

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/04-01/15**
Date: **6 September 2024**

APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding Judge
Judge Tomoko Akane
Judge Luz del Carmen Ibáñez Carranza
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

SITUATION IN UGANDA

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

Public

Public Redacted Version of “Victims’ Response to the ‘Defence Brief in Support of its Appeal of the Reparations Order dated 28 February 2024’” filed on 23 August 2024

Source: Legal Representatives of Victims

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

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I. Introduction

1. The Legal Representatives for Victims (LRVs) respond to the Defence Brief in support of its Appeal of the Reparations Order dated 28 February 2024¹ and submit that the Trial Chamber (The Chamber) did not err in law, fact or in procedure in issuing the Reparations Order.
2. Furthermore, the Defence fails to show that the alleged errors materially affected the impugned decision to warrant the Appeals Chamber intervention.
3. Therefore, the LRVs invite the Appeals Chamber to confirm the Reparations Order by the Trial Chamber and accordingly reject the Defence appeal.

II. Classification

4. The LRVs file the victim's response to the Defence Appeal Brief as *confidential* pursuant to Regulation 23 *bis* 2 of the Rules of the Court because it refers matters contained in a confidential annex of the Reparations Order.

III. Background History

5. On 28 February 2024, Trial Chamber IX issued the Reparations Order against Mr Dominic Ongwen.²
6. On 14 March 2024, the Appeals Chamber granted the Defence an extension until 22 April 2024 to file its notice of appeal and 24 June 2024 to file its appeals brief.³

¹ Defence Brief in Support of its Appeal of the Reparations Order dated 28 February 2024, [ICC-02/04-01/15-2093-Conf](#), 24 June 2024 ("Defence Appeal Brief" or "Appeal Brief").

² Public with Confidential Ex Parte Annex I only available to the Legal Representatives of Victims, the Common Legal Representative of Victims, the Defence, and the Registry and Public Annexes II and III Reparations Order, [ICC-02/04-01/15-2074](#), 28 February 2024 ("Reparations Order" or "impugned decision").

³ Decision on the Defence's request for time extension for the notice of appeal and appeal brief against Trial Chamber IX's "Reparations Order", [ICC-02/04-01/15-2080](#).

7. On 22 April 2024, the Defence filed its notice of appeal, listing 15 grounds of appeal.⁴
8. On 24th June 2024, the Defence Appeal Brief was filed⁵, and a public redacted version of the same was filed on 17 July 2024.⁶

IV. Standard of Review

9. The Defence of Dominic Ongwen asserts in the Notice of Appeal and the Appeal Brief that the Chamber committed errors of law, errors of fact and procedural errors in the Reparations Order.
10. Article 83 (4) of the Statute provides for the right of a convicted person to appeal against a reparations order. Although not out rightly spelt out by the Statute, the grounds upon which an appeal may be made against a reparations order are intrinsically similar to the grounds identified under Article 81 of the Statute the distinguishing factor being the standard of review.
11. The Appeals Chamber accordingly has established the following standard of review:

a) Errors of Law

12. Where the aggrieved person alleges an error of law occasioned by the decision of a Trial Chamber, then the Appeals Chamber will consider the law and arrive at its own conclusions. And the Appeals Chamber will exercise its mandate to interfere with the Trial Chamber's decision when it is established that the error of law complained of materially affected the impugned decision. This means that, absent the error, "the Trial Chamber would have rendered a [decision] that

⁴ Defence Notice of Appeal of the Reparations Order dated 28 February 2024 and Request for Suspensive Effect, [ICC-02/04-01/15-2084](#), 22 April 2024, ("Notice of Appeal").

⁵ Defence Brief in Support of its Appeal of the Reparations Order dated 28 February 2024, [ICC-02/04-01/15-2093-Conf](#), 24-06-2024.

⁶ Public Redacted Version of "Defence Brief in Support of its Appeal of the Reparations Order dated 28 February 2024", filed on 24 June 2024 as ICC-02/04-01/15-2093-Conf, [ICC-02/04-01/15-2093-Red](#), 17 July 2024.

is substantially different from the decision that was affected by the error, if it had not made the error”.⁷

b) Errors of Fact:

13. Where the aggrieved person alleges an error of fact occasioned by the decision of the Trial Chamber, then the Appeals Chamber will, where it is established that the Trial Chamber made a clear error including that; it mis-appreciated the facts; took into consideration irrelevant facts or failed to take into account relevant facts; will interfere where from the evidence before it, it cannot discern how the Trial Chamber could have reached the conclusion it did on the available evidence before it.⁸

14. As observed previously by the Appeals Chamber, with regard to factual presumption the standard of the appellate review is that: “[...] 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.”⁹

c) Errors of Procedure:

15. With respect to alleged errors in procedure, the Appeal Chamber has previously held that, as with errors of law, it would only reverse the impugned decision if it was materially affected by the procedural error. “In that respect, the appellant needs to demonstrate that, in the absence of the procedural error, the [impugned decision] would have substantially differed from the one rendered.”¹⁰

d) Other Issues Arising from the Defence Appeal:

⁷ *Prosecutor v. Bosco Ntaganda*, Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order”, [ICC-01/04-02/06-2782](#), 12 September 2022 (“Ntaganda Appeals Judgment”), para. 29.

⁸ Ntaganda Appeals Judgment [ICC-01/04-02/06-2782](#), para. 30.

⁹ Ntaganda Appeals Judgment [ICC-01/04-02/06-2782](#), para. 32; *Prosecutor v. Germain Katanga*, Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled “Order for Reparations pursuant to Article 75 of the Statute”, [ICC-01/04-01/07-3778-Red](#), 8 March 2018 (“Katanga Appeals Judgment”), para. 77.

¹⁰ Ntaganda Appeals Judgment [ICC-01/04-02/06-2782](#), para. 33.

i. Remand of Issues to the Trial Chamber:

16. Additionally, the Defence for Dominic Ongwen has requested the remand to the Trial Chamber certain matters in its appeal.¹¹ It is submitted that under Rule 153, the jurisdiction of the Appeals Chamber on an appeal against a reparations order made under Article 75 is limited to confirming, reversing and or amending the reparations order.
17. Considering that the Defence fails in its appeal brief to substantiate the alleged errors occasioned by the Trial Chamber to the established standard required for appellate review against the Reparations Order as explained in detail below, the LRVs submit that the Defence request to remand the alleged matters is foremost misconceived and secondly is of no relevance to the present proceedings.

V. Response to Grounds of Appeal:

Ground 1: Alleged Error of Law in the Refusal to Order the Disclosure of the Names of Persons in the Sample of Victims' Dossier ('Dossier')

18. The LRVs submit that this ground does not arise from the Reparations Order made by the Trial Chamber.
19. The Defence contention that the Chamber denied its request to lift redactions on the names of victims in the sample was squarely addressed by the Chamber in its decision on the Defence Request for the Disclosure of the names of the victims in the sample. [REDACTED].¹² [REDACTED].¹³

¹¹ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), Paras. 19, 87, 99, 143.

¹² Decision on the Defence Request for an Order to Disclose the Names of the Victim Sample Pool of Participating Victims, [ICC-02/04-01/15-2043-Conf](#), 20-04-2023, para. 17.

¹³ Decision on the Defence Request for an Order to Disclose the Names of the Victim Sample Pool of Participating Victims, [ICC-02/04-01/15-2043-Conf](#), para. 20.

20. More concretely, the Chamber was seized of the Defence contentions relating to the 27 individuals from the victims' sample.¹⁴ The Defence argues in its appeal brief that it should have had access to the victims' names in the dossiers to make a fair assessment of the individuals.¹⁵ It is under that the Defence argues that it could not make a fair assessment of the individuals without access to the names of the individual victims in the sample. This contention does not substantiate the error of law in the Chamber's decision especially considering that the Defence was able to make observations on the several victims' applications without disclosure of individual victims' names.
21. Nevertheless, the Trial Chamber, in addressing the Defence concerns, noted that it had done an analysis of the dossiers and also conducted its own assessment of the allegations made by each individual in the sample whilst taking into account the submissions of the parties and participants.¹⁶ The Trial Chamber, in its decision, noted that what is required to meet the evidentiary burden necessarily depends on specific circumstances of the case¹⁷ and accordingly established that in order to reach a conclusion, the Chamber considered a number of factors including the victims' dossiers, available supporting documents by verifying the intrinsic coherence and credibility of each account.¹⁸
22. The Chamber thus proceeded to assess all the relevant matters¹⁹ and ruled on the eligibility requirements for the victims in the sample finding that it was satisfied that 198 of the 205 in the sample have established, on a balance of probability, their eligibility as victims (direct or indirect) of the crimes for which Dominic Ongwen was convicted and, therefore, are entitled to benefit from reparations.²⁰

¹⁴ Reparations Order [ICC-02/04-01/15-2074](#), para. 431.

¹⁵ Public Redacted Version of "Defence Brief in Support of its Appeal of the Reparations Order dated 28 February 2024" filed on 24 June 2024 as ICC-02/04-01/15-2093-Conf, [ICC-02/04-01/15-2093-Red](#), 24-06-2024, para. 18.

¹⁶ Reparations Order [ICC-02/04-01/15-2074](#), para. 432.

¹⁷ Reparations Order [ICC-02/04-01/15-2074](#), para. 439.

¹⁸ Reparations Order [ICC-02/04-01/15-2074](#), para. 445.

¹⁹ Reparations Order [ICC-02/04-01/15-2074](#), para. 439 – 508.

²⁰ Reparations Order [ICC-02/04-01/15-2074](#), para. 509.

23. The Defence of Dominic Ongwen fails to show where the error of law as alleged lies. It also fails to show that the alleged error warrants the intervention by the Appeals Chamber.

Ground 2. Alleged Error of Law in the Dismissal of the Defence's Arguments about Ugandan National Proceedings Related to Reparations for Persons from Abok IDP Camp

24. The Defence of Dominic Ongwen alleges that the Chamber misinterpreted Article 75(6) of the Statute arguing that the correct interpretation would lead to a potentially decreased amount of reparations.²¹ More specifically, the Defence argues that the Trial Chamber should have determined as to whether any victims in the present proceedings were also beneficiaries of a decision of the High Court of Uganda at Lira related to victims from Abok.²²
25. The Defence relies on an extract of a decision by Trial Chamber I.²³ A critical examination of this extract relied upon by the Defence does not lead to the conclusion that the Trial Chamber misinterpreted Article 75(6) of the Statute.
26. Trial Chamber I spelled out that the Court may take into account any award or benefits received by victims from other bodies in order to guarantee that reparations are not applied unfairly or in a discriminatory manner. This finding, however, does not stand in contrast with the Reparations Order. Nothing in the Reparations Order can be said to amount to misinterpretation of the provisions of Article 75(6) of the Statute as alleged by the Defence. The legal basis for award of reparations is well founded in international criminal law and must be distinguished from national proceedings.²⁴

²¹ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 20.

²² Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), paras 20-29.

²³ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 23, fn 37.

²⁴ Reparations Order [ICC-02/04-01/15-2074](#), para. 48.

27. The Chamber rightly rejected the Defence request to determine whether victims in the proceedings before the Court are also beneficiaries of the decision of the High Court in Uganda. In this context, the Chamber rightly emphasised that: *'reparations proceedings [are] strictly limited in reach and scope to the terms of the conviction'*.²⁵ Moreover, the Chamber went further to explain that [...] *[Reparations] Order is indeed limited in reach and scope to the terms of the Conviction Judgment, and therefore, is not meant to address the rehabilitation needs of individuals beyond the direct and indirect victims of the crimes for which Mr Ongwen was convicted. However, this is without prejudice to Uganda's responsibility to protect and repair its nationals who may have been affected generally by the conflict in Northern Uganda.*²⁶

28. Contrary to the Defence's submissions, the Chamber's interpretation is correct: nothing in the reparations order should infringe on the right of victims to seek reparations for harms suffered because of the conflict in Northern Uganda. The domestic proceeding that addresses other harms can't have an impact on the reparations order because the scope of the Reparations Order is limited to the Ongwen conviction Judgement.

29. The Defence of Dominic Ongwen in its argumentation fails to take into account that reparations at the ICC are based on legal accountability of the convicted person, for violations of the Rome Statute and harms arising from such violations. Reparations requested in the domestic case cited by the Defence address other harms, committed by other people and not for violations of the Rome statute. Even if there was duplication of victims' names, the victims in issue would be seeking reparations for a different harm. There is therefore no unfairness by the Chamber in not taking into account the national proceedings.

30.

²⁵ Reparations Order [ICC-02/04-01/15-2074](#), para. 49.

²⁶ Reparations Order [ICC-02/04-01/15-2074](#), para. 50.

Ground 3. Alleged Error in both Law and in Fact by Determining that Residents of Pajule, Odek, Lukodi and Abok IDP Camps, and Non-resident Civilians Present at the Time of the Attack, are “Presumed to be Victims of the Crimes of an Attack against the Civil [sic] Population as such and Persecution, through the Underlying Act of Attack against the Civilian Population as such.”

31. The Defence of Dominic Ongwen misinterprets and or misconstrues the findings and conclusions of the Chamber on the issue of presumption of residents of the Pajule, Odek, Lukodi and Abok IDP Camps.
32. The Chamber ruled that the only acceptable presumption in this regard are *all individuals who can establish on a balance of probabilities, that they were present in or who were camp residents at the time of the attacks on the Pajule, Odek, Lukodi, and Abok IDP camps, shall be presumed to be victims of the crimes of an attack against the civil population as such and persecution, through the underlying act of attack against the civilian population as such.*²⁷
33. The Chamber in arriving at this conclusion considered that Dominic Ongwen was convicted for several crimes against persons committed during and in the aftermath of the attacks on the four IDP camps of Pajule, Odek, Lukodi and Abok including the crimes of attacks on the civilian population as such and the crime of persecution, by, *inter alia*, an attack against the civilian population.²⁸
34. The Chamber explained that for one to be a victim of the attack against a civilian population due to the attacks on the camps, it is sufficient to show that one was a resident of the targeted camps (even if absent during the attack) or stayed in the camp during the attack.²⁹ With regard to residents, the Chamber also noted that notwithstanding whether one was physically present at the exact moment

²⁷ Reparations Order [ICC-02/04-01/15-2074](#), para. 165.

²⁸ Reparations Order [ICC-02/04-01/15-2074](#), para. 163.

²⁹ Reparations Order [ICC-02/04-01/15-2074](#), para. 163.

of the attack, such individuals would have non the less been impacted by the attacks and also suffered personally.³⁰ This is a logical conclusion given the nature and long lasting consequences of the attacks established in the conviction of Dominic Ongwen, as the Chamber explains.

35. However, the Defence considers that this standard established by the Chamber in light of the presumption is “rather low”. This is wrong both in fact and in law: In “fact” because of the nature of the attacks, their dynamic and circumstances, which is well captured by both the crime of persecution and attack against a civilian population; In “law” because the determination of the Chamber with regards to these two categories of victims is a necessary consequence of the nature of the crimes and harm the reparation order is addressing. It is also the way legal presumptions work.

36. The Defence has failed to establish what error of law was occasioned by the Chamber. The Defence disagrees with the factual presumption in question determined by the Chamber, but it failed to show that no reasonable trier of fact could have formulated it.

37. The Appeals Chamber in presiding over the appeal of Dominic Ongwen against the decision convicting him, did not vary the finding by the Trial Chamber’s finding in which it found him criminally responsible as indirect perpetrator and indirect co-perpetrator for crimes committed by members of the Sinia brigade.³¹ Therefore the Defence by raising this ground is attempting in another way to re-litigate a matter that the Appeals Chamber has conclusively determined.

Ground 4. Alleged Errors in Law and Fact by Extending the Potential Indirect Victim Pool by Creating the “African extended family exception”, thereby

³⁰ Reparations Order [ICC-02/04-01/15-2074](#), para. 163.

³¹ Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled “Trial Judgment”, [ICC-02/04-01/15-2022-Red](#), 15-12-2022, para. 617 – 654.

Opening the Floodgates to Anyone of any Distant Relation to a Direct Victim to Collect Reparations

38. The Defence of Dominic Ongwen contends that the Chamber relied on a broad understanding of the concept of the extended family in the African continent as the basis for its decision and projections of indirect victims.³² The Defence further challenges the finding by the Chamber on the constitution of extended family in the Acholi cultural context arguing that the same was based on an unsubstantiated concept of the African extended family and further that it does not exist in the record of evidence.³³
39. The Defence criticism of the Chamber's finding is erroneous and placed out of context of the Reparations Order. Foremost, the Chamber's consideration of the concept of 'extended family' was strictly in the context of the first category identified as "family members of direct victims" and not indirect victims generally as alleged by the Defence.³⁴
40. The LRVs further note that the Defence contentions over the alleged notion of the African extended family is not material for the Reparations Order because any harm alleged by a victim (and indirect victims) must be proven to the required standard.
41. The Chamber, having considered the submissions of the parties and jurisprudence of the Court,³⁵ noted that the definition of a victim in rule 85(a) of the Rules of Procedure and Evidence as a condition precedent requires the establishment of harm by the person claiming to be a victim rather than how close or distant the family members are. Indeed, the Chamber states that it is not relevant to show how close the person is to the direct victim. It is sufficient for

³² Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 40.

³³ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 42.

³⁴ Reparations Order [ICC-02/04-01/15-2074](#), para. 128-129.

³⁵ Reparations Order [ICC-02/04-01/15-2074](#), para. 132.

the person to show that they are an indirect victim as result of the crime the direct victim sustained.³⁶

42. Nothing in the above determination by the Chamber on indirect victims remotely suggests that the Chamber based its decision on its understanding of the concept of African extended family and thereby opened flood gates of ineligible victims.
43. The Defence further argued that the Chamber's presumption of harm on all inhabitants and non-inhabitants of the four IDP camps is overly broad and also includes violations victims suffered due to the "atrocious quality of life in the IDP camps"³⁷ and that the unsubstantiated concept of the African extended family expands Dominic Ongwen's liability and the scope and scale of the reparations award far beyond the scope of harm the impugned decision hoped to prevent.³⁸
44. The above Defence premise is a continuation of failure to properly comprehend the Chamber's finding imposing an obligation on every indirect victim to demonstrate that they have suffered harm on a balance of probabilities as result of the crime on the direct victim.
45. Specifically on the allegations by the Defence that the Chamber erred in presuming harm to all inhabitants and non-inhabitants of the IDP camps, we submit that the Defence makes a false allegation. The Chamber correctly notes that the evidence in the record of the case as well as the assessment of the victims' sample provide a wealth of information as to the severe harms suffered by victims on the one hand and is further guided by the jurisprudence by the Appeals Chamber in resorting to factual presumptions.³⁹

³⁶ Reparations Order [ICC-02/04-01/15-2074](#), para. 132.

³⁷ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 54.

³⁸ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 54.

³⁹ Reparations Order [ICC-02/04-01/15-2074](#), para. 519.

46. Contrary to the Defence submissions, the Chamber discusses the relevant submissions of the parties and participants noting that the Defence did not make any specific objections to presumptions of harm requested by the parties.⁴⁰ The Chamber concluded by acknowledging that presumptions shall apply as to:

- a. *Regarding direct victims of crimes against persons committed within the context of the attacks, the following presumptions of harm shall apply:*
 - i. *moral harm for all individuals who have established, on a balance of probabilities, to have personally experienced the attacks and to be direct victims of attacks against the civilian population, attempted murder, torture, enslavement, outrages upon personal dignity, and persecution, through the underlying acts of attack against the civilian population as such, attempted murder, torture, enslavement, and outrages upon personal dignity;*
 - ii. *physical harm for all individuals who have established, on a balance of probabilities, to be direct victims of attempted murder, torture, enslavement, and persecution through the underlying acts of attempted murder, torture, and enslavement;*
 - iii. *material harm for all individuals who have established, on a balance of probabilities, to be direct victims of attempted murder, torture, enslavement, and persecution through the underlying acts of attempted murder, torture, and enslavement;*
- b. *Regarding direct victims of crimes against property committed within the context of the attacks, the following presumptions of harm shall apply:*
 - i. *material harm for all individuals who have established, on a balance of probabilities, to be direct victims of pillaging and destruction of*

⁴⁰ Reparations Order [ICC-02/04-01/15-2074](#), para. 518

property, and persecution through the underlying acts of pillaging and destruction of property;

ii. moral harm for all individuals who have established, on a balance of probabilities, to be direct victims of pillaging and destruction of property with significant impact on their daily life, and persecution through the underlying acts of pillaging and destruction of property with significant impact on their daily life;

c. Regarding indirect victims of the attacks, the following presumption of harm shall apply:

i. moral harm for all individuals who have established, on a balance of probabilities, to be indirect victims who are close family members of direct victims of crimes against persons committed within the context of the attacks.⁴¹

47. Nothing in the above findings by the Chamber point to an error of law or fact being occasioned as alleged by the Defence.

Grounds 11: and 12: Alleged Error of Fact in Recognising other Complementary Healing Regimes and Mechanisms but failing to Recognise the Complementary Relevance and Importance of the Acholi Cultural Reparation and Restorative Mechanisms; and Error of fact and law in deciding that Victims Suffered Spiritual Attacks, Cultural Problems and Cen, while Characterising the Conditions as Mental illnesses without a Clinical Basis of its Diagnosis

48. The arguments presented by the Defence in support of ground 11 venture into areas of no factual relevance for the Trial Panel's determination of reparations

⁴¹ Reparations Order [ICC-02/04-01/15-2074](#), para. 556

under the Statute – existence and alleged relevance of traditional/cultural justice mechanisms.

49. In relation to ground 12, Legal Representatives submit that the Trial Chamber was under no obligation to conduct a clinical assessment of victims who claimed to have suffered moral harm summarized by the Defence as “spiritual attacks, cultural problems and cen” in the Order.⁴² The Trial Chamber’s findings regarding this harm were based on the relevant findings of the Trial Judgment and evidence gathered throughout the trial, including expert evidence, referred to in the Reparations Order.

50. Finally, the Defence did not indicate or explain how these alleged errors affected the Reparations Order and undermined the Chamber’s factual findings to the extent necessitating reversal of the Reparations Order. With regard to ground 12, the Defence failed to explain why it considered this alleged error to be also an error of law, and to indicate its material effect on the Reparations Order.

Ground 5: Alleged Error of Law and Procedure by Issuing the Symbolic Award of €750 per Victim, Specifically not Intending this Award to act as Partial Restitution or Compensation for Harm Suffered

51. This ground of appeal is at odds with the submissions in the appeal brief made to the same by the Defence. Whilst the ground alleges an error of law and procedure on the issuance of the symbolic award of euro 750 per victim, it also contends that the Chamber made the award not intending for it to be issued as partial restitution or compensation. The supporting submissions on the other hand contend that the award was issued ultra vires as it does not fall in any of the categories defined by Article 75 of the Constitution.⁴³ The Defence

⁴² Reparations Order [ICC-02/04-01/15-2074](#), paras. 240-242, 368-369, and 393-398.

⁴³ Defence Appeal Brief [ICC-02/04-01/15-2093-Red](#), para. 67.

additionally contend that the Chamber exceeded its mandate by making an award of a symbolic nature that is not defined by the statute.⁴⁴

52. In arriving at its decision to order a symbolic award of euro 750, the Chamber considered several matters as follows:

- i. The Chamber noted that it must first identify the most appropriate modalities of reparations based on the specific circumstances of the case. In this regard the Chamber adopted the Principles of Reparation set out in the Ntaganda decision which included: restitution, compensation, symbolic and satisfaction measures. It also noted that identifying the harm that victims have suffered is interlinked with the appropriate modalities of the specific case.⁴⁵
- ii. The Chamber noted that victims in the Ongwen case have suffered multi-layered harms and the appropriate way to address these harms is through collective community-based reparation measures which focus at specifically “rehabilitation”, and “symbolic satisfaction measures”.⁴⁶
- iii. The Chamber explained that rehabilitation measures have the goal of facilitating victims’ reintegration whilst taking into account the various impacts on victims of different gender. The Chamber specifically noted that rehabilitation *should aim to restore, as far as possible, their independence, physical, mental, social, and vocational ability; and full inclusion and participation in society.*⁴⁷
- iv. The Chamber in the present case awarded collective community-based reparation measures to respond to physical, moral, material, community

⁴⁴ Defence Appeal Brief [ICC-02/04-01/15-2093-Red](#), para. 70 – 73.

⁴⁵ Reparations Order [ICC-02/04-01/15-2074](#), para. 612.

⁴⁶ Reparations Order [ICC-02/04-01/15-2074](#), para. 613.

⁴⁷ Reparations Order [ICC-02/04-01/15-2074](#), para 616.

and transgenerational harm suffered by victims as determined by the Chamber.⁴⁸

- v. The Chamber explained that the purpose for symbolic measures is to contribute to rehabilitation measures whilst satisfaction measures respond to matters related to acknowledgement of violations and safeguarding dignity and reputation of victims. The Chamber emphasized that the symbolic and satisfaction measures are directed at addressing all harms⁴⁹

53. The Chamber accordingly concluded that the collective community reparations awarded in the case will be constituted by a payment of a symbolic award and other community symbolic and satisfaction measures.⁵⁰ It also noted that the symbolic award awarded would act as a stop gap measure considering the time it would take for victims to benefit from the rehabilitative community programming modality already awarded.⁵¹

54. The Chamber exercised its discretion to award a symbolic amount of EUR 750 to every eligible victim upon taking into consideration several factors as discussed in its decision.⁵² There is therefore nothing in the above assessment by the Chamber that points to an error of law and procedure as alleged by the Defence of Dominic Ongwen.

55. The order of a symbolic award as noted by the Chamber is properly rooted in the principles of reparations and the Defence simply refuses to appreciate the legal and factual basis for the same.

⁴⁸ Reparations Order [ICC-02/04-01/15-2074](#), para 617.

⁴⁹ Reparations Order [ICC-02/04-01/15-2074](#), para 620.

⁵⁰ Reparations Order [ICC-02/04-01/15-2074](#), para 620

⁵¹ Reparations Order [ICC-02/04-01/15-2074](#), para 624.

⁵² Reparations Order [ICC-02/04-01/15-2074](#), para 626 - 634.

Ground 6: Alleged Error in Procedure by Prioritizing Direct Victims who were Participating Victims of the Case over Direct Victims who did not Participate in the Case

56. The Defence contends that the decision to prioritise some victims over others goes against the spirit of reparations putting emphasis on those who were unable to file a participation form.⁵³ At the same time, the Defence cites two decisions by the Appeals Chamber and Trial Chamber VIII which acknowledge that prioritisation of certain categories of victims may be essential in some cases.⁵⁴
57. In the authority of the decisions cited by the Defence, this ground is rendered moot. The Chamber recalled the Defence submissions where it acknowledged that whilst victims must be treated equally and fairly, priority may be given to victims who are in a vulnerable position or require urgent attention.⁵⁵ In the Defence Appeal brief, the Defence made no specific submissions in respect of non-participating victims at the time.
58. The Chamber being seized by the issue of prioritisation, noted the finding of Trial Chamber VI in the Ntaganda Case: *'priority should be given to individuals who require immediate physical and/or psychological medical care, victims with disabilities and the elderly, victims of sexual or gender-based violence, victims who are homeless or experiencing financial hardship, as well as children born out of rape and sexual slavery and former child soldiers'*.⁵⁶
59. The Chamber however noted that the categories of victims prioritised in the Ntaganda case may not be feasible in the Ongwen case given the large number of potential beneficiaries.⁵⁷ Accordingly the Chamber went on to define additional prioritisation requirements tailored to the demands of the case⁵⁸

⁵³ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 76.

⁵⁴ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 78 – 79.

⁵⁵ Reparations Order [ICC-02/04-01/15-2074](#), para. 646.

⁵⁶ Reparations Order [ICC-02/04-01/15-2074](#), para. 655.

⁵⁷ Reparations Order [ICC-02/04-01/15-2074](#), para. 656.

⁵⁸ Reparations Order [ICC-02/04-01/15-2074](#), para. 657.

namely: 1) vulnerable victims who are in dire need of urgent assistance;⁵⁹ 2) vulnerable direct participating victims;⁶⁰ 3) all remaining vulnerable victims.⁶¹

60. The said analysis by the Chamber cannot be faulted since the Reparations Order establishes that victims have contributed to the truth-seeking process in the case. The Defence fails to substantiate its ground of appeal with the ultimate focus being on victims' applications which are unrelated to the basis of prioritisation of certain victims over the others.
61. Moreover, the Chamber in identifying the first category did not restrict the category to participating victims as alleged by the Defence. In any event, the Defence fails to show how Dominic Ongwen's rights are affected by the Chamber's decision to prioritise certain categories of victims. The Defence therefore lack standing to bring the challenge on this ground.

Ground 7: Alleged Error in Failing to Appreciate why the Defence demanded that Specific Victims in the Dossier must be Required to give Medical Documentation to Prove their Disabilities

62. The ground of appeal as drafted is at odds with the Defence submissions in its appeal brief.
63. The Defence seem to assume that access to medical records is a given for persons suffering serious medical conditions. For instance, the Defence opine, with regards to one of the sample victims, that it "...finds it very hard to believe that a dislocated rib would cause a permanent disability, a person with a debilitating injury would have undoubtedly seen a medical professional sometime over the 13-year span from 2003 to filing the victim application for participation in 2016.

⁵⁹ Reparations Order [ICC-02/04-01/15-2074](#), para. 659.

⁶⁰ Reparations Order [ICC-02/04-01/15-2074](#), para. 660.

⁶¹ Reparations Order [ICC-02/04-01/15-2074](#), para. 661

And in visiting a medical professional, the victim applicant would more than likely have told the medical professional that said injury happened during the Pajule IDP Camp attack on 9 October 2003. With respect, it should not be that hard for this victim applicant to collect some medical documentation about his injury.⁶²

64. This alleged error does not arise from the Reparations Order against Dominic Ongwen. The footnotes to the alleged error relate to the Chamber's considerations and findings on the presumption of moral harm for all individuals who have established on a balance of probability to have experienced the attacks as direct victims of the crimes of the attack on civilian population of the four IDP camps.⁶³ The Defence complaint is sufficiently addressed in ground 4 above and therefore lacks merit.

65. Alternatively, the Chamber in making the Reparations Order is not bound to accept the Defence demand for documentation for proof of medically assessed injuries but rather to provide the framework for reparations for eligible victims. The Chamber identified moral, physical, material and other harm suffered by victims of the Ongwen crimes.⁶⁴

66. The Chamber additionally noted that the harm alleged by the victims must result from one or more crimes for which Dominic Ongwen was convicted.⁶⁵ The Defence does not demonstrate how the Chamber's decision in this regard is an error in its attempt to single out individual victims for its submission because the Chamber laid out the principle of law as it stands.

⁶² Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 93.

⁶³ Reparations Order [ICC-02/04-01/15-2074](#), para. 524 – 525.

⁶⁴ Reparations Order [ICC-02/04-01/15-2074](#), para. 556 – 557.

⁶⁵ Reparations Order [ICC-02/04-01/15-2074](#), para. 166.

Ground 8: Alleged Error of Fact in Refusing to Take into Account that Mr Ongwen was not the Brigade Commander of Sinia Brigade until 4 March 2004

67. The Defence under this ground attempts to re-litigate an issue that was canvassed in the appeal against the Conviction decision. The Defence contends that by failing to take into account the fact that Dominic Ongwen was not a Commander of Sinia Brigade during the entire jurisdiction of the case, the Chamber increased the number of estimated victims of SGBC and Child soldiers.⁶⁶
68. The Defence further contends that the Chamber in its Article 74 Judgement, Dominic Ongwen was convicted for conscripting and use in hostilities children under the age of 15 for the period 1 July 2002 and 31 December 2005 which was a fatal error because it attributed all abductions in this period to Sinia Brigade.⁶⁷
69. Foremost, the Chamber noted that its Reparations Order restricts itself to the conviction and sentencing decision thereby excluding the possibility of the parties raising new issues or challenging findings stemming from the Conviction and Sentence decisions.⁶⁸ The Chamber also recalled that for its deliberations on reparations in the Ongwen case, it relied on evidential findings established beyond reasonable doubt in the Conviction Judgement as evidence that was not found to be unreliable or lacking credibility in the trial proceedings.⁶⁹ By this finding, the Defence is therefore estopped from raising the arguments it has made about Dominic Ongwen's role as commander of Sinia brigade in the impugned period.

⁶⁶ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 100.

⁶⁷ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 103.

⁶⁸ Reparations Order [ICC-02/04-01/15-2074](#), para. 20.

⁶⁹ Reparations Order [ICC-02/04-01/15-2074](#), para. 21.

70. The foregoing notwithstanding, the Chamber was seized of the Defence contention dismissing it by re-emphasizing that Dominic Ongwen's conviction for the crime of conscription and use in hostilities of children below the age 15 relates to the impugned period of 1 July 2002 and 31 December 2005.⁷⁰

71. The Defence incorrectly contends that all the children abducted in the impugned period were attributed to Sinia brigade. To the contrary, the Chamber whilst relying on the figures from the Berkeley report clearly demonstrates as follows:

- i. *The Chamber first reduces the figure of 15,334 children under the age of 15 by 19.23% for the months that are outside the scope of the conviction (i.e. 2,949) which equates to 12,385 children.*⁷¹
- ii. *The Chamber then divides this figure of 12,385 children by the four LRA brigades (to approximate those abducted by the Sinia brigade), which equals an estimated 3,096 potentially eligible former child soldier victims.*⁷²
- iii. *The Chamber emphasises that this is a conservative estimate, noting that the Berkeley Report indicates that the prevalence of abduction figures collected among the population suggests that the number of abductees is higher.*⁷³
- iv. *The Chamber notes that 4% of abductees were born in captivity, suggesting that they were born of SGBC. Applying the figures and analysis detailed above, the Chamber calculates that 4% of 41,000 abductees equates to 1,640 children born of SGBC. When this figure is multiplied by 19.23%, consistent with the temporal scope of the conviction, and divided by four LRA brigades, it equates to approximately 79 children born of SGBC, of the 3,096 potentially eligible former child soldier victims.*⁷⁴

⁷⁰ Reparations Order [ICC-02/04-01/15-2074](#), para. 733 and 734.

⁷¹ Reparations Order [ICC-02/04-01/15-2074](#), para. 735.

⁷² Reparations Order [ICC-02/04-01/15-2074](#), para. 735.

⁷³ Reparations Order [ICC-02/04-01/15-2074](#), para. 735.

⁷⁴ Reparations Order [ICC-02/04-01/15-2074](#), para. 736.

72. The foregoing observations and calculations prove false the allegations by the Defence that the Chamber ascribed all abductions in the impugned period of 1 July 2002 and 31 December 2005 to Dominic Ongwen as commander of Sinia brigade. The Chamber acknowledged and took into consideration the 4 LRA brigades hence the divisions against the estimates in order to establish the approximate number of SGBC victims falling under Sinia brigade.

73. There is, therefore, no basis for the Defence estimates as submitted in its Appeal Brief. The Defence fails to identify concretely the alleged error of law or fact occasioned by the Chamber in its estimates considering that there is evidence to show that the number of abductions was higher as also noted by the Chamber.⁷⁵

Ground 9: Alleged Error of Fact in the use of the Divisor of Four (4) in Determining the Number of Estimated Victims of SGBC and Child Soldiers Attributed to Mr Ongwen as Commander of Sinia Brigade

74. The Defence submits that the Chamber failed to take into account that the LRA's control Altar was an operational unit and by this failure increased the number of potentially eligible victims.⁷⁶

75. The Chamber noted that contrary to this contention of the Defence contention, Control Altar was the headquarters of the LRA where the most senior commanders sat.⁷⁷ It also noted that whilst the Defence asserted that Control Altar operated and engaged in operations, abducted persons and distributed women as wives within the LRA ranks just like the other brigades, the Defence did not provide any evidence and or information for its proposition.⁷⁸ According

⁷⁵ Reparations Order [ICC-02/04-01/15-2074](#), para. 735.

⁷⁶ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 113 and 114.

⁷⁷ Reparations Order [ICC-02/04-01/15-2074](#), para. 734.

⁷⁸ Reparations Order [ICC-02/04-01/15-2074](#), para. 734.

to the Chamber, this reinforced its basis for the use of the divisor of 4⁷⁹ in its ascription of numbers of children abducted by the Sinia brigade.

76. There is therefore no basis for the estimates provided by the Defence. The numbers in the Defence brief under this ground are based on an incorrect appreciation of the decision of the Chamber and divisor of 5 which as seen herein lacks basis and merit there being no evidence to support the same.

Ground 13: Alleged Error of Fact in the Assessment of Mental Health as a Moral Health Victimization for the Attacks for which Mr Ongwen was Convicted

77. The Defence of Dominic Ongwen contends that the definition of moral harm offered by the Chamber is opaque and convolutes many factors without substantiation. The Defence further contends that by the said definition, the Chamber brings into place many mental health and other health conditions which can only be established by a medical, psychological, and or psychiatric evidence using the standard applied by the same Chamber in the trial proceedings in evaluation of the defence of mental disease or defect as proffered by the Defence in those proceedings.⁸⁰

78. The Defence further submits that the Chamber applied a double standard, as it allegedly refused to consider Dominic Ongwen's age at abduction and failed to recognise moral harm, particularly psychological disorders and traumas suffered by Dominic Ongwen.⁸¹

79. By its argument, the Defence appears to be re-litigating the issues conclusively determined by the Trial and Appeals Chambers. As already noted above, the

⁷⁹ Reparations Order [ICC-02/04-01/15-2074](#), para. 734

⁸⁰ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 125 – 126.

⁸¹ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 127 – 128.

Chamber ruled that in the Reparations Order it was not dealing afresh with the matters already addressed in its Conviction Judgement.

80. The Defence by asserting that the definition of moral harm given by the Chamber is opaque seems to ignore that it is consistent with the case law of the Court which has recognized the different contours that moral harm has.⁸² The same is true about the Defence's claim that some of the harm included under moral harm by the Chamber can only be proven by medical, psychological and/or psychiatric evidence. The case law of the Court has determined that it's legitimate for the Trial Chamber to adopt presumptions of fact (not law, thus rebuttable) of the harm suffered by direct victims and indirect victims of crimes such as those for which Dominic Ongwen has been convicted. According to this jurisprudence, it is only natural to suffer distress, pain, psychological trauma, emotional harm having their human dignity assaulted.⁸³

81. The Chamber in deliberating moral harm observed and recalled that the LRA fighters, by engaging in activities of abduction of civilians and forcing the civilians to carry loads in difficult conditions and often for long distances, engaged in psychological abuse of abductees.⁸⁴ The Chamber also noted that civilians were often exposed to an environment of violence and as a result these civilians experienced distress, panic and fear.⁸⁵

82. The Chamber also considered the findings by Dr. Teddy Atim, including evidence pointing to a strong relationship between a victim of one of the attacks on the IDP camp and impaired psychosocial functioning; similar consequences were observed by this expert also in relation to parents who have lost a child.⁸⁶ The Chamber further observed that the evidence by Dr. Atim showed that many

⁸² See for example Lubanga Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 10

⁸³ Ntaganda Appeals Judgment [ICC-01/04-02/06-2782](#), para. 691.

⁸⁴ Reparations Order [ICC-02/04-01/15-2074](#), para. 234.

⁸⁵ Reparations Order [ICC-02/04-01/15-2074](#), para. 234.

⁸⁶ Reparations Order [ICC-02/04-01/15-2074](#), para. 239

victims suffered long term impacts they believe is the making of spirits on them.⁸⁷ The Chamber noted that the evidence showed that “*cen*” was a vengeful spirit of the dead which was commonly used to interpret what western medicine calls mental illness.⁸⁸ The Chamber additionally observed that from the sample provided, a number of victims reported amongst others: fear, trauma from witnessing atrocities from the attacks, haunting memories of seeing the dead in the camps, scare for loud bangs, suffering mentally, etc.⁸⁹

83. Based on the foregoing, the Chamber concluded that it was satisfied that on a balance of probabilities, the direct victims of the attacks suffered moral harm including severe mental pain and suffering, trauma, feelings of fear, panic, helplessness, and distress; psychological abuse; psychological trauma; emotional harm; stress; recurring painful memories; nightmares; severe violation of dignity; suffering from being forced to leave their children behind; spiritual disturbances; and impaired psychological wellbeing and functioning.⁹⁰
84. The Defence does not fault the Chamber for its conclusions on the various forms of moral harms identified and indeed no error is made by the Chamber. Rather, the Defence takes issue with the fact that the Chamber did not apply the findings and conclusions on moral harm to Dominic Ongwen. the LRVs submit that the said premise of the Defence is unsupported by the Statute and or any other law and ought to be rejected.

Ground 14: Alleged Error of Law and Fact in Determining that Four Participating Victims Qualified on a Balance of Probabilities as Victims of Mr Ongwen

⁸⁷ Reparations Order [ICC-02/04-01/15-2074](#), para. 240.

⁸⁸ Reparations Order [ICC-02/04-01/15-2074](#), para. 240.

⁸⁹ Reparations Order [ICC-02/04-01/15-2074](#), para. 241.

⁹⁰ Reparations Order [ICC-02/04-01/15-2074](#), para. 242.

85. The Defence contends that the Chamber increased the number of SGBC victims and expanded the definition of SGBC beyond the Trial Judgement in its assessment of the victims' sample.⁹¹ The Defence criticised the Chamber for approving victim status for victims a/07032/15; a/07053/15; a/07090/15 and a/07093/15⁹² arguing as it did that the Chamber relied on loose evidence and speculation for its conclusions.⁹³ The Defence further criticised the Chamber for not lifting redactions on the victims' application to allow for the Defence to make a purported fair assessment of the victims in issue.⁹⁴

86. On the said criticisms levied against the Chamber, the LRVs recall the conclusions of the Chamber upon having considered the Defence contentions and which are grounded in its Conviction Judgement as follows:

a) Victim a/07032/15

87. [REDACTED]⁹⁵ [REDACTED].⁹⁶

88. [REDACTED].⁹⁷

89. [REDACTED].⁹⁸ [REDACTED].⁹⁹ [REDACTED].¹⁰⁰

90. [REDACTED].¹⁰¹

b) Victim a/07053/15

91. With regard to this victim, the Chamber dismissed the Defence objections to the eligibility of the victim as a beneficiary of reparations upon taking into consideration several factors, which factors informed its decision that the

⁹¹ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 144.

⁹² Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 145.

⁹³ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 148.

⁹⁴ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 150 -159.

⁹⁵ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), 28-02-2024, para.2843.

⁹⁶ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2844.

⁹⁷ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2849.

⁹⁸ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2850.

⁹⁹ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2850.

¹⁰⁰ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2850-2851.

¹⁰¹ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2852.

victim's narration of victimisation was coherent, credible and consistent with the findings in the conviction decision.

92. The factors considered by the trial Chamber are that the victim was abducted in 2003 which year puts her into the temporal scope of the charges preferred against Dominic Ongwen. [REDACTED].¹⁰²

93. [REDACTED].¹⁰³

94. [REDACTED].¹⁰⁴

95. [REDACTED].¹⁰⁵

96. [REDACTED].¹⁰⁶

97. [REDACTED].¹⁰⁷

c) Victim a/07090/15

98. The Defence contention is that the Chamber found this victim eligible for reparation notwithstanding its challenges that the redacted information in the victim's application prejudiced the Defence from making a fair and honest determination of the victim's status.¹⁰⁸ The Defence further pointed out that information including; the person who led the group that abducted her; the identity of the commander of the group; her alleged forced husband; the battalion or brigade would have made it easy for the Defence to know if she qualifies as a victim of SGBC for which Dominic Ongwen was convicted.¹⁰⁹

99. The Defence also criticised the Chamber for the conclusion that it was more probable that the person the victim was given was most likely under the

¹⁰² Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2903.

¹⁰³ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2904.

¹⁰⁴ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2905.

¹⁰⁵ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2906.

¹⁰⁶ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2907.

¹⁰⁷ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2908.

¹⁰⁸ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 151.

¹⁰⁹ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 152.

command of Dominic Ongwen. The Defence impliedly acknowledges that the Chamber reviewed the victim's dossier and found that they were not prejudicial to the Defence.¹¹⁰

100. The Defence criticism of the Chamber is unjustified. The Chamber's conclusion is legally sound and entrenched in its conviction decision. [REDACTED].¹¹¹ [REDACTED]¹¹² and rightly so.

101. [REDACTED];¹¹³ a fact that the Defence does not address in its brief nor criticise in the Chamber's assessment. The foregoing conclusions by the Chamber render the Defence contention without legal basis for alleging an error of law.

102. The Defence request to order the Chamber to lift the redactions of the victim's application¹¹⁴ is therefore not legally justified and we invite the Appeals Chamber to reject the request.

d) Victim a/07093/15

103. In contesting the Chamber's decision finding victim a/07093/15 eligible for reparations, the Defence raises similar arguments in its appeal brief in respect of victim a/07093/15 as it did for victim a/07090/15.¹¹⁵

104. [REDACTED].¹¹⁶

105. [REDACTED].¹¹⁷ Nothing in this finding points to an error of law being occasioned by the Chamber as alleged by the Defence. The Chamber by reaching its determination on the safety of the victim is acting within its statutory allowed limits.

¹¹⁰ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 153.

¹¹¹ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2924.

¹¹² Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2924.

¹¹³ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2924.

¹¹⁴ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 154.

¹¹⁵ Defence Appeal Brief (PRV) [ICC-02/04-01/15-2093-Red](#), para. 155 – 158.

¹¹⁶ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2938.

¹¹⁷ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2940.

106. [REDACTED].¹¹⁸ [REDACTED].

107. The LRVs accordingly invite the Appeals Chamber to reject the Defence appeal allegations that the Chamber erred in law and fact in finding that victims a/07032/15; a/07053/15; a/07090/15 and a/07093/15 were on a balance of probabilities eligible to benefit from the Reparations Order.

VI. Relief Sought

108. The LRVs submit that pursuant to the established standard of appellate review, the Defence failed to substantiate any of the alleged errors of law, fact or procedure occasioned by the Chamber in the Reparations Order warranting the Appeals Chamber's intervention.

109. The LRVs therefore invite the Appeals Chamber to:

- a. dismiss the Defence appeal against the Reparations Order, and
- b. uphold the Chamber's Reparation Order for implementation and benefit of the eligible victims as determined by the Chamber.

Respectfully submitted by:



Joseph A. Manoba



Francisco Cox

¹¹⁸ Annex I to the Reparations Order [ICC-02/04-01/15-2074-Conf-Exp-Anx I](#), para. 2942.

Dated this 6th day of September 2024

At Kampala (Uganda), Santiago (Chile).