

Reparations Order

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of the Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung  
6 Delivery of the Reparations Order - Courtroom 1  
7 Wednesday, 28 February 2024  
8 (The hearing starts in open session at 3.00 p.m.)  
9 THE COURT USHER: [15:00:44] All rise.  
10 The International Criminal Court is now in session.  
11 Please be seated.  
12 PRESIDING JUDGE SCHMITT: [15:01:02] Good afternoon, everyone.  
13 Court officer, please call the case.  
14 THE COURT OFFICER: [15:01:18] Good afternoon, Mr President. Good afternoon,  
15 your Honours.  
16 This is the situation in the Republic of Uganda, in the case of The Prosecutor versus  
17 Dominic Ongwen, case reference ICC-02/04-01/15.  
18 And for the record, we are in open session.  
19 PRESIDING JUDGE SCHMITT: [15:01:34] Thank you very much.  
20 I welcome everyone to this hearing.  
21 I would first like to state for the record that Mr Dominic Ongwen; the legal  
22 representative of victims, Mr Joseph Manoba and his field assistant, Ms Listowel Atto,  
23 as well as the member of the Common Legal Representatives team, Mr Walter  
24 Komakech, are attending this hearing remotely.  
25 I would like to thank the Registry staff for securing their attendance through the use

1 of video technology. I also thank everyone for cooperating in ensuring the efficient  
2 conduct of the proceedings in this case.

3 I would like to ask now everyone to introduce themselves and their teams for the  
4 record. We start with the Legal Representatives of the Victims.

5 MS MASSIDDA: [15:02:27] Good afternoon, Mr President, your Honours.

6 For the Common Legal Representatives team appearing today,

7 Mr Orchlón Narantsetseg, legal officer; Ms Caroline Walter, legal officer; Ms

8 Ludovica Vetrucchio, legal officer; attending remotely, Walter Komakech, field

9 assistant to counsel; and myself, Paolina Massidda, principal counsel.

10 PRESIDING JUDGE SCHMITT: [15:02:53] You stepped forward as you are -- these  
11 were the Common Legal Representatives.

12 Then, the legal representatives now.

13 MR COX: [15:03:01] Thank you, your Honour. Good afternoon. With me in the  
14 court, Mr James Mawira, and you have already recognised those attending abroad.

15 PRESIDING JUDGE SCHMITT: [15:03:09] Thank you. Long time no see.

16 Welcome again.

17 Then the Defence team for Mr Ongwen, please.

18 MR OBHOF: [15:03:16] Good afternoon, your Honours. Good afternoon, everyone

19 in the court and attending abroad. My name is Thomas Obhof, co-counsel for

20 Dominic Ongwen. And here today in the courtroom is also lead counsel, Chief

21 Charles Achaleke Taku and one of our assistant counsels, Mr Gordon Kifudde.

22 PRESIDING JUDGE SCHMITT: [15:03:35] Warm welcome to you also. We have  
23 seen each other every once in a while but not in this courtroom. Thank you.

24 Now we turn to the representatives of the VPRS and the Registry. If none, that  
25 doesn't matter.

1 Then we turn to the Trust Fund for Victims, please.

2 MS RUIZ VERDUZCO: [15:03:57] Good afternoon, your Honours. I am Deborah  
3 Ruiz Verduzco, executive director of the Trust Fund for Victims. And I am joined by  
4 the legal team of the Trust Fund for Victims, Mrs Franziska Eckelmans, Mr Cheikh  
5 Fall, Mrs Veena Suresh and Mr Marcelo Martoy. Thank you.

6 PRESIDING JUDGE SCHMITT: [15:04:17] And in this instance, lastly, the OTP.

7 MS VON BRAUN: [15:04:20] Good afternoon, Mr President, your Honours. Good  
8 afternoon to all colleagues. The Prosecution is represented today by Ms Eun Gyo  
9 Jeong, trial lawyer; Mr Meritxell Regue, appeals counsel; Ms Jasmina Suljanovic; and  
10 myself, Leonie von Braun, senior trial lawyer.

11 PRESIDING JUDGE SCHMITT: [15:04:40] Thank you very much.

12 And allow me also to present the Chamber. My name is Bertram Schmitt, I'm the  
13 Presiding Judge of this Chamber. To my right is Judge Péter Kovács, and to my left  
14 is Judge Chang-ho Chung. We are accompanied by the members of our legal staff, I  
15 think not everyone is here in the room, some are also in the gallery.

16 We gather today to pronounce the reparations order of this Chamber in this case.

17 As provided for by Rule 144(1) of the Rules, the Chamber delivers a public summary  
18 of its main findings and conclusions, as we have heard in the beginning, in the  
19 presence of the convicted person, Mr Ongwen, the Defence team, the Legal  
20 Representatives of Victims, and the Office of the Prosecutor.

21 Let me turn first to the scope of the case we are talking about.

22 The Chamber recalls that on 4 February 2021, Mr Dominic Ongwen, a high-level  
23 member of the Lord's Resistance Army, LRA, was found guilty by this Chamber of  
24 61 counts, comprising crimes against humanity and war crimes, committed in  
25 Northern Uganda between 1 July 2002 and 31 December 2005. On 6 May 2021, the

1 Chamber imposed on Mr Ongwen a sentence of 25 years of imprisonment. Both the  
2 conviction judgment and the sentence were confirmed by the Appeals Chamber on  
3 15 December 2022.

4 As specified in more detail later, the counts for which Mr Ongwen was found guilty  
5 comprise crimes committed in the context of four attacks on the IDP camps of Pajule,  
6 Odek, Lukodi and Abok; and sexual and gender-based crimes, as well as the crime of  
7 conscription of children under the age of 15 years and their use in armed hostilities.

8 The Chamber underlines that the present reparations proceedings exclusively deal  
9 with Mr Ongwen's duty to repair the harm caused to the victims of the crimes for  
10 which he was convicted by this Court. They do not extend to individuals beyond  
11 the victims of the crimes for which Mr Ongwen was convicted. The Chamber  
12 understands that individuals who have experienced harm as a result of the same  
13 conflict in Northern Uganda but are not entitled to reparations in this case may be  
14 confused and disappointed. The Chamber recognises these individuals and  
15 acknowledges their suffering.

16 However, it reiterates that the reparations in this case are not designed to rectify all  
17 harm suffered throughout the conflict and are tied to the specific harm caused by  
18 Mr Ongwen's crimes. These reparation proceedings, however, do not otherwise  
19 affect the rights of victims before national, regional and/or international bodies.

20 Now, a few words on the principles on reparations.

21 For the purpose of this case, the Chamber adopts the principles as set out in the  
22 Ntaganda reparations order, as it considers them to be of general application.

23 However, in addition, the Chamber slightly amends the principles related to the types  
24 and modalities of reparations and child victims as follows:

25 Regarding types and modalities of reparations, the Chamber notes that,

1 first, rehabilitation measures may also be aimed at improving the victims  
2 socio-economic conditions; second, payments that are not proportional and  
3 appropriate to address the victims' harm can only be regarded as symbolic and not  
4 compensatory; and, third, measures of satisfaction and guarantees of non-repetition  
5 can also be included as appropriate modalities of reparations.

6 Regarding child victims, considering the extensive manner in which children were  
7 affected by the crimes for which Mr Ongwen was convicted, the Chamber has  
8 adjusted the principles on reparations to the extent necessary to ensure that it  
9 includes: First, all victims who were children at the time the crimes were committed  
10 or who were born as a result of such crimes; and, second, the four principles of the  
11 Convention on the Rights of the Child and the child-right approach.

12 We turn now to the order for reparations against Mr Ongwen.

13 As determined by the Appeals Chamber, a reparations order must contain, at a  
14 minimum, five essential elements. These are, in short, the personal liability, the  
15 victims, the harm, the types and modalities of reparations, and the amount of liability  
16 of the accused.

17 The Chamber will now detail its findings with reference to all those elements.

18 The first element is the personal liability. The Chamber notes that the Court's legal  
19 framework does not provide for any deviation from the principle of accountability.

20 It clearly establishes that an order for reparations has to be issued in all circumstances  
21 against the convicted person. When appropriate, such an order for reparation can, in  
22 addition, be made through the Trust Fund for Victims. Accordingly, the present  
23 reparations order is against Mr Ongwen, to be made through the Trust Fund.

24 The second element are the victims. This is a very extensive paragraph -- or part of  
25 this summary, better to say.

1 In light of the type of reparations awarded, as we detail later, the Chamber establishes  
2 the eligibility criteria for reparations. It indicates the characteristics of the categories  
3 of eligible victims in order to enable their identification at the implementation stage.  
4 The Chamber stresses again that eligibility for reparations is to be determined by  
5 reference to the territorial, temporal and subject matter scope of the crimes for which  
6 Mr Ongwen was convicted and not beyond that.

7 With regard to the victims, we have to distinguish direct and indirect victims.

8 First, direct victims. Natural and legal persons are eligible for reparations as direct  
9 victims if they can demonstrate that they suffered harm as a result of at least one of  
10 the following crimes: First, the victims of the attacks. Within the context of the four  
11 attacks against the IDP camps of Pajule on 10 October 2003; Odek on 29 April 2004;  
12 Lukodi on or about 19 May 2004; and Abok, on 8 June 2004, the following victims are  
13 eligible for reparations:

14 Victims of counts 1, 11, 24 and 37 -- attack against the civilian population as such as  
15 a war crime. Civilian residents of and non-residents present at the IDP camps of  
16 Pajule, Odek, Lukodi and Abok at the time of the attacks.

17 Victims of counts 2, 3, 12, 13, 25, 26, 38 and 39 -- murder as a crime against humanity  
18 and as a war crime. Civilians killed by the LRA in the course of the attacks on the  
19 IDP camps, including at least four civilians in Pajule; at least 52 civilians in Odek; at  
20 least 48 civilians in Lukodi; and at least 28 civilians in Abok.

21 Victims of counts 14, 15, 27, 28, 40 and 41 -- attempted murder as a crime against  
22 humanity and as a war crime. Civilians the LRA attempted to kill in the course of  
23 the attacks on the IDP camps, including at least 10 civilians in Odek; at least 11  
24 civilians in Lukodi; and at least four civilians in Abok.

25 Victims of counts 4, 5, 16, 17, 29, 30, 42 and 43 -- torture as a crime against humanity

1 and as a war crime. Specifically regarding the Pajule attack, hundreds of civilians  
2 abducted by the LRA and forced to carry injured LRA fighters and looted items,  
3 including heavy loads for long distances, while placed under armed guard to prevent  
4 their escape; moreover, under constant threat of beatings or death. Some were tied  
5 to each other and many were forced to walk through the bush barefoot or not fully  
6 clothed. LRA fighters beat abductees to make them walk faster.

7 Regarding the Odek attack, civilians severely mistreated by the LRA during the attack  
8 and in its aftermath, thereby suffering instances of grave physical abuse, such as  
9 beatings with sticks and guns. One woman was raped with a comb and a stick used  
10 for cooking, while her husband was forced to watch.

11 Civilians as young as 11 or 12 years old were also abducted and forced to carry heavy  
12 loads for long distances, some barefoot, while placed under armed guard to prevent  
13 their escape, and, again, under constant threat of beatings or death.

14 Regarding the Lukodi attack, civilians severely mistreated by the LRA during the  
15 attack and its aftermath and forced to carry heavy loads, some for long distances,  
16 while tied together and under constant threat of beatings or death.

17 Civilians were also injured, raped, beaten, and mothers forced to abandon their  
18 children in the bush. LRA fighters threw small children, including babies, into the  
19 bush as they were crying and making it difficult for their mothers to carry looted  
20 goods.

21 And regarding the Abok attack, civilians severely mistreated by the LRA during the  
22 march from the camp through the bush, forced to carry heavy-looted goods and at  
23 least one injured fighter for long distances, oftentimes under the threat of beatings or  
24 death. Civilians were beaten as a punishment and to intimidate others, one forced to  
25 kill another abductee as a lesson to those thinking of escaping.

1 Victims of counts 8, 20, 33 and 46 -- enslavement as a crime against humanity.  
2 Specifically regarding the Pajule attack, hundreds of civilians abducted from the  
3 Pajule IDP camp by the LRA.  
4 Regarding the Odek attack, at least 40 civilians, including men, women and children -  
5 as young as 11 or 12 years old - abducted from the Odek IDP camp by the LRA.  
6 Regarding the Lukodi attack, at least 29 civilians - men, women and children -  
7 abducted from the Lukodi IDP camp by the LRA. And regarding the Abok attack,  
8 many civilians abducted from the Abok IDP camp by the LRA.  
9 Victims of counts 9, 21, 34 and 47 -- pillaging as a war crime.  
10 Civilian residents of the IDP camps at the time of the attacks, in light of the  
11 widespread looting of homes and shops in the camps where LRA fighters took food  
12 and other property, within the context of all four attacks -- Pajule, Odek, Lukodi and  
13 Abok.  
14 Victims of count 22 -- outrages upon personal dignity as a war crime. Within the  
15 context of the Odek attack, one abductee forced to kill another abductee with a club  
16 and forced to inspect corpses; one abductee forced to watch someone being killed;  
17 and mothers who were forced to abandon their children on the side of the road, with  
18 one child being left in a rubbish pit.  
19 Victims of counts 35 and 48 -- destruction of property as a war crime. Civilian  
20 residents of the IDP camps of Lukodi and Abok at the time of the attacks, in light of  
21 the destruction of several hundreds of civilian huts and household goods, including  
22 food stocks and domestic animals.  
23 Victims of counts 10, 23, 36 and 49 -- persecution as a crime against humanity.  
24 Civilians persecuted on political grounds, because they were perceived by the LRA as  
25 being affiliated with or supporting the Ugandan government, within the context of



1 the Pajule attack, by an attack against the civilian population, as such, murder, torture,  
2 enslavement and pillaging; the Odek attack, by an attack against the civilian  
3 population, as such, murder, attempted murder, torture, enslavement, outrages upon  
4 personal dignity and pillaging; the Lukodi attack, by an attack against the civilian  
5 population, as such, murder, attempted murder, torture, enslavement, pillaging and  
6 destruction of property; and, the Abok attack, by an attack against the civilian  
7 population, as such, murder, attempted murder, torture, enslavement, pillaging and  
8 destruction of property.

9 These were all the direct victims of the four attacks.

10 We turn now to the so-called thematic crimes and start with the sexual and  
11 gender-based crimes directly perpetrated by Dominic Ongwen.

12 Victims of count 50 -- forced marriage as a crime against humanity. Specifically, five  
13 so-called -- I underscore so-called "wives" at different times during the relevant  
14 period.

15 Victims of counts 51 to 56 -- torture, rape, and sexual slavery as crimes against  
16 humanity and war crimes. Specifically, four so-called "wives" at different times  
17 during the relevant period.

18 Victims of count 57 -- enslavement as a crime against humanity. Specifically, three  
19 women at different times during the relevant period.

20 Victims of counts 58 and 59 -- forced pregnancy as a crime against humanity and as  
21 a war crime. Specifically, two women regarding three pregnancies during the  
22 relevant period.

23 Victims of count 60 -- outrages upon personal dignity as a war crime. Specifically,  
24 two women at different times during the relevant period.

25 Now turning to the sexual and gender-based crimes not directly perpetrated by

1 Dominic Ongwen.

2 Victims of count 61 -- forced marriage as a crime against humanity. Specifically,  
3 over 100 civilian women and girls abducted as so-called "wives" of male members of  
4 the Sinia brigade during the relevant period.

5 Victims of counts 62 and 63 -- torture as a crime against humanity and as a war crime.  
6 Specifically, over 100 civilian women and girls abducted by the Sinia brigade,  
7 subjected to severe physical and mental pain during the relevant period.

8 Victims of counts 64 to 67 -- rape and sexual slavery, both as a crime against humanity  
9 and as a war crime. Specifically, over 100 civilian women and girls abducted and  
10 so-called "distributed" to members of the Sinia brigade during the relevant period.

11 Victims of count 68 -- enslavement as a crime against humanity. Specifically, civilian  
12 women and girls abducted by the Sinia brigade during the relevant period. These  
13 women and girls were no longer or not yet subject to institutionalised sexual abuse,  
14 but enslaved by being deprived of their personal liberty, restricted and dictated on  
15 their movement, including by threats and subjecting them to armed guard. They  
16 were subjected to forced labour and physical and psychological abuse.

17 The next group are children born out of forced marriage, forced pregnancy, rape, and  
18 sexual slavery.

19 The Chamber recalls its findings in the conviction judgment that the sexual and  
20 gender-based crimes directly and not directly perpetrated by Mr Ongwen resulted in  
21 pregnancies. In line with previous jurisprudence, the Chamber finds that the  
22 children born out of the crimes of forced marriage, forced pregnancy, rape, and sexual  
23 slavery for which Mr Ongwen was convicted, both as a direct and as an indirect  
24 perpetrator, qualify as direct victims. The harm they suffered was a direct result of  
25 the commission of these crimes.

1 The last group of the direct victims, the child soldiers.  
2 Victims of counts 69 and 70 -- war crime of conscripting children under the age of 15  
3 into an armed group and using them to participate actively in hostilities. Specifically,  
4 a large number of children under the age of 15 years abducted during the four attacks  
5 relevant to the charges, and generally between 1 July 2002 and 31 December 2005 in  
6 Northern Uganda. They were assigned to service in the Sinia brigade and they were  
7 all direct victims.

8 We turn now to the indirect victims.

9 Relying on the Court's prior jurisprudence, the Chamber recognises as indirect  
10 victims all categories identified in the Lubanga and Ntaganda cases. Accordingly,  
11 provided they can demonstrate to have suffered personal harm as a result of the  
12 commission of the crime against the direct victim, as well as a causal link between  
13 their harm and the crimes, indirect victims may include:

14 First, the family members of direct victims; second, anyone who attempted to prevent  
15 the commission of one or more of the crimes under consideration; third, individuals  
16 who suffered harm when helping or intervening on behalf of direct victims; and,  
17 fourth, other persons who suffered personal harm as a result of these offences.

18 In accordance with previous jurisprudence, indirect victims may include those who  
19 witnessed the commission of such crimes, insofar as their personal harm and the  
20 causal link with the crime is demonstrated.

21 Regarding the family members of direct victims, the Chamber reaffirms that due  
22 regard ought to be given to the applicable social and familial structures in the affected  
23 communities. The Chamber subscribes to the understanding that broadly, in the  
24 African continent, including in Uganda, the concept of family goes beyond the strict  
25 frame of a couple and their children. It includes their father and mother, brothers

1 and sisters, and also other relatives.

2 However, the Chamber underlines that the definition of victims emphasises the  
3 requirement of the existence of a harm. Accordingly, family members in the broad  
4 understanding of the Chamber must always demonstrate to have suffered personal  
5 harm.

6 This already leads us to the third element: harm.

7 To define the harm caused to direct and indirect victims, the Chamber considered all  
8 relevant information before it. This included, specifically, the conviction judgment,  
9 sentence, the evidence submitted during the trial proceedings, observations by the  
10 parties and participants, and the information the Chamber obtained from its  
11 assessment of a representative sample of victims' dossiers.

12 The Chamber notes that the evidence overwhelmingly demonstrates that entire  
13 families and the community of victims of the attacks on the four IDP camps as  
14 a whole - tens of thousands of individuals - suffered tremendous harm due to the  
15 unimaginable atrocities committed during and in the aftermath of the four attacks.

16 We have spoken about that a moment ago in length.

17 Similarly, over 100 women and girls and thousands of children - boys and girls, under  
18 the age of 15 - suffered profound multifaceted harm as a result of being kidnapped.

19 Many were later subject to sexual and gender-based crimes and/or forced to serve as  
20 LRA soldiers, being kept in captivity with cruel methods of physical and  
21 psychological coercion.

22 The evidence shows that entire communities and families personally experienced the  
23 attacks, in which many of their family members, neighbours, friends, and others in  
24 their community were killed and severely mistreated.

25 Houses were destroyed and burnt, some with their residents still inside. Everything

1 else, including all aid food stocks was looted or destroyed. Some civilians managed  
2 to escape the attacks, but most of those who survived were then forced to walk next to  
3 the bodies scattered through the camps.

4 Civilians were abducted and forced to carry heavy loads of looted goods and injured  
5 fighters for long distances, while tied to each other, barefooted. They were  
6 mistreated, which forced them to walk faster and prevented them from escaping.

7 In sum, they suffered great physical and psychological abuse during the walk out of  
8 the camps. The examples are distressing. Some were beaten to death, some were  
9 forced to kill other abductees, some children were taken from their mothers if they  
10 cried or caused their mothers to slow down. These children were thrown in pits and  
11 left to die.

12 When reaching the locations of LRA forces where other abductees had been brought,  
13 women and girls were so-called "distributed" to LRA soldiers, who subjected them to  
14 sexual and gender-based crimes and often held them in sexual slavery for a long time.

15 Children under the age of 15 were integrated into the LRA forces. Some were kept  
16 for years, while others never returned home.

17 As a result, the Chamber concludes that the direct victims of the attacks, the direct  
18 victims of sexual and gender-based crimes, and the children born out of those crimes  
19 as well as the former child soldiers suffered serious and long-lasting physical, moral  
20 and material harm.

21 The indirect victims of all these crimes suffered moral and material harm. In  
22 addition, the entire community of victims suffered community harm, and children of  
23 direct victims suffered transgenerational harm.

24 The Chamber notes that due to the limitations that a summary imposes, it is not able  
25 to describe in more detail the great suffering and long-lasting consequences suffered

1 by all victims of the crimes for which Mr Ongwen was convicted.

2 The Chamber notes, however, that acknowledging the victims' suffering, the  
3 reparations order recounts in detail the harm they suffered, this should also serve as  
4 a satisfaction measure in this case.

5 I turn now to the fourth necessary element of a reparation order, the types and  
6 modalities of reparation.

7 As to the type of reparations, based on the factors set out under Rule 98(3) of the  
8 Rules, the Chamber considers that collective community-based reparations are the  
9 most appropriate type of reparations to address the harm suffered by the victims of  
10 this case.

11 The Chamber wishes to make clear that collective community-based reparations refer  
12 to both the group that will receive reparations and the mode in which reparations will  
13 be delivered. With respect to the group that will receive reparations, the Chamber is  
14 referring to the community of eligible victims in this case, of course, not the Northern  
15 Ugandan community at large.

16 Regarding the mode in which reparations are delivered, the Chamber is referring to  
17 community-based measures and programmes that can reach large numbers of victims  
18 in a less resource intensive manner. In the Chamber's view, the primary reason why  
19 collective community-based reparations are appropriate and necessary in this case is  
20 the extent of the harm suffered by the -- and, we can only stress that, by the  
21 overwhelming number of eligible victims, estimated by the Chamber to be close to  
22 50,000.

23 While the Chamber understands the desire for individual reparations, it remains  
24 convinced, for the reasons described in detail in the reparations order, that a collective  
25 award that addresses the entire community of eligible victims will ensure a more

1 efficient, prompt and practical approach.

2 The extremely large number of victims would make an individual assessment of their  
3 harm - for the purposes of granting individual reparations, or collective reparations  
4 with an individualised component - resource intensive, time consuming, and, in the  
5 end, it would be disproportionate to what could be achieved.

6 Regarding the modalities of reparations, the Chamber considers that the only way to  
7 address the harms in a concrete, effective and timely manner is through collective  
8 community-based reparations focused on rehabilitation and symbolic or satisfaction  
9 measures.

10 Specifically, the Chamber considers that the following modalities should be included:

11 First, rehabilitation measures, consisting of collective community-based rehabilitation  
12 programmes directed at rectifying all types of harms identified by the Chamber;  
13 meaning, the physical, moral, material, community, and transgenerational harm; and  
14 second, symbolic and satisfaction measures, including a symbolic award of €750 for  
15 all eligible victims.

16 The Chamber notes that the calculations of the amount of the award are explained in  
17 detail in the reparation order; and second, other community symbolic and/or  
18 satisfaction measures. The Chamber also recalls that its detailed recounting of the  
19 harm suffered in the conviction judgment, the sentence and this order serves as  
20 a satisfaction measure in this case.

21 The Chamber is aware of and acknowledges the Trust Fund for Victims' limitations in  
22 terms of available resources. The Chamber therefore considers that prioritisations in  
23 terms of modalities and victims should apply. Regarding prioritisations of  
24 modalities of reparations, the Chamber considers that the payment of the symbolic  
25 monetary award should be prioritised over the rehabilitation and other symbolic

1 measures.

2 However, the Chamber is, of course, mindful of the role of the Trust Fund for Victims  
3 and its Board of Directors on the use of its so-called "other resources". The Chamber  
4 will return to this issue later at the end of this summary.

5 With respect to the prioritisation among victims, the Chamber considers that: first, the  
6 priority should be given to vulnerable victims who are in dire need of urgent  
7 assistance; second priority should be given to vulnerable direct participating victims;  
8 third priority should be given to all remaining vulnerable victims; and lastly, all  
9 remaining non-vulnerable victims should receive reparations.

10 I am turning now to the fifth and last necessary element of a reparation order, that is,  
11 the amount of liability.

12 First, a few remarks on the estimated number of victims.

13 The Chamber considers it is not strictly obligated to identify the precise number of  
14 potential beneficiaries in the circumstances of the present case where collective  
15 community-based reparations are being awarded. However, noting the recent  
16 approach of the Appeals Chamber of this Court, and in an effort to avoid lengthy  
17 litigation, the Chamber sets out in the reparations order its determination as to the  
18 estimated number of potential beneficiaries.

19 The Chamber emphasises that the figures are purely estimates, grounded, however,  
20 on the strongest evidential basis available to the Chamber at this moment, and for the  
21 purposes of assessing Mr Ongwen's liability for reparations.

22 Having resolved any discrepancies and uncertainties in the estimates provided in  
23 favour of Mr Ongwen, the Chamber considers that the figures detailed in the  
24 reparations order represent conservative minimum estimates. They should also not  
25 be understood as a definitive determination as to the number of beneficiaries eligible



1 for reparations, nor should they be seen to limit the number of potential beneficiaries  
2 who may come forward to be considered eligible to benefit from reparations.

3 The Chamber estimates that the total number of potentially eligible direct and indirect  
4 victims of the crimes for which Mr Ongwen was convicted for the purposes of  
5 determining Mr Ongwen's liability for reparations is approximately 49,772 victims,  
6 and these include, as I said, direct and indirect victims.

7 How the Chamber reaches this number is explained in detail in the reparation order.

8 Now, to some remarks about the amount of Mr Ongwen's financial liability.

9 The Chamber notes that in line with the Court's jurisprudence, in its determination of  
10 the total amount of Mr Ongwen's financial liability for reparations, it has taken into  
11 account four key considerations: first, the type and extent of the harms suffered by the  
12 victims of the crimes; second, the estimated number of potential beneficiaries; third,  
13 the type and modalities of reparations considered to be the most appropriate in the  
14 circumstances of the present case; and, fourth, the cost to repair the harm of the  
15 victims of the case in light of the reparations awarded.

16 Having already addressed the first three considerations - the harm, the number of  
17 victims and the type of modalities of reparations - I will now speak about the cost of  
18 repair.

19 The Chamber reiterates that it has awarded in the present case collective  
20 community-based reparations focused on rehabilitation and symbolic satisfaction  
21 measures. Regarding the rehabilitation measures, the Chamber has considered the  
22 submissions from the parties and participants, particularly from the Trust Fund for  
23 Victims, and resolved the discrepancies in favour of the convicted person.

24 The Chamber estimates in so far -- that the cost of implementing the collective  
25 community rehabilitation programmes ordered in the present case would amount to

1 approximately €15 million.

2 Regarding the symbolic and satisfaction measures awarded, the Chamber notes  
3 as to the symbolic award of €750 - again, the calculation of which is explained in  
4 detail in the reparations order - the Chamber recalls that this is part of the collective  
5 community-based programme. As such, it is awarded to the benefit of all eligible  
6 victims without distinction as to their type of victimhood or harm.

7 In order to calculate the amount required to provide this symbolic payment, the  
8 Chamber relies on its estimation as to the total number of victims in the case, which  
9 amounts to approximately 49,772 individuals, as I've already said.

10 As such, the total amount required to provide victims with this symbolic payment is  
11 €37,329,000.

12 As to the other community symbolic and/or satisfaction measures, the Chamber  
13 considers it fair and appropriate to estimate the costs, which include, inter alia,  
14 apologies, ceremonies, monuments, memorial prayers, reconciliation ceremonies, and  
15 so on and so forth, at a total of €100,000.

16 In light of all this, the Chamber estimates that the total amount required to provide  
17 the reparations awarded in this case to the victims of the crimes for which Mr  
18 Ongwen was convicted would be approximately €52,429,000.

19 The Chamber is satisfied that setting the amount of Mr Ongwen's liability for  
20 reparations at an amount of €52,429,000 is fair, equitable and appropriate, and takes  
21 into account the rights of the victims and those of the convicted person.

22 Now, a few words about the implementation.

23 Pursuant to the applicable legal framework, the Chamber instructs the Trust Fund for  
24 Victims to prepare a draft implementation plan, DIP, with the details of the  
25 rehabilitation and symbolic measures to be included within the collective

1 community-based reparations awarded.

2 The Trust Fund should submit the DIP for the Chamber's approval within six months  
3 from the delivery of this order.

4 The Chamber instructs the Trust Fund to consult with the victims on the nature of the  
5 collective community-based awards and the methods of implementation. The Trust  
6 Fund shall take into account the victims' views and proposals when designing the  
7 proposed projects.

8 As to the process for the administrative eligibility assessment, the Chamber has  
9 decided to adopt the eligibility process designed by Trial Chamber II in the Ntaganda  
10 case. As such, identification, collection of information and eligibility assessments  
11 will be the responsibility of the Registry through the Victims Participation and  
12 Reparations Section. Outreach will also be designed and conducted by the Registry,  
13 through the Public Information and Outreach Section, PIOS.

14 The Chamber notes that no property and assets belonging to Mr Ongwen have been  
15 identified to date and, accordingly, the Chamber finds him indigent for the purpose  
16 of reparations. Noting Mr Ongwen's indigence, the Chamber also acknowledges  
17 that it would be for the Trust Fund's Board of Directors to determine whether and  
18 when to use its other resources to complement the reparations awarded in the present  
19 case.

20 The Chamber encourages the Trust Fund to complement the reparation awards to the  
21 extent possible and engage in additional fundraising efforts to the extent necessary to  
22 complement the totality of the award. Nevertheless, the Chamber understands that  
23 in order for the Trust Fund to be able to fully complement the award, substantial  
24 fundraising will need to take place.

25 The Chamber recalls that as soon as the Trust Fund is able to commence

1 implementing the reparations awarded in this reparations order, which the Chamber  
2 acknowledges may take time, priority shall be given to the payment of the symbolic  
3 monetary awards over the rehabilitation and other symbolic measures.

4 The Chamber also reiterates that considering the limitations in terms of available  
5 resources of the Trust Fund, additional priorities have been established in the  
6 reparations order. These imply that not all victims would receive the symbolic  
7 amount at the same time -- of course not. Payments would be issued depending on  
8 the victims' urgent needs and vulnerability and the capacity of the Trust Fund to  
9 complement the award. As such, the Chamber underlines that victims cannot expect  
10 payments to be executed soon after the issuance of this reparations order.

11 Moreover, in light of the convicted person's indigency, the Chamber acknowledges  
12 that there is the concrete risk that awards may not be paid if the Trust Fund does not  
13 manage to raise sufficient funds to complement the award.

14 In light of this, the Chamber takes the opportunity to encourage States, organisations,  
15 corporations, and private individuals to support the Trust Fund for Victims' mission  
16 and efforts and contribute to its fundraising activities.

17 Lastly, the Chamber would like to, once again, acknowledge the victims' suffering  
18 and express its concern and compassion for them. The Chamber also underlines its  
19 sincere hope that sooner or later - sooner rather than later - they will receive the  
20 reparations awarded in this order, allowing them to address the harm they suffered in  
21 a concrete, effective and timely manner.

22 This concludes the short summary of the reasons for this reparation order, which are  
23 explained, as I have already said, in much more detail in the order itself.

24 At the end of this hearing, we turn now to the disposition of the order, which is also  
25 quite long as you will soon recognise.

1 For the foregoing reasons, the Chamber hereby unanimously adopts the Ntaganda  
2 principles with slight modifications regarding the principles related to types of  
3 modalities of reparations and child victims; issues an order for reparations against  
4 Mr Ongwen; awards collective community-based reparations focused on  
5 rehabilitation and symbolic and satisfactory measures to the direct and indirect  
6 eligible victims in the case; estimates the total number of direct and indirect victims in  
7 the case to be approximately 49,772 victims; assesses Mr Ongwen's liability for  
8 reparations at approximately €52,429,000; instructs the Trust Fund for Victims to  
9 prepare a DIP pursuant to the requirements outlined in the present order and submit  
10 it for the Chamber's approval by 3 September 2024, at the latest; invites the parties  
11 and the Registry to provide observations on the Trust Fund for Victims' DIP, within  
12 30 days from its submission; instructs the Registry, through the PIOS, to design and  
13 conduct, throughout the duration of the administrative eligibility process, the  
14 required outreach campaign for the purposes of these reparations proceedings, after  
15 engaging in consultation with the parties, the Trust Fund for Victims, the VPRS, the  
16 OPCV and the country office; instructs the Registry, through the VPRS, to conduct the  
17 identification of potential beneficiaries and eligibility assessments pursuant to the  
18 instructions contained in the present order, providing within 30 days from the  
19 issuance of this order an estimate as to the time it requires to assess eligibility and  
20 urgency regarding all participating victims; instructs the Registry, through the VPRS,  
21 to commence with the identification of potential beneficiaries as soon as possible, and  
22 prior to the approval of the DIP; instructs the VPRS and the PIOS to work together to  
23 ensure that the administrative eligibility process is completed within two years of the  
24 present order; finds Mr Ongwen indigent for the purposes of reparations at the time  
25 of the present order; encourages the Trust Fund for Victims to complement the

- 1 reparation awards and engage in additional fundraising efforts to the extent
- 2 necessary to complement the totality of the award; and, finally, encourages the States,
- 3 organisations, corporations and private individuals to support the Trust Fund for
- 4 Victims' mission and efforts and contribute to its fundraising activities.
- 5 This concludes the Chamber's summary and today's hearing.
- 6 The Chamber wishes to thank again everyone, specifically the interpreters, the court
- 7 reporters and all other Registry staff for facilitating this hearing.
- 8 The Court is adjourned.
- 9 THE COURT USHER: [15:54:03] All rise.
- 10 (The hearing ends in open session at 3.54 p.m.)