

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-02/04-01/15**
Date: **18 February 2025**

TRIAL CHAMBER II

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

SITUATION IN UGANDA

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

Public

Decision on the Draft Implementation Plan

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

☐ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

Counsel for Mr Ongwen

☒ **Legal Representatives of the Victims**

☐ **Legal Representatives of the Applicants**

☒ **The Office of Public Counsel for Victims**

☒ **Unrepresented Victims**

☐ **States' Representatives**

☒ **Trust Fund for Victims**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations Section**

☒ **Public Information and Outreach Section**

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Trial Chamber II (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Dominic Ongwen* (the ‘Ongwen case’), having regard to articles 75 and 79 of the Rome Statute, and rule 98 of the Rules of Procedure and Evidence, issues the following ‘Decision on the Draft Implementation Plan’.

I. PROCEDURAL HISTORY

1. On 28 February 2024, Trial Chamber IX issued the Reparations Order, in which it *inter alia*, instructed the Trust Fund for Victims (the ‘TFV’) to prepare a Draft Implementation Plan (the ‘DIP’) and submit it for approval by 3 September 2024.¹ Trial Chamber IX also invited the parties² and the Registry to provide observations on the DIP to be submitted by the TFV within 30 days from its submission.³
2. On 12 March 2024, the Presidency of the Court referred the *Ongwen* case to the Chamber.⁴
3. On 3 September 2024, the TFV submitted its DIP.⁵
4. On 3 October 2024, the Legal Representatives of Victims (the ‘LRVs’),⁶ the Common Legal Representative of Victims (the ‘CLRv’),⁷ and the Registry⁸ submitted their observations on the DIP.

¹ Reparations Order, [ICC-02/04-01/15-2074](#), paras 797, 800, p. 360. Specifically, Trial Chamber IX held that for clarity and efficiency purposes, the DIP shall be completed in the form of a chart, attached as Annex III to the Reparations Order. Trial Chamber IX explained its intention that Annex III would expedite the DIP approval process by eliciting the necessary information from the TFV regarding the proposed projects and any concise objections or observations that the parties and the Registry may raise in relation to each proposal. Trial Chamber IX noted that if the TFV considered it strictly necessary, it may submit a cover filing of not more than 20 pages pursuant to regulation 37 of the Regulations of the Court, though it expected that all information regarding the three required elements of the DIP be contained solely in the Annex III chart.

² For the purposes of reparations proceedings, the term ‘parties’ refers to the Defence and the victims’ representatives. Other participants in the proceedings, including the TFV and the Registry are referred to hereafter as the ‘participants’.

³ Reparations Order, [ICC-02/04-01/15-2074](#), para. 797.

⁴ Decision assigning judges to divisions and recomposing Chambers, [ICC-02/04-01/15-2079](#).

⁵ Trust Fund for Victims’ submission of Draft Implementation Plan, [ICC-02/04-01/15-2099](#) (the ‘DIP Covering Submission’), with Annex I, [ICC-02/04-01/15-2099-Anx](#) (the ‘DIP’).

⁶ Victims’ Observations to the Trust Fund for Victims Draft Implementation Plan (DIP), [ICC-02/04-01/15-2103](#), (the ‘LRV Observations’), with Annex I, [ICC-02/04-01/15-2103-Anx](#).

⁷ Observations on the Draft Implementation Plan for reparations submitted by the Trust Fund for Victims, [ICC-02/04-01/15-2102](#) (the ‘CLRv Observations’), with Annex I, [ICC-02/04-01/15-2102-Anx1](#).

⁸ Registry Observations on the Trust Fund for Victims’ Draft Implementation Plan, [ICC-02/04-01/15-2104](#) (the ‘Registry Observations’), with Annex I, [ICC-02/04-01/15-2104-Anx](#).

5. On 7 October 2024, the Defence for Mr Ongwen (the ‘Defence’) submitted its observations on the DIP.⁹

II. THE APPLICABLE FRAMEWORK

6. The Chamber recalls that Trial Chamber IX ruled that the DIP should include the following elements: (i) the reparation projects and measures that the TFV intends to develop under each modality; (ii) the corresponding harm that each project intends to remedy (physical, moral, material, community and/or transgenerational harm); and (iii) a brief overview of the steps required for the implementation of each project, including an estimated timeline for the implementation of each project and measure.¹⁰ The Chamber will therefore analyse these three elements in deciding whether to approve the measures proposed by the TFV.
7. Consistent with its oversight role, this Chamber joins Trial Chamber IX, and other Chambers of this Court,¹¹ in adopting a general approach to the approval of the projects and measures proposed by the TFV, and as such will only ‘render an overall decision to approve, modify or reject proposed measures’.¹² The Chamber agrees that this approach provides the TFV with sufficient certainty as to the status of each proposal, which will allow it to commence the detailed work of implementation in a more timely manner and result in the more efficient delivery of reparations to victims, of crimes that occurred over two decades ago.¹³ The Chamber further notes that this approach ‘makes implementation more flexible so that the TFV may have a continuing dialogue with all concerned within the scope of the selected projects approved by the Chamber’.¹⁴
8. The Chamber will first address the issues raised by the parties and participants apart from the projects proposed in the DIP. The Chamber will then address the specific proposals of the TFV in the DIP with respect to each modality.

⁹ Defence Response to the Trust Fund for Victims’ Submissions of the Draft Implementation Plan, [ICC-02/04-01/15-2105](#) (the ‘Defence Observations’).

¹⁰ Reparations Order, [ICC-02/04-01/15-2074](#), para. 798.

¹¹ See Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, Public Redacted Version of First Decision on the Trust Fund for Victims’ Draft Implementation Plan, 30 August 2023, [ICC-01/04-02/06-2860-Red](#) (the ‘Ntaganda First DIP Decision’), para. 20; Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, [ICC-01/12-01/15-324-Red](#) (the ‘Al Mahdi DIP Decision’), para. 17.

¹² Reparations Order, [ICC-02/04-01/15-2074](#), para. 804, citing, Ntaganda First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 20; Al Mahdi DIP Decision, [ICC-01/12-01/15-324-Red](#), para. 17.

¹³ Reparations Order, [ICC-02/04-01/15-2074](#), paras 803-804.

¹⁴ Reparations Order, [ICC-02/04-01/15-2074](#), para. 803, citing, Ntaganda First DIP Decision, [ICC-01/04-02/06-2860-Red](#), para. 20.

III. ISSUES RAISED BY THE PARTIES AND PARTICIPANTS

9. The Chamber notes that the parties and participants have generally not raised concerns with the programmes presented by the TFV in the DIP. The Registry submits that the DIP ‘generally aligns with the vast majority of such views, concerns and wishes of victims’,¹⁵ and the CLRV similarly states that the ‘TFV’s proposals appear consonant with the views expressed by her clients during the consultations [...]’.¹⁶ However, as noted above, the parties and participants have raised other issues apart from the specific projects proposed by the TFV in the DIP, which the Chamber addresses below.

a) Concern regarding the level of detail provided in the DIP

10. The Chamber notes the general submission of the LRVs that the DIP lacks details that would allow it to make meaningful observations on the proposed rehabilitation and symbolic measures.¹⁷ The LRVs also submit that the DIP should meet the ‘SMART’ standard criteria, namely, that the activities proposed in the DIP are specific, measurable, achievable, realistic, and timebound, which in the LRVs’ submission the TFV has failed to do.¹⁸ The CLRV also submits that while the DIP is consistent with the views expressed by her clients during consultations, the ‘measures proposed in the DIP are of a general nature and applicable to any reparations proceedings in the abstract’.¹⁹

11. The Chamber rejects the LRVs’ and CLRV’s submission that the DIP lacks sufficient detail or that the TFV should have incorporated the ‘SMART’ criteria. The Chamber recalls Trial Chamber IX’s clear instructions regarding the three elements the DIP must contain as well as the Chamber’s general approach to approving the DIP, which is described above.²⁰ The Chamber considers that, in accordance with these instructions, it was unnecessary for the TFV to provide further details or make reference to the SMART criteria.

¹⁵ Registry Observations, [ICC-02/04-01/15-2104](#), para. 11. The Chamber further notes that the LRVs have submitted an Annex that appears to include a Draft Implementation Plan drafted by the LRVs. Specifically, the LRVs stated that they have provided ‘concrete and detailed proposals that in the opinion of the LRVs provide the requisite detail that will enable the Chamber to expedite the approval process of the DIP as opposed to the one submitted by the TFV’. See LRV Observations, [ICC-02/04-01/15-2103](#), para. 3; see also paras 16-20. The Chamber notes in this respect that the LRV was invited to make submissions on the TFV’s DIP, not to submit its own. See Reparations Order, [ICC-02/04-01/15-2074](#), para. 797 where Trial Chamber IX invited the ‘parties and the Registry to provide observations on the DIP to be submitted by the TFV’.

¹⁶ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 14.

¹⁷ LRV Observations, [ICC-02/04-01/15-2103](#), para. 2.

¹⁸ LRV Observations, [ICC-02/04-01/15-2103](#), paras 6-10.

¹⁹ CLRV Observations, [ICC-02/04-01/15-2102](#), paras 14, 17.

²⁰ See paras 6-8 above.

12. The Chamber further notes that the CLRV has raised concerns about an alleged lack of detail regarding: (i) the ‘Ugandan context’ such as cultural, familial, and societal aspects;²¹ (ii) child victims and victims of sexual and gender-based crimes (hereinafter: ‘SGBC’);²² (iii) the location of the programming;²³ and, (iv) in relation to the timing of the programme, a starting point from which to measure the timelines provided in relation to all modalities of reparations.²⁴
13. While the Chamber acknowledges the significance of these issues raised by the CLRV, it finds that the additional details requested are not necessary for the approval of the DIP and the TFV can take these issues into account during the implementation of reparations. The Chamber does, however, consider it necessary to provide instruction in relation to two of the issues raised by the CLRV.
14. First, with respect to the timeline, the Chamber appreciates the concern this has caused victims who want a clear estimation as to when they can expect to receive the reparations that they are entitled to. The Chamber notes in this respect the TFV’s submission that the concrete timeline for the start date and continuous implementation of the DIP will depend on the timing and size of voluntary contributions received by the TFV for the purposes of the *Ongwen* case.²⁵ The Chamber therefore instructs the TFV to provide any additional updates regarding funding and potential start dates to the victims and the Chamber as soon as such information becomes available.

²¹ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 17.

²² CLRV Observations, [ICC-02/04-01/15-2102](#), paras 18-21. The CLRV argues that the DIP should have indicated how the TFV intends to tailor the programmes to child victims, both in terms of methodology and the reparations they are entitled to. The CLRV further submits that the ‘same considerations are true for SGBC victims since the DIP also does not specifically focus on said category of victims’. The Chamber notes that the TFV specifically addresses activities related to this group of victims in psychological measure 4 and symbolic measure 3. See DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 5, 8.

²³ CLRV Observations, [ICC-02/04-01/15-2102](#), paras 22-24. Specifically, the CLRV notes that the DIP does not include information regarding how medical and/or psychological services will be provided where there are no facilities (particularly in Pajule). The Registry also notes that in its consultations, victims stressed the importance of having reparations delivered close to where victims reside and highlighted victims’ concerns that Gulu is too far from the location of the four former IDP camps and that victims of thematic crimes are ‘scattered throughout Northern Uganda, some of them in extremely remote locations’. As such, the Registry submits that ‘any initiative to bring the reparations programmes as close as possible to the locations of beneficiaries would thus be welcomed by the victims’. To this end, the Registry advises that throughout the administrative eligibility process, it will keep the TFV informed of all locations where victims reside. See Registry Observations, [ICC-02/04-01/15-2104](#), paras 11-12.

²⁴ CLRV Observations, [ICC-02/04-01/15-2102](#), paras 28-29.

²⁵ DIP Covering Submission, [ICC-02/04-01/15-2099](#), para. 35.

15. Second, with respect to the location of the programming, the Chamber notes the CLRV's submission that is not clear from the DIP whether transportation fees for the beneficiaries will be covered by the TFV as per practice in past and ongoing reparations programmes.²⁶ The Chamber therefore instructs the TFV to clarify this in its next update report, the timing of which is discussed below.

b) Alleged failure to address certain harms

16. The Chamber notes the CLRV's submission that victims of SGBC, children born of SGBC, and former child soldiers suffered material harm in the form of, *inter alia*, loss of education, and the DIP should have addressed this specific harm.²⁷ The CLRV also submits that 'none of the measures proposed in the DIP seems to address the specific material harm caused by the lack of shelter/homes and loss of property, which are nonetheless explicitly recognised by the Chamber for all direct victims of the attacks'.²⁸

17. The Chamber recalls the Reparations Order, which stated that direct victims of SGBC, children born of SGBC, and former child soldiers suffered material harm in the form of, *inter alia*, loss of education.²⁹ Trial Chamber IX further found that the direct victims of the crimes committed by Mr Ongwen suffered material harm that included loss of housing and property and lack of shelter.³⁰ The Chamber further recalls Trial Chamber IX's ruling that restitution and compensation were not appropriate modalities of reparations 'due to the extremely high number of victims in this case' and that a 'trial chamber must order reparations measures whose implementation are at least probable'.³¹ Trial Chamber IX instead ruled that the material harm caused by, *inter alia*, the loss of education or the lack of shelter/homes and loss of property was to be addressed through the modalities of rehabilitation and symbolic/satisfaction measures.³² As such, consistent with the Reparations Order, the TFV can address the material harm caused to victims when designing specific socioeconomic projects under socioeconomic measure 1, and through the collective community-based symbolic and satisfaction measures.

²⁶ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 23.

²⁷ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 21.

²⁸ CLRV Observations, [ICC-02/04-01/15-2102](#), paras 25-27. *See also* LRV Observations, [ICC-02/04-01/15-2103](#), para. 11.

²⁹ Reparations Order, [ICC-02/04-01/15-2074](#), paras 314, 414 (c)(iii), 545, 550.

³⁰ Reparations Order, [ICC-02/04-01/15-2074](#), paras 243, 256, 414 (a)(iii).

³¹ Reparations Order, [ICC-02/04-01/15-2074](#), paras 612-614.

³² Reparations Order, [ICC-02/04-01/15-2074](#), paras 617, 620.

c) Sequencing of reparations programmes

18. The CLRV requests clarification from the Chamber as to the order in which the rehabilitation measures, the symbolic and satisfaction measures, and the symbolic monetary award will be implemented.³³ On this point, the CLRV notes that during consultations, victims expressed that they would like the rehabilitation measures implemented as soon as possible given how severely the crimes had impacted their lives and that the lack of reparative measures had caused ‘further deterioration in their living conditions’.³⁴ As such, the CLRV submits that symbolic and satisfaction measures should be implemented ‘after the rehabilitation measures have benefitted victims’.³⁵
19. With respect to the order in which the modalities of reparations are to be implemented, the Chamber notes that the Reparations Order states that ‘the payment of symbolic monetary awards should be prioritised over rehabilitation and other symbolic measures’.³⁶ However, the Chamber also emphasised that the TFV’s Board of Directors is entitled to shape the timing of the delivery of the different components of the reparation according to the results of its fundraising activities and the collected resources, which could have an impact on the implementation of the reparations awarded.³⁷ Further, the Reparations Order set out several principles of prioritisation in relation to victims, including that first priority should be given to the vulnerable victims who are in dire need of urgent assistance.³⁸ The Reparations Order defined urgent victims as those in ‘need to receive immediate physical and/or psychological medical care, and/or support due to financial hardship that endangers the person’s life’.³⁹
20. Having considered the Reparations Order’s competing prioritisation of modalities and prioritisation of victims as well as its explanation of the role of the TFV, the Chamber cannot accept the submission of the CLRV that rehabilitation measures should be implemented exhaustively before the symbolic monetary awards as this would be in contravention of the Order. However the Chamber also does not interpret the prioritisation of symbolic monetary awards as meaning that all symbolic monetary awards must be paid to all victims before the rehabilitation and other symbolic and satisfaction measures may

³³ CLRV Observations, [ICC-02/04-01/15-2102](#), paras 31-33.

³⁴ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 32.

³⁵ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 32.

³⁶ Reparations Order, [ICC-02/04-01/15-2074](#), para. 638.

³⁷ Reparations Order, [ICC-02/04-01/15-2074](#), paras 818-820.

³⁸ Reparations Order, [ICC-02/04-01/15-2074](#), paras 655-662.

³⁹ Reparations Order, [ICC-02/04-01/15-2074](#), para. 659.

commence. Such an interpretation could result in a situation whereby victims are forced to wait many years to have physical and psychological harms addressed, while the TFV locates victims and raises funds to pay all symbolic monetary awards to an estimated 49,772 victims,⁴⁰ and is clearly contrary to the intention of the Reparations Order. The Chamber thus defers to the expertise of the TFV in ensuring that reparations are implemented respecting the prioritization principles in the Order but also in the most efficient and cost-effective manner.⁴¹

d) Concerns regarding the actors involved in the implementation of reparations

21. The CLRV submits that victims have expressed concerns about ‘certain authorities who, if associated too closely, could jeopardise the reparations process’.⁴² The CLRV notes that this concern amongst some victims results from ‘prior experiences of official initiatives failing due to, *inter alia*, rampant corruption, existing in Uganda’.⁴³ The CLRV further stresses that victims have expressed a similar concern regarding the selection of implementing partner(s), noting their concern that the implementing partner selected could mismanage funds and ‘render the whole process ineffective’.⁴⁴ The CLRV therefore underlines the importance of the TFV conducting a ‘rigorous review process of the proposals received by potential partner organisations, including by making sure that they are not known to the national authorities for matters of corruption’.⁴⁵

22. The Chamber notes the concerns of victims raised by the CLRV in this regard and is confident that the TFV will undertake adequate due diligence when selecting an implementing partner.

e) Programme support costs

23. The LRVs argue that the administrative costs ought not to be covered by the reparations budget.⁴⁶

⁴⁰ Reparations Order, [ICC-02/04-01/15-2074](#), para. 776.

⁴¹ See Reparations Order, [ICC-02/04-01/15-2074](#), paras 818-820.

⁴² CLRV Observations, [ICC-02/04-01/15-2102](#), para. 35.

⁴³ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 35.

⁴⁴ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 37.

⁴⁵ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 38.

⁴⁶ LRV Observations, [ICC-02/04-01/15-2103](#), para. 14.

24. The CLRV submits that the DIP does not indicate whether the total amount of liability of 52,429,000 EUR will be used to cover the programme support costs.⁴⁷ The CLRV argues that in determining the total amount of liability, Trial Chamber IX added the estimated cost for each of the components of the reparations programme, *i.e.* collective community-based rehabilitation programmes, the cash payment and other symbolic and satisfaction measures.⁴⁸ With respect to the symbolic payment, the CLRV submits that Trial Chamber IX ‘multiplied the approximate number of victims by the amount they are entitled to receive, therefore implying that any support costs for ensuring the delivering of the award (such as transfer fees and others) would be borne by the TFV’.⁴⁹ The CLRV submits that ‘any other reading of the Reparations Order would result in considerably reducing the amount of reparations awarded to the victims, and making Mr Ongwen liable for programme support costs’.⁵⁰ The CLRV therefore submits its understanding that all support costs associated with the programme will be incurred by the TFV directly, and not deducted from the total amount awarded by the Chamber to the victims.⁵¹
25. The Chamber rejects, in part, the CLRV’s and LRVs’ position that programme support costs were not included in the total amount of liability determined by the Chamber for the provision of reparations to the victims in this case. The Chamber recalls that Trial Chamber IX calculated the total amount of liability by combining three categories of reparations awarded to victims: (i) rehabilitation programmes, totalling 15,000,000 EUR; (ii) symbolic cash payments, totalling 37,329,000 EUR; and (iii) other symbolic/satisfaction measures, totalling 100,000 EUR.⁵²
26. With respect to rehabilitation programmes, the Chamber considers that support costs were included in the total amount of liability. In determining the amount of 15,000,000 EUR liability, Trial Chamber IX relied on an estimate provided by the TFV, based on the TFV’s experience in running general assistance programmes in Uganda.⁵³ Trial Chamber IX recounted the TFV’s submission that its ‘implementing partners, which are essential for programming, have indirect costs for running the programme and must necessarily be

⁴⁷ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 41.

⁴⁸ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 41.

⁴⁹ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 42.

⁵⁰ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 43.

⁵¹ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 43.

⁵² Reparations Order, [ICC-02/04-01/15-2074](#), para. 795.

⁵³ Reparations Order, [ICC-02/04-01/15-2074](#), paras 786-788.

included in the cost assumptions [...].⁵⁴ The Chamber notes that in its submission underlying the Reparations Order, the TFV explained that its cost estimate ‘include[d] all direct and indirect costs [...]’.⁵⁵ Trial Chamber IX further stated that this amount reflected ‘the cost of *implementing* the collective community rehabilitation programmes ordered in the present case’.⁵⁶ The Chamber therefore finds that the 15,000,000 EUR awarded for rehabilitation measures included programme support costs.

27. Similarly, the Chamber finds that programme support costs were included in the 100,000 EUR awarded for other symbolic/satisfaction measures in the Reparations Order. In determining this sum, Trial Chamber IX relied on the estimated costs provided by the Acholi Religious Leaders Peace Initiative (the ‘ARLPI’) for implementing symbolic/satisfaction measures.⁵⁷ The Chamber notes that while the ARLPI separately listed some programme support costs related to running reparations programmes in the region,⁵⁸ Trial Chamber IX referred to the estimated costs for ‘implementing’ those measures when estimating the total sum for community symbolic/satisfaction measures.⁵⁹ The Chamber therefore considers that the calculated amount awarded in the Reparations Order necessarily takes into account the programme support costs associated with the symbolic measures being implemented. The Chamber finds further support for this interpretation given that programme support costs were included by Trial Chamber IX in the 15,000,000 EUR awarded for rehabilitation measures.⁶⁰

28. Finally, regarding symbolic cash payments, the Chamber concurs with the CLRV that programme support costs were not included in the total amount awarded by Trial Chamber IX. Thus, to the extent that there are additional programme support costs related to the

⁵⁴ Reparations Order, [ICC-02/04-01/15-2074](#), para. 763.

⁵⁵ Trust Fund for Victims’ Final Observations on Reparations, 7 March 2022, [ICC-02/04-01/15-1992](#) (the ‘TFV submission on reparations’), paras 75-81. In its submission, the TFV recalled that the concept ‘indirect costs’ is defined in its Budget Format Guidelines and includes ‘central administration, central programme/department administration, other internally and externally provided services, and programme/departmental programme services (central/strategic planning, resource mobilization, and reporting)’, TFV submission on reparations, [ICC-02/04-01/15-1992](#), fn 129.

⁵⁶ Reparations Order, [ICC-02/04-01/15-2074](#), paras 788 [emphasis added].

⁵⁷ Submissions of amicus curiae observations (hereinafter: ‘ARLPI’s Observations’), 30 November 2021 (notified on 9 December 2021), [ICC-02/04-01/15-1925](#).

⁵⁸ ARLPI’s Observations, [ICC-02/04-01/15-1925](#), pp. 15-16.

⁵⁹ Reparations Order, [ICC-02/04-01/15-2074](#), paras 793-794.

⁶⁰ See para. 26 above.

payment of the symbolic cash award, the Chamber finds that they must be borne by the TFV.

29. Considering the above, the Chamber concludes that programme support costs were included in the total sums determined in the Reparations Order for rehabilitation programmes and for other symbolic/satisfaction measures, while they are excluded from the total sum calculated for symbolic cash payments.

f) Funding of the reparations programme

30. The CLRV submits that the lack of information regarding funding that has been secured by the TFV for the reparations programme raises questions as to if, and when, the measures proposed in the DIP will be fully implemented.⁶¹ The CLRV therefore submits that the Chamber should request additional information regarding funding from the TFV before approving the DIP.⁶²
31. While the Chamber understands the concerns of the CLRV regarding the funding, it does not agree that additional information is required prior to approving the DIP. The TFV has submitted that its Board of Directors is committed to mobilise resources to complement the Reparations Order in full or to the maximum extent possible and is ‘convinced that it is possible to mobilise the resources needed’.⁶³ The TFV notes that it has engaged with potential donors and issued an urgent call for 5 million EUR on 27 June 2024, in order to be in a position to ‘start implementation without delays soon after the first eligibility determinations by VPRS and the related prioritisations will be shared’.⁶⁴ However, the TFV informs the Chamber that as of the date of the submission of the DIP, it has not yet secured voluntary contributions for the purpose of the *Ongwen* case reparations programme.⁶⁵ The

⁶¹ CLRV Observations, [ICC-02/04-01/15-2102](#), para. 39.

⁶² Specifically, the CLRV requests that the Chamber request additional information on: (i) the current status of the efforts put in place by the TFV to collect the necessary financial resources to start the implementation process of reparations in a timely manner; (ii) whether the previously stated scarce funding situation has an impact on the procurement process to secure implementing partner(s); (iii) the current status of the TFV Request for Expression of Interest (EOI) to select implementing partner organisations in Uganda (expired on 1 October 2024) and the subsequent TFV procurement plan for identifying suitable partner(s) and relevant timelines; (iv) whether the TFV intends to publish further EOI and, in the affirmative, the respective timeline; (v) the amount of funds that will be allocated to the collective community-based rehabilitation measures; and (iv) funds already earmarked for reparations in the *Ongwen* case, if any. See CLRV Observations, [ICC-02/04-01/15-2102](#), para. 40.

⁶³ DIP Covering Submission, [ICC-02/04-01/15-2099](#), paras 31-32. See also CLRV Observations, [ICC-02/04-01/15-2102](#), para. 44.

⁶⁴ DIP Covering Submission, [ICC-02/04-01/15-2099](#), para. 33.

⁶⁵ DIP Covering Submission, [ICC-02/04-01/15-2099](#), para. 33.

Chamber instructs the TFV to provide regular updates regarding the funding of the reparations programme through its reporting requirements discussed below.⁶⁶

g) Additional reparations projects proposed

32. The Chamber notes that the Registry proposes two additional reparations measures to be included in the DIP, namely: (i) assistance for children born in captivity to obtain birth certificates and national ID documents; and (ii) assistance with moving the remains of the individuals killed in the attacks to their original places of residence.⁶⁷
33. The Chamber finds that the measures proposed fall within the scope of the Reparations Order such that the TFV can consider whether the proposed measures are feasible and could be incorporated into the programme. The Chamber also notes that implementation of these measures would be dependent on cooperation with the Government of Uganda and encourages the TFV to engage with the Government of Uganda on the issue.
34. Finally, while the Chamber takes note of the Registry's proposals, it reminds the Registry that it is the role of the TFV to consult with victims and propose projects for the DIP. The Chamber notes that the TFV and the Registry may consult with one another in advance of future submissions to the Chamber where appropriate.

IV. THE DRAFT IMPLEMENTATION PLAN

35. Turning to the substance of the DIP, the Chamber notes that, pursuant to regulation 70 of the Regulations of the Trust Fund for Victims and as was instructed in the Reparations Order, the TFV consulted with the victims on the nature of the collective community-based

⁶⁶ See paras 78-79 below.

⁶⁷ Registry Observations, [ICC-02/04-01/15-2104](#), para. 13. See also Annex II to the Registry's Mapping Report and Submission on Reparations, 6 December 2021, [ICC-02/04-01/15-1919-AnxII](#), para. 47.

awards and the methods of implementation.⁶⁸ The TFV submits that the information collected was fully integrated in the DIP.⁶⁹

36. The Chamber notes, with appreciation, the TFV's extensive consultations with victims and the representation of victims' views in the DIP and stresses the importance of the work of the TFV to strengthen its coordination and collaboration with the parties, participants, and the Registry, notably the Victims Participation and Reparations Section (the 'VPRS') and the Public Information and Outreach Section (the 'PIOS').
37. The Chamber recalls that Trial Chamber IX ordered collective community-based reparations.⁷⁰ Specifically, Trial Chamber IX ordered: (a) rehabilitation measures; and (b) symbolic and satisfaction measures, including (i) a symbolic award of 750 EUR for all eligible victims; and (ii) other community symbolic and or satisfaction measures.⁷¹
38. The DIP proposes projects in relation to each of these measures.⁷² The Chamber will address the TFV's proposals for the reparations programme in the approximate order in which they will take place during the implementation process, which includes: (a) the creation of a participatory mechanism; (b) collective community-based rehabilitation measures; (c) collective community-based symbolic and satisfaction measures; and (d) the proposal to create a feedback mechanism.

⁶⁸ Specifically, the TFV submits that it carried out consultations with potentially eligible participating and non-participating victims from 30 April to June 2024. In that five-week period, a sample of 2,715 potentially eligible victims (Female: 1,448 (53%), Male: 1,267 (47%)) located in Abok (438 participants), Lukodi (421 participants), Odek (423 participants), and Pajule (1,182 participants), as well as in Gulu (251 participants) were consulted directly by the TFV on the nature and implementation of reparations. Those consulted comprised 2,464 former IDP location victims and 251 thematic victims. The TFV notes that the consultations spanned 24 days across five districts, 29 parishes, and 276 villages, with a focus on accessibility for participants. The meetings, 47 in total, were conducted in groups based on crime type, victim location, gender, and age, with male and female facilitators leading gender-specific groups. See DIP Covering Submission, [ICC-02/04-01/15-2099](#), paras 20-23. Regarding the Defence's argument that the TFV should have provided 'quantifiable data within the DIP' with respect to how many non-participating victims are 'content or agreeable to the prioritisation of participating victims receiving reparations before them,' (see Defence Observations, [ICC-02/04-01/15-2105](#), paras 9-11), the Chamber notes that the matter of prioritisation was decided by Trial Chamber IX in the Reparations Order and as such is not an issue before this Chamber. See Reparations Order, [ICC-02/04-01/15-2074](#), paras 655-662.

⁶⁹ DIP Covering Submission, [ICC-02/04-01/15-2099](#), para. 18.

⁷⁰ Reparations Order, [ICC-02/04-01/15-2074](#), paras 575, 577.

⁷¹ Reparations Order, [ICC-02/04-01/15-2074](#), para. 664.

⁷² The TFV clarifies that there are several preconditions to the implementation of the DIP including: (a) the receipt of prioritised list of eligible victims from the VPRS; (b) the availability of funding to support the proposals; (c) the availability of service providers and in-country expertise as required; (d) that beneficiaries are reachable and can be invited for intake; (e) access of IPs to relevant localities for service provision; and (f) the TFV's ability to access the country. See DIP, [ICC-02/04-01/15-2099-Anx](#), p. 10.

a) Participatory mechanism

39. **Description of project.** The TFV proposes to create a participatory mechanism, which involves the community of beneficiaries being ‘actively involved in the design, selection, implementation, and monitoring, as appropriate, of reparation measures’ (the ‘Participatory Mechanism’).⁷³ The Participatory Mechanism would be involved, for example, in the design and selection of memorialisation and commemoration projects under the symbolic and satisfaction measures modality.⁷⁴ The Chamber notes that the Registry is supportive of the Participatory Mechanism as it ‘strongly believes such active participation of victims to be crucial for a meaningful reparations process’.⁷⁵
40. The TFV submits that the Participatory Mechanism will be based at appropriate locations in and around the four case locations or in Gulu, and at other locations where beneficiaries, in particular thematic crime victims, reside, insofar as appropriate.
41. **Harm.** The TFV proposes to implement the Participatory Mechanism to address all the types of harm that Mr Ongwen caused to victims, with focus on moral, community and material harm.⁷⁶
42. **Steps for implementation.** The TFV provides three phases for the implementation of the Participatory Mechanism: the preparatory phase; the implementation phase; and the closure phase.⁷⁷
43. Having assessed the above, the Chamber is content that the TFV has adequately provided a description of the Participatory Mechanism, the harm the Participatory Mechanism is intended to address, and a sufficient overview of the steps required for its implementation. The Chamber concurs with the Registry that the active participation by victims in the design

⁷³ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 9.

⁷⁴ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

⁷⁵ Registry Observations, [ICC-02/04-01/15-2104](#), para. 6.

⁷⁶ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 9.

⁷⁷ The TFV submits that the preparatory phase will involve the finalisation of the framework of the programme based on the approved DIP which will take four to eight months. The implementation phase will start with the development of a methodology to form the Participatory Mechanism, through hired experts and in close cooperation between the TFV and the Registry. The TFV will consult, develop, and validate the methodology with all relevant stakeholders to approve it. This is expected to take between 12 to 18 months. The TFV will then implement the Participatory Mechanism. The closure phase will commence with the impending completion of services. The TFV submits that this phase will involve (i) an information campaign with the PIOS to advise the victims that the reparations programme is ending; (ii) the closure of the projects; and (iii) the closure of the programme, during which the TFV will procure and conduct a programme-wide final evaluation and draft and submit a final report to the Chamber pursuant to regulation 58 of the Regulations of the Trust Fund for Victims.

of the reparations programme, as appropriate, is essential to reparations being impactful and successful for victims.⁷⁸ The Chamber further finds that victim participation through such a mechanism to be consistent with a victim-centred approach to reparations, which requires the involvement of victims at all stages of the proceedings, allowing them to gain a sense of ownership and recognising their active contribution to the process.⁷⁹ As such, the TFV's proposal of a Participatory Mechanism for victims is approved.

b) Collective community-based rehabilitation measures

44. The Chamber recalls that Trial Chamber IX ordered collective community-based rehabilitation programmes directed at addressing all types of harm suffered by the victims as identified by the Chamber, i.e. physical, moral, material, community, and transgenerational harms.⁸⁰ Trial Chamber IX stated that collective community-based measures of rehabilitation in this regard may include: rehabilitative medical services to address physical and moral harms and socio-economic rehabilitation to address material harms.⁸¹ In the DIP, the TFV proposes three forms of rehabilitation: physical, psychological, and socioeconomic, which the Chamber will address below.

1. Physical rehabilitation

45. With respect to physical rehabilitation, the TFV proposes three 'medical measures' intended to address the physical harm suffered by the victims.

46. **Description of projects.** Medical measure 1 involves the assessment of the health needs of beneficiaries based on the harm caused to them by Mr Ongwen.⁸² Depending on the outcome of the medical assessment, beneficiaries may be admitted to medical measure 2, which is the provision of medical care and treatment for beneficiaries.⁸³ Medical measure 3 involves training health care practitioners who will interact with beneficiaries to ensure that they receive clear communication regarding diagnosis and treatment options, with a

⁷⁸ Registry Observations, [ICC-02/04-01/15-2104](#), para. 6.

⁷⁹ Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), para. 45.

⁸⁰ Reparations Order, [ICC-02/04-01/15-2074](#), para. 617.

⁸¹ Reparations Order, [ICC-02/04-01/15-2074](#), para. 617.

⁸² DIP, [ICC-02/04-01/15-2099-Anx](#), p. 2.

⁸³ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 2-3. The TFV specifies that treatment options may include, for example, primary and specialised medical care, access to prosthetic or other supported/orthopaedic devices, physiotherapy, and other forms of medical or palliative care.

view to enabling beneficiaries to remain well-informed during their care and empower them to participate in their medical decision making.⁸⁴

47. The TFV submits that the medical assessment will take place locally at the available medical and health facilities in and around the four main case locations, namely, Abok, Lukodi, Pajule and Odek (the ‘Case Locations’), as well as other locations where beneficiaries reside.⁸⁵ The TFV submits that medical treatments will take place at the Case Locations, appropriate facilities in Gulu and at other locations where beneficiaries reside through deployment of medical personnel and teams to community health facilities, and through mobile medical teams or mobile surgical camps for locations lacking local infrastructure.⁸⁶

48. **Harm.** The TFV submits that the purpose of medical measures is to rectify the physical harm caused to beneficiaries as a result of the crimes for which Mr Ongwen was convicted.⁸⁷

49. **Steps for implementation.** The TFV provides three phases for the implementation of medical measures: the preparatory phase; the implementation phase; and the closure phase.

50. The TFV submits that the preparatory phase will involve the finalisation of the framework of the programme based on the approved DIP, taking four to eight months; the procurement of an implementing partner, taking 12 to 18 months; and the design by the TFV, in close consultation with the Registry, of a feedback mechanism.⁸⁸

51. The implementation phase involves both the ‘startup phase’ and the ‘ongoing implementation phase’.⁸⁹ The startup phase will take five to eight months after the contract with the implementing partner comes into force. During this phase, the implementing partner and the TFV will prepare for the implementation of reparations by hiring personnel, conducting training sessions, setting up data management tools and instituting safeguarding

⁸⁴ Specifically, the TFV notes that this will involve the implementation of guidelines on healthcare communication, training on best practices for medical/health care and communication for practitioners, including sensitisation on gender-based violence, on relevant Ugandan and international standards, and on preventing abuse of power in healthcare relationships. See DIP, [ICC-02/04-01/15-2099-Anx](#), p. 3.

⁸⁵ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 2.

⁸⁶ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 3.

⁸⁷ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 2-3.

⁸⁸ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 3.

⁸⁹ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 2-3.

protocols as well as the feedback mechanism.⁹⁰ The ongoing implementation phase will continue throughout the life of the programme and involves the implementation of the projects, monitoring the programme (including ensuring that concerns of beneficiaries are heard and addressed), reporting (including to the Chamber), and evaluation cycles.⁹¹

52. Finally, the TFV submits that the closure phase will involve an information campaign with the PIOS to advise that the reparations programme is ending, the closure of the projects and the programme, during which the TFV will procure and conduct a programme-wide final evaluation and submit a final report to the Chamber pursuant to regulation 58 of the Regulations of the Trust Fund for Victims.⁹²

53. Having assessed the above, the Chamber is content that the TFV has adequately provided a description of the projects proposed, demonstrated how these projects will address the harm suffered by victims, and provided a sufficient overview of the steps required for implementation. As such, the TFV's proposal for physical rehabilitation is approved.

2. Psychological rehabilitation

54. With respect to psychological rehabilitation, the TFV proposes four 'psychological measures' intended to address the moral, transgenerational, and community harm suffered by victims.⁹³

55. **Description of projects.** Psychological measure 1 involves psychological and psychosocial mental health services for beneficiaries suffering from harm as a result of the crimes Mr Ongwen was convicted for.⁹⁴ Psychological measure 2 focuses on the community and involves organised psychosocial group activities such as psychosocial therapies 'in the

⁹⁰ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 2-3. Regarding medical measure 3, the TFV submits that during this period it will also adopt guidelines on healthcare communications with beneficiaries and organise training for medical staff, upon advice of a hired expert and in consultation with the implementing partner.

⁹¹ Specifically, the TFV submits that the TFV and implementing partner will: ensure good beneficiary data management; ensure that concerns of beneficiaries are heard and addressed; and that the implementing partner will provide regular qualitative, quantitative, and financial reporting to the TFV on implementation progress. The TFV further submits that it will be responsible for: programmatic, qualitative, and quantitative monitoring of the implementing partner through *e.g.* high-frequency interaction with implementing partner, review of implementing partner reports, on-site visits, interviews with beneficiaries in the form of feedback and spot check; financial monitoring of the programme through *e.g.* verification checks, review of financial reports, receipt of implementing partner audit reports; reporting to the Chamber; reporting to donors; and procuring and conducting mid-term evaluation of medical services as appropriate. See DIP, [ICC-02/04-01/15-2099-Anx](#), p. 3.

⁹² DIP, [ICC-02/04-01/15-2099-Anx](#), p. 3.

⁹³ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 4-5.

⁹⁴ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 4. The TFV submits that treatment options will include individual, family or group counselling services and referrals for specialist services if necessary.

form of art music, dance, drama, sports, and cultural or traditional activities’.⁹⁵ Psychological measure 3 involves a campaign to raise awareness and induce social change on the psychological impact of crimes on the mental health of victims.⁹⁶ Finally, psychological measure 4 involves the sensitisation of the broader community to address stigma confronted by victims.⁹⁷

56. The TFV submits that psychological measures 1 and 2 will take place in and around the Case Locations, in Gulu, and at other locations where beneficiaries reside.⁹⁸ Psychological measures 3 and 4 will take place ‘in and around the [C]ase [L]ocations and beyond, insofar as possible’.⁹⁹

57. **Harm.** The TFV submits that the purpose of psychological measures is to rectify the moral, community, and transgenerational harm caused to beneficiaries as a result of the crimes for which Mr Ongwen was convicted.¹⁰⁰

58. **Steps for implementation.** With respect to psychological measures 1 and 2, the TFV submits that these measures will be implemented by one or more implementing partners. As such, the same steps and timelines apply as provided for medical measures 1 and 2.¹⁰¹ Psychological measure 3 will be implemented as part of psychological measures 1 and 2 in addition to the following steps: (a) a startup phase during which the TFV and the implementing partner will develop an information campaign and other mobilisation activities in close coordination with the Registry and after consultation with relevant Ugandan health authorities and healthcare providers, which will take between 15 to 20 months;¹⁰² and (b) the ongoing implementation phase, during which the information campaign will be launched in consultation with the Registry and with local and national authorities.¹⁰³ Finally, psychological measure 4 will be implemented as part of measures 1 and 2 in addition to an ongoing implementation phase, during which the TFV will engage

⁹⁵ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 4.

⁹⁶ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 5.

⁹⁷ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 5. The TFV explains that activities may include sensitisation and psycho-educational initiatives with various stakeholders to inform and confront the impact of stigma often associated with mental health, well-being, and reintegration challenges, as well as gender-based stigma, experienced by victims, including survivors of SGBC, their children, and former child soldiers.

⁹⁸ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 4.

⁹⁹ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 5.

¹⁰⁰ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 4-5.

¹⁰¹ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 3. See paras 49-52 above.

¹⁰² DIP, [ICC-02/04-01/15-2099-Anx](#), p. 4.

¹⁰³ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 4.

with local authorities and through the Participatory Mechanism to develop and launch programmes to address stigma in the relevant communities.¹⁰⁴

59. Having assessed the above, the Chamber is content that the TFV has adequately provided a description of the projects proposed, demonstrated how these projects will address the harm suffered by victims, and provided a sufficient overview of the steps required for implementation. As such, the TFV's proposal for psychological rehabilitation is approved.

3. *Socioeconomic rehabilitation*

60. With respect to socioeconomic rehabilitation, the TFV proposes two 'socio-economic measures' intended to address the material, community and moral harm suffered by the victims.¹⁰⁵

61. **Description of projects.** The Chamber understands that socio-economic measure 1 involves the identification of potential socioeconomic activities for victims that are relevant, sustainable, and have economic and reparative value.¹⁰⁶ The TFV submits that in order to identify potential socio-economic activities, it will undertake an economic study to map available services and vocations, to systematise the range of socio-economic activities and potential impacts, as well as to consider feasibility and costs of the measures/services.¹⁰⁷ Further, the TFV proposes to convene meetings with beneficiaries through the Participatory Mechanism to deliberate and select potential socioeconomic activities that could be made available to victims.¹⁰⁸ Socio-economic measure 2 is the implementation of the socio-economic initiatives that will be developed through the process envisioned in measure 1.¹⁰⁹

62. The TFV indicates that socioeconomic measures 1 and 2 will take place in and around the Case Locations or in Gulu, and at other locations where beneficiaries, in particular thematic crime victims, reside, insofar as possible.¹¹⁰

¹⁰⁴ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 5.

¹⁰⁵ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹⁰⁶ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹⁰⁷ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹⁰⁸ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹⁰⁹ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6. The TFV submits that specific services may include vocational trainings along with provision of starter kits, support of diverse vocations (including agricultural) coupled with material and equipment, and Village Savings and Loan Associations (micro-credit initiatives within communities), income generating activities, small enterprise development, and business coaching.

¹¹⁰ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

63. **Harm.** The TFV submits that the purpose of socio-economic measures is to remedy the material, community, and moral harms caused to beneficiaries as a result of the crimes for which Mr Ongwen was convicted.¹¹¹
64. **Steps for implementation:** The TFV submits that socio-economic measures 1 and 2 will be conducted by one or more implementing partners. The same steps and timelines will apply as per medical measures 1 and 2,¹¹² with the addition of: (a) a preparatory phase; (b) a startup phase; and (c) an ongoing implementation phase.¹¹³
65. Regarding the preparatory phase, while procurement of implementing partners is ongoing, the TFV will engage a socio-economic expert to implement the TFV's socio-economic reparation methodology and conduct the economic study.¹¹⁴ The startup phase will last between 12 to 18 months.¹¹⁵ The socio-economic expert will take six to eight months to conduct the economic study and the TFV, the implementing partner and the socio-economic expert will develop the TFV's draft socio-economic reparation methodology over a period of nine to 12 months.¹¹⁶
66. Having assessed the above, the Chamber is content that the TFV has adequately provided a description of the projects proposed, demonstrated how these projects will address the harm suffered by victims, and provided a sufficient overview of the steps required for implementation. As such, the TFV's proposal for socioeconomic rehabilitation is approved.

c) Collective community-based symbolic and satisfaction measures

67. Trial Chamber IX ordered collective community-based reparations focused on symbolic and satisfaction measures, which would include: (i) the payment of a symbolic award for each victim and (ii) other community symbolic and satisfaction measures.¹¹⁷ Trial Chamber IX further stated that details regarding the delivery of the symbolic cash payment did not need to be included in the DIP and that the TFV may begin distributing the payment without

¹¹¹ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹¹² See paras 49-52 above.

¹¹³ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹¹⁴ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹¹⁵ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹¹⁶ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 6.

¹¹⁷ Reparations Order, [ICC-02/04-01/15-2074](#), para. 620.

waiting for the approval of the DIP.¹¹⁸ As such, this decision only addresses the other community symbolic and satisfaction measures proposed by the TFV.

68. The TFV proposes three symbolic measures intended to address the moral, transgenerational, and community harm suffered by victims.¹¹⁹

69. **Description of Projects.** Symbolic measure 1 involves memorialisation and commemoration projects that will be designed by victims through the Participatory Mechanism.¹²⁰ Activities may include, for example, structures or monuments, memorial prayer services, cultural cleansing and reconciliation ceremonies, and a possible apology by Mr Ongwen.¹²¹ Symbolic measure 2 will include activities aimed at community healing such as traditional music, drama initiatives, and sporting events.¹²² The activities will also be selected through the Participatory Mechanism.¹²³ Finally, symbolic measure 3 involves campaigns to combat stigma faced by victims, including survivors of SGBC, children of SGBC survivors, former child soldiers, persons with disabilities, persons with visible or evident scars and injuries, and victims who have suffered transgenerational harm.¹²⁴ The TFV submits that activities may include advocacy campaigns, sensitisation trainings, and workshops.¹²⁵

70. **Harm.** The TFV submits that the purpose of symbolic and satisfaction measures is to remedy moral, transgenerational and community harm that was caused to beneficiaries as a result of the crimes for which Mr Ongwen was convicted.¹²⁶

71. **Steps for implementation:** The TFV provides three phases for implementation of symbolic measures: the preparatory phase; the implementation phase; and the closure phase.¹²⁷

72. The TFV submits that the preparatory phase involves: (i) the finalisation of the framework of the programme based on the approved DIP, taking four to eight months; (ii) the determination on whether procuring an implementing partner or hiring a consultant is

¹¹⁸ Reparations Order, [ICC-02/04-01/15-2074](#), para. 806.

¹¹⁹ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 7-8.

¹²⁰ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 7.

¹²¹ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 7.

¹²² DIP, [ICC-02/04-01/15-2099-Anx](#), p. 7.

¹²³ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 7.

¹²⁴ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 8.

¹²⁵ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 8.

¹²⁶ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 7-8.

¹²⁷ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 7-8.

necessary, taking three to six months, and (iii) the designing of the feedback mechanism discussed below, taking 10 to 14 months.¹²⁸ The implementation phase will involve the Participatory Mechanism making decisions about ‘the process of selection and/or design of the relevant satisfaction and symbolic measures’ as well as implementing the feedback mechanism.¹²⁹ Finally, the closure phase will involve the same steps as described under the medical measures above.¹³⁰

73. With respect to a potential apology from Mr Ongwen, the Chamber welcomes the Defence’s submission that Mr Ongwen ‘is willing and happy to address the people of not only the concerned communities, but others which may want an address from hi[m] as well’ and that Mr Ongwen is ‘concerned about the plight of all victims, and wishes to do what he can to help them heal and rehabilitate’.¹³¹ The Chamber notes that the TFV may continue discussions with the Defence and community members regarding how to best facilitate this process should victims be receptive to an apology from Mr Ongwen or other forms of cultural and religious rituals and ceremonies that may involve him. The Chamber does not consider it necessary for the TFV to ‘file an update to the DIP with further information related to its discussions with the religious and cultural leaders of northern Uganda’ as requested by the Defence.¹³² Rather, the TFV may report on any developments in its next update report.

74. Having assessed the above, the Chamber is content that the TFV has adequately provided a description of the projects proposed, demonstrated how these projects will address the harm suffered by victims, and provided a sufficient overview of the steps required for implementation. As such, the TFV’s proposal for collective community-based symbolic and satisfaction measures is approved.

¹²⁸ DIP, [ICC-02/04-01/15-2099-Anx](#), p. 7.

¹²⁹ The TFV further submits that this phase will involve: (i) providing logistical support for the sessions of the Participatory Mechanism with relevant stakeholders in the development and selection of measures; (ii) maintaining a record of decisions taken by the Participatory Mechanism with relevant stakeholders in the development and selection of measures; and ensuring good data management and data protection as well as confidentiality, as required. See DIP, [ICC-02/04-01/15-2099-Anx](#), p. 7.

¹³⁰ See para. 52 above.

¹³¹ Defence Observations, [ICC-02/04-01/15-2105](#), paras 13, 16.

¹³² Defence Observations, [ICC-02/04-01/15-2105](#), para. 17.

d) Feedback mechanism

75. Finally, the TFV proposes to design a feedback mechanism, in close collaboration with the Registry, to be implemented along with each measure of the reparations programme.¹³³ The TFV submits that the feedback mechanism will provide the appropriate channel for beneficiaries to directly ask for information, provide feedback, ask questions, and convey complaints or queries about the implementing partner or the TFV.¹³⁴
76. The Registry submits that it supports the feedback mechanism proposed and ‘stands ready to collaborate with the TFV in its design and implementation’.¹³⁵ The Registry submits that the feedback mechanism should: (i) be centralised and independent (specifically not administered by the TFV’s implementing partners in order to ensure the mechanism remains neutral and unbiased); (ii) cover all actors involved at the reparations stage including the Registry, the LRVs and the intermediaries of all actors involved; and (iii) be available in relation to all reparations measures implemented in the case and throughout the entire duration of the implementation phase of those measures.¹³⁶ The Registry further recommends incorporating tools aimed at measuring victims’ satisfaction with the reparations programme.¹³⁷
77. The Chamber approves the TFV’s proposal to design a feedback mechanism in close collaboration with the Registry and notes the Registry’s willingness to collaborate with the TFV on this matter. The Chamber concurs with the Registry that the feedback mechanism should be independent, cover all actors involved in the implementation of reparations, and be available in relation to all reparations’ measures.¹³⁸ The Chamber further instructs the TFV and the Registry to safeguard the confidentiality of the victims’ information and to ensure that the feedback mechanism designed is cost effective.

V. REPORTING

78. Having approved the DIP, the Chamber now expects the TFV to proceed with the development and implementation of projects adhering strictly to the scope of the Reparations Order and the DIP. With this expectation, the Chamber does not consider it

¹³³ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 2, 7.

¹³⁴ DIP, [ICC-02/04-01/15-2099-Anx](#), pp. 2, 7.

¹³⁵ Registry Observations, [ICC-02/04-01/15-2104](#), para. 14.

¹³⁶ Registry Observations, [ICC-02/04-01/15-2104](#), para. 16.

¹³⁷ Registry Observations, [ICC-02/04-01/15-2104](#), para. 16.

¹³⁸ Registry Observations, [ICC-02/04-01/15-2104](#), para. 16.

neccessary to approve or endorse the specific projects that arise from the Participatory Mechanism process. However, should any specific questions or conflicts arise where the TFV considers the Chamber's direction is required, it should bring those to the attention of the Chamber as soon as possible. Further, the Chamber retains the authority to intervene as it deems necessary to ensure that the Reparations Order and the DIP are properly executed.

79. The Chamber instructs the TFV to file an update report on the implementation of reparations in the *Ongwen* case four months from the date of this decision. In its report, the TFV may make proposals on the subsequent reporting schedule.

FOR THESE REASONS, THE CHAMBER HEREBY

APPROVES the DIP submitted by the TFV;

INSTRUCTS the TFV to provide any additional updates regarding funding and potential start dates to the victims and the Chamber as soon as such information becomes available;

INSTRUCTS the TFV to clarify whether transportation fees for the beneficiaries will be covered by the TFV; and

INSTRUCTS the TFV to submit an update report to the Chamber on the implementation of the reparations programme in the *Ongwen* case four months from the date of this decision.

Done in both English and French, the English version being authoritative.

Judge María del Socorro Flores Liera, Presiding Judge

Judge Kimberly Prost

Judge Nicolas Guillou

Dated 18 February 2025

At The Hague, The Netherlands