to medical treatments, the CLRV indicates that the costs vary considerably depending on the health issue concerned and where it can be addressed.²⁶¹⁰

751. In addition, the CLRV notes that several local and international organisations are currently implementing or have recently implemented, in Northern Uganda, projects relevant for former child soldiers as well as for the needs of the victims of the conflict in general.²⁶¹¹ The CLRV explains that a number of these programmes provide economic and psychological assistance, as well as education and vocational skills training, but very few focus on providing physical assistance and on addressing the needs of SGBC victims.²⁶¹² Although noting that the latest figures as to costs of the programmes are not always available, the CLRV appended a detailed table compiling all identified projects and detailing the organisations in charge of these projects, as well as their nature, relevance, location, and estimated cost.²⁶¹³

752. Moreover, the CLRV notes that since 2008, the TFV has been implementing several programmes in Uganda as part of its assistance mandate, comprising a wide range of activities supporting victims of the conflict.²⁶¹⁴ The CLRV underlines that a significant number of these programmes focus on physical and psychological care while others have provided economic assistance to victims or implemented programmes on stigma and discrimination.²⁶¹⁵ However, the CLRV notes that although some the activities have focused on raising awareness

²⁶⁰⁸ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 102-103, *see* related costs per location at CLRV's Tables of costs, [ICC-02/04-01/15-1923-AnxI](#), pp. 47-49 (Pajule); pp. 5-9 (Odek); pp. 35-42 (Lukodi); pp. 20-25 (Gulu).

²⁶⁰⁹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 104, *see* related costs per location at CLRV's Tables of costs, [ICC-02/04-01/15-1923-AnxI](#), p. 50 (Pajule); p. 10 (Odek); p. 43 (Lukodi); p. 26 (Gulu).

²⁶¹⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 105; *see* related costs per location at CLRV's Tables of costs, [ICC-02/04-01/15-1923-AnxI](#), pp. 11-12 (Odek); pp. 44-45 (Lukodi); pp. 27-28 (Gulu).

²⁶¹¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 107.

²⁶¹² CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 107.

²⁶¹³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 107-108; *see* CLRV's List of relevant existing programs, [ICC-02/04-01/15-1923-Anx5](#).

²⁶¹⁴ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 109.

²⁶¹⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 109.

surrounding SGBC, no programmes appear to have been implemented with respect to child soldiers and children born out of SGBC, and no project specifically mentions providing assistance to internally displaced persons.²⁶¹⁶

753. From the available information, the CLRV concludes that between 2008 and April 2021, the TFV implemented, through its assistance mandate, 28 projects through 16 partners, reaching approximately 351,665 direct beneficiaries and 574,511 indirect beneficiaries, at an overall cost of €9,606,389.63 EUR.²⁶¹⁷

754. While not directly challenging the estimates provided by the CLRV,²⁶¹⁸ the Defence takes issue with the possibility of reparations being ‘granted for the entire northern and some parts of eastern Uganda for all crimes committed by the LRA’.²⁶¹⁹ The Defence further notes the ‘multitude of problems which would be caused by attempting to monetize the individual harms to individual persons’.²⁶²⁰

b) LRVs’ submissions

755. The LRVs indicate that they were not in a position to collect information on concrete estimates as to the costs to repair the harm suffered by the victims,²⁶²¹ as requested by the Chamber.²⁶²² Accordingly, the LRVs refer to the TFV’s submissions given its experience executing its own assistance mandate.²⁶²³

756. However, the Chamber notes that within the LRVs’ submissions as to the types and modalities of reparations, they note that ‘[t]he victims acknowledge that indeed no amount of reparations can repair the harm they have suffered’,²⁶²⁴ and present some (diverging) views on their expectations for reparations. The LRVs summarise the victims’ submissions as follows:

- a. Regarding loss of life, consistent with the Acholi/Lango cultures, victims request that the perpetrator be required to pay seven heads of cattle, or the monetary equivalent, for every life lost, noting that the monetary value per head of cattle is \$286 USD equivalent to 1 million UGX,²⁶²⁵

²⁶¹⁶ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 109.

²⁶¹⁷ CLRV’s December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 110.

²⁶¹⁸ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 48-64.

²⁶¹⁹ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 54.

²⁶²⁰ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 63.

²⁶²¹ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 36.

²⁶²² 6 May 2021 Order, [ICC-02/04-01/15-1820](#), para. 5(i)h.

²⁶²³ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 36.

²⁶²⁴ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 22.

²⁶²⁵ LRVs’ February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(i).

- b. Regarding missing/unaccounted persons, victims request an award similar to where a person has lost their life;²⁶²⁶
- c. Regarding SGBC victims, they request a monetary award to support themselves in rebuilding their lives, with which they intend to construct a three-four roomed permanent house, and purchase two bulls and an ox plough for ploughing land, which they value at \$5,714 USD equivalent to 20 million UGX;²⁶²⁷
- d. Regarding former child soldiers, they request a monetary award to enable them undergo skilling or support their children at school, valued between \$857 USD and \$5,714 USD equivalent to 3 million UGX and 20 million UGX;²⁶²⁸ and
- e. Regarding victims of the attacks who suffered other types of harm, they request monetary compensation in the sums between \$571 USD and \$14,286 USD, equivalent to 2 million UGX and 50 million UGX, that they would use to construct three-roomed permanent housing and purchase two or more bulls and an ox plough to aid their livelihoods through tilling land.²⁶²⁹

757. Responding to these submissions, the Defence notes that it would be problematic to implement individual compensations ‘for the obvious reason that ascertaining the genuine beneficiaries will be an uphill and impossible task, not to mention that it would significantly delay the distribution of reparations’ and reiterates its support for collective reparations to be implemented in the case.²⁶³⁰

c) TFV's observations

758. The TFV underlines that collective reparations may foremostly focus on recognition, rehabilitation, and symbolic/satisfaction measures.²⁶³¹ Within that context, the TFV provides details of the measures taken and the costs of rehabilitation programmes provided to victims and their families and communities in Uganda since 2008.²⁶³² Within the framework of the assistance programmes implemented across the conflict-affected region of Northern Uganda since 2008, the TFV indicates that it has assisted more than 60,000 direct beneficiaries and well

²⁶²⁶ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(ii).

²⁶²⁷ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(iii).

²⁶²⁸ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(iv).

²⁶²⁹ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23(v).

²⁶³⁰ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 43.

²⁶³¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 127.

²⁶³² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 127.

over 350,000 indirect beneficiaries up to December 2020.²⁶³³ The TFV further underlines that such programmes have been conducted in partnership with more than 25 organisations and in more than 22 districts of the affected region.²⁶³⁴

759. The TFV details the type of support provided by these assistance programmes, which included physical²⁶³⁵ and psychological²⁶³⁶ rehabilitation and livelihood²⁶³⁷ support. In addition, the TFV indicates:

- a. As to physical rehabilitation, the TFV underlines that it provides mobility devices, physiotherapy, and access to surgical and medical services, while ensuring appropriate reintegration by providing socio-economic support.²⁶³⁸ The TFV notes that it promotes rehabilitation services that are relevant to victim situations and sustainable by increasing local expertise in new technologies.²⁶³⁹ Surgical rehabilitation procedures are provided, through partnerships, by an international team of surgeons complemented by local surgeons, with post-operative care and follow-up after discharge conducted at the patients' nearest health facility;²⁶⁴⁰
- b. As to psychological rehabilitation, the TFV indicates that the assistance programmes include a wide range of activities to address the psychological trauma and psychiatric consequences of the conflict.²⁶⁴¹ The TFV explains that it builds local capacity through partnerships with local organisations, providing trauma care via intensive small groups and individual psychotherapy.²⁶⁴² The TFV further indicates that it supports psycho-social initiatives, provides clinical training to staff in its partner organisations, and facilitates access to psychotropic drugs for victims with psychiatric symptoms;²⁶⁴³
- c. As to material support activities, the TFV indicates that its aim is to improve the economic opportunities of victims, as a platform for wider family and household empowerment.²⁶⁴⁴ The TFV further explains that it has provided training on village savings and loan

²⁶³³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 128.

²⁶³⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), pp. 40-41, paras 129, 131, listing among its partners AVSI Foundation, Center for Children in Vulnerable Situations, Center for Victims of Torture, Health Right International, and Transcultural Psychological Organisation.

²⁶³⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 133(a).

²⁶³⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 133(b).

²⁶³⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 133(c).

²⁶³⁸ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 134.

²⁶³⁹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 138.

²⁶⁴⁰ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 139.

²⁶⁴¹ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 141.

²⁶⁴² TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 142-143.

²⁶⁴³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 145-146, 149.

²⁶⁴⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 150.

associations to groups of victims, in order for them to train other community members, who have also received grant support while also enabling them to easily access capital in the form of loans and engage in income generating activities such as agribusiness.²⁶⁴⁵ These groups, the TFV notes, receive regular supervision and guidance and have shown great success in improving their socio-economic conditions and creating peer-support, enhancing peaceful co-existence as a result.²⁶⁴⁶

760. The TFV further notes that, when the assistance programme in Uganda was renewed in 2019, the TFV refined its activities to ensure SGBC survivors received rehabilitation services, having served a total of 2,476 SGBC survivors from April 2019 to October 2021.²⁶⁴⁷ The TFV also explains that as part of the assistance programme, peacebuilding activities, using reconciliation and transitional justice approaches, are also provided.²⁶⁴⁸

761. As to the estimated costs of these services, the TFV indicates that information provided by its various partners includes lists of cost estimates per person, which range between €50 EUR for medical treatment to €4,000 EUR for complex surgeries, in the case of physical rehabilitation;²⁶⁴⁹ €13-€20 EUR per person per session of individual counselling to €75 EUR per family support services, in the case of psychological rehabilitation;²⁶⁵⁰ and €800-€1,000 EUR for village savings and loan associations to €800-€1,250 EUR for agricultural business and schooling, both per group of 30 individuals, in the case of livelihood support.²⁶⁵¹ The TFV stresses that indirect costs are not included.²⁶⁵² The TFV underlines that it generally expects that individual (one-to-one) rehabilitation measures, which are costly, may not be required for all beneficiaries in this case.²⁶⁵³

762. While indicating that it is ‘not in the position to provide a comprehensive cost estimate’,²⁶⁵⁴ the TFV notes, as a reference, that it provided rehabilitative assistance in Northern Uganda to more than 60,000 victims between 2008 and 2021 and spent an estimated €12 million EUR.²⁶⁵⁵ Accordingly, the TFV notes that it ‘considers itself to be in a position to

²⁶⁴⁵ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 151-152.

²⁶⁴⁶ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 152-153.

²⁶⁴⁷ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 154-156.

²⁶⁴⁸ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 157-160.

²⁶⁴⁹ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 164 (p. 42), it should be noted that this and the next two estimates do not indicate the currency in which they are provided.

²⁶⁵⁰ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 164 (p. 43).

²⁶⁵¹ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 164 (p. 43).

²⁶⁵² TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 166.

²⁶⁵³ TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 167.

²⁶⁵⁴ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 74.

²⁶⁵⁵ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75.

implement an adequately responsive, community-based and victim-driven reparations programme for an estimated 60,000 victims to be implemented over a ten year period'.²⁶⁵⁶ TFV indicates that it considers this effort to be of 'reasonable ambition, which is *not* to be understood to be a guarantee, to complement at a value of EUR 15 million'.²⁶⁵⁷ However, the TFV acknowledges that, 'in an optimal funding situation' the programme could 'ideally' be conducted 'with a significantly higher financial ambition, for instance at the double value'.²⁶⁵⁸

763. Putting its proposal in perspective, the TFV indicates that it considers that the costs of symbolic and satisfaction measures may be relatively modest.²⁶⁵⁹ Further, the TFV argues that socio-economic measures can be designed and implemented in consultation with the communities at a relative modest cost-per-capita ratio.²⁶⁶⁰ The TFV also submits that physical and psychological rehabilitation, per capita, is more costly than collective forms of rehabilitation.²⁶⁶¹ The TFV further submits that implementing partners, which are essential for programming, have indirect costs for running the programme and must necessarily be included in the cost assumptions, usually not exceeding of 15% of the contract value.²⁶⁶² In addition, to the indirect costs, the TFV submits that implementing partners also have other direct costs, mentioning those belonging to their engagement in outreach, in communication with the victims, evaluation of the effectiveness of reparations, identification processes, and programme monitoring.²⁶⁶³ That Chamber notes, however, that the TFV does not provide estimates for these additional direct costs of implementing partners.

d) Other participants' observations

764. The Prosecutor submits that, due to Mr Ongwen's wide-ranging essential contributions to the 61 crimes for which he was convicted, and the serious, multiple, long-lasting and diverse consequences of the harms inflicted by the crimes, his liability for reparations should be substantial and higher than Mr Ntaganda's liability of \$30 million USD.²⁶⁶⁴ In response, the Defence argues that it is 'based solely on speculation' and notes that the Prosecutor proposes

²⁶⁵⁶ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75.

²⁶⁵⁷ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75 [emphasis in the original].

²⁶⁵⁸ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75.

²⁶⁵⁹ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 76, referring to ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 14.

²⁶⁶⁰ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 76.

²⁶⁶¹ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 77.

²⁶⁶² TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 79.

²⁶⁶³ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 80.

²⁶⁶⁴ Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 39.

no budget, no financial estimates, and fails to mention external factors that are relevant to determining Mr Ongwen's liability.²⁶⁶⁵

765. The Chamber observes that Uganda indicates that, without prejudice to other post-conflict reconstruction measures implemented in the Northern and Eastern regions, the costs of the government's economic recovery, resettlement, rehabilitation and other interventions under the PRDP alone are estimated at \$606 million USD and DINU's budget is estimated at €25,852,174 EUR.²⁶⁶⁶ Uganda suggests that the Court may be guided by the budget of the various programmes that have been implemented in Uganda,²⁶⁶⁷ but fails to provide further information. The Defence 'vehemently' opposes Uganda's submission that Mr Ongwen 'should be blamed and forced to pay for all crimes committed by the LRA'.²⁶⁶⁸ The Defence underscores that Mr Ongwen 'can only be required to pay for those [for] which he was convicted'.²⁶⁶⁹ In the context of its response to the CLRV's submissions, the Defence further stresses the role and responsibility of Uganda to protect and repair its nationals for crimes committed within the context of the armed conflict on the basis of domestic and international legislation.²⁶⁷⁰

766. The ARLPI's Observations provide a detailed itemisation of the projected costs of the reparations they propose.²⁶⁷¹ The grand total for all modalities ARLPI suggests – including compensation, rehabilitation, social services, satisfaction measures, and human rights training, and the costs of running the programmes in the region – amounts to 7,723,900,000 UGX (equivalent to €1,868,836.20 EUR).²⁶⁷² The Chamber notes that the Defence indicates that the ARLPI's Observations 'offered the most insightful information from the *amici* about how to handle reparations',²⁶⁷³ and welcomes the submissions on traditional ceremonies.²⁶⁷⁴ However,

²⁶⁶⁵ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 69.

²⁶⁶⁶ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 37.

²⁶⁶⁷ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 37.

²⁶⁶⁸ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 77.

²⁶⁶⁹ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 80.

²⁶⁷⁰ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 55-57.

²⁶⁷¹ ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 12-16, in relation to the proposed modalities detailed at pp. 7-12.

²⁶⁷² European Commission, 'Exchange rate (InforEuro)', [InforEuro, the exchange rate of the Euro currency \(europa.eu\)](#), last visited on 27 February 2024 at 9:30 hrs, *referring to* European Central Bank, 'Euro foreign exchange reference rates', [Euro foreign exchange reference rates \(europa.eu\)](#), last visited on last visited on 27 February 2024 at 9:30 hrs.

²⁶⁷³ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 23.

²⁶⁷⁴ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 26.

the Defence generally opposes the individualised cash compensations proposed by this *amicus*, except for women who suffered SGBC.²⁶⁷⁵

767. The FJDI and WVCN provide certain estimates, indicating that they are based on first-hand experience with the prevailing economic situation and market prices in Northern Uganda, and reflect their experience in implementing economic empowerment and livelihood programmes for ex-female LRA abductees and conflict-affected communities in Northern Uganda.²⁶⁷⁶ In their submission, the *amici* set out the following estimates:

- a. Regarding school fees, while noting that government schools are tuition free, the *amici* indicate that additional costs per student for shoes, uniforms, and school supplies reach annually approximately €450 EUR for primary school, €600 EUR for secondary school, and €750 EUR for secondary boarding school;²⁶⁷⁷
- b. Regarding agricultural assistance, including costs associated with the use of sustainable agricultural practices, the *amici* note that equipment and infrastructure cost €3,000 EUR, planning costs €1,000 EUR, and plants for terracing cost €1,500 EUR;²⁶⁷⁸
- c. Regarding housing assistance, the *amici* estimate that a home of 50 square meters costs €6,500 EUR, a 1.5 square meter latrine costs €600 EUR, and one borehole costs €4,800 EUR;²⁶⁷⁹ and
- d. Regarding income supports, based on the rural living wage in 2019 of €157 EUR per month, the *amici* propose a lump sum payment of €5,000 EUR and a monthly income support of €150 EUR, per qualifying adult in the household.²⁶⁸⁰

768. Lastly, the ICTJ and UVF provide estimated costs ‘for the award of collective reparations’, after having consulted with the Uganda National Planning Authority, Ministers of Health and Education, and local district government officials to establish ‘estimated costs of *setting up and maintaining basic services* including health centers, vocational schools, and primary school’.²⁶⁸¹ In addition, the *amici* noted that they accessed approved district compensation rates for districts relevant to Abok, Odek, and Lukodi, to establish the ‘average

²⁶⁷⁵ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 24-25.

²⁶⁷⁶ FJDI, WVCN’s Observations, [ICC-02/04-01/15-1922](#), para. 22 (pp. 16-18).

²⁶⁷⁷ FJDI, WVCN’s Observations, [ICC-02/04-01/15-1922](#), para. 22 (p. 17).

²⁶⁷⁸ FJDI, WVCN’s Observations, [ICC-02/04-01/15-1922](#), para. 22 (p. 17).

²⁶⁷⁹ FJDI, WVCN’s Observations, [ICC-02/04-01/15-1922](#), para. 22 (p. 17).

²⁶⁸⁰ FJDI, WVCN’s Observations, [ICC-02/04-01/15-1922](#), para. 22 (pp. 17-18).

²⁶⁸¹ ICTJ, UVF’s Observations, [ICC-02/04-01/15-1974](#), para. 74 [emphasis added].

compensation rates payable in respect to [...] items that were destroyed during the attacks'.²⁶⁸² Accordingly, they provide approximate average costs per year for: (i) a Health Centre with specialised services (\$75,000 USD); (ii) construction of a new primary school (\$387,714 USD); (iii) maintaining an existing primary school (\$28,571 USD); (iv) vocational school (\$142,857 USD); reburials and exhumation (\$1,500 USD per burial); (v) mud and wattle hut earth floor amounting to 38 square meters (\$868 USD); and (vi) a mud and wattle cement floor, plastered wall amounting to 38 square meters (\$1,628 USD).²⁶⁸³

ii. Chamber's determination

769. The Chamber notes that, in line with the Court's jurisprudence,²⁶⁸⁴ in its determination of the total amount of Mr Ongwen's financial liability for reparations, it has taken into account four key considerations, namely: (i) the type and extent of the harms suffered by the victims of the crimes for which Mr Ongwen was convicted ('first consideration: harm'); (ii) the estimated number of potential beneficiaries to be repaired by the award ('second consideration: number of victims'); (iii) the types and modalities of reparations considered to be the most appropriate in the circumstances of the present case ('third consideration: types and modalities'); and (iv) the costs to repair the harm of the victims in this case in light of the reparations awarded ('fourth consideration: cost to repair').

770. The Chamber stresses that it has aimed at setting an amount that is fair and properly reflects the rights of the victims, while also bearing in mind the rights of the convicted person.²⁶⁸⁵ The Chamber has also considered, with caution, whether to rely on estimates, including with respect to the costs of reparations programmes, while making every effort possible to obtain estimates that are 'as accurate as possible in the circumstances of the case'.²⁶⁸⁶ Lastly, the Chamber has weighed the need for accuracy against the goal of awarding reparations without delay.²⁶⁸⁷

²⁶⁸² ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), para. 74 [emphasis added].

²⁶⁸³ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), pp. 19-20.

²⁶⁸⁴ See, *inter alia*, *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 2, 10, 152, 246-247; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 89-90, 107-108, 224; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), paras 2, 72

²⁶⁸⁵ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 108.

²⁶⁸⁶ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 108; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 247.

²⁶⁸⁷ *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), para. 108.

a) *First consideration: harm*

771. As to the harm suffered by the victims, the Chamber recalls that, as detailed above,²⁶⁸⁸ consistent with the Court's jurisprudence,²⁶⁸⁹ it conducted an in-depth analysis of all relevant information before it, including the submissions and observations of parties and participants, the Conviction Judgment and Sentence, the evidence in the case file, and a representative Sample of victims' dossiers.²⁶⁹⁰ This assessment has allowed the Chamber to clearly define the harms that resulted from the crimes for which Mr Ongwen was convicted. Further, the strong evidentiary basis supporting the findings above as to harm suffered by the victims²⁶⁹¹ allows the Chamber, by extrapolation, to reach valid conclusions regarding the entire universe of victims entitled to benefit from reparations in the present case.

772. The Chamber underscores that, consistent with its findings beyond reasonable doubt in the Conviction Judgment and Sentence, the re-assessment of the evidence and consideration of the Sample conducted during this reparations proceeding has allowed the Chamber to confirm 'the serious, multiple, long-lasting and diverse consequences of the harms inflicted by the crimes', as underscored by the Prosecutor.²⁶⁹² The evidence indeed overwhelmingly demonstrates that entire families and the community of victims of the attacks on the four IDP camps as a whole – tens of thousands of individuals – suffered tremendous harm due to the unimaginable atrocities committed during and in the aftermath of the four attacks for which Mr Ongwen was convicted.²⁶⁹³ Similarly, over one hundred women and girls and thousands of children – boys and girls – under the age of fifteen suffered profound multifaceted harm as a result of being kidnapped. Many were later subject to SGBC and or forced to serve as LRA soldiers, being kept in captivity under cruel methods of physical and psychological coercion.²⁶⁹⁴

773. As a result, the Chamber has found that the direct victims of the attacks, direct SGBC victims, children born out of SGBC, and former child soldiers suffered serious and long-lasting

²⁶⁸⁸ See Section VI.C.3. Definition of the types of harm suffered by the victims above.

²⁶⁸⁹ See, *inter alia*, *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 334-337, 341; *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 80, 89; *Katanga* Judgment on Reparations Order, [ICC-01/04-01/07-3778-Red](#), paras 70-71.

²⁶⁹⁰ As to the representativeness of the Sample regarding gender, age, alleged harm, alleged crimes, and alleged locations where the crimes would have occurred, see Decision on the Registry Transmission, [ICC-02/04-01/15-2027](#), paras 8-9.

²⁶⁹¹ See above, Section VI.C.3 Definition of the types of harm suffered by the victims

²⁶⁹² Prosecutor's February 2022 Observations, [ICC-02/04-01/15-1976](#), para. 39.

²⁶⁹³ Consistent with the findings in Sentence, [ICC-02/04-01/15-1819-Red](#), para 388.

²⁶⁹⁴ Consistent with the findings in Sentence, [ICC-02/04-01/15-1819-Red](#), para. 360.

physical, moral, and material harm, while the indirect victims suffered moral and material harm.²⁶⁹⁵ In addition, the entire community of victims suffered community harm and children of direct victims and children born out of SGBC suffered transgenerational harm.²⁶⁹⁶ The extent of the harm caused by the crimes for which Mr Ongwen was convicted is indeed profound and multi-layered. Most, if not all victims are not only direct victims of a multiple heinous crimes but are, at the same time, also indirect victims of their entire family and many others who suffered as much or even worse harm. The whole community of victims of the crimes for which Mr Ongwen was convicted also suffered community harms.

774. As detailed above,²⁶⁹⁷ entire communities and families personally experienced the attacks, in which many of their family members, neighbours, friends, and others in their community were severely mistreated and or killed. Houses were destroyed and burnt, some with their residents still inside while everything else, including all aid food stocks, was looted or destroyed. Some civilians managed to escape the attacks but most of those who survived were then forced to walk next to the bodies scattered through the camps. These individuals were abducted and forced to carry heavy loads of looted goods and injured fighters for long distances, while tied to each other, barefooted, and mistreated in order to force them walk faster and prevent them from escaping. They suffered great physical and psychological abuse during the walk out of the camps. The examples are distressing: some were beaten to death, some were forced to kill other abductees, some children were taken from their mothers if they cried or caused their mothers to slow down, and some were thrown in pits and left to die. When reaching the locations of LRA forces where other abductees had been brought, women and girls were ‘distributed’ to LRA soldiers who subjected them to SGBC and children under the age of 15 were integrated into the LRA forces. Some were kept for years, while others never returned home.

775. As such, the Chamber finds merit in the Defence’s submission regarding the difficulties in ‘attempting to monetize the individual harms to individual persons’.²⁶⁹⁸ In effect, the estimates provided by the parties and participants only refer to certain services or monetary equivalents per certain harms, but are not fully comprehensive as to all harms or the complete amount needed to individually repair the totality of the harms suffered by the victims, as identified in this Order. This should not be understood as a criticism, as the Chamber does not

²⁶⁹⁵ See para. 414 above.

²⁶⁹⁶ See para. 414 above.

²⁶⁹⁷ See Section VI.B. **SECOND ELEMENT: VICTIMS** and Section VI.C. **THIRD ELEMENT: HARM** above.

²⁶⁹⁸ Defence’s March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 63.

fault the parties and participants for not providing more details. The lack of available information that the Chamber can rely upon only reinforces the Chamber's conclusion that the diverse and multi-dimensional harms the victims suffered are so interlinked that endeavouring to value each harm in order to provide restitution or compensation to each individual victim is simply an impossible undertaking. On this point, the Chamber recalls the LRVs' submission that '[t]he victims acknowledge that indeed no amount of reparations can repair the harm they have suffered'.²⁶⁹⁹ In effect, their suffering can never be fairly valued financially. Accordingly, while the Chamber commends the parties and participants for their efforts in trying to provide some estimates as to the cost of certain services per victim or the monetary equivalent per harm,²⁷⁰⁰ the Chamber will not take these individual compensatory values into consideration when determining the amount of liability, as it has decided to focus on the global costs for rehabilitation and symbolic measures included the reparations awarded in this Order, as discussed below.

b) Second consideration: number of victims

776. As to the number of victims, the Chamber recalls that, as found above, the estimated number of direct and indirect victims of the case would be approximately **49,772** individuals in total, broken down as follows:

- a. Direct victims of the attacks, approximately 46,898 individuals;
- b. Indirect (only) victims of the attacks, approximately 497 individuals;
- c. Direct thematic victims (SGBC victims and former child soldiers), approximately 1,952 individuals; and
- d. Indirect (only) thematic victims, approximately 425 individuals;

777. The Chamber underlines that the estimates above are based on projections and that it should not be understood as a limit on the maximum number of individuals who may come forward and be considered eligible to benefit from the award.

²⁶⁹⁹ LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 22.

²⁷⁰⁰ *See, inter alia*, CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 93-105; CLRV's Tables of costs, [ICC-02/04-01/15-1923-AnxI](#); LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 23; TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 164; ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 12-16; FJDI, WVCN's Observations, [ICC-02/04-01/15-1922](#), para. 22 (pp. 16-18); ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), pp. 19-20.

c) Third consideration: types and modalities of reparations

778. As to the types and modalities of reparations, the Chamber notes that, as ruled above, considering the extent of the harm caused by the crimes for which Mr Ongwen was convicted and the large number of potential beneficiaries in the case, it has decided to award collective community-based reparations focused on rehabilitation and symbolic/satisfactory measures.²⁷⁰¹ As to the specific modalities awarded, the Chamber discusses these below when assessing the costs of repair.

d) Fourth consideration: costs of repair

779. The Chamber assesses below the cost of repair in light of the collective community-based reparations awarded which, as noted above, include rehabilitation measures in the form of collective programmes and symbolic/satisfaction measures in the form of a cash payment and other satisfaction measures.

(i) Rehabilitation measures

780. As part of the rehabilitation measures, the Chamber awarded collective community-based programmes aimed at rectifying all types of harm identified by the Chamber, meaning: physical, moral, material, community, and transgenerational harms.²⁷⁰² As to the costs required to implement such measures, the Chamber has considered in detail the submissions of parties and participants and decides as follows:

781. The Chamber first commends the CLRV's work in providing detailed submissions regarding organisations that currently or recently have implemented projects in Northern Uganda and in submitting details regarding the scope and types of the programmes that can be implemented in the region.²⁷⁰³ However, the Chamber notes that the CLRV indicates that not all organisations provide details as to the specific costs per programme²⁷⁰⁴ and there is no indication as to the approximate number of victims who are or have been benefited by such programmes. Accordingly, the Chamber cannot rely on these values to estimate the costs associated with repairing the harms caused to the victims in the present case.

²⁷⁰¹ See paras 574, 613 above.

²⁷⁰² See para. 617 above.

²⁷⁰³ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), paras 107-108; see CLRV's List of relevant existing programs, [ICC-02/04-01/15-1923-Anx5](#).

²⁷⁰⁴ CLRV's List of relevant existing programs, [ICC-02/04-01/15-1923-Anx5](#), fn 5.

782. Regarding Uganda's suggestion for the Chamber to be guided by the budget of the various programmes implemented through the PRDP and the DINU,²⁷⁰⁵ the Chamber first notes that Uganda did not provide any further information as to such programmes. After a search of publicly available sources and information, the Chamber has concluded that the programmes to which Uganda refers do not provide a sufficient or relevant basis to make estimations in the present case,²⁷⁰⁶ because they are directed at addressing other needs and not the type of harms suffered by the victims in the present case. For example, the Chamber notes that the DINU's general objective is to 'consolidate stability in Northern Uganda, poverty and under-nutrition and strengthen the foundations for sustainable and inclusive socio-economic development'.²⁷⁰⁷ Although such a mandate may appear somewhat relevant to the rehabilitation of material harm in the present case, when paying closer attention to the specific objectives implemented within the project, which include improving access to finance, improving the stock and quality of district roads, increasing local fiscal space, and enhancing local service delivery of core government functions,²⁷⁰⁸ it is evident that the figures are not relevant to estimating the costs to repair the harms caused to the victims in this case.

783. Similarly, the Chamber considers that the estimated costs provided by the ICTJ and UVF which focus on setting up and maintaining a health centre and primary and vocational schools,²⁷⁰⁹ are again not relevant for the estimation of the costs to repair the harms caused to the victims in this case. The Chamber underscores that the role of the Court in providing reparations is victim-centred and victim-focused and shall not be confused with that of development agencies.

784. The Chamber notes, however, that the CLRV highlights that since 2008, the TFV has been implementing several programmes in Uganda as part of its assistance mandate, developing a wide range of activities in support of the victims of the conflict, and providing them with physical, psychological, and economic assistance.²⁷¹⁰ The CLRV notes that information available indicates that from 2008 until April 2021, the TFV has implemented 28

²⁷⁰⁵ Uganda's February 2022 Observations, [ICC-02/04-01/15-1978](#), para. 37.

²⁷⁰⁶ See, *inter alia*, <https://www.uncdf.org/article/3365/development-initiative-for-northern-uganda-dinu>, last visited 26 February 2024, at 16:30 hrs; <https://www.parliament.go.ug/cmris/browser?id=6c65a93f-6d5d-475b-8d3a-6802b0243e26%3B1.0>, last visited 26 February 2024, at 16:30 hrs.

²⁷⁰⁷ DINU Project Document, p. 7, available at : <https://www.uncdf.org/article/3365/development-initiative-for-northern-uganda-dinu>, last visited 26 February 2024, at 16:30 hrs.

²⁷⁰⁸ DINU Project Document, p. 7, available at : <https://www.uncdf.org/article/3365/development-initiative-for-northern-uganda-dinu>, last visited 26 February 2024, at 16:30 hrs.

²⁷⁰⁹ ICTJ, UVF's Observations, [ICC-02/04-01/15-1974](#), pp. 19-20.

²⁷¹⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 109.

projects through 16 partners at an overall cost of around €9,606,389.63 EUR.²⁷¹¹ Regarding concrete estimates as to the costs to repair the harms in the present case, the LRVs also referred to the TFV's submissions 'given their experience in executing its assistance mandate'.²⁷¹²

785. The Chamber has therefore duly considered the TFV's submissions regarding the costs of the rehabilitation programmes implemented in Northern Uganda as part of its assistance mandate. The Chamber underscores that both victims' representatives consider the TFV's expenditure in assistance programmes in Uganda as a reliable source for estimating the costs of repair in the present case. In addition, in light of the large number of victims, the overwhelming multi-layered harms, and the types and modalities of reparations awarded in the case, i.e. collective community-based reparations focused on rehabilitation and symbolic/satisfaction measures, the Chamber considers that the costs of the assistance programmes implemented to date in the same region by the TFV's partners constitute the most reliable basis for calculations of the costs to repair currently available to the Chamber.

786. The Chamber recalls that it has awarded collective community rehabilitation programmes directed at rectifying all types of harm identified by the Chamber, i.e. physical, moral, material, community, and transgenerational harms.²⁷¹³ According to the information provided by the TFV, the types of support provided by the TFV's assistance programmes in Uganda include physical rehabilitation,²⁷¹⁴ psychological rehabilitation,²⁷¹⁵ livelihood

²⁷¹¹ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 110.

²⁷¹² LRVs' February 2022 Submissions, [ICC-02/04-01/15-1977](#), para. 36.

²⁷¹³ See above, para. 617.

²⁷¹⁴ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 133(a), indicating that it includes provision of reconstructive and general surgery, prosthetic and orthopaedic devices, bullet and bomb fragment removal, physiotherapy, post-operative care and follow-up, specialised services for SGBC survivors such as fistula repair, and chronic pain management.

²⁷¹⁵ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 133(b), indicating that it includes provision of clinical counselling services for individuals, families, and small group trauma counselling to respond to mental health disorders such as PTSD, depression, anxiety disorders, etc. In addition, the TFV supports psychosocial programming to promote community reconciliation initiatives, which include music, dance, drama, and sports activities promoting healing and social cohesion. Psychosocial activities also include peacebuilding, community sensitisation campaigns and workshops, radio broadcasts concerning topics such as acceptance, mitigating stigma (SGBC, child soldiers), and promoting integration within communities.

support,²⁷¹⁶ rehabilitation services to SGBC survivors,²⁷¹⁷ and peacebuilding activities.²⁷¹⁸ The Chamber notes that the specific services provided under the different types of support mentioned above are indeed comparable to those the Chamber would expect to be included in the design of the collective community-based rehabilitation reparations programmes required to address the multiplicity of harms suffered by the victims in the present case. As such, the costs of these programmes are a reliable basis for calculating the costs to repair in the present case.

787. The Chamber notes that the TFV indicates that the rehabilitative assistance provided in Northern Uganda between 2008 and 2021 benefited more than 60,000 victims at an estimated cost of €12 million EUR.²⁷¹⁹ The CLRV notes that the public information indicates that these programmes reached approximately 351,665 direct beneficiaries and 574,511 indirect beneficiaries.²⁷²⁰ On this point the Chamber does not consider that the number of victims who have benefited directly or indirectly from the assistance programmes, which are collective community by nature, is relevant to the calculation of the costs of repair. In effect, the Chamber notes that when referring to collective community programmes, the Chamber cannot estimate costs by simply dividing the total expenditure by the number of beneficiaries, as they are not individual or individualised awards.²⁷²¹

²⁷¹⁶ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 133(c), indicating that it includes material support activities that address the livelihood harm endured by victims through village savings and loan associations, income generating activities, vocational training, animal husbandry, and improved agriculture initiatives. Livelihood initiatives aim to revitalise local economies and rehabilitate household livelihoods.

²⁷¹⁷ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 155, indicating that it includes medical treatments and therapies such as reconstructive or corrective surgeries for fistula repairs and the management of chronic pain physiotherapy; victim mobilisation and referrals for specialised medical care at various healthcare facilities; mental health services including trauma-based counselling to individuals, couples, and families; psycho-education initiatives at the community level to raise awareness; and acceptance of mental health, causes, and mitigation measures. Therapeutic measures employed in the projects included CBT, controlled administration of pharmaceutical therapies in relation to mental trauma or illnesses resulting from violent experiences endured during conflict in either abduction and captivity by the LRA or during attacks in their communities during the conflict, livelihood support in the form of VSLAs, IGAs, and peace-building initiatives including the training of Community Support Structures at the community level to mediate conflicts including SGBC and land tenure disputes which greatly affect SGBC survivors.

²⁷¹⁸ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), paras 157, 159, indicating that the TFV uses reconciliation and transitional justice approaches aimed at dealing with the consequences of the inter-ethnic conflict and legacies of systematic human rights violations and abuses so as to provide healing and redress for all victims and to promote peaceful co-existence. Through periodic community sensitisation meetings in the communities of northern Uganda, the TFV works together with local leaders to raise awareness in the community over issues including but not limited to: the consequences of war and the need and importance of physical and psychological rehabilitation for war victims. The sessions are designed to reduce stigma, promote rehabilitation, and inclusion of the persons living with physical disabilities and psychological trauma brought on by the conflict.

²⁷¹⁹ TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75.

²⁷²⁰ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 110.

²⁷²¹ For a similar approach see *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), para. 158.

788. Accordingly, the Chamber considers that the costs of these programmes made by the TFV are a relevant consideration in order to estimate the cost to repair the victims in this case, with reparations that ‘focus on recognition, rehabilitation, and symbolic/satisfaction measures’.²⁷²² The Chamber notes that the TFV indicated that is ‘in a position to implement an adequately responsive, community-based and victim-driven *reparation programme* for an estimated 60,000 victims to be implemented over a ten year period’.²⁷²³ The TFV appears to indicate that the costs of such programme should be estimated at €15 million EUR.²⁷²⁴ However, the Chamber notes that the way in which the TFV presents its calculations is unclear as it indicates that it considers it ‘to be a reasonable ambition [...] to complement [the proposed programme] at a value of EUR 15 million’,²⁷²⁵ but later it acknowledges that, ‘in an optimal funding situation’ the programme could ‘ideally’ be conducted ‘with a significantly higher financial ambition, for instance at the double value’.²⁷²⁶ Nevertheless, the Chamber considers that the €15 million EUR originally indicated appears more in line with the approximate €12 million EUR the TFV indicated to have spent on the assistance programmes that serve as the point of reference for the TFV estimations. As such, and resolving this particular discrepancy in favour of the convicted person, the Chamber estimates that the cost of implementing the collective community rehabilitation programmes ordered in the present case would amount to approximately €15 million EUR.

(ii) Symbolic and satisfactory measures

789. As part of the symbolic and satisfactory measures, the Chamber awarded (i) the payment of a symbolic award of €750 EUR for each eligible direct and indirect victim;²⁷²⁷ and (ii) other community symbolic and satisfaction measures.²⁷²⁸

790. Regarding the cost of the symbolic award, the Chamber recalls that this is part of the collective community-based programme and, as such, is awarded to the benefit of all eligible victims without distinction as to their type of victimhood or harm. In order to calculate the amount required to provide this symbolic payment the Chamber relies on its estimation as to the total number of victims in the case, which amounts to approximately 49,772 individuals.

²⁷²² TFV’s December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 127.

²⁷²³ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75 [emphasis added].

²⁷²⁴ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75.

²⁷²⁵ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75.

²⁷²⁶ TFV’s March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 75.

²⁷²⁷ See para. 621 above.

²⁷²⁸ See para. 635 above.

As such, the total amount required to provide victims with this symbolic payment is €37,329,000 EUR.

791. Regarding the costs to implement other community-based symbolic and satisfaction measures, the Chamber notes that, with the exception of ARLPI,²⁷²⁹ parties and participants do not provide estimates as to the costs required to implement these type of measures. The Chamber recalls, however, that the Defence welcomed ARLPI's observations on traditional ceremonies²⁷³⁰ and indicated that this *amicus* 'offered the most insightful information from the *amici* about how to handle reparations'.²⁷³¹ The TFV also refers to these estimates to indicate that the costs of symbolic and satisfaction measures may be relatively modest.²⁷³² In the absence of other estimates it can rely upon, the Chamber has considered the estimated costs of the symbolic measures suggested by ARLPI.

792. The Chamber notes, in particular, the estimated costs for some of the rehabilitation, satisfaction measures, and human right training proposed by the *amicus*. Memorial prayers, cleansing ceremonies, and reconciliation ceremonies are estimated to cost, in total 260,000,000 UGX (equivalent to €62,908.30 EUR).²⁷³³ Four monuments are estimated to cost, in total 28,000,000 UGX (equivalent to €6,774.74 EUR).²⁷³⁴ The Chamber notes that ARLPI also suggests as a measure of satisfaction the construction of a museum. However, the Chamber does not consider it to be appropriate for it to request the TFV to undertake projects of that kind as part of the reparations ordered in the present case, as the Court cannot guarantee their future maintenance. As such, this item will not be considered as part of the present calculations.

793. ARLPI also provides estimates for a series of activities related to sensitisation and training on human rights, production and dissemination of information materials, radio talks shows, and radio spot jingles, estimated to cost in total 491,500,000 UGX (equivalent to

²⁷²⁹ ARLPI's Observations, [ICC-02/04-01/15-1925](#), pp. 13-14.

²⁷³⁰ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 26.

²⁷³¹ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), para. 23.

²⁷³² TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 76, referring to ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 14.

²⁷³³ ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 13. European Commission, 'Exchange rate (InforEuro)', [InforEuro, the exchange rate of the Euro currency \(europa.eu\)](#), last visited on 27 February 2024 at 9:30 hrs, referring to European Central Bank, 'Euro foreign exchange reference rates', [Euro foreign exchange reference rates \(europa.eu\)](#), last visited on last visited on 27 February 2024 at 9:30 hrs.

²⁷³⁴ ARLPI's Observations, [ICC-02/04-01/15-1925](#), p. 14. European Commission, 'Exchange rate (InforEuro)', [InforEuro, the exchange rate of the Euro currency \(europa.eu\)](#), last visited on 27 February 2024 at 9:30 hrs, referring to European Central Bank, 'Euro foreign exchange reference rates', [Euro foreign exchange reference rates \(europa.eu\)](#), last visited on last visited on 27 February 2024 at 9:30 hrs.

796. Accordingly, the Chamber is satisfied that setting the amount of Mr Ongwen's liability for reparations at an amount of €52,429,000 EUR (approximate equivalent to 216,689,057,000.00 UGX)²⁷³⁷ is fair, equitable, and appropriate, and takes into account the rights of the victims and those of the convicted person.

VII. IMPLEMENTATION

A. Procedure for the adoption of the implementation plan

797. Pursuant to rule 98(3) of the Rules and regulations 54, 57, and 69 of the Regulations of the TFV, the Chamber hereby instructs the TFV to prepare a DIP with the details of the rehabilitation and symbolic measures to be included within the collective community-based reparations awarded and submit it for the Chamber's approval within six months from the delivery of this Order.²⁷³⁸ The Chamber reiterates that, as part of its limited oversight during the administrative stage of implementation and execution of the Reparations Order, the Chamber will rule on the TFV's DIP.²⁷³⁹ In order to inform its decision on the matter, the Chamber invites the parties and the Registry to provide observations on the DIP to be submitted by the TFV within 30 days from its submission.

798. The Chamber instructs the TFV to include the following elements in the DIP: (i) the reparation projects and measures that the TFV intends to develop under each modality; (ii) the corresponding harm that each project intends to remedy (physical, moral, material, community and or transgenerational harm); and (iii) a brief overview of the steps required for

²⁷³⁷ European Commission, 'Exchange rate (InforEuro)', [InforEuro, the exchange rate of the Euro currency \(europa.eu\)](https://inforeuro.ec.europa.eu/), last visited on 27 February 2024 at 9:30 hrs, *referring to* European Central Bank, 'Euro foreign exchange reference rates', [Euro foreign exchange reference rates \(europa.eu\)](https://www.ecb.europa.eu/press/pr/eurofxref/), last visited on last visited on 27 February 2024 at 9:30 hrs. The Chamber has included the equivalent amount of liability in Ugandan Shillings today as a point of reference for the victims who are predominantly located in Uganda and use Ugandan currency. The Chamber wishes to be clear, however, that the inclusion of the amount of liability in Ugandan Shillings is for reference only. The award against Mr Ongwen is made in Euros.

²⁷³⁸ The Chamber notes the TFV's submission that it requires nine months to one year to develop the DIP and, following the approval by the Chamber of the DIP, another eight months to one year to secure the services of the implementing partner; *see* TFV's March 2022 Observations, [ICC-02/04-01/15-1992](https://www.icc-justice.org/en/press-releases/2022/03/20220322-observations), para. 22. While the Chamber will consider the estimated timeline for implementation in the context of its decision on the DIP, it considers that six months is an appropriate amount of time for the TFV to submit its DIP. The Chamber notes that the TFV was provided six months in the *Ntaganda* case to develop a DIP, which the Chamber expects was more intensive to plan considering the individualised nature of the programming. While the TFV required an extension of time to submit the DIP in *Ntaganda*, the Chamber notes that this was due to complications caused by the COVID-19 pandemic, which are not relevant in this case. As such, the Chamber considers six months to be reasonable and appropriate. *See Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](https://www.icc-justice.org/en/press-releases/2021/07/20210723-reparations-order), para. 249; Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, Decision on the Trust Fund for Victims' Request to Vary the Time Limit to Submit Draft Implementation Plan, 23 July 2021, [ICC-01/04-02/06-2697](https://www.icc-justice.org/en/press-releases/2021/07/20210723-reparations-order).

²⁷³⁹ *See* paras 38-41 above.

implementation of each project, including an estimated timeline for the implementation of each project and measure.

799. The Chamber notes that consultations with victims should take place for the purposes of designing and implementing reparations awards. In line with regulation 70 of the Regulations of the TFV, the Chamber instructs the TFV to consult with the victims on the nature of the collective community-based awards and the methods of implementation. The TFV shall take into account the victims' views and proposals when designing the proposed projects. The TFV shall ensure that consultations are conducted in compliance with the Principles on Reparations, as adopted in this Order, including the 'do no harm' principle, guarantee accessibility and meaningful participation of victims, respect for their diversity as to their particular needs and interests, including gender-specific considerations, and take into account any obstacles victims may face in coming forward and expressing their views.²⁷⁴⁰

800. For clarity and efficiency purposes, the Chamber considers that the DIP shall be completed in the form of a chart, which is attached as Annex III to this Decision. The Chamber is of the opinion that Annex III will expedite the DIP approval process by eliciting the necessary information from the TFV regarding the proposed projects and any concise objections or observations that the parties and the Registry may raise in relation to each proposal. The Chamber notes that if the TFV considers it strictly necessary, it may submit a cover filing of not more than 20 pages pursuant to regulation 37 of the Regulations. With that said, the Chamber expects that all information regarding the three required elements of the DIP²⁷⁴¹ be contained solely in the Annex III chart.

801. The Chamber has taken this decision having considered the significant time, submissions, and judicial decisions that were required to review and approve DIPs in past cases. For instance, the Chamber notes that it took one and a half years from the date the Reparations Order was issued and two decisions before final approval of the DIP in the *Al Mahdi* case;²⁷⁴² almost seven years from the date the initial Reparations Order was issued and

²⁷⁴⁰ See para. 57 above. See also *Ntaganda* Reparations Order, [ICC-01/04-02/06-2659](#), paras 50-52 (do no harm principle); 45-49 (guarantee accessibility and meaningful participation of victims); para. 47 (respect for diversity as to victims' particular needs and interests); paras 60-62 (gender specific considerations).

²⁷⁴¹ See para. 798 above.

²⁷⁴² *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#); Public redacted version of 'Decision on Trust Fund for Victims' Draft Implementation Plan for Reparations', 17 August 2017, [ICC-01/12-01/15-236](#); Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, [ICC-01/12-01/15](#).

multiple decisions for approval of the DIP in the *Lubanga* case;²⁷⁴³ and numerous judicial decisions before all aspects of the DIP were approved in the *Katanga* case.²⁷⁴⁴ Further, the Chamber notes that the DIP in the *Ntaganda* case is still not fully approved almost three years after the Reparations Order was issued, despite the TFV having submitted three filings with additional information²⁷⁴⁵ and three decisions issued so far by the Chamber on the content of the DIP.²⁷⁴⁶

802. The Chamber expects the chart format to reduce delays that are caused by multiple rounds of submissions, which should result in a faster approval process by the Chamber and the faster implementation of reparations for victims. The Chamber is also of the opinion that having the TFV present its proposals for the reparations programme in this format will make it easier for victims to meaningfully engage in the design of the plan and provide their perspectives on the TFV's proposals.

803. The Chamber acknowledges that previous chambers have requested that the TFV provide additional information in the DIP.²⁷⁴⁷ However, the Chamber finds that the three

²⁷⁴³ See, *inter alia*, *Lubanga* Reparations Decision, [ICC-01/04-01/06-2904](#); Order instructing the Trust Fund for Victims to supplement the draft implementation plan, 9 February 2016, [ICC-01/04-01/06-3198-tENG](#); Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparations, 21 October 2016, [ICC-01/04-01/06-3251](#); Order approving the proposed programmatic framework for collective service-based reparations submitted by the Trust Fund for Victims, 6 April 2017, [ICC-01/04-01/06-3289](#); Décision faisant droit à la requête du Fonds au profit des victimes du 21 septembre 2020 et approuvant la mise en œuvre des réparations collectives prenant la forme de prestations de services, 4 March 2021, [ICC-01/04-01/06-3495-Red](#).

²⁷⁴⁴ See, *inter alia*, Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations, 12 October 2017, [ICC-01/04-01/07-3768-Conf-tENG](#); Order Directing the Trust Fund for Victims to File Information on the Modalities of Collective Reparations, 20 September 2018, [ICC-01/04-01/07-3809-Conf-tENG](#); Order Directing the Trust Fund for Victims to File a Progress Report on the Implementation of Collective Reparations and the Next Steps and Activities Planned, 7 February 2019, [ICC-01/04-01/07-3825-Conf-tENG](#).

²⁷⁴⁵ Trust Fund for [sic] Victims' submission of Draft Implementation Plan, 17 December 2021, [ICC-01/04-02/06-2732](#), with 1 Confidential Annex, [ICC-01/04-02/06-2732-Conf-AnxA](#); Trust Fund for Victims' second submission of Draft Implementation Plan, 24 March 2022, [ICC-01/04-02/06-2750](#), with Annex 1, corrigendum to public redacted version filed on 14 April 2022, [ICC-01/04-02/06-2750-Anx1-Red-Corr](#); Trust Fund for Victims' Submission of Additional Information on the Draft Implementation Plan, 3 November 2023, [ICC-01/04-02/06-2877](#), with confidential Annex A, [ICC-01/04-02/06-2877-Conf-AnxA](#), and confidential Annex B [ICC-01/04-02/06-2877-Conf-AnxB](#).

²⁷⁴⁶ Decision on the 'Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan' and additional request by the TFV, 21 January 2022, [ICC-01/04-02/06-2739](#); *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#); Second Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations, 27 February 2024, [ICC-01/04-02/06-2894-Conf](#).

²⁷⁴⁷ In the *Ntaganda* case, for example, Trial Chamber II approved the DIP having regard to the following elements: (i) the objectives, outcomes, and activities identified as necessary to give effect to the Reparations Order; (ii) the reparation projects the TFV intends to develop, indicating the details of the proposed collective awards, each of the collective projects with individualised components, and the modalities of reparations considered appropriate to address each of the harms; (iii) the methods of implementation, steps to be taken, direct and indirect costs, the expected amount that the TFV will use to complement the awards, and the expected timeline

elements identified in this Order provide sufficient information for victims to engage in the design of the plan and be meaningfully consulted on proposed projects. The Chamber also notes that the elements allow the Chamber to review the proposals in order to ensure that they adequately repair the harm caused to victims and respond to the types and modalities of reparations ordered. The Chamber finds that taking a high-level approach to the approval of the proposed projects and measures will provide the TFV with sufficient certainty as to the status of each proposal, which will allow it to commence the detailed work of implementation in a more timely manner and result in the more efficient delivery of reparations to victims. The Chamber notes that this approach ‘makes implementation more flexible so that the TFV may have a continuing dialogue with all concerned within the scope of the selected projects approved by the Chamber’.²⁷⁴⁸

804. The Chamber further finds that this approach is consistent with that articulated by Trial Chamber VIII in the *Al Mahdi* case and Trial Chamber II in the *Ntaganda* case, stressing that they would only ‘render an overall decision to approve, modify or reject proposed measures’.²⁷⁴⁹ These trial chambers acknowledged that each proposed project would ‘subsequently entail a series of further consultations and modalities in order to ensure [their] execution’ and as such the Chamber would ‘not seek to regulate all aspects of the proposed measures, nor [would] it specify the exact funds required to ensure their proper implementation’.²⁷⁵⁰ Overall, the Chamber is of the view that this method is supported by the need to proceed expeditiously, efficiently, and effectively, taking into account the victims’ right to prompt reparations considering that they have also waited two decades for reparations in this case.²⁷⁵¹

805. The Chamber notes the argument of the victims’ representatives that an initial draft implementation plan (‘IDIP’) is appropriate in this case.²⁷⁵² The Chamber has considered this proposal, but has opted to rely on the TFV’s submissions that implementation will be more

necessary for the projects’ development and implementation; and (iv) a detailed proposal as to the way in which it expects to conduct the administrative eligibility assessment. See *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 18.

²⁷⁴⁸ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 20.

²⁷⁴⁹ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 20.

²⁷⁵⁰ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 20.

²⁷⁵¹ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 20.

²⁷⁵² CLR’s March 2022 Submissions, [ICC-02/04-01/15-1990](#), para. 41; Victims’ Request for Urgent Support to Victims presenting with Mental Health Challenges and Other Victims Requiring Urgent Medical Intervention, originally filed on 23 August 2023 as confidential *ex parte* Trust Fund for Victims only, ICC-02/04-01/15-2054-Conf-Exp. Confidential redacted and public redacted versions filed on 28 August 2023, ICC-02/04-01/15-2054-Conf-Red and [ICC-02/04-01/15-2054-Red2](#), with Confidential Annex A and Confidential *ex parte* annex B, ICC-02/04-01/15-2054-Conf-AnxA and ICC-02/04-01/15-2054-Conf-Exp-AnxB.

expeditious as the TFV will be able to focus its efforts and resources on the prompt implementation of reparations.²⁷⁵³ More importantly, the Chamber considers that because the reparations ordered in this case are collective community-based reparations and the Chamber has already provided specific guidance with respect to prioritisation, an IDIP is unnecessary. The Chamber recalls the rules of prioritisation regarding modalities and victims discussed above, which should serve to ensure that victims in dire need are prioritised when distributing first the symbolic cash payment part of the collective community-based reparations.

806. Finally, the Chamber reiterates that a symbolic initial cash payment for direct and indirect victims of the case has been awarded as part of the collective community-based reparations granted in this Order.²⁷⁵⁴ As such, details as to the delivery of this payment do not need to be part of the consultations required in order to design the collective community-based symbolic measures and rehabilitation programmes to be included in the DIP. Accordingly, the TFV may begin distributing the symbolic cash payment without waiting for the approval of the DIP, as soon as practicable after it receives the relevant information regarding eligible victims from the VPRS.²⁷⁵⁵

B. Administrative eligibility assessment

807. The Chamber notes the submissions of the TFV,²⁷⁵⁶ the LRV²⁷⁵⁷ and the Registry²⁷⁵⁸ regarding the process for the administrative eligibility assessment. The Chamber further recalls that these submissions were made in advance of a decision in the *Ntaganda* case in which Trial Chamber II established the administrative eligibility process that has since been implemented in that case.²⁷⁵⁹ While the Chamber commends the parties and participants for their suggestions

²⁷⁵³ TFV's December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 124.

²⁷⁵⁴ See para. 621 above.

²⁷⁵⁵ The Chamber reminds the VPRS and the TFV that payments must be made in the order established in the prioritisation section of this Order. As articulated below, it is the responsibility of the VPRS to apply the prioritisation principles when conducting the eligibility assessment and transmit to the TFV lists of victims to be prioritised for such payments.

²⁷⁵⁶ The TFV submits that the eligibility process should be the same as the programme it proposed in the *Ntaganda* case though notes that it requires flexibility and thus intended to submit an eligibility model applicable to the *Ongwen* case in its DIP, see TFV's March 2022 Observations, [ICC-02/04-01/15-1992](#), para. 52; TFV December 2021 Observations, [ICC-02/04-01/15-1920](#), para. 55.

²⁷⁵⁷ The LRVs submit that a practical approach to regarding eligibility would be for the TFV to work jointly with the LRVs to manage eligibility and identification of all potential beneficiaries. The LRVs submit that they are better placed to conduct eligibility and identification processes ordered by the Chamber while managing the expectations of victims, see LRVs' March 2022 Submissions, [ICC-02/04-01/15-1993](#), para. 51.

²⁷⁵⁸ The Registry submits that in order to identify victims, an identification, registration and legal screening process is necessary in order to ensure a 'comprehensive, meaningful and successful reparations process.' The Registry notes, however, that due to the very high number of potentially eligible victims, a flexible approach should be considered, see Registry's Submission on Reparations, [ICC-02/04-01/15-1919-AnxII](#), para. 13.

²⁷⁵⁹ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), paras 183-186.

regarding the administrative eligibility assessment, it has decided, for the same reasons articulated by Trial Chamber II,²⁷⁶⁰ to adopt the eligibility process designed by Trial Chamber II in the *Ntaganda* case.²⁷⁶¹

808. As such, the Chamber considers that the eligibility process shall be divided into two stages: (i) the identification of potential beneficiaries; and (ii) the eligibility assessment. These two processes are described in greater detail below.²⁷⁶²

809. The Identification of Potential Beneficiaries:

- a. Outreach. The outreach campaign will be designed and conducted by the Registry, through the Public Information and Outreach Section ('PIOS'). The communication materials to be provided to victims and activities to be conducted will be designed by the PIOS after engaging in consultations with the parties, the TFV, the VPRS, the OPCV, and the Country Office. Outreach will be conducted throughout the duration of the administrative eligibility process.
- b. Identification. The Registry, through the VPRS, will be responsible for the identification of victims. The Chamber finds merit in the LRVs' submission that the identification of potential beneficiaries should commence prior to the approval of the DIP in order to expedite the implementation of reparations and therefore instructs the VPRS to commence the identification of victims as soon as practicable.²⁷⁶³
- c. Collection of Information. The Registry, through the VPRS, will be responsible for the collection of information from beneficiaries. The Chamber notes that, as decided in the present Order, having awarded collective community-based reparations, there is no need to rule on the merits of individual applications for reparations. Accordingly, the VPRS shall devise a simplified system that allows it to collect the information necessary to make determinations of victims' eligibility.

810. The Eligibility Assessment:

- a. The Registry, through the VPRS, will be responsible for carrying out the administrative eligibility assessment, using the eligibility requirements set out in the present Order and

²⁷⁶⁰ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), paras 179-181.

²⁷⁶¹ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), paras 183-186.

²⁷⁶² The Chamber notes that the identification of potential beneficiaries and the eligibility assessment are administrative in nature and thus not under the purview of the Chamber. The Chamber will therefore not address submissions of the parties and participants regarding the manner in which these administrative functions should be conducted. This is the responsibility of the entity assigned by the Chamber in this Order.

²⁷⁶³ LRVs' March 2022 Submissions, [ICC-02/04-01/15-1993](#), paras 49-50.

summarised below.²⁷⁶⁴ Contrary to the submission of the CLRV,²⁷⁶⁵ every potential beneficiary, including those who participated at trial, are subject to the administrative eligibility assessment.

- b. In the process of conducting the administrative eligibility assessment the VPRS shall take into account and proceed in line with the prioritisation principles articulated in the present Order.²⁷⁶⁶ Specifically, the VPRS should:
- i. first, ensure that as many victims of the first priority group (vulnerable victims in dire need of urgent assistance) are assessed as to their eligibility and urgent needs²⁷⁶⁷ and referred to the TFV as soon as practicable and on a rolling basis. Accordingly, the victims' representatives shall provide the VPRS with the list of the victims they represent who are considered to be in dire need of urgent assistance, in order for the VPRS to assess eligibility and the dire need of urgent assistance threshold of all participating victims as soon as practicable. In addition, any non-participating victim in dire need of urgent assistance identified by the VPRS during the identification process, shall be assessed as to their eligibility and whether they are in dire need of urgent assistance and, if qualifying for urgent assistance, transmitted to the TFV as soon as practicable;
 - ii. second, conduct eligibility assessments of all participating victims and transmit information on eligible beneficiaries to the TFV as soon as practicable and on a rolling basis, with a clear indication as to whether eligible participating victims qualify to be considered as part of the second group of priority victims (vulnerable direct participating victims) or the third group of priority victims (vulnerable indirect victims);
 - iii. third, conduct eligibility assessments of all remaining non-participating victims identified by the VPRS during the identification process and transmit eligible beneficiaries to the TFV, with a clear indication as to whether eligible victims qualify to be considered as part of the third group of priority victims (all remaining vulnerable victims).

²⁷⁶⁴ See Section VI.C.5.ii.c. Conditions of eligibility above.

²⁷⁶⁵ CLRV's December 2021 Submissions, [ICC-02/04-01/15-1923-Red](#), para. 30.

²⁷⁶⁶ See above, Section VI.D.3. Prioritisation.

²⁷⁶⁷ The Chamber reiterates that 'urgent needs' for prioritisation purposes are those for which 'the victims need to receive immediate physical and or psychological medical care, and or support due to financial hardship that endangers the person's life', see para. [659](#) above.

- c. The Chamber instructs the VPRS to provide an estimate as to the time it requires to assess eligibility and urgent needs of all participating victims, within one month of the issuance of the present Order.
- d. If a potential beneficiary is found not to be eligible, the VPRS will notify the potential beneficiary and the OPCV, to explain that the person has 30 days from the date of the decision, or the date the person was contacted, to provide supplementary information.
- e. Within 30 days after having received additional information, the VPRS will review the eligibility determination based on the supplementary information received.
- f. When a person is found to be eligible to benefit from reparations, the VPRS shall inform the person that the TFV will get in touch within 30 days to provide the beneficiary with sufficient information as to the steps to follow and the expected timeline for the implementation of reparations.

811. Consistent with the fact that collective reparations have been ordered in the present case, and the administrative nature of the implementation phase of reparations proceedings, the Chamber does not consider it necessary to be involved in the eligibility determinations.²⁷⁶⁸

812. As to the parties' involvement in the process of eligibility determinations the Chamber decides as follows:

- a. The Chamber considers that the involvement of the Defence is not required as Mr Ongwen's interests at this stage of the proceedings are limited.²⁷⁶⁹ In effect, the Chamber has already set Mr Ongwen's monetary liability and the results of the eligibility process will have no impact on his rights. Noting that no individual applications will be needed in order to determine eligibility of victims for the collective community reparations awarded in the case, the Chamber rejects the Defence's submission that Mr Ongwen should be granted access to 'application forms' of potential beneficiaries so that he may challenge their claims.²⁷⁷⁰

²⁷⁶⁸ See *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), paras 7, 164, in which the Appeals Chamber held that 'when only collective reparations are awarded pursuant to rule 98(3) of the Rules of Procedure and Evidence, a Trial Chamber is not required to rule on the merits of the individual requests for reparations.' See also *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 86-88, 138; *Al Mahdi* Reparations Order, [ICC-01/12-01/15-236](#), paras 145-146, in which the Chamber created an administrative eligibility screening mechanism only for individual reparations when collective and individual reparations were awarded by the Chamber.

²⁷⁶⁹ For a similar approach, see *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 186; *Ntaganda* Judgment on Reparations Order, [ICC-01/04-02/06-2782](#), paras 367-368.

²⁷⁷⁰ Defence's March 2022 Submissions, [ICC-02/04-01/15-1991-Red-Corr](#), paras 49-51.

- b. With respect to the victims' representatives' involvement, the Chamber notes that no legal representation of potential beneficiaries is required outside the context of judicial proceedings.²⁷⁷¹ Nevertheless, OPCV may provide general support and assistance to any potential beneficiary during the administrative eligibility assessment, particularly regarding those assessed as non-eligible.²⁷⁷² The Chamber therefore rejects the submission of the CLRV that victims, or new potential beneficiaries, will remain represented by counsel of their choice throughout the administrative stage of the reparation proceedings.²⁷⁷³

813. The Chamber considers it is paramount that the administrative eligibility process – including outreach, identification, and eligibility assessment – is executed within a reasonable timeframe. The Chamber considers that, consistent with the approach of Trial Chamber II in the *Ntaganda* case,²⁷⁷⁴ two years from the date of this Order is a reasonable timeframe in which to complete the administrative eligibility process. The Chamber instructs the VPRS and the PIOS to work together to ensure that the administrative eligibility process is completed within two years of this Order.

C. Eligibility criteria

814. The Chamber recalls, as articulated above,²⁷⁷⁵ the eligibility criteria that the VPRS must apply when carrying out the administrative eligibility assessment. Specifically, in order to be found eligible to benefit from reparations, victims must establish the following:

- a. first requirement: their identity.
- b. second requirement:
 - i. for direct victims: whether the person has established, on a balance of probabilities, to be a direct victim of at least one of the crimes committed in the context of the attacks against the Pajule, Lukodi, Odek or Abok IDP

²⁷⁷¹ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 182. The Chamber acknowledges that the Legal Aid Policy of the International Criminal Court, which was adopted at the Assembly of States Parties in November 2023, contemplates funding for defence counsel and victims' counsel during the implementation phase of reparations proceedings. See International Criminal Court Assembly of States Parties, Draft Legal aid policy of the International Criminal Court, 22 November 2023, ICC-ASP/22/9, paras 41, 60, 62. While the Chamber in this case has ruled that no representation of victims or the convicted person is required outside the context of judicial proceedings, based on the availability of funding, the Chamber may request the intervention of the defence counsel or victims' representatives during the administrative implementation phase, whenever required in the interests of justice.

²⁷⁷² *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 182.

²⁷⁷³ CLRV's March 2022 Submissions, [ICC-02/04-01/15-1990](#), paras 14-16.

²⁷⁷⁴ *Ntaganda* First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 187.

²⁷⁷⁵ See Section VI.C.5.ii.c. Conditions of eligibility above.

camps, and for which Mr Ongwen was convicted; and or of at least one of the thematic crimes for which Mr Ongwen was convicted.

ii. for indirect victims:

1. whether the person has established, on a balance of probabilities, the victim status of the direct victim; and
 2. whether the person has established, on a balance of probabilities, to fall within at least one of the four categories of indirect victims recognised by the Chamber.
- c. third requirement: whether the person has established, on a balance of probabilities, the existence of the alleged harm; and
- d. fourth requirement: whether the victim has established, on a balance of probabilities, the causal link between the alleged harm and the crimes for which Mr Ongwen was convicted.

D. Mr Ongwen's indigence and monitoring of his financial situation

815. The Chamber notes that Mr Ongwen was found indigent for the purposes of the proceedings instituted against him, and that, according to the latest information provided by the Registry, no property and assets belonging to Mr Ongwen have been identified to date.²⁷⁷⁶ Accordingly, the Chamber finds Mr Ongwen indigent for the purposes of reparations.

816. Pursuant to regulation 117 of the Regulations, the Presidency is responsible for monitoring, with the assistance of the Registrar as appropriate, the financial situation of Mr Ongwen on an ongoing basis, including following completion of a sentence of imprisonment, in order to enforce the present Order. The Chamber notes that the Presidency may also consider in due course whether it needs to seek the assistance of States Parties to give effect to the Order, pursuant to article 75(4) of the Statute. The Chamber stresses that, pursuant to Parts IX and X of the Statute, States Parties have a duty to cooperate fully with the Court.

817. The Chamber takes note of the competences of the TFV's Board of Directors, as stipulated in the Regulations of the Trust Fund for Victims, adopted by the Assembly of States

²⁷⁷⁶ Updated Submission on Mr Ongwen's Financial Situation, 8 February 2024, [ICC-02/04-01/15-2070-Red](#); Registry Submissions on Mr Ongwen's Financial Situation, [ICC-02/04-01/15-1877](#); Uganda's Submission on Tracing, Freezing or Seizing of Assets and Properties, [ICC-02/04-01/15-1994](#).

Parties,²⁷⁷⁷ on the basis of Article 79(3) of the Statute. The Chamber also underlines the competences of the Board of Directors over the use of the its ‘other resources’²⁷⁷⁸ and the Court’s well-established jurisprudence around it.²⁷⁷⁹ Although the complement to reparations by the TFV is legally only an ‘*advancement*’ to be reimbursed by the convicted person,²⁷⁸⁰ the experiences acquired during the past reparations procedures of the Court show that the chances of reimbursement are in reality very low, due to the high financial expenses of the reparation services and the continuing indigency or low income of the convicted persons.

818. In this context, the Chamber puts emphasis on the fact that the TFV’s Board of Directors is entitled to shape the timing of the delivery of the different components of the reparation according to the results of its fundraising activities and the collected resources, which could have an impact on the implementation of the reparations awarded.

819. Accordingly, and noting Mr Ongwen’s indigence, the Chamber 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.²⁷⁸¹ The Chamber encourages 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. Nevertheless, the Chamber understands that, in order for the TFV to be able to fully complement the award, substantial fundraising will need to take place. The Chamber reiterates that, depending on the information to be provided by the TFV in its DIP, it may need to allow for a phased and flexible approach to the implementation of the collective community-based reparations awarded, including by allowing additional prioritisation and adjustments according

²⁷⁷⁷ ICC-ASP/4/Res.3 Regulations of the TFV https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/ICC-ASP-ASP4-Res-03-ENG.pdf.

²⁷⁷⁸ See Regulation 56 of the Regulations of the TFV, stating: ‘The Board of Directors shall determine whether to complement the resources collected through awards for reparations with “other resources of the Trust Fund” and shall advise the Court accordingly. Without prejudice to its activities under paragraph 50, sub-paragraph (a), the Board of Directors shall make all reasonable endeavours to manage the Fund taking into consideration the need to provide adequate resources to complement payments for awards under rule 98, sub-rules 3 and 4 of the Rules of Procedure and Evidence and taking particular account of ongoing legal proceedings that may give rise to such awards’.

²⁷⁷⁹ See *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 4, stating: ‘The determination, pursuant to regulation 56 of the Regulations of the Trust Fund, of whether to allocate the Trust Fund’s “other resources” for purposes of complementing the resources collected through awards for reparations falls solely within the discretion of the Trust Fund’s Board of Directors’.

²⁷⁸⁰ See *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 5, stating: ‘In cases where the convicted person is unable to immediately comply with an order for reparations for reasons of indigence, the Trust Fund may advance its “other resources” pursuant to regulation 56 of the Regulations of the Trust Fund, but such intervention does not exonerate the convicted person from liability. The convicted person remains liable and must reimburse the Trust Fund’.

²⁷⁸¹ See *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), paras 107-114.

to the availability of funds. The Chamber indeed acknowledges that even when duly observing the priorities established by the present Order, the TFV may need to establish additional ‘sub-priorities’.

820. As such, the Chamber acknowledges once again that there will be a delay between the issuance of this Order and the commencement of implementation of both modalities of the collective community-based reparations awarded. Accordingly, the Chamber reiterates its previous statement that it welcomes the TFV’s indication that it is prepared to integrate victims in dire need into the existing Uganda Programme,²⁷⁸² for as long as such programme is available.

821. Further, the Chamber notes the importance of managing victims’ expectations regarding the implementation of the Reparations Order. As such, the Chamber instructs the PIOS to inform victims that, while a symbolic initial cash payment has been awarded in this case, the PIOS and the VPRS require time to design and implement the outreach, identification, and eligibility processes to be conducted in order for such payments to be executed.²⁷⁸³ At the same time, victims should be made aware of the fact that, given Mr Ongwen’s indigency, distribution of such cash payments and implementation of reparations in general, are subject to the availability of resources that the TVF might be able to raise and assign to complement the award. Accordingly, victims should be duly informed that it will take time before any payments are actually distributed to them and some victims may only get payments when sufficient funds may be raised. The Chamber also instructs the PIOS to inform victims of the prioritisation principles regarding modalities and victims as articulated in this Order to be implemented by the TFV, which means that certain victims may receive their payment before others based on their urgent needs, vulnerability, and availability of resources.²⁷⁸⁴

822. Lastly, the Chamber recalls that as soon as the TFV is able to commence implementing the reparations awarded in this Reparations Order, which the Chamber acknowledges may take time, priority shall be given to the payment of the symbolic monetary awards over the rehabilitation and other symbolic measures. The Chamber also reiterates that additional

²⁷⁸² The Chamber recalls that the TFV’s Uganda Programme has operated in Uganda for nearly 15 years and provides medical, mental health, and livelihood support to victims affected by the crimes under the Court’s jurisdiction. *See* Decision on the ‘Victims’ Request for Urgent Support to Victims presenting with Mental Health Challenges and Other Victims Requiring Urgent Medical Intervention’, 29 September 2024, ICC-02/04-01/15-2061, paras 13, 15.

²⁷⁸³ Additional information on the role of the PIOS and VPRS in the administrative eligibility process is described in Section VII.B. Administrative eligibility assessment below.

²⁷⁸⁴ *See* Section VI.D.3. Prioritisation above.

priorities have been established in this Order, which imply that not all victims would receive the symbolic amount at the same time and payments would be issued depending on the victims' urgent needs and vulnerability and the capacity of the TFV to complement the award depending on the availability of resources. As such, the Chamber underlines that victims cannot expect payments to be executed soon after the issuance of this Reparations Order. Moreover, in light of the convicted person's indigency, the Chamber acknowledges that there is the concrete risk that awards may not be paid if the TFV does not manage to raise sufficient funds to complement the award.

823. In light of the above, the Chamber takes the opportunity to encourage States, organisations, corporations, and private individuals to support the TFV's mission and efforts and contribute to its fundraising activities.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY, UNANIMOUSLY

ADOPTS the *Ntaganda* Principles, with slight modifications regarding the principles related to Types and Modalities of Reparations and Child Victims;

ISSUES an Order for Reparations against Mr Ongwen;

AWARDS collective community-based reparations focused on rehabilitation and symbolic and satisfactory measures to the direct and indirect eligible victims in the case;

ESTIMATES the total number of potentially eligible direct and indirect victims in the case to be approximately 49,772 victims;

ASSESES Mr Ongwen's liability for reparations at approximately €52,429,000 EUR;

INSTRUCTS the TFV to prepare a DIP pursuant to the requirements outlined in the present Order and submit it for the Chamber's approval by **3 September 2024**, at the latest;

INVITES the parties and the Registry to provide observations on the TFV's DIP, within 30 days from its submission;

INSTRUCTS the Registry, through the PIOS, to design and conduct, throughout the duration of the administrative eligibility process, the required outreach campaign for the purposes of this reparations proceedings, after engaging in consultations with the parties, the TFV, the VPRS, the OPCV, and the Country Office;

INSTRUCTS the Registry, through the VPRS, to conduct the identification of potential beneficiaries and eligibility assessments pursuant to the instructions contained in the present Order, providing within thirty days from the issuance of this Order an estimate as to the time it requires to assess eligibility and urgency regarding all participating victims;

INSTRUCTS the Registry, through the VPRS to commence with the identification of potential beneficiaries as soon as possible, and prior to the approval of the DIP;

INSTRUCTS the VPRS and the PIOS to work together to ensure that the administrative eligibility process is completed within two years of the present Order;

FINDS Mr Ongwen indigent for the purposes of reparations at the time of the present Order;

ENCOURAGES the TFV to complement the reparation awards and engage in additional fundraising efforts to the extent necessary to complement the totality of the award; and

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

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt, Presiding Judge



Judge Péter Kovács



Judge Chang-ho Chung

Dated this Wednesday, 28 February 2024

At The Hague, The Netherlands