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**International
Criminal
Court**

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TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Raul C. Pangalangan

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. Dominic Ongwen***

Public Document

Request for leave to file submission on reparations issues pursuant to Article 75 of the Statute and rule 103 of the Rules

Source: The Foundation for Justice and Development Initiatives (FJDI) and the War Victims and Children Networking (WVCN)

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

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I. INTRODUCTION

1. The Foundation for Justice and Development Initiatives (FJDI) and the War Victims and Children Networking (WVCN), collectively, the “Organisations”, respectfully request the Trial Chamber IX (the “Chamber”) for leave to submit *amicus curiae* observations on reparations pursuant to Rule 103 of the Rules of Procedure and Evidence (“RPE”) in the Situation of the ICC Prosecutor versus Dominic Ongwen (hereafter referred to as “Request”).
2. FJDI is an independent non-governmental organization founded in 2015 and registered in 2016 that works with children, youth, women and communities to promote justice, development and economic recovery in northern Uganda. FJDI seeks solutions to the long-term impacts of the conflict that ravaged northern Uganda by advocating for redress of human rights violations and atrocities committed during the conflict, implementation of sustainable development initiatives, and promotion of economic empowerment for conflict-affected communities. www.fjdi.org
3. WVCN is a community-based, membership organisation open to female victims of the Lord’s Resistance Army (LRA) war in Northern Uganda. Started in 2017, and formally established in January 2018, WVCN works to improve the situation of former LRA abductees, particularly ex-female LRA abductees and children born in captivity. WVCN has a membership of nine hundred and eighty-six (986) members, all former LRA abductees, who took up government amnesty following their escape from LRA captivity and subsequent return to their communities.
4. Both FJDI and WVCN have worked with victims and conflict-affected communities in northern Uganda to implement post-conflict recovery interventions in various areas including livelihoods, economic empowerment, reconciliation and psychosocial support. These interventions aimed to repair the harm and disruption to the live of victims and conflict survivors. FJDI currently runs a community memory center in Lukodi, northern Uganda, aimed at preserving information about the conflict in northern Uganda, and promoting healing and recovery for survivors of the Lukodi Massacre of 2004. WVCN currently supports its

membership to access vocational training and livelihood programs, and to advocate for reparations from the Ugandan Government.

5. Furthermore, FJDI and WVCN have advocated for victims' rights to reparations at local, national, and international levels through the convention and attendance of workshops, and direct interface with policy makers and duty bearers.
6. FJDI and WVCN have been instrumental in conducting outreach during the trial of Dominic Ongwen. From 2017, the FJDI partnered with the ICC Outreach Office in Uganda to conduct community screenings of Ongwen's trial proceedings, radio listening clubs, and community dialogues, to disseminate the trial proceedings to the general public in northern Uganda. WVCN rallied its membership of former LRA abductees and children born in captivity to follow and disseminate trial proceedings.
7. FJDI has conducted research on accountability and justice and northern Uganda, and published articles in this regard, including on the topic of reparations.¹ The said publications have gauged community perspectives on the trial of Ongwen, and sought their views on a wide range of topics, including reparations.
8. WVCN has maintained a presence in northern Uganda since 2017 and has worked to improve the lives of former LRA abductees, particularly female ex-LRA abductees and children born in captivity. WVCN has particularly worked to combat stigma and rejection of female ex-LRA abductees and children born in captivity. For a number of years, these women told their stories to non-governmental organisations and researchers who made promises of support, which they did not honor. Exhausted with being subject of studies with little or no support to address their needs, they decided to form their own community-based organisation. The 986 women members of WVCN have among them more than one thousand (1,000) children born in captivity that they are looking after.
9. FJDI, in partnership with other organizations has conducted extensive consultations with civil society, victims' groups and academia on the question of

¹ See: http://fjdi.org/resources/Ignored_and_Forgotten_FJDI_Policy_Brief_2019-001.pdf;
http://fjdi.org/resources/FJDI_A%20Renewed%20Momentum%20for%20Trial%20Justice_January%202017.pdf

reparations. The most recent consultations were conducted in 2021 and sought the views of several stakeholders including victims of conflicts, Civil Society Organizations (CSOs), members of the Amnesty Commission, Members of Parliament, Judiciary, Uganda Human Rights Commission, elders, women, and youth representatives, religious as well as political leaders.

10. FJDI currently works with over 30 victims' associations across northern Uganda. FJDI's support to victims' associations has entailed supporting them to conduct local memorial initiatives including annual memorial prayers, capacity building in group dynamics and organizational development, documentation aimed at truth recovery for preservation of information about the conflict, and advocacy for recognition and guarantees of non-recurrence.
11. The Organisations would like to request the Chamber for leave to submit *amicus curiae* observations in the case of the ICC Prosecutor versus Dominic Ongwen pursuant to The Trial Chamber IX's 'Order for Submission on Reparations' issued on 6 May 2021.

II. PROCEDURAL HISTORY

12. On 4 February 2021, the Chamber convicted Mr. Dominic Ongwen ('Mr Ongwen') for the commission of 61 counts of crimes against humanity and war crimes.²
13. On 6 May, 2021, the Chamber sentenced Dominic Ongwen to a joint sentence of 25 years of imprisonment.³
14. On 6 May, 2021, The Chamber issued "An Order for Submissions on Reparations" and, inter-alia, invited 'any persons or organizations, particularly with local expertise, interested in making submissions on [reparations], to request leave from the Chamber, pursuant to article 75 of the Statute and rule 103 of the Rules, by Monday 7 June 2021.'

² Trial Judgment, ICC-02/04-01/15-1762-Conf. A public redacted version was filed the on same day, ICC-02/04-01/15-1762-Red.

³ Sentence, ICC-02/04-01/15-1819-Conf. A public redacted version was filed the on same day, ICC-02/04-01/15- 1819-Red.

15. On 19 July 2021, the Chamber issued the Decision on requests for extension of time, *inter alia*, extending the time limits for the submissions on reparations until 6 December 2021 and for responses to such submissions until 10 January 2022.
16. On 9 November 2021, the Legal Representatives of Victims ('LRVs') submitted the Victims' Request for an extension of the time limit to submit their observations on reparation proceedings ('LRVs' Request'), requesting a three month extension of the time limit for their submissions on reparations.
17. On 18 November 2021, the Chamber partly granted the parties, the Registry, and the TFV an extension of the time limit to make their submissions on reparations exclusively on issues which require further consultations, as referred to in paragraph 5(i) of the Order, until 7 February 2022. The Chamber further ordered the parties, the Registry, and the TFV to provide as much information as possible on either some or all of the issues identified by the Chamber in paragraph 5(i) of the Order, by the original deadline of 6 December 2021. The Chamber also extended the time limit for the Prosecutor and the relevant authorities of the Republic of Uganda to make submissions on reparations in accordance with paragraph 5(ii) of the Order, until 7 February 2022. The Chamber also extended the time limit for persons and organizations who were granted leave to submit *amicus curiae* observations in accordance with paragraph 5(iii) of the Order, until 7 February 2022 and the time limit for the parties and the TFV to respond to the submissions on reparations referred above in accordance with paragraph 6 of the Order, until 7 March 2022.

III. APPLICABLE LAW

18. Rule 103(1) of the ICC RPE stipulates that "At any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate."
19. In line with customary international law, similar provisions equivalent to article 103(1) are contained in other statutes of other international criminal tribunals, including the International Criminal Tribunal for the former Yugoslavia, the

International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone (“SCSL”), and the Extraordinary Chambers in the Courts of Cambodia. Many of these tribunals have permitted amicus curiae submissions.⁴

20. The Appeals Chamber of this Court has previously allowed amicus curiae submissions for example in the case against Thomas Lubanga.⁵

21. Rule 103(1) of the RPE and customary international law precedent as outlined above therefore empowers the Chamber to grant amicus curiae observations provided there is reason to believe that the submissions will assist the Chamber in reaching a decision on an issue.

IV. SUBMISSIONS

22. On legal and factual issues relevant to the identification of eligible victims.

- (a) The Government of Uganda (GoU) in referring Dominic Ongwen's case to the ICC conferred authority regarding his crimes to the Court. In taking custody of and prosecuting Ongwen based on the Rome Statute, the ICC granted standing to victims to make individual and collective claims for reparations in this case. With Ongwen's case under the authority of the ICC, the Court can consider extending victim standing in Ongwen's crimes to include victims beyond the five case study areas, to include all victims of his crimes in northern Uganda. This extension can contribute to transitional justice and peace by having the effect of reducing resentment of those who have been victimized by Ongwen but are not located in an area under consideration for reparations. Extending standing to all victims facilitates rebuilding civic and social trust, pursuant to the goals of transitional justice and reparations. Reparations ordered by the ICC are important as the GoU has been ineffective in adopting reparations for victims.⁶

⁴ See for example Prosecutor v. Prlić et al. IT-04-74-T, Order Appointing an Amicus Curiae, 3 July 2009; Prosecutor v Jean-Paul Akayesu, Case No. ICTR-96-4-T, “Order Granting Leave for Amicus Curiae to Appear”, 12 February 1998.

⁵ Appeals Chamber, “Decision on ‘Motion for Leave to File Proposed Amicus Curiae Submission of the International Criminal Bar Pursuant to Rule 103 of the Rules of Procedure and Evidence’”, Case No. ICC-01/04- 01/06 OA 11, 22 April 2008, para. 7-8.

⁶ Sarah Kasande Kihika and Eva Kallweit, “Building Blocks for Reparations: Providing Interim Relief to Victims Through Targeted Development Assistance,” *Research Report* (International Center for Transitional Justice, [Building Blocks for Reparations: Providing Interim Relief to Victims Through Targeted Development Assistance | International Center for Transitional Justice \(ictj.org\)](#), 2020); Office of the Prime Minister, Victim Duty Bearer Meeting, 3 November 2021. Global Friendship Hotel Gulu, Uganda.

- (b) FJDI and WVCN recommend the adoption of a rights-based approach (RBA) to victim identification.⁷ The RBA approach not only identifies victims, but considers the best approach to building individual capabilities based on individual needs. The RBA addresses the needs of victims and considers the implications of social and cultural contexts by identifying structural and administrative obstacles to victims in accessing reparations processes and benefits. In RBA the foundation of successful outcomes are in building capability with marginalized victims, and adopting mechanisms to mitigate inequality in reparation distribution. Inequalities may be based in social and cultural norms or a failure of tertiary and external duty bearers to mitigate inequality. Without supporting structural guarantees, vulnerable victims risk re-victimization, and may continue to experience direct and indirect forms of violence.⁸
- (c) FJDI and WVCN note that quantitative data collection for the identification of victims will not adequately identify victims or assess their individual needs.⁹ The identification of victims is dependent on data collection in communities carried out through individual interviews and contacts, a time and manpower intensive project. This method of data collection commonly uses a uniform questionnaire or a general interview checklist, helpful in maintaining a standardized criterion for all victim identification.¹⁰
- (d) FJDI and WVCN further note that a comprehensive census of victims is necessary, leading to the creation of victims' registry. However, the said victim's registry should not be managed by or be accessible to the GoU, and must not be maintained or managed by its representatives or institutions. Research ethics regarding privacy must be adhered to, and victim identities should be protected

⁷ Britha Mikkelsen, *Methods for Development Work and Research: A New Guide for Practitioners*, 2nd ed., (New Delhi: SAGE Publications India Pvt Ltd, 2005).

⁸ Johan Galtung, "Cultural Violence," *Journal of Peace Research* 27, no. 3 (1990): 291 – 305.

⁹ Phil Clark, *Distant Justice: The Impact of the International Criminal Court on African Politics*, (Cambridge: Cambridge University Press, 2018), doi:10.1017/9781108576260.

¹⁰ Search for Common Ground, *Human Rights Monitoring Guidebook: A tool for monitoring, documenting, and reporting human rights violations in Nigeria* (2014), 17, https://www.sfcg.org/wp-content/uploads/2014/12/HUMAN-RIGHTS-MONITORS%E2%80%99GUIDE-BOOK_final_with-cover.pdf.

as much as possible during the identification process and in the distribution phase.

- (e) Victim identification can also be facilitated through the use of records of IDP camp registrations, civil society archives, LRA casualty lists, and from human rights organizations such as the Uganda Amnesty Commission and Amnesty International.
- (f) FJDI and WVCN recommend the use of civil society, non-governmental organizations and affiliated local actors to lead this work. Civil society networks make it possible to identify victims, assess their needs, and provide oversight regarding the distribution of reparations. Due to the ongoing relationships with victims and victim communities, the use of CSOs and NGOs already working in the field are an important resource. Community structures and associations can also be an important avenue for identification of victims. Working with CSOs and traditional leaders in affected communities can help mitigate problems of victim identification. Given the diversity of programs experiencing similar issues in identifying victims and recipients it would be best for reasons of community and victim trust, for this work to be carried out by entities other than the GoU.
- (g) FJDI and WVCN also recommend the identification of posthumous victims suffered grievous and serious harms. For such victims, the benefits should be distributed to their beneficiaries. This is because wealth and poverty are generational, meaning that the basis for economic security depends in part on the opportunities previous generations have been able to access.¹¹ Loss of property, resources, and social status within the community due to the death of an individual has long term consequences which should be recognized and remedied.

23. On victims or groups of victims who may require prioritization in the reparations process.

¹¹ Owasim Akram, Mathilde Maitrot, and Thomas Denk, "Generational Bargain, Transfer of Disadvantages and Extreme Poverty: A Qualitative Enquiry from Bangladesh," *European Journal of Development Research* 32, (2020):1173-1194; Karen Moore, "Frameworks for understanding the intergenerational transmission of poverty and well-being in developing countries," *CPRC Working Paper 8*, (International Development Department, School of Public Policy, University of Birmingham, 2001).

- (a) Female ex-LRA abductees require prioritization due to their unique experiences living in captivity. These include widely practiced forced marriages, sexual slavery, rape and forced pregnancies, making female ex-LRA captives vulnerable to stigmatization and revictimization. While much of the focus of reintegration has been on child soldiers, most of whom are male, less focus has been given to returning female victims and their specific vulnerabilities.¹²
- (b) To date, children born in captivity (CBC) are not considered explicitly in most reparation programs. CBC are particularly vulnerable, not accepted by their mothers, stepfathers, siblings born to their mothers after remarriage, extended family and villages. CBC are often left to be raised by grandmothers. Policy and protection efforts have largely focused on women and victims of sexual violence, not children born of rape and sexual slavery.¹³ The underlying assumption is that policies and programs designed with a focus on women trickle down to the children.¹⁴ As a result, CBC become invisible within policy and program design and advocacy, ensuring their anonymity, resulting in silencing and denial, ignoring specific vulnerabilities of these children.¹⁵ Due to the patrilineal nature of social structures in northern Uganda, without birth certificates and the identity of a father, CBC are often without national identity cards. CBC without identity cards lack civil and social rights granted to citizens of the Ugandan state, creating a category of people who are essentially stateless within Uganda. This denial of status in their country of origin is a violation of both civil and political rights, and the International Covenant on Civil and Political Rights (ICCPR).
- (c) Gersony (1997) estimated the number of non-combatant civilians killed in northern Uganda to number in the tens of thousands.¹⁶ These victims and their families require assistance in locating remains, search for individuals who remain

¹² Sarah Kanya, "Resettlement of Abducted Girls in Northern Uganda: the case of Gulu District," *Africa Peace and Conflict Journal* 5, (2012): 2.

¹³ Myriam Denov and Atim Angela Lakor, "Post-War Stigma, Violence and 'Kony Children': the responsibility to protect children born in Lord's Resistance Army captivity in northern Uganda," in *Children and the Responsibility to Protect*, eds. Bina D'Costa and Luke Glanville, (Netherlands: Brill, 2019), 214.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Robert Gersony, "The Anguish of Uganda: a field based assessment of the civil conflicts in northern Uganda," (Submitted to the United States Embassy USAID Mission, Kampala, 1997).

missing, (re)burial, and to establish memorial locations. Families may require victim identification to make recovery of traditional property possible.

21. On types and modalities of reparations appropriate to address the harm suffered by the victims.

(a) Individual modalities

(i) Income support is recommended for victims suffering debilitating injuries, female ex-LRA abductees, CBC, and victims unable to work due to age or health complications due to their victimization. The recommendation is that the Trial Chamber issue a lump sum payment, followed by smaller monthly support payments. A single lump sum relieves immediate economic hardship but may not be enough to prevent later financial difficulties.¹⁷

(ii) Land is a persistent problem for female ex-LRA abductees, in part due to the fracture in customary tenure systems that once protected women's land rights and the clan system, making resettlement for these women difficult.¹⁸ Some female ex-LRA abductees, on their return have not been able to access land that should have been considered theirs.¹⁹ In other cases where parents have given land to their returning daughters with CBC, male siblings and family members have opposed the decision.

(iii) Housing assistance is necessary for victims with property, whose homes may now be uninhabitable or destroyed due to of the war. Gersony (1997) estimated that during the war in rural areas tens of thousands of homes were destroyed and/or looted.²⁰ For victims granted land as a part of reparations, there is no guarantee that this land will have habitable structures in which to live. This is a problem particularly acute for female ex-LRA abductees and CBC as they are less likely to have resources for (re)construction of housing. In either case, (re)construction is cost prohibitive for many victims.

¹⁷ Baiden, "Women survivors."

¹⁸ Kanya, "Resettlement."

¹⁹ Ibid.

²⁰ Gersony, "The Anguish of Uganda."

- (iv) Long-term specialized medical care including mental health services are needed. Although technically, medical care in Uganda is ‘free’ for citizens, this is not the case in practice. Therefore, medical care for the most vulnerable populations is cost prohibitive. It is necessary to ensure that victims have access to free and/or affordable medical care in practice, including medications. This is particularly important to victims in rural communities where assistance is inaccessible or unavailable. Female ex-LRA abductees have unique needs for reproductive health services, treatment for damage caused due to sexual assault, complications from early pregnancy and birth, and treatment of STIs.
- (b) Collective modalities
- (i) Due to community resentment and animosity related to access to school provided by external sources, this reparation is best distributed collectively.²¹ This form of reparation is of particular importance for female ex-LRA abductees and CBC as they have little or no access to education unless sponsored by an external source. They also have few skills which translate into employment or income generation.²² Specific interventions may be necessary in education programs for rural communities where accessibility due to distance, poor infrastructure and lack of transportation pose significant obstacles.
- (ii) General health services for victims which include access to necessary medications for treatment of disease and injury as well as mental health treatment to include assistance from social workers and counselors. This modality is to include treatment for STIs including, but not limited to HIV treatment and medication. This is included as a collective reparation is an effort to mitigate the spread of STIs.

²¹ Teddy Atim, Dyan Mazurana and Anastasia Marshak, “Women survivors and their children born of wartime sexual violence in northern Uganda,” *Disasters* 42(s1), (2018): S61-S78.

²² Kate Lonergan and Ketty Anyeko, “Gender and Generation in Acholi Traditional Justice Mechanisms,” in *Conflict and Peace Studies in Africa, Peace and Peace Building: concepts and perceptions in northern Uganda*, eds. Emilio Ovuga, Elizabeth A. Opiyo, Julaina A Obika, and Kenneth Olido, (Gulu, Uganda: Vision Publishing, 2012).

- (iii) Access to legal aid is necessary for all victims. Victims may not know their rights and are unlikely to make claims based on those rights. Legal support should include specialized legal aid for sexual and gender-based violence, identity registration for CBC, and family law. Family law is meant to include assistance obtaining child support from fathers, and support for women's rights.
 - (iv) Land disputes are a fundamental issue in need of resolution. Many families and clans are involved in land conflicts and disputes. These "have become pervasive and are a direct result of the war and the encampment period."²³ In the process of return, disputes have emerged including clarity of land boundaries and land grabbing. Disputes contribute to desperation, increased domestic violence, child neglect and abuse.²⁴
- (c) FJDI and WVCN also recommend reparations that are in line with the current livelihood requirements of communities in northern Uganda. It is important that distinction is made between reparations programs and GoU development projects. To facilitate recipient success and sustainability in agriculture and business enterprises, we recommend recipients be connected to development assistance.
- (i) Though initial access to credit and other necessary resources is a necessary reparation, technical support for sustainable agriculture will assist with sustainability. Recipients should be connected to NGOs which can provide this support (e.g., Farm Africa, North East Chili Producers Association (NECPA), GRAIN). Technical assistance includes providing access to and education regarding seeds/seedlings that generate income and sustainable cash crops. There is also need for the education of farmers to help them to understand the importance of agricultural practices to generate high yield, higher value crops for domestic and international markets.

²³ Obika, Acio, and Ovuga, "Forgiveness as a Strategy," 26.

²⁴ Ibid.

- (ii) Agricultural equipment will be necessary for some communities and victims. Equipment is best distributed through in-kind rather than cash payment. Equipment needs may vary, therefore it is necessary to include CSOs and NGOs working in agricultural sectors to access or conduct need assessments. Equipment is taken here to mean machinery, hand tools, construction materials and assistance, seeds and seedlings, and animal traction.
- (iii) Armed conflict, looting and theft from communities and individuals in northern Uganda resulted in the loss of valuable livestock. Although the GoU has begun identifying individuals for cattle compensation, this program is deeply flawed. For the Acholi, “cattle . . . represented not only their savings, but also their contingency reserve for sickness, drought, retirement, education, and marriage dowry.”²⁵ Without adequate income to make purchases of livestock, affected communities are without means to recover this loss. In 1985 in Gulu and Kitgum districts cattle numbered approximately 285,000, by 1997 there were 5,000 head remaining.²⁶ For those who are no longer able to care for cattle, or no longer have an interest in maintaining livestock, the Trial Court may consider cash payments per head of livestock. A partner for increasing livestock numbers sustainably can be identified through NGOs (e.g., Farm Africa’s Livestock for Livelihoods).

(d) Symbolic Reparations

FJDI and WVCN recommend the implementation of symbolic reparations in form of memorials and memorial events. Collective symbolic reparations are important post conflict recovery and this is particularly the case regarding the role of memory. The emphasis is on the active community participation and ownership of collective memories. As one author noted, “To forget would be not only be dangerous but offensive; to forget the dead would be akin to killing

²⁵ Gersony, “The Anguish of Uganda,” 27.

²⁶ Ibid.

them a second time.”²⁷ We therefore recommend the following collective symbolic reparations ;

- (i) Local communities have adopted events such as memorial ceremonies and days of prayer, these events are cost prohibitive. The Trial Court can provide material and financial support necessary for memorial prayers, services, and other activities through community groups and CSOs.
- (ii) Although some ad hoc memorials have been established in northern Uganda, they often do not exist at the sites of the massacres, and are poorly constructed and maintained. Ad hoc memorials are often without formal endorsement from the communities they claim to represent. The absence memorial sites leaves survivors and victims’ families unrepresented signaling to them that their trauma was not important enough for inclusion in victim memorials and narratives. Memorials, monuments, and memorial centers preserve the collective memory and history of the community and memorialize the lived experiences of survivors. “Remembering is a noble and necessary act”²⁸ that aids in healing communities, providing a basis for future peace and toleration, providing a foundation for future advocacy and conflict prevention.
- (iii) FJDI and WVCN recommend for the construction of four community centers in the four case locations (Lukodi, Abok, Pajule and Odek), and for a museum in Gulu Town. FJDI has experience in running a community memory center in Lukodi and is happy to support in this process.
- (e) Specific recommendations on the appropriate modalities and means of transmitting reparations to the final beneficiaries.
 - (i) Income supports may be paid in two phases. First in a lump sum payment followed by smaller monthly payments. While the administration of these payments is most easily carried out in larger towns and villages using electronic means, payments pose challenges for rural recipients due to accessibility. One direct approach is to use mobile money in rural areas since

²⁷ Elie Wiesel, *Night*, (New York: Hill and Wang, 2006), 9.

²⁸ *Ibid.*

it is already widely used in Uganda. It is important that these payments go directly to the individuals and regular oversight is provided to reduce community and family cooption of cash payments.

- (ii) To secure and reclaim land for individuals, land disputes must be resolved. Assistance with land registry through the Land Registry and District land registries is necessary and would include legal and dispute resolution assistance for claims. NGOs and CSOs can provide unbiased intervention and assistance (e.g., Landesa) in this regard. District offices can be difficult to access, so it is important that individuals and families have access to an advocate who can represent accurately their claims. In terms of individual land for female ex-LRA abductees, land outside of their community of origin where they will not face the stigmatization from family and community may be necessary and desirable.
- (iii) Housing assistance focuses on securing safe and affordable housing for victims. This assistance may take several forms, including the refurbishment and/or rebuilding, and construction of new homes. Assistance should include the identification of reliable construction firms, craftsmen, etc., to ensure the work is completed reliably, oversight can be provided through local CSOs and NGOs.
- (iv) Some assistance for agricultural activities can be provided through the GoU extension services, with rigorous oversight and reporting processes in place to protect farmers. Consultation with NGOs who provide such agricultural assistance and services should also be considered as partners in this endeavor. Organizations with ongoing projects in the east Africa region such as Farm Africa, USAID, the FAO and crop specific organizations may also be helpful.

22. Regarding concrete estimates for costs to repair harms, particular attention should be paid to victims living in rural areas where access to education, services, and other assistance is minimal. Financial estimates are provided based on first-hand experience of the prevailing economic situation and market price estimates in

northern Uganda. Estimates reflect the experience in implementing economic empowerment and livelihood programs for ex-female LRA abductees and conflict affected communities in northern Uganda.

a) School fees per student are estimates for government schools understanding that although government schools are tuition free, additional costs for uniforms, shoes, school supplies etc., are charged. In rural areas where government and day schools are not accessible, boarding school enrollment may be necessary for students.

(i) Primary school per student annually (government): €450.00

(ii) Secondary school per student per annually (day school): €600.00

(iii) Secondary school per student per annually (boarding school): €750.00

b) Agricultural assistance (based on 10 farms, 1hectre in size) estimates include costs associated with use of sustainable agricultural practices to mitigate deforestation and climate change.

(i) Equipment and infrastructure costs (water capture, terracing/shaping) €3,000

(ii) Planting costs including seeds and seedlings €1,000

(iii) Plants for terracing (e.g., grasses and/or trees), fertilizer, mulch €1500

c) Housing assistance estimates are based on construction of a 50 sq meter house. Oversight regarding construction is a concern due to consistent and problematic construction delays prevalent in Uganda. Costs for outdoor latrine and borehole are listed separately.

(i) 50 sq meter home €6,500

(ii) 1.5 sq meter latrine €600

(iii) 1 borehole €4800

d) Income supports are based on living wage estimates. The current (2019) rural living wage in Uganda is €157 per month. A living wage is defined as wages which ensure access to good nutrition, housing, adequate health care, and education.

(i) Lump sum payment per qualifying adult in the household €5000

- (ii) Monthly income support payment per qualifying adult in the household €150
- e) Recommendation for appropriate rehabilitation mechanisms and special programmes for the long-term security and well-being of female ex-LRA abductees and children born in captivity include but are not limited to the following.
- (i) Income supports are important to female ex-LRA abductees and their children. This reparation modality is important based on the uniqueness of their experience and poverty caused by the interruption of their development, education, and family lives.
 - (ii) Stigmatization from their unique experiences and circumstances lead to insecurity for female ex-LRA abductees and CBC without access to consistent safe housing. Housing belonging to these victims, which cannot be appropriated by family, or the community is necessary.
 - (iii) Access to medical, mental health, and other forms of counseling (e.g., parental and family). Particular attention should be given to rural populations where these resources are inaccessible or difficult to access.
 - (iv) Access to education for CBC is difficult due to the inability of single mothers to pay school fees, or the unwillingness of families to provide this assistance. Though we have placed this modality in the context of collective reparations, it is a priority for female ex-LRA abductees and CBC.

22. Compensation and reparations for the harm suffered specifically due to Mr. Ongwen's crimes has not been paid. In northern Uganda, there have been minimal government programs or policies to acknowledge and recognize victims of the conflict or provide adequate redress.²⁹ The GoU created and implemented development programs, however these programs are oblivious to the unique experience and needs of victims of gross human rights violations.³⁰ Development

²⁹ Denov and Lakor, "Post-War Stigma."

³⁰ Kihika and Kallweit, "Building Blocks for Reparations."

programs for recovery in practice pose barriers, including a lack of information, stigmatization, restrictive criteria, and gender norms which have limited or precluded female and children's access.³¹ Limited compliance and enforcement of government programs and policies, and a lack of financial support is complicated by corruption.³²

23. On any additional information relevant to reparations, although the GoU has engaged in limited reparations programs for past conflicts, this is not the case for the conflict with the LRA. Currently the GoU has not established a functional reparations program, and only recognizes and provides compensation to groups, not individuals. The GoU with assistance from CSOs, has adopted and implemented recovery programs. However, these do not constitute reparations or compensation and most victims have not benefited from these programs. Kihika and Kallweit (2020) found that GoU programs employ design and implementation approaches that are top-down with little input from the affected communities and beneficiaries, resulting in programs providing interventions that do not address community needs and priorities, limiting program effect. The lack of coordination between programs has led to inconsistent and short-term assistance that is not context specific. In most cases marginalized and vulnerable community members without powerful social networks are left out of programs.³³

V. EXPERTISE OF THE APPLICANTS

24. The Organizations are based in northern Uganda collaborating with victims and conflict-affected communities. Further, the representatives of the organizations are individuals with substantive knowledge on northern Uganda. Mr. Lino Owor Ogora, the founder of FJDI has worked with conflict-affected communities in northern Uganda and South Sudan since 2006 and conducted extensive research on the most appropriate mechanisms for redress and healing. Ms. Stella Lanam, the

³¹ Ibid, 218.

³² Virginie Ladisch, "From Rejection to Redress: Overcoming Legacies of Conflict-related Sexual Violence in Northern Uganda," International Center for Transitional Justice, (2015), www.ictj.org/publication/rejection-redress-overcoming-legacies-conflict-sexual-violence-northern-uganda.

³³ Kihika and Kallweit, "Building Blocks for Reparations."

founder of the WVCN is herself a former LRA abductee and survivor who spent close to 10 years in LRA captivity. She has dedicated her post-abduction life to improving the physical and psychosocial well-being of ex-female LRA abductees and children born in captivity.



Lino Owor Ogora
on behalf of
Foundation for Justice and Development Initiatives (FJDI)

&



Stella Lanam
War Victims and Children Networking

Dated this 30 November 2021

At Gulu, Uganda