

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/04-01/15
Date: 7 December 2021

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 redacted version of document No. ICC-02/04-01/15-1923-Conf
With public annexes 1 to 5**

Common Legal Representative of Victims' Submissions on Reparations

Source: Office of Public Counsel for Victims

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I. PROCEDURAL HISTORY

1. On 4 February 2021, Trial Chamber IX (the “Chamber”) issued its Judgment, finding Mr Ongwen guilty of 61 charges of war crimes and crimes against humanity.¹ On 6 May 2021, the Chamber sentenced Mr Ongwen to 25 years of imprisonment.²

2. On 6 May 2021, the Chamber also issued an Order:³ (i) directing the parties (the Legal Representatives of Victims and the Defence), the Registry, the Trust Fund for Victims (the “TFV”), the Prosecution and the relevant authorities of the Republic of Uganda to file submissions on reparations by 6 September 2021; (ii) inviting *amicus curiae* applications by 7 June 2021; (iii) instructing the Registry to undertake a mapping of victims potentially eligible for reparations, to review Mr Ongwen’s current financial situation, and to report back to the Chamber by 6 September 2021. Upon request of the Registry⁴ and of the Legal Representatives of Victims⁵ (the “LRV”), the deadline to file submissions was subsequently extended until 6 December 2021;⁶ and any responses and last submissions by the LRV and the Defence set for 10 January 2022.⁷

¹ See the “Trial Judgment” (Trial Chamber IX), [No. ICC-02/04-01/15-1762-Conf](#) and [No. ICC-02/04-01/15-1762-Red](#), 4 February 2021 (the “Judgment”).

² See the “Sentence” (Trial Chamber IX), [No. ICC-02/04-01/15-1819-Conf](#) and [No. ICC-02/04-01/15-1819-Red](#), 6 May 2021 (the “Sentence”), and the “Partly Dissenting Opinion of Judge Raul C. Pangalangan”, [No. ICC-02/04-01/15-1819-Anx.](#)

³ See the “Order for Submissions on Reparations” (Trial Chamber IX), [No. ICC-02/04-01/15-1820](#), 6 May 2021 (the “Order”).

⁴ See the “Registry Progress Report on Mapping and Request for Extension of Time”, [No. ICC-02/04-01/15-1863](#), 5 July 2021.

⁵ See the “Victims’ Joint Request for extension of time limit to submit their observations on reparation proceedings”, [No. ICC-02/04-01/15-1864](#), 12 July 2021.

⁶ See the “Decision on requests for extension of time” (Trial Chamber IX), [No. ICC-02/04-01/15-1865](#), 19 July 2021.

⁷ *Ibid.*

3. On 4,⁸ 7,⁹ 8¹⁰ and 11¹¹ June 2021 respectively, several organisations filed requests to submit *Amicus Curiae* Observations; in relation to which the LRV filed their concerns on 11 June 2021.¹² On 17 June 2021, the Chamber granted all requests.¹³

4. On 9 June 2021, the Presidency issued a Decision replacing Judge Judge Raul C. Pangalangan, whose mandate had come to an end, with Judge Chang-ho-Chung.¹⁴

5. On 18 November 2021, upon a request formulated by the other team of Legal Representatives of victims,¹⁵ the Chamber granted a partial extension of time to submit observations on reparations, maintaining the 6 December 2021 and indicating that final observations covering exclusively the issues requiring further consultations should be filed by 7 February 2022.¹⁶

⁸ See the request from the Acholi Religious Leaders Peace Initiative (ARLPI), [No. ICC-02/04-01/15-1840](#), 4 June 2021.

⁹ See the Requests from the Foundation for Justice and Development Initiatives (FJDI) and the War Victims and Children Networking (WVCN), [No. ICC-02/04-01/15-1842](#), 7 June 2021; from the ICTJ and the Uganda Victims Foundation, [No. ICC-02/04-01/15-1843](#), 7 June 2021; from the Uganda Association of Women Lawyers (FIDA Uganda), [No. ICC-02/04-01/15-1844](#), 7 June 2021; from the African Youth Initiative Network (AYINET), [No. ICC-02/04-01/15-1845](#), 7 June 2021; from the Refugee Law Project (RLP), [No. ICC-02/04-01/15-1846](#), 7 June 2021; from Avocats sans Frontiers (ASF), Emerging Solutions Africa (ESA), Essex Transitional Justice Network at the University of Essex, Global Survivors Fund (GSF), Gulu Women's Economic Development and Globalization (GWED-G), Institute for Peace and Strategic Studies at Gulu University, International Federation for Human Rights (FIDH), REDRESS, Watye Ki Gen, Women Advocacy Network, [No. ICC-02/04-01/15-1847](#), 7 June 2021.

¹⁰ See the Requests from the Amuria District Development Agency (ADDA), [No. ICC-02/04-01/15-1848](#), 8 June 2021; and from the United Nations, [No. ICC-02/04-01/15-1849](#), 8 June 2021.

¹¹ See the Requests from War Victims and Children Networking, [No. ICC-02/04-01/15-1854](#) and its [Anx1](#), 11 June 2021; and from the Populace Foundation International (TPFI), [No. ICC-02/04-01/15-1853](#) and its [Anx1](#), 11 June 2021.

¹² See the "Victims' concerns on the applications to submit amicus curiae observations", [No. ICC-02/04-01/15-1858](#), 11 June 2021

¹³ See the "Decision on the requests for leave to submit amicus curiae observations" (Trial Chamber IX), [No. ICC-02/04-01/15-1860](#), 17 June 2021.

¹⁴ See the "Decision replacing a judge in Trial Chamber IX" (Presidency), [No. ICC-02/04-01/15-1851](#), 9 June 2021.

¹⁵ See the "Victims' Request for an extension of the time limit to submit their observations on reparation proceedings", [No. ICC-02/04-01/15-1890](#), 9 November 2021.

¹⁶ See the "Decision on the Victims' Request for an extension of the time limit to submit their observations on reparation proceedings" (Trial Chamber IX), [No. ICC-02/04-01/15-1910](#), 18 November 2021. Following a request made by the CLRV by email on 30 November 2021 at 12:58, the

II. CONFIDENTIALITY

6. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the present submission is filed confidential because it contains information on a specific category of identifiable vulnerable victims. A public redacted version is filed simultaneously.

III. SUBMISSIONS ON REPARATIONS

7. Preliminarily, the Common Legal Representative of Victims (the “CLR”) emphasises that “[t]he reparations phase of the proceedings marks a critical juncture in the administration of justice. To some extent, the success of the Court is linked to the success of its reparations system. In effect, the victims’ rights to truth, justice, and reparations are all part of the victims’ right to a remedy”.¹⁷

8. Over the past months following the issuance of the Judgement and the Sentence, the CLR could meet with the victims she represents through the assistance of the Assistant to Counsel based in Uganda who was able - despite the restrictions linked to the pandemic - to visit all the localities where the victims currently reside in order to update them about the proceedings, collect updated information on their current personal, professional and family situations, as well as information regarding their needs and wishes in terms of reparations.

9. The CLR was also able to gather information concerning potential new beneficiaries that could be eligible for reparations in the localities where the victims reside and to collect data as to the infrastructures in place in the different areas and the costs of several services of interests for the victims.

Chamber granted an extension of the page limit for the present submissions up to 65 pages. See the email sent on behalf of Trial Chamber IX on 1 December 2021, at 16:57.

¹⁷ See the “Reparations Order” (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021 (the “Ntaganda Reparations Order”).

10. The CLRV addresses *infra* the issues identified by the Chamber in its Order.

a. **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 *Ntaganda* case**

11. The CLRV recalls that the Appeals Chamber in the *Lubanga* case has established general principles applicable to reparations proceedings (hereinafter the “*Lubanga* principles”),¹⁸ which have been adapted and expanded in the *Ntaganda* case.¹⁹

i. The principles adopted in the Lubanga and Ntaganda cases

12. In particular, the Appeals Chamber in the *Lubanga* case has identified the following principles:²⁰

- J Beneficiaries of reparations *are direct and indirect victims*, and the Court ought to have regard to the applicable social and familial structures (the concept of family having many *cultural variations*) and to the *presumption* that an individual is *succeeded* by his/her spouse and children. Beneficiaries can also be legal *entities* that benefit members of the community (including non-profit and governmental services). Reparations must be applied *fairly* and in a non-discriminatory manner, with due regards to awards or benefits received by victims from other bodies.
- J *Harm may be material, physical and psychological* and although it does not necessarily need to have been direct, it must have been *personal* to the victim.

¹⁸ See the “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” (Appeals Chamber), [No. ICC-01/04-01/06-3129](#), 3 March 2015, para. 1 (the “*Lubanga* principles”). See also the “Amended Order for Reparations” (Appeals Chamber), [No. ICC-01/04-01/06-3129-AnxA](#), 3 March 2015 (the “*Lubanga* Amended Order for Reparations”), paras. 1-52.

¹⁹ See the *Ntaganda* Reparations Order, *supra* note 17.

²⁰ See the *Lubanga* Amended Order for Reparations, *supra* note 18, paras. 1 to 52.

- J The causal link between the crime and the harm for the purposes of reparations is to be determined in light of the *specificities of the case*.
- J *Dignity, non-discrimination and non-stigmatisation* must guide the reparations proceedings. These principles further encompass those of fairness and *equality* (in access, information and treatment), *humanity* and *respect of human rights, safety, physical and psychological well-being and privacy* of victims, *tackling any underlying injustices*, a *gender-inclusive* approach, taking into account the *needs* of all victims throughout the process, and *priority* for victims in a *particularly vulnerable* situation.
- J The *convicted person's liability for reparations must be proportionate* to the harm caused and, *inter alia*, his/her participation in the commission of the crimes for which he/she was found guilty, in the specific circumstances of the case.
- J The *less exacting standard of proof of the causal link* between the crimes and the harms suffered applying to the reparations proceedings should factor notably the *difficulty victims may face in obtaining evidence*.
- J The Court shall take into account the *age-related harm experienced by the victims and their needs*. The Court shall also reflect the importance of *rehabilitating* former child soldiers and reintegrating them into society in order to end the successive cycles of violence.
- J Reparations are *entirely voluntary and should be victims-centred*, involving victims through the *whole process* with effective and substantive consultation and outreach, promoting their *ownership* of the process.
- J The modalities of reparations can encompass *both individual and collective reparations, concurrently or not*. They are not limited to restitution, compensation and rehabilitation, and can *include other types of reparations such as symbolic, but also preventative and transformative*.
- J Victims should receive *appropriate, adequate, prompt and self-sustaining reparations, proportionate to the harm, injury, loss and damage established by the*

Court. Reparations should aim at *reconciling* the victims with their families and affected communities, and should *reflect local and customary practices if appropriate* in light of the other principles guiding reparations.

-) Reparations proceedings will be *consistent with the rights of the convicted* person to a fair and impartial trial.
-) Reparations proceedings *do not interfere* with the responsibility of States to award reparations to victims under other treaties or national law, and State Parties ought to *cooperate* fully in the enforcement of the Court's reparations orders.
-) Reparations proceedings shall be *transparent* and the publicity of the proceedings and its guiding principles shall be ensured by the Court, in particular the Registrar.

13. Said principles have been supplemented in the *Ntaganda* case as follows:²¹

-) The *Do no harm* principle shall lead all reparations proceedings. At a minimum, this includes 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. The Court should ensure that particular attention is paid to victims belonging to more vulnerable groups.
-) Due regard must be paid to the specificities of *sexual and gender-based harm*, in the access *to* victims, and *of* victims to the reparations proceedings.
-) When assessing the extent of harm suffered by victims, the Court must take into account that various permutations and combinations of different layers of the aforementioned types of harm are possible, including *transgenerational* harm. The noxious effects of trauma may be transmitted from one

²¹ See the *Ntaganda* Reparations Order, *supra* note 17, paras. 28 to 103.

generation to the next, both biologically and through behaviours, with a potential impact on families' structures and mental health across generations.

- J In addition to individual and collective reparations, benefitting individuals victims, *community reparations* could benefit the community as a whole.
- J Where the Court considers the application of joint/several liability or responsibility *in solidum*, victims *shall not be over-compensated*.
- J More generally, Trial Chamber VI *has elaborated a bit further the victims-centred approach* by clarifying the references and applications given to some of the principles already mentioned in the *Lubanga* case, such as the *gender-inclusivity and sensitiveness of the reparations* (including intersectionality), their *transformative and empowering quality*; and has for the first time established a *prioritisation procedure*, by requesting the TFV to submit an initial draft implementation plan (the "IDIP") for victims in need of urgent assistance, prior to and pending the execution of the general DIP.

14. The CLRV is largely in favour of the implementation of said principles in the *Ongwen* case, especially since they provide for the need to put victims at the centre of full and meaningful consultations,²² empower them and make a way for long-term changes; treat them with dignity, fairly and equally with due regard to a gender-inclusive approach and the essential *do no harm* principle.²³

²² *Idem*, paras. 4, and 45 to 49.

²³ See the *Lubanga* Amended Order for Reparations, *supra* note 18, paras. 12-18. See also the *Ntaganda* Reparations Order, *supra* note 17, paras. 50-52 and 60-62; and CILLIERS (J.), DUBE (O.) and SIDDIQI (S.), [Reconciling after civil conflict increases social capital but decreases individual well-being](#), SCIENCE, 13 May 2016, Vol 352, Issue 6287, pp. 787-794.

ii. Specificities of the Ongwen case and eventual need to expand or add principles to the reparations proceedings in this case

15. The CLRV posits that the above recalled principles must be applied in the present case, but taking into consideration its specificities, namely: (i) the **very large number** of victims; (ii) the **large geographic scope** of victimisation; (iii) the **prevailing extreme poverty** in the affected communities; (iv) the **perpetual lack of assistance** to victims since the events; (v) the **very high number of crimes** victims suffered from and the **multiplicity of harm** caused; (vi) the **particularly high number of harm deriving from sexual and gender based crimes** caused to the victims; (vii) the **nature of the crimes which also deeply impacted family and social network, as well as community dynamics**.

16. Regarding **(i) the very large number of victims**, the CLRV recalls that victims of the crimes committed by Mr Ongwen and his subordinates are extremely numerous, reaching several thousands of individuals and families harmed directly. Indeed, the number of victims participating in these proceedings is merely indicative of the extent of the victimisation suffered by people in Northern Uganda as a result of the crimes committed by the convicted person since a large number of individuals were unable to apply to participate before the start of the trial. Consequently, the reparations order should account for the possibly thousands of additional victims who will certainly manifest themselves during the reparations proceedings.

17. Regarding **(ii) the large geographic scope of victimisation**, the CLRV insists on the need to develop each aspect of the reparations programs as closely as possible to the beneficiaries, and to give them access to all the relevant services as much as possible in the localities where they live, in order to avoid additional costs associated to access to said services, but also additional disruptions in their lives (in this regard, any additional fees incurred by specialised services not available in structures close to the victims ought to be covered by the reparations programs in any case).

18. Regarding **(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 victims suffered from and the multiplicity of harm caused*), the CLRV underlines the need and particular appropriateness of an holistic approach to reparations, through the design of programs whose components are complementary to one another. Psychological, physical, familial, transgenerational and material harms have to be conceived as inter-dependant from one another, and each victim should be able to benefit from support in the order relevant to their respective priorities and situations.

19. In relation to **(vi)** *the particularly high number of harm deriving from sexual and gender based crimes caused to the victims*, the CLRV underlines the high number of sexual and gender based crimes committed and the cascade of harms the victims concerned have been suffering from. Reparations ought to be operationalized bearing in mind the multifaceted harm which is at the core of sexual violence. In this regard, the CLRV recalls that, in June 2014, the Secretary General of the United Nations issued a guidance note to provide policy and operational direction in the area of reparations for victims of conflict-related sexual violence, including activities to advocate for and/or support the design, implementation, monitoring and evaluation of reparation programs and initiatives directed at victims of conflict-related sexual violence (the “Guidance Note”).²⁴ Said note stresses the serious “*impact of conflict-related sexual violence, compounded by the stigma attached to it, [which] often prevents victims from seeking or obtaining redress, including for fear of being ostracised by families and communities as a result of disclosing the facts, or of being further victimised by insensitive authorities or institutions*”.²⁵ It further emphasises that “[i]n a context where women suffer from structural discrimination and have no access to education and productive resources, loss of family support can also result in destitution”, while male victims of sexual violence suffer stigma and discrimination.²⁶ As noted by the United Nations in a filing made before Trial Chamber III in the *Bemba*

²⁴ See UNITED NATIONS, “[Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence](#)”, June 2014 (the “Guidance Note”).

²⁵ *Idem*, p. 5.

²⁶ *Ibid.*

case, consultation with victims is essential to allow them to clearly express their needs and preferences in terms of reparations to be awarded;²⁷ and must be preceded by a gender-sensitive outreach, to ensure that limitations regarding mobility, confidentiality (measures that do not uncover the violations suffered), taboos or stigma attached to the participation of women and girls in reparation processes do not prevent them from coming forward.²⁸ Accessibility and inclusion are key factors in this regard, for the outreach, registration and implementation phases.

20. The Guidance Note stresses further that “*gender-sensitive reparations [should] take into account pre-existing gender relations and power imbalances to ensure a fair assessment of the harm inflicted upon women and men, [and] equal access to – and benefits from – reparation programmes for both women and men*”.²⁹ This aspect is already captured in both the *Lubanga* and the *Ntaganda* principles.³⁰

21. The Guidance Note also underlines that victims of conflict-related sexual violence include “*persons who, individually or collectively, suffered such violence [and] also family members, such as children or partners, and children born as a result of pregnancy from rape. Persons who depend on the victim of sexual violence and others may also be victims as a consequence of the harm inflicted through the violation. Victims may also include persons who have suffered harm in intervening to assist victims in distress or to prevent victimization*”.³¹ In this regard, the CLRV submits that children born as a result of pregnancy from rape of direct victims are in a particularly vulnerable situation and are to be considered as direct victims as well for the purpose of reparations, as recognised by Trial Chamber VI in the *Ntaganda* case.³² The CLRV further refers to the set of 10 practice-

²⁷ See the reparations proceedings currently unfolding in the *Ntaganda* case, and more generally the effective consultations held in the *Katanga* case.

²⁸ See the “Joint submission by the United Nations containing observations on Reparations pursuant to Rule 103 of the Rules of Procedure and Evidence”, [No. ICC-01/05-01/08-3449](#), 17 October 2016, para. 32.

²⁹ *Idem*, pp. 4-5.

³⁰ See the *Lubanga* 2015 Order for Reparations, *supra* note 18, para. 18.

³¹ See the Guidance Note, *supra* note 24, p. 8 (emphasis added).

³² See the *Ntaganda* Reparations Order, *supra* note 17, paras. 120-123.

based principles identified by practitioners in the aftermath of the Guidance Note, which includes: be transformative, ensure fairness and non-discrimination, address bias and stigma, respond in a timely way, consult and inform, employ processes that are mindful of fragile and challenging societal contexts, work at multiple levels and in different ways, generate national ownership, 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), work alongside and in tandem with other transitional justice processes.³³

22. Finally, regarding **(vii)** *the nature of the crimes which also deeply impacted family and social network, as well as community dynamics*, in line with the principle of non-discrimination and non-stigmatisation, the CLRV underlines that it is of particular importance in the present case that reparations are not a source of further stigmatisation, especially for formerly abducted children who became child-soldiers in the Lord's Resistance Army (the "LRA"), or for victims of sexual and gender based violence and their children born in captivity. Indeed, as shown throughout the trial, said victims have faced stigmatisation and rejection ever since they came back from captivity. Many victims could not reintegrate into their families and had to find a home far away, in places where they were not recognised by anyone. These conditions often left victims without any support or sources of income, without any access to a land or a proper house, banned from their family and clan. In this regard, reparations in this case should strive to help the reintegration of victims in their families and communities and to restore the community trust and values eroded by the crimes committed by the LRA.

³³ See NÍ AOLÁIN (F.), O'ROURKE (C.), SWAINE (A.), *Transforming Reparations for Conflict-Related Sexual Violence*, Harvard Human Rights Journal, Vol. 28, pp. 97-146, 2015, accessible at: <https://harvardhrj.com/wp-content/uploads/sites/14/2009/09/transforming-reparations-for-conflict-related-sexual-violence-principles-and-practice.pdf>.

23. Lastly, in relation to this point as well, the CLRV submits that, beyond the individual harm caused to the victims, evidence of a collective and cultural harm seems to have emerged through the various testimonies (including from experts) at trial. Therefore, 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 (especially Acholi, Lango and Teso), and more generally on their cultural rights.³⁴ In this regard, she notes that the transmission of cultural heritage is key in any society for its members to build their identity, particularly in oral societies such as the Acholi, Teso and Lango.³⁵ Programs involving the victims and the different communities, in partnerships with the Ugandan Government, could be explored by the TFCV, while paying attention to inheritance rights and previous existing structural discriminations.³⁶

b. 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

24. The CLRV has so far identified 1,351 potential additional beneficiaries. This number relates 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 said individuals could not participate at trial. She underlines that this number is purely

³⁴ See ACIROKOP (P.), [“Addressing the potential and limits of ‘Mato Oput’ process as a basis for accountability, justice and reconciliation for children in Northern Uganda”](#), UNICEF Innocenti Research Centre, pp. 30-31. See also, for instance, IACtHR, *Plan de Sánchez Massacre v. Guatemala*, [Judgment of 19 November 2004 \(Reparations\)](#), paras. 93-111. In this case, the Inter-American Court notably ordered the implementation of educational and cultural programs (the “*study and dissemination of the Maya-Achí culture in the affected communities through the Guatemalan Academy of Mayan Languages or a similar organization*”) and the translation of the judgment into the appropriate Mayan language.

³⁵ See IACtHR, *Saramaka People v. Suriname*, [Judgment of 28 November 2007](#), Series C, No. 172, para. 82.

³⁶ See IACtHR, *Río Negro Massacre v. Guatemala*, [Judgment of 4 September 2012](#), Series C, No. 250, para. 285. The Inter-American Court ordered the State to design and implement, within one year of notification of the judgment, a program for the rescue of the Maya Achí culture. To this end, within three months, the State, in consultation with the victims and their representatives, was obligated to draw up a timetable with short- and medium-term goals to comply fully with said measure within the established time frame. The purpose of the program was the rescue, promotion, dissemination and conservation of the ancestral customs and practices, based on the values, principles and philosophies of the Maya Achí people and, in particular, of the community of Río Negro.

indicative of a very minimum in as much as this information has been gathered in the context of the COVID-19 pandemic and lockdowns, *i.e.* where it is presumed that not all persons concerned were able to come forward to meet with her team due notably to movement restrictions. Moreover, this information was collected in a discrete way to avoid creating expectations not knowing yet the exact extent of the reparations eventually awarded and its types.

25. In the **Gulu area**, 109 persons manifested already their willingness to participate in the reparations proceedings and were provisionally assessed as potentially eligible. They currently live in the following villages and parishes: 18 in **Laban** Parish (in Arut and Corner), 9 in **Kalumu** Parish (in Arut and Anyomo Twon), 5 in **Pakwelo** Parish (in Agung), 3 in **Laroo** Parish (in Agwer and Pece), 5 in **Labworomor** Parish (in Awal Aboro), 2 in Bardege Parish (in Bardege and Kei B. Laliya), 10 in **Paduny Paromo** Parish (in Bokeber), 4 in **Gwengdiya** Parish (in Burcoro), 12 in **Angaya** Parish (in Coopil), 6 in **Awach** Parish (in Gwengdiya), 14 in **Unyama** Parish (in Kinene, Lapeta, Pabit, Te Pwoyo and Unyama), 2 in **Angaya** Parish (in Loyoboo), 4 in **Palaro** Parish (in Owalo), 2 in **Pece Acoyo** Parish (in Pageya), 2 in **Koro Parish** (in Pece Acoyo), and 11 **Kalali Parish** (in Te Olam). About 45% of them are headed by women.

26. In the **Odek Area**, 191 persons were provisionally identified as additional beneficiaries. In particular, 33 in **Binya** Parish (in Acet central, Orapwoyo, Omony Jobi, Oryang, Lukoto, Romkituku and Te Aceng villages), 103 in **Lamola** Parish (in Ajan, Akoyo, Awali, Awali Wanglobo, Dino and Owaca villages), 27 in **Lukwor** Parish (in Bar Olam, Ogwari Bwobo and Oratido villages) and 28 in **Palaro** Parish (in Lakim, Lamur Oratido, Odek centre, Olam and Oyaro Tonge villages). About 40% of them are headed by women.

27. In the **Lukodi area**, 143 persons manifested their willingness to participate in the reparations proceedings and were provisionally assessed as potentially eligible. In

particular 26 in **Atiyabar** Parish (in Ayach and Onyayorwot), and 117 in **Punena** Parish (in Lacoanga, Lagotkicol, Lalweny, Loyoboo and Lukodi). About 30% of them are headed by women.

28. In the **Pajule area**, 908 persons were provisionally identified as additional beneficiaries. In particular, 331 in **Ogole** Parish (in Latin Ling, Gulalela, Barayom, Adeg Dic, Mission B, Mission A, Gweng Koro, Awalmon, Awalmon Central, Okworo, Okworo A, Okworo East, Okworo West, Jaka Central, Jaka Deg A, Jaka Deg B, Lepamac, Labati Olwonga, Akwara, Akwara West, Lageya, Lacani, Lacani A, Gang Lengo, Binen, Oratwilo West, Labongo, Labotalwonga, Byec, Olampur, Oratwilo North, Ojile East, Ojile West, Ojile Central, Kom Too, Lacektar East, Ogan Ayila, Ogan Ayila West, Ogan Kanakok, Kanakok West, Kanakok East, Lapede West, Lapede East, Wang Kweyo, Aywee West, Aywee West, Aywee East, Lila, Kalkwaro, Lapegikor, Ogom, Alipan West, Alipan East, Langole), 9 in **Palwo** Parish (in Lapede West), 48 in **Ogago** Parish (in Ajobi, Kibong A, Kibong B, Owele West, Owele East, Bar Goma, Lapenyaga East, Lapenyaga West, Lanyatono, Lanyatono A, Lanyatono B, Wangogali, Lyec Juru, Kaladima, Odokomit and Wanglela), 98 in **Otok** Parish (in Ogole Angaro, Ogole Otok, Ogole Otok East, Ogole Otok West, Oratwilo East, Oratwilo Central, Langole, Lato, Dem East, Dem West, Dem Central, Akwara East, Binen, Lajulu Owiny, Atipi, Alipan East, Ociga West, Orute North, Oryang Central and Oryang East), 113 in **Ato** Parish (in Omogi East, Tiki Lingo, Bong Tiko, Bong Tiko A, Bong Tiko B, Ariaba A, Ariaba B, Lawire, Jaka Deg A, Jaka Deg B, Jaka Deg Aronya A, Jaka Central, Jaka Central B, Jaka Ceylon A, Jaka Ceylon B, Ceylon A, Byec, Laloki, Nek Neno, Oratwilo West, Oratwilo North, Labongo, Lepamac and Laloki), 73 in **Koyo** Parish (in Puda, Puda West, Barayom, Barodilo, Lagara South, Labongo, Abwonga, Lagara Central, Alili, Lukome, Aringogwa, Abunga, Ojuru and Lalogi), 64 in **Palenga** Parish (in Wanduku West, Wanduku Central, Kompetene, Orute West, Lami North, Langula, Tumato, Lami Ogwet, Kilunga, Amoko Lagwai East and Orute West), 44 in **Oryang** Parish (in Oryang West, Ociga West, Ociga East, Oryang Central, Lami Ogwet, Lajulu Owiny and Palenga Aywee), 71 in **Lukaci** Parish (in Aringogwar, Ogan East, Dem

Mikor, Dem, Lanyatido Central, Lanyatido East, Lanyatido West, Olampur East, Olampur West, Lacoyi, Paitino, Obolo, Roya Ki Twon, Oywelo Mon, Alim Central, Alim West, Lakwer) and 57 in **Paiula** Parish (in Alim, Lamogi Central, Lamogi Omeny Ki Mac, Omony Jobi, Lwala B, Lamogi Lapeny, Lacur, Too Kodo and Lakoko Lil). About 38% of them are headed by women.

c. Any legal and factual issues relevant to the identification of eligible victims

29. In relation to the issue of the identification of eligible victims, the CLRV recalls that the Appeals Chamber indicated that the reparations order “*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*”.³⁷

30. In this regard, the CLRV posits that victims already authorised to participate at trial are eligible for reparations without being required to complete a new application form since they all fall within the scope of the Judgment. Indeed, as a matter of principle, their willingness to receive reparations should be presumed, even if not expressly indicated in their application forms, unless there are specific reasons to believe that they might not be interested. In any case, the CLRV informs the Chamber that she was able to consult with the victims she represents and they all expressed their willingness to participate in the reparations proceedings.

31. The CLRV further submits that the Chamber does not need to follow the approach of the Appeals Chamber requiring to “*seek the victims’ consent when a collective award is made*”.³⁸ Indeed, victims who submitted applications for reparations should be

³⁷ See the *Lubanga* 2015 Order for Reparations, *supra* note 18, para. 32.

³⁸ See the “Judgment on the appeals against Trial Chamber II’s ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’” (Appeals Chamber), [No. ICC-01/04-01/06-3466-Red A7 A8](#), 18 July 2019, para. 40 (the “*Lubanga* 2019 Appeal Judgment on Reparations Size”); and the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 18, paras. 160-162.

similarly presumed to have consented to their details being provided to the Trust Fund for Victims (the “TFV”).³⁹ In this regard, again, the victims she represents have been informed about the mandate and possible role of the TFV - if and when reparations awards will be issued - and have consented to their details being disclose to such entity. Moreover, the CLRV argues that due consideration must be given to the ‘*Do no harm*’ principle when considering contacting and questioning victims at this stage of the proceedings.⁴⁰ It seems therefore appropriate to exercise particular care in this respect and ask the victims to recall their experiences again only when needed (*i.e.* for the necessary inclusive consultations surrounding the issuance of the reparations order and its implementation). Seeking their consent to receive reparations and to transmit their applications to the TFV appears not only redundant in this regard but also unnecessary in these proceedings.

32. Furthermore, individuals or entities yet to be identified may also be eligible for reparations, if they satisfy the definition of “victim” in accordance with rule 85 of the Rules of Procedure and Evidence (the “Rules”).

33. The methodology to be applied for the identification of victims in reparations proceedings has been approached in different manners in the practice and jurisprudence of the Court. Trial Chambers are vested with the discretion to organise the reparations proceedings, which in practice resulted in three different procedures being developed. First, the trial chamber may identify and list the victims selected to benefit from reparations in the reparations order.⁴¹ Second, the reparations order may

³⁹ *Ibid.* See in the same vein the “OPCV Further Submissions in the appeals proceedings concerning the ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’”, [No. ICC-01/04-01/06-3437 A7 A8](#), 31 January 2019, paras. 28 *et seq.*

⁴⁰ See the Guidance Note, *supra* note 24, p. 5.

⁴¹ This methodology has been followed in the *Katanga* case. See the “Order for Reparations pursuant to Article 75 of the Statute” (Trial Chamber II), [No. ICC-01/04-01/07-3728-tENG](#), 24 March 2017 (the “*Katanga* 2017 Reparations Order”), paras. 32 and 33.

set out eligibility criteria to identify beneficiaries;⁴² and subsequently victims are screened against said criteria by the TFV at the implementation stage of the reparations proceedings. Third, the trial chamber may set out eligibility criteria to be applied by the TFV at the implementation stage based on a sample of victims identified prior to the issuance of the reparations order.⁴³

34. Although, a trial chamber has discretion in organising the reparations proceedings in the manner that best contributes to the fairness and expeditiousness of the process, this discretion is not unfettered. As confirmed by the Appeals Chamber, the “formal” or “application based” procedure⁴⁴ is appropriate when the number of victims is very small⁴⁵ and “*it is apparent that a large majority (or all) of these victims has filed [applications for reparations]*”.⁴⁶ By contrast, “*when there are more than a very small number of victims, this is neither necessary nor desirable*”⁴⁷ and the trial chamber “*is not required to rule on the merits of the individual requests for reparations*”.⁴⁸

35. The CLRV submits that, given the number of potential beneficiaries in the present case, seeking to identify, in the reparations order, (all) victims eligible to benefit from reparations would neither be feasible nor necessary or desirable. She therefore advocates for an approach similar to the one adopted in the *Al Mahdi* and *Ntaganda* cases, but would recommend a greater role for the Chamber in controlling the administrative decisions taken by the TFV about the eligibility of potential beneficiaries. In particular, she submits that the Chamber should remain seized of any

⁴² This methodology has been followed in the *Al Mahdi* case. See the “Reparations Order” (Trial Chamber VIII), [No. ICC-01/12-01/15-236](#), 17 August 2017 (the “*Al Mahdi* 2017 Reparations Order”); and in the *Ntaganda* case, see *supra* note 17.

⁴³ This methodology has been followed in the *Lubanga* case. See the “Corrected version of the ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’” (Trial Chamber II), [No. ICC-01/04-01/06-3379-Red-Corr-tENG](#), 21 December 2017, paras. 190 *et seq.*

⁴⁴ See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 18, para. 142.

⁴⁵ *Ibid.*

⁴⁶ See the “Judgment on the appeals against Trial Chamber II’s ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’” (Appeals Chamber), [No. ICC-01/04-01/06-3466-Red A7 A8](#), 18 July 2019, para. 86.

⁴⁷ *Ibid.*

⁴⁸ *Idem*, para. 87, quoting the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 18, para. 152.

controversial matters related to the identification and recognition of potential beneficiaries.

d. Any victims or groups of victims who may require prioritisation in the reparations process

36. The CLRV recalls the recent *Ntaganda* jurisprudence according to which the trial chamber instructed the TFV to submit, as expeditiously as possible, a specific initial draft implementation plan for the individuals facing urgent needs, prior to and pending the implementation of the general plan encompassing all the services and modalities of reparations proposed.⁴⁹ She submits that the same approach should be taken in the present case.

37. In this regard, the CLRV is already in a position to provide a specific list of clients to the TFV in order to advance the prompt implementation of a transitional emergency plan for the victims facing life-threatening issues, pending the implementation of the full reparations plan and programs.

38. In the present case victims may benefit from some of the assistance programs already in place in Uganda which could adequately cover their most pressing needs. In this regard, the CLRV observes that through its partners, the TFV has been providing the following types of assistance: psychological rehabilitation (including for victims of sexual and gender-based violence (“SGBV”) and for former child soldiers and children suffering from physical and psychological wounds); medical care (including reconstructive surgery and gynaecological treatments for girls and women subjected to sexual crimes); material support (village savings, loan associations and agricultural assistance for durable sources of livelihood); referral mechanisms for physical rehabilitation; community sensitizations (including on SGBV, stigma and

⁴⁹ See the *Ntaganda* Reparations Order, *supra* note 17, paras. 214, 252 and p. 97, and subsequent proceedings in relation to the urgent plan for priority victims.

discrimination); scholarships and vocational trainings for abducted or injured children or whose parents were killed during the war.⁵⁰

39. An important number of the 1,532 victims represented by the CLRV currently live in extremely poor health conditions (mental or physical), or / and lack of resources and incomes, especially in cases where they are the sole providers for their family. This category includes individuals facing physical conditions, ailments or ill-health necessitating an urgent medical assistance without which their lives may be lost; as well as elderly⁵¹ and individuals without income and physically incapacitated, who are nonetheless in charge of numerous family members. It further encompasses children and young adults, formerly abducted in the LRA, former child soldiers and children born in captivity or from formerly abducted victims and child headed families whose successful reintegration and survival in society depends on their urgent access to specific support, amongst which education and vocational trainings.

40. In addition, all victims of SGBV, including women who suffered from this type of crimes by Mr Ongwen directly, should benefit from priority measures put in place through a draft implementation plan for victims in situation of emergency.

41. Therefore, the CLRV respectfully requests the Chamber to indicate in the reparations order that the following categories of victims should be considered as priority groups in developing and implementing reparations programs: 1) former child soldiers and children born in captivity, as well as child-headed families; 2) victims of SGBV and their children born out of rape; 3) victims with a condition (either medical, physical or other) which can be qualified as life-threatening in light of their respective individual situation; and 4) the elderly.

⁵⁰ See the TFV Programme Progress Reports, available on the TFV Website, last consulted on 12 November 2021, at : <https://www.trustfundforvictims.org/en/reports> and <https://www.trustfundforvictims.org/index.php/en/locations/northern-uganda>.

⁵¹ The CLRV notes that many of her clients have reached an advanced age and are suffering from a very weakened health, living in very difficult economical situations.

e. Specification of the types and extent of the harm suffered by the victims of the crimes for which Mr Ongwen was convicted⁵²

42. Article 75(1) of the Statute and rule 97(1) of the Rules refer to the notions of “*damage, loss and injury*”. Pursuant to the jurisprudence of the Appeals Chamber, “*harm*” denotes “*hurt, injury and damage*”.⁵³ The harm must have been personal and may be material, physical and/or psychological.⁵⁴ These categories of prejudices contain a multitude of other harms, from the damage to life plan, interruption of education, loss of incomes, destruction of one’s place to live, etc. (material), to various chronical illnesses, ailments, injuries (physical) and different level of traumas, fear, losses, social harm and transgenerational traumas (psychological).

43. The relevant harm must be *the result* of the crimes for which Mr Ongwen has been convicted. A causal link between said crimes and the harms needs to be established for the purposes of reparations, noting, however, that reparations proceedings require a less exacting standard of proof than trial proceedings.⁵⁵ Following the jurisprudence of the Appeals Chamber, the causation standard ought to be determined in light of the specificities of a case.⁵⁶ The CLRV submits that there are no compelling reasons to deviate from the standard identified in the *Lubanga* case and consistently applied in the subsequent reparations proceedings before this Court.⁵⁷ Accordingly, the crimes committed by Mr Ongwen must be the “*but/for*” and “*proximate*” cause of the harms for which reparations are awarded.⁵⁸

⁵² Annex 4 to the present submission contains a list of referenced material from experts reports and testimonies in different cases before the Court and which could be of relevance in assessing the harm suffered by the victims.

⁵³ See the *Lubanga* 2015 Order for Reparations, *supra* note 18, para. 10.

⁵⁴ *Ibid.*

⁵⁵ *Idem*, para. 11. See also the *Ntaganda* Reparations Order, *supra* note 17, paras. 136 ff.

⁵⁶ *Ibid.*

⁵⁷ See the *Ntaganda* Reparations Order, *supra* note 17, paras. 132 ff.

⁵⁸ See the *Lubanga* 2015 Order for Reparations, *supra* note 18, para. 59, setting out that “[t]he standard of causation is a ‘but/for’ relationship between the crime and the harm and, moreover, it is required that the crimes for which Mr Lubanga was convicted were the ‘proximate cause’ of the harm for which reparations are sought”.

44. Additionally, the CLRV posits that the following observations made by Trial Chamber VI in the *Ntaganda* case are equally applicable in the current case: “A person may qualify simultaneously as a direct and as an indirect victim, on the basis of different crimes for which the defendant was convicted, and therefore may seek reparations for the different harms suffered”;⁵⁹ “recognising children born out of rape and sexual slavery as direct rather than indirect victims, is an acknowledgment of the particular harm they suffered and may constitute an adequate measure of satisfaction, in addition to other forms of reparations that may be awarded to them”.⁶⁰ The CLRV notes that the qualification of direct or indirect victims will not make any difference in the legal proceedings *per se*, as it does not impact the reparations process, nor the financial liability of the convicted person.⁶¹ The Appeals Chamber in the *Katanga* case held that for indirect victims, the most relevant requirement is “the existence of a harm, rather than how close or distant the family member is from the direct victim”;⁶² and 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 which nevertheless was of significant importance in their lives, may be entitled to reparations”.⁶³ Finally, “[d]amage to the life plan or project of life, which can be manifested in relation to both adults and children, differs from loss of earnings, and refers to the lack of self-realisation of a person who, in light of their vocations, aptitudes, circumstances, potential, and aspirations, may have reasonably expected to achieve certain things in their life. The life project is therefore expressed in the expectations of personal, professional, and familial development that are possible under normal circumstances”.⁶⁴

⁵⁹ See the *Ntaganda* Reparations Order, *supra* note 17, para. 39.

⁶⁰ *Idem*, para. 123.

⁶¹ The CLRV notes that both direct and indirect beneficiaries will access the relevant services and support corresponding to the nature of the harms they have been suffering from and to their needs, on an equal footing, and not because of their qualification as direct or indirect victim. As underlined by Trial Chamber VI, “[i]n determining the amount of the convicted person’s liability, the primary consideration should be the extent of the harm and the costs to repair it. Other criteria, such as modes of liability, gravity of the crimes, or mitigating factors are not relevant to this determination”. See the *Ntaganda* Reparations Order, *supra* note 17, para. 98 (emphasis added). See also para. 96: “The convicted person’s liability for reparations must be proportionate to the harm caused, in the specific circumstances of the case” (emphasis added).

⁶² *Idem*, para. 125.

⁶³ *Idem*, para. 127.

⁶⁴ *Idem*, para. 72.

45. On the definition of the harms in the reparations order,⁶⁵ the CLRV refers to the different types of harms recognised by the jurisprudence of the Court and to the important findings of the Chamber underlining the extreme cruelty and brutality of the crimes committed by Mr Ongwen and his subordinates.⁶⁶

46. For direct victims of the crimes of conscription, enlistment and use of **child soldiers** to participate actively in hostilities, the following harms should be recognised:

- i. Physical injuries and trauma, physical impairments and handicaps, chronic physical ailments and diseases, weak health status;
- ii. Psychological harm and traumas impairing their day-to-day quality of life, development of psychological disorders, such as, *inter alia*, suicidal tendencies, depression and dissociative behaviour;
- iii. Alcohol and drugs dependences;
- iv. Interruption and loss of schooling;
- v. Loss of childhood and Damage to their life plan/their project of life;⁶⁷
- vi. Separation from their families;
- vii. Exposure to an environment of extreme violence and fear;
- viii. Stigmatisation, isolation and rejection, and associated difficulties socialising within their families and communities;
- ix. Difficulties in controlling aggressive impulses;
- x. Non-development of “civilian life skills” resulting in the victim being at a disadvantage, particularly with regard to employment (reduced socio-economic opportunities);⁶⁸

⁶⁵ See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 18, para. 32.

⁶⁶ The CLRV refers to the use of heavy weapons and cruel methods of war causing extreme suffering as recognised by the Chamber. See the “Judgement”, *supra* note 1, paras. 147 and 2824 regarding the Pajule IDP Camp attack; paras. 163 and 2876 regarding the Odek IDP Camp attack; paras. 182 ff and 2929 for the attack on Lukodi IDP Camps; paras. 194 ff and 2975 ff for the attack on Abok IDP Camp; paras. 188 and 7545 (after the Lukodi attack); and notably paras. 321, 1471-1472, 1473-1550, 1751, 1594-1608, 1819-1830, 2711 ff, 2839, 2840, 2896, 2949, 2995, 3053, 3083 (for the harsh treatments and living conditions during abduction).

⁶⁷ See the *Lubanga* 2019 Appeal Judgment on Reparations Size, *supra* note 38, para. 38.

⁶⁸ *Idem*, para. 58.

- xi. Other material harm (when they also lost goods, animals, properties and houses in the attacks);
- xii. Transgenerational harm.

47. The CLRV underlines that the concept of “*project of life*” is particularly relevant to reflect aspects of the harm endured by former child soldiers and especially those children who, in addition, were sexually abused. The active involvement of children below 15 in military activities, exposing them to fear, anxiety and inhuman treatment creates significant psychological trauma that persists long after their demobilisation from the armed group. It may also have adverse effects on their brain development, and delays in cognitive, language, and academic skills, impairing their learning abilities and affecting later performance in school, workplace, and community life. Victims are deprived of vital aspects of their childhood, such as education and family life. Former child soldiers who were raped and became pregnant during their time in captivity face the same and additional major disruptions. Moreover, they are often rejected by their families and communities, unable to marry, denied access to productive activities, land, home and schooling. Hence, their life plan is seriously impaired.⁶⁹

⁶⁹ See WINKLER (N.), [From Crisis to Reconciliation: Feasibility and Effectiveness of School-Based Interventions Promoting Trauma Rehabilitation and Reconciliation After the War in Uganda](#), Dissertation zur Erlangung des akademischen Grades eines Doktors der Naturwissenschaft (Dr. rer. nat.), University of Konstanz, 30 May 2017. Some of the conclusions reached are as follows, pp. 4-5: “Respondents with a PTSD diagnosis (n = 94) had lower scores in openness to reconciliation and higher scores in vengeful feelings, aggression, and stigmatization. The results underline that mental health status, particularly PTSD diagnosis, among Ugandan youths is strongly interrelated with measures of openness to reconciliation, revenge, aggression and stigmatization. (...) The study provides preliminary support for the feasibility and effectiveness of all three culturally and contextually adapted classroom-based interventions when implemented with former child soldiers and other war-affected learners in Northern Ugandan schools. The study further provides evidence that in randomized controlled trial (RCT) research designs, tailored mental health and psychosocial support (MHPSS) programs not only have beneficial effects on strained psychological health of war-affected learners, but also on societal post-war reconciliation and peace building after crisis.”

48. In addition, **indirect victims of these crimes**, often family members of the former child-soldiers (but not exclusively), have also suffered tremendous harm, such as:⁷⁰

- i. Physical harm and 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);
- ii. Physical harm and long-lasting health consequences experienced as a result of the sudden loss of a family member;
- iii. Psychological sufferings and traumas;
- iv. Material deprivation that accompanies the loss of the family member's contributions and other economic consequences or damages;
- v. Transgenerational harm.

49. Further, reflecting the material and immaterial harm suffered as a result of the crimes involving **gender-based and sexual violence**, the following factors need to be taken into account: (i) the age of the victim; (ii) the victim's gender – boys and girls shall be treated equally; (iii) the specific cultural meaning and taboos attached to sexual crimes, also depending on the gender; (iv) the circumstances in which the sexual crimes were committed – including the associated acts of additional violence, the number of times the persons were raped or subject to sexual violence, the number of perpetrators, the situation of captivity or exposure in which the violence occurred, etc.; (v) whether the crimes caused undesired pregnancies, miscarriages, sexually transmitted diseases such as HIV/AIDS, other STD, infections, fistulas' and other injuries, sexual dysfunctions or infertilities; (vi) the stigmatisation to which the victims are subjected once they returned in their community of origin; (vii) the feeling of shame, guilt, anger, powerlessness, purposelessness, self-hate, revenge and suicidal

⁷⁰ See the *Lubanga* 2015 Order for Reparations, *supra* note 18, para. 58.

thoughts and related attempts.⁷¹ Sexual and gender-based violence have a multidimensional impact further affecting the victim's family and communities on social and economic levels, causing rejection and lack of support, disintegration of couples and families, exclusion, humiliation, mockeries and isolation.

50. As a result, the following **harm affecting victims of sexual and gender-based violence** should be recognised:

- i. Physical injuries, traumas, ailments, diseases and long-lasting or chronic impairments (including impacts on sexual and reproductive health) and weak/poor health;
- ii. Psychological harm and multiple traumas, including suicidal inclinations;
- iii. Exposure to an environment of extreme violence and fear;
- iv. Stigmatisation, ostracism, harassment and rejection from their families and communities;
- v. Loss of family and social standing, structure and associated rights, including to their house, lands and inheritance, and further reduced socio-economic opportunities;
- vi. Transgenerational harm;

And in some instances, depending on the circumstances and ages of the victims:

- vii. Alcohol and drugs dependences;
- viii. Interruption and loss of schooling;
- ix. Loss of childhood and damage to their life plan/their project of life.

51. **Indirect victims of these crimes**, often family members of the direct victims of sexual and gender-based violence, have also suffered tremendous harm, such as:

⁷¹ See the "Submission by QUB Human Rights Centre on reparations issues pursuant to Article 75 of the Statute" (Queen's University Belfast), [No. ICC-01/05-01/08-3444](#), 17 October 2016, paras. 67 *et seq* (the "QUB 2016 Submissions").

- i. Psychological sufferings and traumas;
- ii. Transgenerational harm;
- iii. Loss of family and social structure;
- iv. Other associated harm for the family of the direct victims depending on the latter respective situation.

In this regard, special attention needs to be given to all children, including specifically **children born out of rape**, who often live in damaged, suffering and disjointed families; and who are frequently rejected by their families and communities, which in turn increases their vulnerability, in terms of health (physical and mental), social relationships and socio-economic opportunities.

52. As recognised by the Chamber,⁷² the CLRV also stresses that victims suffered multi-dimensional harms. Entire communities were targeted in the perpetration of the crimes, through the attacks against the civilian population and/or persecution against entire villages and IDP Camps. The crimes committed are a combination of pillage and/or destruction of private property, and in many cases murder, attempted murder, inhuman treatment and sexual violence. Specifically, the CRLV submits that the **victims (direct and indirect) subjected to the attacks** have suffered the following types of harm:

- i. Physical harm and injuries, including chronical and long-lasting health ailments, impairments and handicaps;
- ii. Psychological/emotional harm and traumas;
- iii. Loss of family members and separation from families (as a result of abductions and murders);
- iv. Material loss and economic harm;
- v. Loss of life chances/living standards due to the loss of income-generating opportunities;

⁷² See the "Sentence", *supra* note 2, para. 393.

- vi. Loss of opportunities for development (including interruption and loss of schooling for children);
- vii. Transgenerational harm;
- viii. Disruption of social cohesion in the communities, loss of traditions and customs, erosion of cultural structures.

53. Finally, as a result of the destruction of **community property** (hospitals, churches, schools), victims lost access to health care, schooling and religious practice; and, as already mentioned *supra*, cultural traditions, habits and structures have been deeply affected and destroyed by the very nature of the crimes committed and their wide-range impacts.

54. Lastly, the CLRV posits that, in the assessment of the damage caused, consideration should be given to the ‘*transgenerational harm*’ suffered by all the victims in this case. This consideration is crucial in the context of reparations proceedings taking place almost 18 years after the commission of the relevant crimes. For reasons of page limit, the CLRV limits herself to recall the latest *Ntaganda* jurisprudence and cited references⁷³ together with the detailed explanation provided in the *Lubanga* case by the Court-appointed expert Dr Elisabeth Schauer, addressing the transgenerational nature of the harm caused in that case. In particular, the latter underlined the existence of an intergenerational cycle of dysfunction that traumatised parents set in motion,⁷⁴

⁷³ See the *Ntaganda* Reparations Order, *supra* note 17, paras. 71, 73 and 182.

⁷⁴ See the “The Psychological Impact of Child Soldiering”, [No. ICC-01/04-01/06-1729-Anx1](#), 25 February 2009, annexed to the “Report of Ms. Elisabeth Schauer following the 6 February 2009 ‘Instructions to the Court’s expert on child soldiers and trauma’”, [No. ICC-01/04-01/06-1729](#), 25 February 2009, pp. 26-27: “Internalized affects of violent and neglectful caretaker-models deform the psyche and can also act out on the next generation. [...] Violence and trauma at the time of parents’ childhood may result in problematic attachment relationships that have long-term consequences for mental health and interpersonal relationships on the side of their children. An intergenerational cycle of dysfunction is set in motion. [...] [C]hildren of survivors can be equally affected by their parents’ symptoms of numbing and avoidance, which are associated with substantial decrements in parent child relationship quality and prevent normal emotional expression and closeness. [...] Studies on fathers’ who have experienced numerous war events show that feelings of detachment and numbing can carry over to their children, leading to behavioural problems in the child. Based on the vulnerability of surviving a war or growing up in a post-conflict setting, children in turn might also become more vulnerable to forces that instigate violence”.

with a transgenerational handing-down of trauma owing to the fact that violent and neglectful caretaker-models deform the psyche and can also impact on the next generation. Traumatized parents, who live in constant and unresolved fear, unconsciously adopt a frightening behaviour. This affects the child's emotional behaviour, attachment and well-being, increasing the risk that they will suffer post-traumatic stress disorder, mood disorders and anxiety issues.⁷⁵ There is a cascading impact from each direct victim onto their relatives who then became indirect victims of the events. In a nutshell, transgenerational harm is "*a phenomenon, whereby social violence is passed on from ascendants to descendants with traumatic consequences for the latter*",⁷⁶ both through patterns of behaviours and epigenetic modifications.

f. Whether recourse to factual presumptions should be considered

55. The CLRV submits that the use of factual presumptions is particularly valuable in cases of mass victimisation; when so much time has elapsed since the events; and when the events themselves have had as one of their consequences the destruction of most of the documentation that could be used in the context of reparations proceedings.

56. In this regard, Trial Chamber VI in the *Ntaganda* case indicated that "*where applicants lack direct proof, the Chamber considers that factual presumptions shall be relied upon in order to consider certain fact to be established to the requisite standard of proof*".⁷⁷

⁷⁵ See YEHUDA (R.), and BIERER (L.M.), "Transgenerational Transmission of Cortisol and PTSD Risk", *Progress in Brain Research*, vol. 167, 2007, pp. 121-135. See also BOSQUET (E.M), EGELAND (B.), CARLSON (E.), BLOOD (E.), and WRIGHT (R.), "[Mother-Infant Attachment and the Intergenerational Transmission of Posttraumatic Stress Disorder](#)", *Development and Psychopathology*, vol. 26(1), 2014, pp. 41-65; and HUMAN RIGHTS WATCH, [I Just Sit and Wait to Die: Reparations for Survivors of Kenya's 2007-2008 Post-Election Sexual Violence](#), February 2016, p. 61.

⁷⁶ See the "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" (Trial Chamber II), [No. ICC-01/04-01/07-3804-Red-tENG](#), 19 July 2018, para. 10. See also "Order for Reparations pursuant to Article 75 of the Statute", [No. ICC-01/04-01/07-3728-tENG](#), 24 March 2017, para. 132.

⁷⁷ See the *Ntaganda* Reparations Order, *supra* note 17, paras. 141 ff.

57. This reasoning is equally applicable in the present case. As noted by the Chamber, “[c]onsidering the difficulties to obtain or produce evidence, as mentioned above, and the severe harms suffered by the victims as a result of the types of crimes committed, **the Chamber finds that certain harms may be presumed, once a victim has proved, on a balance of probabilities standard, to be a victim of the crimes for which [Mr Ongwen] was convicted**”.⁷⁸

58. The CLRV also notes that much like in the *Ntaganda* case, one of the consequences of the attacks for which Mr Ongwen was convicted is the loss of important documents, such as diplomas, identity cards, and land ownership titles.⁷⁹ In addition, victims may often have difficulties obtaining or producing copies of official documents,⁸⁰ to which the passage of time since the crimes were committed adds substantial complications.⁸¹ As a result, she underlines the adequacy of accepting official or unofficial identification documents, or any other means of demonstrating their identities and other elements of their claims as need be, such as credible witnesses statements; and refers to the use of factual presumptions as developed *infra* when applicants lack direct proof.⁸²

59. Furthermore, with regard specifically to sexual and gender-based crimes, the CLRV submits that the criteria used in the *Ntaganda* case should be equally adopted in the present case. In particular, “[e]videntiary standards and procedures should be sensitive to the difficulties faced by victims of sexual and gender-based violence to obtain and produce evidence and documentation, without prejudice to the rights of the convicted person. An intrinsically consistent, credible, and reliable account from a victim of sexual and gender-based violence may have sufficient probative value, in light of the circumstances of the case, for the allegations therein to satisfy the burden of proof, even in the absence of supporting

⁷⁸ *Idem*, para. 143 (emphasis added).

⁷⁹ *Idem*, para. 138.

⁸⁰ *Ibid.*

⁸¹ *Idem*, para. 140.

⁸² *Idem*, paras. 136-138 and 140 ff.

documents”.⁸³ This reasoning is in line with the existing special evidentiary regime in the legal texts of the Court in relation to acts of sexual violence,⁸⁴ which reflects principles recognized in international criminal law.⁸⁵

60. Additionally, the CLRV underlines that the reparations proceedings aim at addressing the needs of the victims and, as long as these needs stem from the crimes Mr Ongwen has been convicted for, the use of presumptions allows for the identification and provision of explanations for the existence of said needs in relation to the harm suffered from. Regarding the time that has elapsed since the events, the CLRV notes that although “*causation between an act and its result may be broken by a subsequent event which the person who committed the initial act could not have reasonably foreseen [...] as long as the relevant victims fall within the scope of the conviction and meet the applicable evidentiary standard, the issue does not arise*”.⁸⁶ Accordingly, as long as the harm suffered by the victims are related to Mr Ongwen’s crimes, whether or not said harms

⁸³ *Idem*, para. 67.

⁸⁴ The Elements of Crimes represent a long awaited evolution and provide important clarifications regarding the use of sexual violence in conflicts. Beyond the recognition of individual crimes as war crimes, crimes against humanity, and genocide, they recognise the gender-neutral definition of acts of sexual violence, and remove any element regarding consent from the constitutive elements of the crimes and therefore from the evidence required. See the [Elements of Crimes](#), *inter alia*, for the crimes of rape and sexual violence. They further provide important clarification as to the use of the terms “invasion” and “forcibly”. See the [Elements of Crimes](#), footnote 5: “The term ‘forcibly’ is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment”; footnote 15: “The concept of ‘invasion’ is intended to be broad enough to be gender-neutral”; and article 7(1)(g)-1.2 regarding the crime against humanity of rape: “The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent”. Indeed, in accordance with rule 63(4) of the Rules, “[w]ithout 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”. See also Rules 70, 71, and 86 of the [Rules](#) and the general principle regarding protection of the dignity and well-being of victims, guiding the Chambers and set in article 68 of the [Statute](#).

⁸⁵ See, *inter alia*, the [International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law](#), Second Edition, March 2017; the “[The Hague principles on Sexual Violence](#)”, 2019; and the Security Council Resolution Calling upon Belligerents Worldwide to Adopt Concrete Commitments on Ending Sexual Violence in Conflict, UN Doc. [S/RES/2467 \(2019\)](#), 21 April 2019.

⁸⁶ See the *Ntaganda* Reparations Order, *supra* note 17, para. 134.

are transgenerational, physical, psychological, material or of a different nature, they ought to be repaired in accordance with the legal framework of the Court.

61. Both in the *Lubanga* and in the *Ntaganda* cases, the trial chambers have recognised and applied a **presumption of material, physical and psychological harm to each direct and indirect victim of the crimes of conscripting into an armed group and using to participate actively in hostilities children under the age of 15**, once child soldier status or close personal relationship with a child soldier had been established on a balance of probabilities.⁸⁷ The CLRV submits that such presumption should also be applied in the current case.

62. Furthermore, the same **presumption of material, physical and psychological harm was also applied in the *Ntaganda* case to direct victims of rape and sexual slavery; and to indirect victims who are close family members of direct victims of the crimes of rape and sexual slavery.**⁸⁸ The CLRV submits that the same should be adopted in the current case, and extended **to all victims of sexual and gender based crimes** for which Mr Ongwen was convicted.

63. In addition, similarly to the *Ntaganda* case, the Chamber should adopt a **presumption of physical and psychological harm for the direct victims of attempted murder and the direct victims of the crimes committed during the attacks**, who personally experienced said attacks, once their eligibility has been established on a balance of probabilities.⁸⁹ Indeed, *“victims of the attacks, particularly victims of attempted murder still bear permanent scars with serious consequences, including trauma, psychological harms, and extensive physical scarring”*; and *“it is inherent to human nature that all those subjected to brutal acts [...] experience intense suffering, anguish, terror and insecurity”*.⁹⁰

⁸⁷ See the “Corrected version of the ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’”, *supra* note 43, paras. 180 and 185. See also the *Ntaganda* Reparations Order, *supra* note 17, paras. 144 and 145.

⁸⁸ See the *Ntaganda* Reparations Order, *supra* note 17, para. 145.

⁸⁹ *Idem*, para. 146.

⁹⁰ *Ibid.*

The same presumption **should be applied to victims of torture, enslavement and outrages upon personal dignity committed while in the LRA captivity** (not only during the attacks).

64. Moreover, the same **presumption of psychological harm for victims who lost their home or material assets having a significant effect on their daily life and indirect victims who are close family members of direct victims of murder** should be adopted in the present case.⁹¹

65. Likewise, the CLRV submits that a **presumption of material harm** should also be adopted for **victims who lost their home or material assets having a significant effect on their daily life during the attacks of the IDP camps**. Indeed, in as much as the likelihood of obtaining a certificate of properties for the former residents of these camps is extremely low if not nil, as long as it is established on a balance of probabilities that the person was a resident of the IDP camp at the time of the events, in addition to a presumption of physical and psychological harm, one of material harm should also automatically apply; in light of the established *modus operandi* of the LRA in the course of said attacks as proven in the Judgment.

66. Finally, the CLRV submits that, in light of the evidence produced at trial, the evidentiary findings and factual conclusions of the Chamber in the Judgement and Sentence (including the testimonies of innumerable experts both in this case and in other cases before the Court), **a presumption of psychological harm encompassing various types of traumas and impacts on family and social dynamics should apply for the benefit of all the victims in this case.**⁹²

⁹¹ *Idem*, para. 147.

⁹² The jurisprudence of the IACtHR establishes rebuttable presumptions (*iuris tantum*) as the underlying standard of proof to establish and assess non-material or moral damage, such as grief, anguish and sadness, especially in cases related to gross violations of human rights. See RAMBOUTS (H.), SARDARO (P.) and VANDEGINSTE (S.), "The Right to Reparation for Victims of Gross and Systematic Violations of Human Rights", in DE FEYTER (K.) et al. (Eds.), *Out of the Ashes: Reparations for Gross Violations of Human Rights*, Intersentia, Antwerp, 2005, p. 384. See also IACtHR,

67. Additionally, the CLRV posits that the Chamber should consider establishing a **presumption of transgenerational harm for all the victims of the case**. In this regard, the first principles for such a presumption were gradually established in the *Katanga* and *Lubanga* cases as from 2009,⁹³ and finally developed in the *Ntaganda* case, but mainly for children born out of rape and children of direct victims.⁹⁴ In favour of such a presumption, the CLRV notes that the existence of two schools of transgenerational trauma recognised scientifically nowadays – one of an epigenetic nature and the other of a psycho-social nature - reinforces the very applicability of this notion and provides explanations for two distinct ways traumas are transmitted from one generation to another, both existing in parallel and therefore complementing one another. Consequently, the generational transmission of the harm is more likely to happen than not in cases of mass atrocities, especially of the magnitude and cruelty of the ones perpetrated by the LRA. In the absence of such a presumption, it is likely to be unfeasible to establish the transgenerational harm for each victim, as providing the scientific evidence required would be completely unrealistic.

Mapiripán Massacres v. Colombia, [Judgment of 15 September 2005](#), Series C, No. 134, para. 146. As a general rule, the IACtHR presumes that moral harm has been suffered by the direct victim and their next of kin in cases related to gross violations of human rights. See IACtHR, *Aloeboetoe et al. v. Surinam*, [Judgment of 10 September 1993](#), Series C, No. 15, paras. 71, 76; “White Van” (*Paniagua Morales et al.*) *v. Guatemala*, [Judgment of 25 May 2001](#), Series C, No. 76, paras. 124, 158; “White Van” (*Paniagua Morales et al.*) *v. Guatemala*, [Separate opinion of Judge De Roux Rengifo](#), p. 1; *La Cantuta v. Peru*, [Judgment of 29 November 2006](#), Series C, No. 162, paras. 217-218; *Caracazo v. Venezuela*, [Judgment of 29 August 2002](#), Series C, No. 95, para. 50 (e); *Pueblo Bello Massacre v. Colombia*, [Judgment of 31 January 2006](#), Series C, No. 140, para. 257. Recently, the IACtHR has even stated that the presumption of moral harm can be applied to any human rights violation regardless of whether it is grave or not. See IACtHR, *Members of the Village of Chichupac and Neighboring Communities of the Municipality of Rabinal v. Guatemala*, [Judgment of 30 November 2016](#), Series C, No. 328, para. 324.

⁹³ See the “The Psychological Impact of Child Soldiering”, *supra* note 74. See also the “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” (Trial Chamber II), [No. ICC-01/04-01/07-3804-Red-tENG](#), 19 July 2018.

⁹⁴ See the *Ntaganda* Reparations Order, *supra* note 17, paras. 73, 75, 133, 134, 182 and 183. See also the “Experts Report on Reparation Presented to Trial Chamber VI, International Criminal Court by Karine Bonneau, Eric Mongo Malolo and Norbert Wühler”, [No. ICC-01/04-02/06-2623-Anx1-Red2](#), 3 November 2020, paras. 8, 16, 48 (and footnote 64), 57, and 58; and the “Expert Report on Reparations for Victims of Rape, Sexual Slavery and Attacks on Healthcare Dr Sunneva Gilmore”, [No. ICC-01/04-02/06-2623-Anx2-Red2](#), 3 November 2020, in its entirety and in particular paras. 80 and 81. See also the witness statement of Forensic Psychology Expert Professor John Yuille, P-0933, transcripts of the hearings held on 18, 21 and 22 April 2016, respectively [No. ICC-01/04-02/06-T-84-ENG ET WT](#), [No. ICC-01/04-02/06-T-87-ENG ET WT](#), and [No. ICC-01/04-02/06-T-88-ENG ET WT](#).

68. The CLRV submits that all the presumptions proposed *supra* correspond to the particular circumstances of the present case, taking into account both the environment in which victims were at the time of the commission of crimes and in which they are at present, and the balance of probabilities standard,⁹⁵ in light of the specific findings pertaining to the crimes for which Mr Ongwen was convicted and the factual and expert information available before the Chamber with regard to the corresponding harm. They also conform with the criteria of reasonableness and appropriateness set by the Appeals Chamber in this regard.⁹⁶ In particular, *“in reparations proceedings, a standard ‘less exacting’ than that for trial applies. This is, in part, due to the difficulties victims may face in obtaining evidence in support of their claims. The Appeals Chamber considers that, in the absence of direct evidence in certain circumstances, for example, owing to difficulties in obtaining evidence, a trial chamber may resort to factual presumptions in its identification of the heads of harm. The Appeals Chamber considers that resort to factual presumptions in*

⁹⁵ Although it is a rather abstract criterion, the presumption principle is believed to be in the interest of promoting justice. In this regard, when the claimant cannot prove his or her reparation claim with documentary evidence, the IACtHR for instance *can presume the existence of damage based on the merits and assess this damage based on the principle of equity*. See BARKER (J.), [“The different forms of reparation: compensation”](#), in CRAWFORD (J.), PELLET (A.), OLLESON (S.) and PARLETT (K.) (Eds.), *The Law on International Responsibility*, Oxford University Press, Oxford, 2010, p. 602; and IACtHR, *Chaparro-Álvarez and Lapo-Íñiguez v. Ecuador*, [Judgment of 21 November 2007](#), Series C, No. 170, para. 232. Furthermore, the CLRV refers to the more general approach to evidence developed by the IACtHR, called the *“sana crítica”* principle, notably in reparations proceedings. See PAÚL (A.), [“Sana Crítica: The System for Weighing Evidence Utilized by the Inter-American Court of Human Rights”](#), *Buffalo Human Rights Law Review*, vol. 18, 2012, pp. 193-194, 205, 208, 212, 213 and 220. See also IACtHR, *Mapiripán Massacres v. Colombia*, *supra* note 92, para. 73; IACtHR, *Mayagna (Sumo) Agwas Tigni Community v. Nicaragua*, [Judgment of 31 August 2001](#), Series C, No. 79, para. 88; IACtHR, *Baena Ricardo et al. v. Panamá*, [Judgment of 2 February 2001](#), Series C, No. 72, paras. 71-72. The concept comes from the Hispanic tradition of civil law that has been translated into English in very different ways (“sound criticism”, “competent analysis”, “judgment based on admissible evidence”, “healthy criticism”, “reasonable credit”, “sound judgment”, “sound judicial discretion”, etc.). The ***sana crítica* principle** refers to *“a system for evaluating the weight of evidence [...] in accordance with the rules of logic and experience”*, and is commonly used when a tribunal lacks specific rules prescribing a particular weight to certain pieces of evidence. The principle requires judges to explain the considerations on which they based their weighing of evidence, and thereby represents a middle point between rigidity regarding evidentiary rules on one hand and arbitrary decisions on the other hand.

⁹⁶ See the 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’ (Appeals Chamber), [No. ICC-01/04-01-07-3778-Red A3 A4 A5](#), 9 March 2018 (the “Katanga Reparations Appeal Judgment”), para. 77: *“On appeal, bearing in mind the standard of review, a party challenging a factual presumption must demonstrate that no reasonable trier of fact could have formulated the presumption in question in light of the particular set of circumstances in that case”*.

reparations proceedings is within a trial chamber's discretion in determining 'what is 'sufficient' for purposes of an applicant meeting the burden of proof'. [...] In light of the above, the Appeals Chamber emphasises that the reasonableness of a factual presumption drawn by a trial chamber in reparation proceedings will depend upon the circumstances of the case".⁹⁷ Moreover, as further underlined by the Appeals Chamber, "[t]he legal framework leaves it for chambers to decide the best approach to take in reparations proceedings before the Court. Chambers have thus ample margin to determine how best to deal with the matter before them, depending on the concrete circumstances at hand. However, in the exercise of their discretion, it is clear that proceedings intended to compensate victims for the harm they suffered, often years ago, must be as expeditious and cost effective as possible and thus avoid unnecessarily protracted, complex and expensive litigation".⁹⁸

g. 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 can be expeditiously implemented

69. The CLRV notes that reparations "*must – to the extent achievable – relieve the suffering caused by the serious crimes committed [and] afford justice to the victims by alleviating the consequences of the wrongful acts*".⁹⁹ Reparations can be individual, pursuant to rule 98(1) and (2), or collective in accordance with rule 98(3) of the Rules. These categories are not mutually exclusive and they may be awarded concurrently.¹⁰⁰ The types of reparations include those with a symbolic, preventive or transformative value.¹⁰¹ The modalities of reparations include restitution, compensation and rehabilitation.¹⁰² The projects developed should aim at restoring – to the extent possible – the victims to the circumstances before the crime was committed or transform such

⁹⁷ *Idem*, paras. 75-76.

⁹⁸ *Idem*, para. 64.

⁹⁹ See the *Lubanga* 2015 Order for Reparations, *supra* note 18, para. 71.

¹⁰⁰ *Idem*, para. 33.

¹⁰¹ *Idem*, paras. 34 and 67.

¹⁰² *Idem*, paras. 35-43.

a situation.¹⁰³ This will require coordination between multiple actors, who will have to work together towards achieving the best possible outcome in terms of benefit to the victims, maximising efficiency and expeditiousness.

70. Reparations should incorporate “*a detailed appreciation of the concrete needs and wishes of the victim population*”.¹⁰⁴ It is crucial to consult with victims and, to the extent achievable, award the types and modalities of reparations they request and refrain from issuing awards they do not favour. In this regard, in the *Katanga* case, Trial Chamber II noted “*that on consultation, the victims specifically rejected certain modalities, such as commemorative events, broadcasts of the trial, the erection of monuments or the tracing of missing persons*” and therefore it correctly refrained from ordering those measures.¹⁰⁵ Instead, it 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*”.¹⁰⁶

71. The CLRV posits that the Chamber should adopt the same methodology in the assessment of the types and modalities of reparations to be issued in the present case.

72. The CLRV has extensively consulted with the victims she represents to understand their wishes and concerns about reparations. During said recent consultations, victims emphasised the importance of meaningful and timely reparations for them and their communities. In particular, victims requested to:

- a. have access to educational programs that would allow them to strengthen their basic skills, catch-up with their lost or interrupted education and be in a better position to build a sustainable future for themselves and their families;

¹⁰³ *Idem*, para. 67(1) and footnote 38.

¹⁰⁴ See the “Further information on the reparations proceedings in compliance with the Trial Chamber’s order of 16 March 2018”, [No. ICC-01/04-01/06-3399-Red](#), 4 December 2018, para. 30.

¹⁰⁵ See the *Katanga* 2017 Reparations Order, *supra* note 41, para. 301.

¹⁰⁶ *Idem*, para. 302 and p. 118.

- b. have access to vocational skills trainings with the same aims;
- c. start their own income generating activities and improve their livelihood;¹⁰⁷
- d. get empowered to increase their scale of production through the purchase of appropriate agricultural machinery; the rental of farmlands; the purchase of animals like oxen, dairy cows, goats and chicken for breeding; and the purchase of seeds;
- e. be supported in purchasing land on which to live with their family and in building a house for the latter;
- f. be able to have sufficient food and have a balanced diet;
- g. be able to pay school fees for their children;
- h. enable them to meet medical costs for themselves and their family members;
- i. reduce their trauma and all the worries triggered by the losses during the attacks.

73. Victims also expressed concerns regarding the possibility of an urgent access to medical and sustainability support.

74. Victims of the attacks expressed a preference to be given cash money individually. Since they lost all of their belongings in the attacks, they submitted that the money would make it easy for each one of them to plan well for their livelihoods. They are indeed concerned that collective reparations would have no direct effect on them. In addition, they have concerns regarding: (i) the unlikely success of projects implemented as they have seen many being undertaken which have all collapsed, notably due to managerial issues and absence of long-term execution; (ii) the use of the scarce resources of the Court for capacity building when in their views, it is the Government's responsibility to reinforce educational, medical and other structures. In this regard, victims nonetheless underlined the need for immediate construction and

reinforcement of local infrastructures, from schools (from primary, to secondary, to colleges and universities) to medical centres, and insist on the necessity of an holistic approach, citing medical centres as examples which should offer both physical and psychological care in the same place.

75. Victims considered that a **holistic** approach to reparations should be taken and that reparations ought to be implemented **as close as possible** to them. They overwhelmingly expressed a preference for individual reparations, although they would also accept collective reparations with an **individual component**. They seek financial aid, to be used for different purposes, including returning to their towns or (re)building their houses; accessing long-due medical and psychological support; burying their loved ones who were abducted by the LRA and those who either have disappeared ever since or were brutally murdered by the LRA;¹⁰⁸ completing their education or the education of their children for whom they could not provide as a result of the crimes for which Mr Ongwen was convicted; accessing vocational training and starting an income generating activity. The CLRV posits that these types of assistance could adequately be encompassed in the form of collective reparations with individual components, *i.e.* through the provision of services victims could access in accordance with their individual respective situation and needs.

*i. Victims of sexual and gender-based violence*¹⁰⁹

76. The CLRV stresses the particular attention to be given to the victims of sexual and gender-based crimes in designing types and modalities of reparations. Girls, who were victims of sexual violence and became pregnant as a result, experienced

¹⁰⁸ The reparations measures to be awarded should also aim at the victims' "satisfaction". As set out in Principle 22 of the 2005 Basic Principles, said measures include the search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities. See the 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 General Assembly [Resolution 60/147](#), 16 December 2005, Principle 22.

¹⁰⁹ See also paras. 19 to 21.

disruptions to their “*project of life*”. They may suffer diseases as a consequence of the rape and sexual slavery with serious implications for their health.¹¹⁰ They face great difficulties to be accepted back into their families and communities.¹¹¹ Children born out of rape experience the highest levels of rejection upon return.¹¹² They may be prevented from attending school, which in turn deprives them of the opportunity to raise themselves out of poverty. They may be unable to marry and form a family, which may also deprive them of emotional and financial security. They may be denied access to land and productive activities, which may also force them to live in poverty, and often, to relocate far from their family area to live in places where they would benefit from anonymity.

77. The types of services targeted should be: **medical** (including both physical and mental health); **educational** (including alphabetisation and language classes, access to primary and secondary schools, college and universities, for them and their children); **professional** (including access to vocational courses and relevant support to start an income generating activity); **material** (from support to come back in their place of origin, buy a land or be re-established in their right to a land, to building a house); and **psycho-social** and **communal** (including long-term medical insurances, and support to them, their families and communities to facilitate the reintegration of the victims who have been marginalised and excluded since the events, and help them regain social and political agency).¹¹³

¹¹⁰ In this sense, see DUGGAN (C.) and ABUSHARAF (A.), “Reparation of Sexual Violence in Democratic Transitions: The Search for Gender Justice”, in GREIFF (P.) (Ed.), *The Handbook of Reparations*, Oxford University Press, 2006, pp. 623-649.

¹¹¹ See MÆLAND (B.), LANG (P.), *Culture, Religion, and the Reintegration of Female Child Soldiers in Northern Uganda*, 2010; and BAINES (E.), *Buried in the Heart: Women, Complex Victimhood and the War in Northern Uganda*, Cambridge University Press, 24 November 2016.

¹¹² See UNITED NATIONS, [Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards](#), December 2014. See also PARMAR Sharanjeet, *Children and Transitional Justice: Truth-telling, Accountability and Reconciliation*, Harvard University Press, 2010.

¹¹³ See International Alert (2012), [Women’s political participation and economic empowerment in post-conflict countries: Lessons from the Great Lakes region in Africa](#).

78. [REDACTED]. In this regard, she underlines that the Guidance Note indicates the preference for individual reparations, along with collective reparations, with respect to victims of sexual violence in armed conflict.

79. In turn, the right of children to reparations is clearly established in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, according to which “[c]hild victims should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery”.¹¹⁴ Article 9(4) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography states that “State Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible”.¹¹⁵ As noted by the United Nations in a report filed in the *Bemba* case:

*“If individual compensation awards are granted, the Trust Fund for Victims may also need to provide programmes for beneficiaries on basic financial literacy and negotiate with banks or mobile money providers on the transfer to and use of funds by beneficiaries. Once again, such issues should not be seen as obstacles to individual awards of compensation, but rather as having the further ability to transform the lives of victims”.*¹¹⁶

80. [REDACTED].

ii. Victims of the crimes of recruitment and use of child soldiers

81. In the *Lubanga* case, the Appeals Chamber identified the modalities of reparations that are appropriate to redress the harm suffered as a result of the crimes of recruitment and use of child soldiers. These modalities of reparations may be properly adopted by the Chamber in the present case: restitution, as much as possible,

¹¹⁴ See the United Nations Economic and Social Council, “Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime”, [Resolution 2005/20](#), para. 35. See also the Convention on the Rights of the Child, [UN General Assembly Resolution A/RES/44/25](#), 20 November 1989, article 39.

¹¹⁵ See the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, UN General Assembly [Resolution A/RES/54/263](#), 25 May 2000.

¹¹⁶ See the “Joint submission by the United Nations containing observations on Reparations pursuant to Rule 103 of the Rules of Procedure and Evidence”, *supra* note 28, para. 49.

compensation taking into account the gender and age-specific impact of the crimes on direct victims, their families and communities; rehabilitation through measures aiming at facilitating their reintegration into society, taking into account the differences in the impact of the crimes on girls and boys (including provision of education and vocational training, and sustainable work opportunities promoting a meaningful role in society) and rehabilitation measures including addressing the shame that child victims may feel and avoiding further victimisation; the steps taken to rehabilitate and reintegrate former child soldiers may also include their local communities, thereby including transformative and symbolic measures of reparations too aiming at avoiding further re-victimisation; educational campaigns, outreach and promotional programmes, aiming at reducing the stigmatisation and marginalisation of the victims and preventing future conflicts.¹¹⁷

82. Article 39 of the Convention on the Rights of the Child provides that “*States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child*”.¹¹⁸

83. The CLRV posits that collective reparations with individual impacts should address the harm suffered both by the former child soldiers and by their relatives. They may include a service package, one that addresses the physical and psycho-social harm suffered, that provides education or learning opportunities and that provides social care to help restore family relations. Programmes should aim at ensuring the former child soldiers’ effective and sustainable reintegration, allowing them to access education, a livelihood, life skills and a meaningful role in society which they have been deprived of for many years.

¹¹⁷ *Idem*, para. 67.

¹¹⁸ See the Convention on the Rights of the Child, *supra* note 114.

84. The reparations should therefore facilitate the victims' access to primary and secondary education¹¹⁹ or accelerated programmes of education and/or vocational training. This should apply not only to children of direct victims (to break the vicious cycle in which they are and ensure a future for their family), but also to former child soldiers themselves, should they still require this type of assistance despite the lapse of time between the current proceedings and their abduction by the LRA.¹²⁰ A very large majority of the victims see the possibility of accessing education as a necessary step for their reintegration into the community and to compensate for the major disruptions to their "*project of life*" caused by their abduction in the LRA when they were children, or by their upbringing in the LRA.

85. The reparation measures should also facilitate the victims' access to physical and psychological health care benefits. Some former child soldiers have serious untreated illnesses and disabilities. Some continue to suffer from drug and alcohol addiction issues, as well as post-traumatic reactions and mental health problems requiring treatment.

¹¹⁹ In Uganda, the official primary school entry age is in principle 6 years old. Schooling follows the following structure: 7 years of primary education, 6 years of secondary education, and few years of post-education. In principle, primary education is free, but many elements make this principle a faraway reality for poor families: issues with teacher training, inadequate facilities and displacements of the population create important bars to accessing education. Moreover, much less girls and women access schools than boys and men in Northern Uganda. Furthermore, in light of the long lasting conflict and of the dreadful poverty situation of the population in Northern Uganda, many of the children did not follow a linear education. Many started going to school late, sometimes very late, or following a very irregular progression, and many had to abandon school, either due to the attacks and displacements, and the correlated difficulties faced, or because they were either abducted and became child soldiers or were born in the LRA. As a result, many young adults did not complete their education, and face difficulties in finding a job and supporting their families. They also face stigma, having to admit their incomplete education and the reasons why they could not complete it. See ATIM (T.), MAZURANA (D.) and MARSHAK (A.), [Schools out: Why northern Uganda's girls and boys are not getting an education and what to do about it](#), 14 August 2019.

¹²⁰ The CLRV underlines the importance of implementing reparations programs aiming at assisting young adults to return to school with other individuals of the same age, close to their residential place, following a schedule that would allow them, while catching up with the classes, to continue supporting their family with a professional activity. Alphabetisation also needs to be provided for the victims who need it. Other programs should aim at supporting children and young adults in continuing their studies, through university or vocational programs, depending on their respective wishes.

iii. Victims of the attacks and of the other crimes

86. For the victims of the other crimes Mr Ongwen was convicted for, the modalities of reparations must allow each of them to benefit from the most optimal reparations possible in light of the constellation of harm suffered, by accessing holistic services relevant for their respective situation. The CLRV submits that the projects developed in the implementation of collective reparation measures should take into account the specificities of the harm suffered by each victim.

87. The **types of services** targeted should be **medical** (including both physical and mental health); **educational** (including alphabetisation and language classes, access to primary and secondary schools, college and universities); **professional** (including access to vocational courses and relevant support to start an income generating activity); **material** (from support to come back to their place of origin, buy a land and build a house to restitution of lost items necessary to maintain the life of the family on a daily basis); **psycho-social** (including the search of the disappeared persons or of their remains, support to burial and other rituals as desired by the victims and their families, and support to families and communities to facilitate the reintegration of the victims who have been marginalised and excluded since the events); and finally **cultural** (in order to help the Acholi, Langi and Teso traditions, rituals and common values to be known and shared again in the communities and families (with due regard paid to potential pre-existing discriminations that would need to be addressed through the programs put in place, for instance in relation to gender roles).¹²¹ As already noted, the Appeals Chamber has directed “a gender-inclusive approach” to

¹²¹ Criticism brought to resorting to the traditional justice system of the Acholi nowadays also points out that “women are under-represented and their rights are under-protected under the traditional system”; that the conflict in Northern Uganda has weakened the knowledge of traditional leaders about the traditional justice ceremonies; that “the practices may not be entirely consistent and uniform among the different Acholi clan communities”; or that “in Ugandan law, customary authorities and laws are not allowed to adjudicate in any criminal case, let alone the much more serious crimes against humanity and war crimes”. See WORDEN (S.), “[The Justice Dilemma in Uganda](#)”, United States Institute of Peace, February 2008, p. 10; and LATIGO (J.O.), “[Northern Uganda: tradition-based practices in the Acholi region](#)”, in HUYSE (L.) and SALTER (M.) (Eds.), *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*, International Institute for Democracy and Electoral Assistance, 2008, pp. 113-114.

“guide the design of the principles and procedures applied to reparations” and emphasised that “gender parity in all aspects of reparations is an important goal of the Court”.¹²²

iv. Specific factors related to the cultural context in Northern Uganda

88. Finally, the CLRV refers to the specific rituals existing in the Acholi, Langi and Teso cultures, and from which some modalities of reparations could be drawn in combination with the other modalities eventually developed. Taking into consideration the cultural specificities of the victims, it may be appropriate to restore the broken cultural links identified in this case, and help reconciliation of families and communities, while ensuring most meaningful and appropriate modalities of reparations.

89. To cite some examples, the Acholi bylaws form an important part of the traditional justice system, most of which are still not written.¹²³ These bylaws stipulate the compensation to be paid in cases of killings or causing serious injuries, depending on whether the offence was purposely or accidentally committed, the clan affiliation of the two parties, whether the harm was caused through neglect, poison, bewitchment, by the owner’s animal, in self-defence, etc.¹²⁴ Other Acholi rituals are

¹²² See the *Lubanga* 2015 Order for Reparations, *supra* note 18, para. 18.

¹²³ Up until recently, the existing written bylaws only applied to the area of Gulu. However, the Acholi Traditional Leaders Council started compiling a new bylaw document to be applied to all districts of Acholiland (Gulu, Kitgum and Pader).

¹²⁴ Some bylaws stipulate that for a purposely committed murder, 10 cattle and 3 goats will be paid; for an accidental murder, 5 cattle and 3 goats; for causing the death of a child by neglect, 3 cattle and 3 goats; for killing a person in self-defence, 5 cattle and 3 goats, respectively. See [“Traditional ways of preventing and solving conflicts in Acholi”](#), Psychosocial Support Program, Caritas, Gulu Archdiocese, January 2005, p. 9. See also ACIROKOP (P.), *supra* note 34, pp. 11-12; TOM (P.), [“The Acholi Traditional Approach to Justice and the War in Northern Uganda”](#), Beyond Intractability, August 2006; [“Roco Wat I Acoli: Restoring Relations in Acholi-land: Traditional Approaches To Reintegration and Justice”](#), Liu Institute for Global Issues, Gulu District NGO Forum, Ker Kwaro Acholi, September 2005, pp. 16, 54; OGORA (L.O.), [“Traditional Justice: A significant Part of the Solution to the Question on Accountability and Reconciliation in Northern Uganda: A Case Study of the Acholi Local Justice Mechanism of Mato Oput in Northern Uganda”](#), *Uganda Law Reform Commission, Uganda Living Law Journal*, Volume 6, 2008, pp. 2-3; and PHAM (P.), VINCK (P.), WIERDA (M.), STOVER (E.) and DI GIOVANNI (A.), [“Forgotten Voices: A Population-Based Survey on Attitudes About Peace and Justice in Northern Uganda”](#), International Center for Transitional Justice, the Human Rights Center, University of California, Berkeley, July 2005, p. 52.

related to welcoming home a family member that has been away for a long period of time, no matter the reason (distinct rituals apply to different situations);¹²⁵ cleansings rituals, aiming at cleansing an area from bad spirits or negative influences and performed when misfortune repeatedly strikes a certain place¹²⁶ or to cleansing of a body; rituals to solve disputes within the same family/clan; rituals to solve disputes between different clans/tribes; rituals for ancestors/gods.

90. Little written information exists about the traditional Lango justice system and the existent one lacks consistence.¹²⁷ *Kayo Cuk* (the ritual of reconciliation) and *Culo Kwor* ("compensation for the dead") are traditional justice mechanisms practiced in cases of a grievous nature, such as killings. Compensation was traditionally paid in the form of livestock.¹²⁸ In the same way as the Acholi, the Langi traditional justice system is based on the peaceful resolution of conflicts and the Langi people believe in traditional gods (*jogi/jok*) who prohibit certain behaviours including incest, rape, killings or theft.¹²⁹ Accordingly, some of their rituals aim at driving away evil spirits from a person who committed an offence, welcoming people who were away, restoring relationships between people who either wished each other bad fortune or committed a wrong against the other,

¹²⁵ See Roco Wat I Acoli, *idem*, pp. 26-28. See also Traditional ways of preventing and solving conflicts in Acholi, *idem*, p. 12; LATIGO (J.O.), *supra* note 121, p. 106; [Peace First, Justice Later: Traditional Justice in Northern Uganda](#), Refugee Law Project, Working Paper No. 17, July 2005, p. 28; HARLACHER (T.), "[Traditional ways of coping with consequences of traumatic stress in Acholiland: Northern Uganda ethnography from a Western psychological perspective](#)", University of Freiburg, Switzerland, Department of Psychology, 9 October 2009, pp. 176, 180 and 200; OGORA (L.O.), *idem*, p. 2.

¹²⁶ See HARLACHER (T.), *idem*, pp. 196-201.

¹²⁷ See ATIM (T.) and PROCTOR (K.), "[Modern Challenges to Traditional Justice: The Struggle to Deliver Remedy and Reparation in War-Affected Lango](#)", Feinstein International Center, Tufts University: Medford, USA, June 2013, pp. 8-9.

¹²⁸ *Idem*, pp. 9-10. Only elders take part in the ceremony of *Kayo Cuk*, no young women, nor children. Because of poverty, *Kayo Cuk* is often not performed and the recommended compensation for *Culo Kwor* is sometimes not fulfilled. At the same time, because of poverty and the significant loss of livestock during the conflict, compensation can sometimes take the form of money. Traditionally, *Culo Kwor* was mediated by the *Rwot Kwor*, clan official responsible for compensation.

¹²⁹ See KIBWANGA (A. R. M.), "[Rediscovering Traditional Peacebuilding Practices in Post War Northern Uganda](#)", University of Innsbruck, April 2009, pp. 58-59.

stopping bad omen from affecting a person, family or community, or breaking a taboo by a member of the clan/family.¹³⁰

91. Lastly, similar to the Acholi, the Teso traditional justice system is based on truth-telling, reparations (including material compensation) and acknowledgement of responsibility.¹³¹ Currently, the system is used in a modified version. Traditionally, it was applicable to a variety of infractions “*from theft to verbal or physical quarrels, adultery and murder*”. The first step in the Teso traditional justice system is the meeting between the clans’ elders in which the truth is to be established. Material compensation, as part of reparations, is particularly important and it depends on the nature of the offence and its socioeconomic implications. The amount of compensation is an important expression of the gravity of the abuse and also its resulting consequences; it could be either material compensation in the form of livestock or its financial equivalent in case the livestock restocking would be impractical. Many respondents from a particular study have also mentioned the importance of a ceremony (“*including a feast and in some cases the slaughtering of an animal*”) as part of the justice ritual. The feast symbolizes the reestablishment of relationships between the clans of the victim and the clan of the perpetrator.¹³²

¹³⁰ See ATIM (T.) and PROCTOR (K.), “[Modern Challenges to Traditional Justice: The Struggle to Deliver Remedy and Reparation in War-Affected Lango](#)”, Feinstein International Center, Tufts University: Medford, USA, June 2013, pp. 8-10.

¹³¹ See “[Conflict, Justice and Reconciliation in Teso: Obstacles and Opportunities](#)”, Faculty of Law, Makerere University, the Refugee Law Project, the Human Rights & Peace Centre, Briefing Note No. 1, December 2008, pp. 6-12.

¹³² *Idem*, p. 9. Rituals exist in cases of adultery, but none of the categories of sexual offences mentions the current definition of rape. The Teso have specific rituals for persons returning home after a prolonged absence as a result of a family quarrel. Given the current post-conflict environment, many people believe returnees should be forgiven for the crimes they might have committed as they acted against their will (because they were abducted). However, others are of the opinion that former abductees should only be forgiven once they acknowledge their wrongdoings and promise not to repeat the action. People have expressed concerns with respect to the lack of authority of traditional Teso leaders because of either their loss of economic power within the community or the rise in education of the youth who no longer consider the elders authority figures.

92. How much and exactly how some modalities of reparations could take the shape of some of these bylaws would need to be scrutinized by the TFV to ensure that while the cultural harm and traditions of victims are honoured,¹³³ the fundamental principles of reparations are upheld.¹³⁴

h. 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

93. The CLRV gathered information as to the existence and costs of services relevant to the reparations proceedings with the aim of providing the Chamber with information as to the structures in place and the current costs to access them in close proximity with the victims. In relation to the costs provided, she underlines that they will inevitably be higher due to the effect of the COVID-19 pandemic on the economy.

94. Said information is included in details in Annexes 1 and 2 which summarise the information collected for the, Odek, Gulu, Lukodi and Pajule areas,¹³⁵ and it is based on the result of the questionnaires used to collect it (see Annex 3).

¹³³ The CLRV further notes that between 2000 and 2005, 50 rituals of Mato Oput have been practiced throughout the three districts of Acholi-land, but not necessarily in relation to LRA crimes. Although Mato Oput is well-known inside and outside of Uganda, the ceremony is no longer widely practiced/accepted. Concerns exist with respect to the willingness of the communities to genuinely accept and reintegrate former LRA members into society. Some people also doubt the willingness of the clans to accept responsibility for the acts committed by the LRA, while others (mostly younger generations) do not see the value of the ceremony anymore. Some have expressed concerns with respect to the functionality of Mato Oput. Reconciliation between the two clans can only take place if the perpetrator can identify the victim, otherwise he or she is not able to confess his or her crime, ask for forgiveness from the victim's clan and pay compensation. See Roco Wat I Acoli, *supra* note 124, pp. 66 and 91-94; and PHAM (P.), VINCK (P.), WIERDA (M.), STOVER (E.) and DI GIOVANNI (A.), *supra* note 124, p. 52.

¹³⁴ See HARLACHER (T.), *supra* note 125, p. vii: "During discussions and consultations with both local social workers and community members, we realized that it was crucial to gain a better understanding of the provisions of the local culture and traditions. Many traditional rituals and procedures had the potential of fostering healing among the war torn communities".

¹³⁵ For Abok, no information is provided because only two individuals in that area are represented by the CLRV.

95. From the information collected, the CLRV wishes to highlight the following.

i. Schooling and education

96. As indicated *supra*,¹³⁶ several factors hinder access to primary school and more generally education in Northern Uganda, such as gender discrimination (much lower access to education for girls), funding, teacher training, rural populations and correlative unavailability of teachers in disadvantaged areas who in addition face a lack of accommodation in remote areas, high level of teacher and student absenteeism, inadequate availability of learning materials, weak school, management, large class sizes and inadequate facilities.¹³⁷ For similar reasons, there is a lack of pre-schools programmes too for children between 3 to 5 years of age.

97. In addition to the costs for tuitions and fees for access to school, other recurrent costs ought to be considered when envisaging the modalities of reparations corresponding to access to school for the victims concerned and their dependants, as most schools ask parents for supplies/requirements *every term* (noting that there are three (3) terms in a school year), totalling an average of 1,734,600 UGX for each year of school, per pupil / student.¹³⁸

98. The costs of **primary education** vary considerably from an area to another,¹³⁹ and depending on whether it is a Government school (charging lower fees) or a private

¹³⁶ See footnote 119.

¹³⁷ See the information available on the website of Uganda Schools Guide, lastly consulted on 3 November 2021, available at: [Education System in Uganda | Uganda Schools Guide](#); and on the UNICEF Website at: [Education | UNICEF Uganda](#).

¹³⁸ Ranging from counter or notes books, ball pens, pencils and colour pencils, a rim of paper, a math set including a calculator, a ruler, a bag, a school uniform including shoes, rolls of toilet tissues, tubes of tooth brush, tablets of bathing soap, bars of laundry soap, soft and hard brooms, a slasher, a bag of cement, kilograms of sugar, maize and beans.

¹³⁹ Concretely, for victims and their families residing in the area of Odek, the minimum of annual fees range between 30,000 UGX and 1.2 million UGX. In the area of Lukodi, lower primary classes (P.1 to P.3) have an annual fee (composed of three terms) ranging from 60,000 UGX to 90,000 UGX; whereas upper primary classes (P.4 to P.7) cost yearly between 120,000 UGX and 300,000 UGX. It is however important to note that a number of parents in Lukodi enrol their children in schools located in Gulu city, where the annual fees are much higher. Indeed, a year of day primary school in Gulu, considering

school, with distinct fees as well for day and boarding schools (the latter charging higher fees). The costs fluctuate also depending on the school's performance (high performing schools charge higher fees than low performing schools) and its location (urban schools charge higher fees in general than rural schools). The Government of Uganda introduced the Universal Primary Education (UPE) in January 1997, but it is not a totally free education for all. Parents have to contribute a minimum of 10,400 UGX per child per term (so three times per school year), and most schools, with parents' agreement, have set parents' contribution a lot above the figure given by the Government. Primary school is composed of 7 years of education.

99. **Secondary education** lasts 6 years and is divided between four years of O (Ordinary) level and two years of A (Advanced) level, at the end of which respectively (4 and 6 years), students sit exams. Some technical schools also offer alternative education during 2 or 3 years. Depending on the area, fees vary annually between 600,000 UGX and 2.4 million UGX.¹⁴⁰

100. **University education** could range from 3 to 5 years, in public or private universities but unfortunately very few students access them. They also encompass vocational and technical education at a post-secondary level. There are no universities in Odek and Omoro District, nor in the Pajule area, and students from the area join Gulu university or other universities in other districts. As a benchmark, an overview of the university fees for various fields of education in GULU is attached in the questionnaire corresponding to the LUKODI area and to GULU (same information).¹⁴¹

mainly high performing schools, costs between 450,000 UGX and 2.4 million UGX. In the Pajule area, the fees range annually between 180,000 UGX up to 750,000 UGX.

¹⁴⁰ In the area of Odek, annual secondary school fees vary between 150,000 UGX to 1.2 million UGX. In the area of Lukodi, there is only one secondary school sufficiently close and the fees are about 600,000 UGX. It appears however that like for primary schools, a number of parents enrol their children rather in secondary schools in Gulu city, where the rates are higher. In Gulu, annual fees vary between 900,000 UGX to 2.4 UGX. In Pajule, annual fees for secondary schools range from 810,000 UGX to 1,650,000 UGX.

¹⁴¹ It stems out from the information gathered that tuition fees *per semester* for **undergraduate** students in Gulu Universities (private) range from 770,000 UGX to 1,344,000 UGX, with an average of fees around 800,000 UGX *per semester*. Tuition fees *per semester* for **graduate** students in (private) range from 560,000 UGX to 3,800,000 UGX, with an average of fees around 1,105,000 UGX *per semester*. Moreover, like for

101. Furthermore, language courses are not easily available in Northern Uganda (with a view of professional development) and have an average of 70/80 pupils per class in practically all schools (going beyond the official ratio set at 55 pupils per teacher, which in itself is already a too big number for efficient teaching and learning processes), and often reaching 100 pupils per class.

ii. Vocational trainings and access to income generating activities

102. Victims represented by the CLRV expressed some preferences for vocational trainings and incoming generating activities. However, these preferences will have to be checked by the TFV and its implementing partners once the reparations programs will start. Indeed, as shown by the practice of the Court in other cases, victims' needs and choices often change over time for very obvious practical and contextual reasons. The information collected in Annex 1 encompasses preferences so far expressed by victims represented by the CLRV. The types of vocational trainings identified and their costs are consequently representative of the discussions held at this stage of the proceedings and are likely to evolve.

103. In particular, there is a predominance of request for trainings in the areas of agriculture, food and agribusiness, entrepreneurship, science and public health, business and administration, information and communication technologies, management, science of education, medicine and law. Income generating activities most commonly inquired about encompass so far beekeeping, driving, business, farming, welding, plumbing, carpentry, mechanics, milk production, breeding, fishing, hair-dressing, tailoring, handcraft and trading.

primary and secondary school, additional fees are summing up to those above-mentioned of tuitions, and range for a university year between 120,500 and 829,000 UGX.

iii. Housing

104. The CLRV highlights that many of her clients either live in a rental house located on a rental land or sometimes own their own hut, most of the time also located on a land that does not necessarily belong to them or their close family. In this regard, the majority of her clients are in need of assistance in order to be able to purchase a land for their family, and build a big enough house capable of accommodating - in the same house or in other houses located on the same land - other members of the family of which the victims are in charge. The CLRV notes that most of her clients are in charge alone (and sometimes with the help of one family member) of a number of persons in their household going from 1 to 15. Safety and security necessarily pass through stability, which in turn heavily relies on the ability one has to have a roof above her/his head. Indeed, medical and psychological care, education and vocational trainings can only truly contribute to one's betterment if the person has a home to come to and to keep her/his family safe. Costs as to the rental and the construction of different types of housing in the various localities are provided in Annex 1.

iv. Access to medical treatments

105. Costs related to medical treatments vary considerably depending on the issue concerned and whether it could be addressed in a medical clinic / centre, a private hospital, a not-for-profit hospital or a government hospital. Detailed costs are provided per localities and types of issues and services in Annex 1 (except for the Pajule area for which it was not possible to collect definitive information).

v. Existing infrastructures in the victims' localities

106. Information about the existence and functionality of schools, colleges and universities, vocational training centres, health centres, clinic and hospitals and structures providing psychological assistance in the various localities where her clients reside is provided, together with some comments in Annex 2.

vi. Other programmatic information costs from researches on existing projects and programs in Northern Uganda, including the programs developed by the TFV within the scope of its assistance mandate

107. Several local and international organizations are currently implementing or have recently implemented in Uganda projects relevant for the needs of victims represented by the CLRV. A significant number of said projects focus on addressing the needs of victims of the conflict in general and former child soldiers in Northern Uganda. Some of them have adapted their work throughout the years and extended their areas of action to cover significant parts of Northern Uganda. An important number of programs providing economic assistance, psychological assistance and education and vocational skills trainings are currently being implemented. Few programs focus on providing physical assistance and on addressing the needs of victims of SGBV. Unfortunately, very few organizations work to specifically support former child soldiers, formerly abducted girls, internally displaced persons and children born in the bush. With respect to the costs, the latest figures of the programs are sometimes not available or not with a lot of specificity.

108. Annex 5 contains a table compiling all projects identified and of possible relevance to the design of the reparations programs in the present case. The aim of this mapping contribution is to have an overview of the infrastructures in place, the costs and constraints of projects and programs similar to the ones which could be designed and implemented in the present case and could inform the Chamber's decision in determining the amount of the reparations awards.

109. Moreover, since 2008, the TFV has been implementing several programs in Uganda as part of its assistance mandate. The projects comprise a wide range of activities supporting victims of the conflict between the Ugandan Government and the LRA. A significant number of the TFV assistance projects focused on physical (11) and psychological (15) care, but few have provided economic assistance to victims (4) or implemented programs on stigma and discrimination against victims (2). Only two

projects have provided psychological rehabilitation to a small number of former child soldiers (and children born in the bush so far). Although two of the TFV's partners (COOPI and GWED-G) have conducted activities on raising awareness on SGBV matters, none seems to have implemented the same kind of programs with respect to child soldiers and children born in the bush. None of the projects specifically mentions providing assistance to internally displaced persons either.

110. It appears through the information available that 28 projects have so far been implemented through 16 partners and have reached approximately **351,665 direct beneficiaries** and **574,511 indirect beneficiaries**. The **overall cost** of the projects implemented from 2008 until April 2021 seems to total around **EUR 9,606,389.63**.¹⁴²

111. In conclusion, although the anticipated costs vary considerably depending on the availability of relevant infrastructures in Northern Uganda and whether said infrastructures could be used to implement the reparations projects,¹⁴³ the CLRV submits that estimations are still possible and they should be substantiated upon factors such as those presented *supra*. More generally, the CLRV submits that the general context of overall poverty in Northern Uganda is an element that will need to be factored in the suggestions to be put forward by the TFV in the context of the reparations proceedings.¹⁴⁴

¹⁴² See the TFV Programme Progress Reports, *supra* note 50. Not all figures are available through the public documents published by the TFV, however, the latter can certainly presents an accurate picture to the Chamber and advises on its expertise and practical knowledge regarding programs' costs and any other relevant information in its possession on the current context in Northern Uganda for the purpose of the reparations proceedings.

¹⁴³ See the "Information Regarding Collective Reparations", [No. ICC-01/04-01/06-3273](#), 13 February 2017, paras. 51-57.

¹⁴⁴ According to a study conducted by the Civil Society Organizations for Peace in Northern Uganda ("CSOPNU") in 2006, 70% of Northern Ugandans did not have access to any financial income and 90% lived in absolute poverty. See OGORA (L.O.), "[Moving Forward: Traditional Justice and Victim Participation in Northern Uganda](#)", Institute for Justice and Reconciliation, 2009, p. 8. Based on the latest available estimates, in 2016, poverty in Uganda counted 21.4% of the population. At the same time, the multi-dimensional poverty incidence (which comprises the monetary dimension, human capital deprivation and access to basic services) reached 57.2% in 2016, 3/4 of which in the Eastern and Northern regions of Uganda. See World Bank Group, "[Poverty & Equity Brief: Sub Saharan-Africa: Uganda](#)", April 2020, pp. 1-2; MALLETT (R.), ATIM (T.) and OPIO (J.), "[Youth on the margins: in search of decent](#)

i. 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

112. The CLRV highlights that none of her clients have received to date any assistance nor compensation for the crimes committed by Mr Ongwen. None of them has ever received any judicial compensation nor any help of the sort envisaged in the reparations proceedings before this Court. Only a handful of them had access to some prompt help a long time ago from NGOs working in the country in the aftermath of the events, such as War Child (medicine) or local NGOs (counselling); and none of them could access any of the projects and programs identified *supra*.

113. Others tried to heal their wounds using local herbs and treatments but with no satisfactory results and still suffer from the same ailments and wounds as after the events. Some of the CLRV's clients in dire need of urgent help were in the recent months put in touch with medical facilities in the areas where they live to be treated free of charge for some of their more pressing issues. This very punctual, localised and partial help cannot however be considered as compensation nor reparations for the harm they have been suffering from as a result of the crimes committed by Mr Ongwen.

114. Lastly, the CLRV verified whether some of her clients had already been in touch with any of the TFV's partners in the framework of the assistance programs put in place in Northern Uganda, and the response appears to be negative. Consequently, none of the harms her clients have been suffering from as a result of the crimes Mr Ongwen was convicted for has ever been addressed. The very scarce and punctual help very few of them only have benefited from so far clearly does not enter into the definition of comprehensive and holistic reparations, with results impacting victims' lives on a long-term basis or empowering them and their families to restore their

[work in northern Uganda](#), 19 Dec. 2016; and [NORTHERN UGANDA CONFLICT ANALYSIS Advisory Consortium on Conflict Sensitivity \(ACCS\)](#), September 2013.

dignity and stability. The reparations scheme will consequently be the first real initiative aiming at addressing their sufferings.

j. Any additional information relevant to reparations

115. The CLRV recalls that the Trial Chamber in the *Katanga* case reminded that *“the purpose of the reparation proceedings is to oblige those responsible for grave crimes to repair the harm they caused to the victims and to enable the Court to ensure that offenders account for their acts.”*¹⁴⁵

116. Regarding the **scope of Mr Ongwen’s liability for reparations**,¹⁴⁶ the CLRV underlines that the latter is liable for reparations in relation to the **multiplicity of harm**

¹⁴⁵ See the “Order for Reparations pursuant to Article 75 of the Statute” (Trial Chamber II), [No. ICC-01/04-01/07-3728-tENG](#), 17 August 2017, para. 15.

¹⁴⁶ Should Mr Ongwen’s conviction be overturned entirely or in part on appeal, the CLRV submits that any community-based measures implemented up to that point should nevertheless be considered to have been awarded under the assistance mandate of the TFV. See the “Joint Response of the Legal Representatives of Victims to the Registry’s Observations on Reparations”, [No. ICC-01/04-02/06-2430](#), 3 October 2019, para. 30. As noted in the “Report of the Court on the Revised strategy in relation to victims”, the reparations and assistance mandates can have a significant effect in contributing to the healing process of societies and the Court must constantly monitor and adjust its strategies to respond to local dynamics; and “[t]o do so requires from the entire Court system immense flexibility, creativity and, at times, speed”. This would, indeed, be a novel procedure involving a significant degree of flexibility from all actors in the interests of victims. Yet it may have the potential to ensure some degree of timely and meaningful redress to victims, without incurring the risks highlighted *supra*. See ASSEMBLY OF STATES PARTIES, *Report of the Court on the Revised strategy in relation to victims: Past, present and future*, [No. ICC-ASP/11/40](#), 5 November 2012, paras. 46, 80 and 83: “46. One of the unique features of the Rome Statute system is that victims have been granted the right to request reparations and may benefit from support by the TFV under its assistance mandate. The further advantage presented by the reparations and assistance mandates is that positive and pro-active engagement with victims can have a significant effect on how they experience and perceive justice, thus contributing to their healing process and the rebuilding of peaceful societies. [...] 80. Overall, the Court must adapt to the unique aspects of each case and situation. [...] 83. The Court must constantly monitor and adjust strategies and messages in order to respond not only to judicial developments but also to local dynamics. To do so requires from the entire Court system immense flexibility, creativity and, at times, speed”. In the only instance before the ICC where a conviction has been overturned by the Appeals Chamber pending reparations proceedings (the Bemba precedent), the assistance mandate of the TFV was reactivated to address the harm suffered by victims. Measures are urgently required, particularly for the benefit of the most vulnerable victims whose situation has significantly worsened with the lapse of time. Such measures should be designed so as to ensure that the inter-ethnic tensions, and hence insecurity in the region, are not further exacerbated. They must be conceived, for these purposes, as broadly as possible in terms of the communities concerned. See ICC Press Release, [“Following Mr Bemba’s acquittal, Trust Fund for Victims at the ICC decides to accelerate launch of assistance programme in Central African Republic”](#), 13 June 2018.

caused to the victims of the numerous crimes for which he was convicted. As such, his liability must be proportionate to the harm he caused and, *inter alia*, his participation in the commission of the crimes for which he was found guilty.¹⁴⁷ Consequently, for the purposes of its determination, the Chamber must take into account that Mr Ongwen has been found guilty of 61 distinct crimes.¹⁴⁸

117. The jurisprudence of the Court has addressed the factors that may or may not be taken into account in the determination of the financial liability of the convicted person. In this regard, the fact that Mr Ongwen might be indigent has no impact on the determination of his financial liability. Taking this factor into account would constitute, according to the jurisprudence of the Appeals Chamber, an error;¹⁴⁹ equally

¹⁴⁷ See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 18, para. 118.

¹⁴⁸ The crimes Mr Ongwen was convicted for can be summarised as follows : a) war crime of attack against the civilian population at or near Pajule IDP camp, at or near Odek IDP camp, at or near Lukodi IDP camp, at or near Abok IDP camp; b) war crime and crime against humanity of murder at or near Pajule IDP camp, at or near Odek IDP camp, at or near Lukodi IDP camp, at or near Abok IDP camp; c) war crime and crime against humanity of attempted murder at or near Odek IDP camp, at or near Lukodi IDP camp, at or near Abok IDP camp; d) war crime and crime against humanity of torture at or near Pajule IDP camp; at or near Odek IDP camp; at or near Lukodi IDP camp; at or near Abok IDP camp; from at least 1 July 2002 until 31 December 2005; and of 4 women he forced into marriage while in the LRA; e) crime against humanity of enslavement at or near Pajule IDP camp; at or near Odek IDP camp; at or near Lukodi IDP camp; at or near Abok IDP camp; and of 3 women he forced into marriage while in the LRA; and from at least 1 July 2002 until 31 December 2005; f) war crime of outrages upon personal dignity at or near Odek IDP camp; and of 2 women he forced into marriage while in the LRA; g) war crime of pillaging at or near Pajule IDP camp, at or near Odek IDP camp, at or near Lukodi IDP camp, at or near Abok IDP camp; h) war crime of destruction of property at or near Lukodi IDP camp, at or near Abok IDP camp; i) crime against humanity of persecution on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government, by attack against the civilian population, murder, torture, enslavement, and pillaging at or near Pajule IDP camp; by attack against the civilian population as such, murder, attempted murder, torture, enslavement, outrages upon personal dignity and pillaging at or near Odek IDP camp; by attack against the civilian population as such, murder, attempted murder, torture, enslavement, pillaging and destruction of property at or near Lukodi IDP camp and at or near Abok IDP camp; j) the crime of forced marriage, an inhumane act of a character similar to the acts set out in Article 7(1) (a)-(j), as a crime against humanity from at least 1 July 2002 until 31 December 2005; and of 5 women he forced into marriage while in the LRA; k) war crime and crime against humanity of rape from at least 1 July 2002 until 31 December 2005; and of 4 women he forced into marriage while in the LRA; l) war crime and crime against humanity of sexual slavery from at least 1 July 2002 until 31 December 2005; and of 4 women he forced into marriage while in the LRA; m) war crime and crime against humanity of forced pregnancy of 2 women he forced into marriage while in the LRA; n) war crime of conscripting children under the age of 15 into an armed group between 1 July 2002 and 31 December 2005 in Northern Uganda; o) war crime of using children under the age of 15 to participate actively in hostilities between 1 July 2002 and 31 December 2005 in Northern Uganda.

¹⁴⁹ See the *Lubanga* 2015 Appeals Judgment on Reparations, *supra* note 18, paras. 102-105.

irrelevant to this determination are the monetary resources the TFV may make available to complementing the reparation awards in due time. As noted in the jurisprudence of the Court, it is for the TFV to decide whether and how much of its resources will be made available¹⁵⁰ and, in any event, the amounts anticipated may be increased at a later point, *inter alia*, through successful fundraising efforts.¹⁵¹

118. With respect to the factors that shall be taken into account, the jurisprudence of the Appeals Chamber has insisted that the calculation must include the cost to repair the harm, *i.e.* the costs of the identified remedy, *i.e.* of the appropriate modalities for repairing the harm. In this regard,, in the *Katanga* case, the Appeals Chamber concluded that:

*“[R]ather than attempting to determine the ‘sum-total’ of the monetary value of the harm caused, trial chambers should seek to define the harms and to determine the appropriate modalities for repairing the harm caused with a view to, ultimately, assessing the costs of the identified remedy. The Appeals Chamber considers that focusing on the cost to repair is appropriate, in light of the overall purpose of reparations, which is indeed to repair”.*¹⁵²

119. Further, in the *Lubanga* case, the Appeals Chamber clarified that both the cost to repair *and* the different harm suffered by the different types of victims (direct, indirect, individuals, organisations and communities) form the basis to determine the liability of the convicted person.¹⁵³

120. Admittedly, said calculation is a challenging exercise. Estimating the most accurate figure requires clarity as to the estimate potential number of beneficiaries and the nature, variety and impacts of the harms they have been suffering from, the types and modalities of reparations to be implemented, the specific programs to be put in

¹⁵⁰ *Idem*, paras. 106 *et seq.*

¹⁵¹ See the *Al Mahdi* 2017 Reparations Order, *supra* note 42, para. 112.

¹⁵² See the “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’” (Appeals Chamber), [No. ICC-01/04-01/07-3778-Red A3 A4 A5](#), 8 March 2018 (the “*Katanga* Appeals Judgment on Reparations”), para. 72.

¹⁵³ See the *Lubanga* 2019 Appeal Judgment on Reparations Size, *supra* note 38, para. 108.

place and the cost of each program - which will depend on the infrastructures in place or yet to be developed in the areas where the victims reside and the costs of access to the relevant services. More specific information with regard to these various factors, such as the current existing infrastructures, the current average costs of annual school fees and university tuition, literacy, language and vocational trainings, costs of professional tools per most common and sought after professions, medical and psychological care, housing costs – but also estimates as to the number of potential additional beneficiaries and the nature and extent of their harm have been provided for the consideration of the Chamber through these submissions and in the Annexes attached.

121. The CLRV submits that the reparations order should, in line with the Appeals Chamber's approach in the *Lubanga* case, consider the *cost of repairing the harm*,¹⁵⁴ rather than calculating individual lump sum payments based on evaluation of different types of harm. In calculating the cost of repair, the Chamber may set an average cost per beneficiary encompassing the occurrence of multiple victimisation for each victim (its nature, gravity and consequences) and taking into consideration the average costs to access the relevant services aiming at addressing each and all of the harms concerned. This average *per capita* cost of repair should therefore form the baseline which will inform the overall reparation award to be imposed against Mr Ongwen and *in fine*, corresponding to the cost parameters for the implementation of reparation programs. Within the context of that sum, the TFV should then be mandated to implement reparations programs that would individually address all the different types of harm sustained by the victims. These programs should be set up and implemented to address the specific needs of victims in each of the affected areas and where victims currently reside. It will be important that the overall cost of repair award is used in the most cost-effective way so that several different programs addressing different needs

¹⁵⁴ *Idem*, para. 107. See also the "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'" (Appeals Chamber) [No. ICC-01/04-01/07-3778-Red](#), para. 72.

can be realised; and, administrative costs ought to be borne by the TFV and not included in the reparations award.

122. The reparations order should also reflect the fact that the **harms caused in this case are extensive**. The jurisprudence in previous cases is unequivocal on this point. 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. Consequently, said award must also reflect the extreme gravity of the crimes perpetrated by Mr Ongwen as recognised in the Judgement. There is no reason to depart from these principles in this case. To the contrary, the high sentence reflecting the gravity of the crimes illustrates the specific culpability of Mr Ongwen and the reparation award must held him responsible in correlative financial terms as well.

123. Finally, the CLVR notes that the Chamber in its Order instructed the Prosecution to transmit to the Registry as soon as practicable any information relevant to Mr Ongwen's financial situation. Not being privy to said information, she is not able to comment on it. However, should Mr Ongwen be in possession of any assets or properties, in accordance with the legal framework of the Court, said monies should be used for the benefit of victims in the reparations proceedings.

124. Finally, the CLRV submits that the TFV should launch as soon as possible targeted campaigns for additional donations specifically concerning the scope and needs associated to this case.

Respectfully submitted.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style with a horizontal line underneath the name.

Paolina Massidda
Principal Counsel

Dated this 7th day of December 2021

At The Hague (The Netherlands)