

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04-01/15  
Date: 03 October 2024

**TRIAL CHAMBER**

**Before:** Judge Maria del Socorro Flores Liera, Presiding Judge  
Judge Kimberly Prost  
Judge Nicolas Guillou

**SITUATION IN UGANDA**

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

**Public  
With Public Annex**

**Victims' Observations to the Trust Fund for Victims Draft Implementation Plan  
(DIP)**

**Source:** Legal Representatives of Victims

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**

**The Office of the Prosecutor**

Mr Karim A. A. Khan, Prosecutor  
Ms Helen Brady

**Counsel for the Defence**

Mr Charles Achaleke Taku  
Ms Beth Lyons

**Legal Representatives of the Victims**

Mr Joseph Akwenyu Manoba  
Mr Francisco Cox  
Ms Paolina Massidda

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

**Trust Fund for Victims**  
Ms. Debroah Ruiz Verduzco

**States' Representatives**

Uganda

**Amicus Curiae**

**REGISTRY**

---

**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims Participation and Reparations  
Section**

Mr. Philipp Ambach

**Other**

## I. Introduction.

1. The Legal Representatives for victims (LRVs) hereby submit these observations to the Draft Implementation Plan (DIP) submitted by the Trust for Victims (TFV) pursuant to the directions of Trial Chamber IX (trial Chamber).<sup>1</sup>
2. The LRVs note that the DIP as submitted by the TFV does not afford the LRVs ample opportunity to make objective and meaningful observations **for lack of details of the proposed rehabilitation and symbolic measures** (emphasis added).
3. The LRVs note that the observations herein respond to the DIP itself and not the cover filing by the TFV to the DIP. These Observations are further complemented by concrete and detailed proposals that in the opinion of the LRVs provide the requisite detail that will enable the Chamber to expedite the approval process of the DIP as opposed to the one submitted by the TFV.

## II. Observations.

4. The LRVs recall that the Trial Chamber specifically directed 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.*<sup>2</sup>
5. The LRVs also recall that the Trial Chamber in its order noted 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.*<sup>3</sup>

---

<sup>1</sup> Trial Chamber IX, Reparations Order, ICC-02/04-01/15-2074 28-02-2024, para. 797.

<sup>2</sup> ICC-02/04-01/15-2074, para. 797.

<sup>3</sup> ICC-02/04-01/15-2074, para. 803.

6. The LRVs submit that in project planning and implementation which is the intended purpose of the DIP, the intended project's details for rehabilitation and symbolic measures must pass and meet the "SMART" standard criteria to aid the approval process.
7. The SMART standard criteria must at all material times be applied to the Goal or Outcome of the Project in this case namely; "**Community Reparations for Victims of the Crimes for which Dominic Ongwen was convicted realised.**" (Emphasis added.) The said goal or outcome to be realised and or achieved, must be informed by a proposed strategic intervention deduced as it were from consultations had with victims as undertaken by the TFV. The proposed strategic intervention must in turn be informed by objective statements whose execution would lead to realisation of the strategic intervention. The Objective statements in similar fashion must be informed by activity statements whose execution would lead to the realisation of the Objective statement.
8. In this regard the SMART standard criteria dictates that the Strategic Intervention, the Objective Statement and intended activities must at all times be;
  - i. **S – Specific**
  - ii. **M–Measurable**
  - iii. **A – Achievable**
  - iv. **R – Realistic**
  - v. **T – Time bound**
9. To this end, the intended project must further be informed by a RESULTS FRAMEWORK on the first part and a MONITORING AND EVALUATION (M & E) FRAMEWORK on the second part. The results framework provides the basis for monitoring implementation and ensuring that beneficiaries realise the

intended benefits within the stated time frames. It thus provides opportunity to check against the objectively verifiable indicators identified in the activity statements.

10. With all due respect, the DIP submitted by the TFV falls short of the Chamber's direction to furnish **details of rehabilitation and symbolic measures** on the first part. The DIP similarly falls short of meeting and applying the SMART standard criteria in many respects on the second part. Whilst in some parts the DIP identifies the proposed strategic interventions, it does not follow and identify any SMART - objective statements and activities that would provide a detailed articulation of the proposed rehabilitation and symbolic measures which in turn would lead to a successful approval and ultimate realisation of the reparations order for the benefit by eligible beneficiary victims.
11. This defect explains why in the column for "Type of Harm Addressed" the DIP simply provides general statement such as "Physical" harm which for purposes of a results framework and monitoring implementation it would be impossible to concretely establish which and or how many victims of for example physical burns, chest pains, sexual and gender based crimes, disabilities have benefited from the strategic intervention of physical and medical rehabilitation.
12. The LRVs further note that in the column for summary of steps for implementation, the DIP as submitted by the TFV gets trapped in bureaucratic processes of repeating the exercises that the TFV was already tasked to undertake in advance of preparing the DIP. The DIP indulges in providing amongst other things for recruitment of implementing partners (IP); contracting of consultants variously to advise the TFV on information already available in the case record and or through consultations already undertaken as noted by the TFV in its cover filing.

13. The said processes proposed by the TFV do not provide value for money. The various identified actions by the TFV do not under the SMART standard criteria explain what it is that will be done to lead the proposed strategic interventions. Moreover, the LRVs submit that the said processes are mere time consumers without tangible deliverables for victims.
14. The LRVs submit that the administrative costs for the implementing partners ought not to be covered by the reparations budget.
15. The LRVs further submit that there ought to be a clear delineation between the resources provided for the assistance mandate and those provided for reparation in the event that the TFV has to implement the reparations order through some of its existing partners implementing the Assistance Mandate.
16. The LRVs submit that they can support the TFV in the concretisation of and implementation of the DIP to make it cost efficient through concerted efforts and consultations and through the development of "RESULTS" and M & E frameworks, respectively.
17. The LRVs submit that accordingly in its cover filing, the TFV ought to have brought to the attention of the Chamber that the DIP should additionally be accompanied by a "RESULTS" and "M & E" framework. As noted already herein, the results framework provides objectively verifiable indicators and time frames for execution of the proposed activities. Whilst the M & E framework provides ample opportunity to monitor implementation and timely execution of the interventions offered by the DIP.
18. The DIP if drafted as proposed by the LRVs in the Annex to this submission, can be monetised per activity and therefore providing basis for appreciating in real time the potential cost for each proposed intervention on the first part; and also provide basis for fundraising from various funders whether

internationally or locally towards the realisation of the reparations ordered in the Dominic Ongwen case.

19. To this end, once monetised a comprehensive budget can be extracted to implement each specific item of the DIP and accordingly submitted and shared with states, donor agencies, development partners from an informed position of the relevant costs.
20. The LRVs submit therefore that taking cue from what has been identified by the TFV as the strategic interventions, they provide in the Annex an alternative perspective of the DIP with details of the rehabilitation and satisfactory measures for consideration by the Chamber. Suffice to state here that the alternative perspective satisfy the "SMART" standard criteria and thus ripe to develop a results and M&E frameworks.

Respectfully submitted.



Joseph Manoba



Francisco Cox

Dated this 3<sup>rd</sup> day of October 2024

At Kampala (Uganda), Santiago (Chile)