



Original: **English**

No.: ICC-02/04-01/15
Date: **6 December 2021**

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN UGANDA

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

**Public
With Public Annexes I and II**

Registry's Mapping Report and Submission on Reparations

Source: Registry

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

Office of the Prosecutor

Mr Karim A. A. Khan

Mr James Stewart

Counsel for the Defence

Mr Krispus Ayena Odongo

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba

Mr Francisco Cox

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

Office of Public Counsel for Victims

Ms Paolina Massidda

**Office of Public Counsel for the
Defence**

States' Representatives

Competent authorities of the Republic of
Uganda

Amicus Curiae

Acholi Religious Leaders Peace Initiative (ARLIPI); Foundation for Justice and Development Initiatives (FJDI) and the War; Victims and Children Networking (WVCN); International Center For Transitional Justice (ICTJ) and Uganda Victims Foundation (UVF); Uganda Association of Women Lawyers (FIDA Uganda); African Youth Initiative Network (AYINET); Refugee Law Project (RLP); Avocats sans Frontières (ASF); Emerging Solutions Africa (ESA); Essex Transitional Justice Network at the University of Essex; Global Survivors Fund (GSF); Gulu Women's Economic Development and Globalization (GWED-G); Institute for Peace and Strategic Studies at Gulu University ; International Federation for Human Rights (FIDH); Redress; Watye Ki Gen, and Women Advocacy Network (WAN); Amuria District Development Agency (ADDA); the United Nations (UN); The

Populace Foundation International
(TPFI); Makmot Kibwanga & Co.
Advocates; Lango War Claimants'
Association (LAWCAS); Lango Camp
Host Association (LACHA)

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

Country Office

Ms Jelena Vukasinovic

I. Introduction

1. Pursuant to Trial Chamber IX's "Order for Submissions on Reparations" (respectively "Chamber" and "Order") issued on 6 May 2021,¹ the Registry hereby submits its report on the mapping of victims potentially eligible for reparations² and its observations on reparations³ in the case of *The Prosecutor v. Dominic Ongwen* ("Ongwen case" and "Case").

II. Procedural History

2. On 6 May 2021, the Chamber issued its Order by which it, *inter alia*, instructed the Registry to make submissions "as specific as possible and of up to 50 pages" by Monday 6 September 2021, on either or all of the reparations-related issues listed below:⁴
 - a. the need for the Chamber to consider additional principles on reparations, apart from those already established by the consistent jurisprudence of the Court, as recently adapted and expanded in the case of *The Prosecutor v. Bosco Ntaganda*;
 - b. estimated total number of the direct and indirect victims of the crimes for which Mr Ongwen was convicted, who may be potentially eligible for reparations;
 - c. any legal and factual issues relevant to the identification of eligible victims;
 - d. any victims or groups of victims who may require prioritisation in the reparations process;

¹ Trial Chamber IX, "Order for Submissions on Reparations", 6 May 2021, ICC-02/04-01/15-1820.

² Annex I.

³ Annex II.

⁴ Order, para. 5(i).

- e. specification of the types and extent of the harm suffered by the victims of the crimes for which Mr Ongwen was convicted;
 - f. whether recourse to factual presumptions should be considered;
 - g. types and modalities of reparations appropriate to address the harm suffered by the victims of the crimes for which Mr Ongwen was convicted. In particular, the suitability of collective reparations with individualised components, the appropriate modalities to be included therein, and whether certain modalities can be expeditiously implemented;
 - h. concrete estimates as to the costs to repair the harms suffered by the victims in light of the appropriate modalities for repairing them, including costs of running rehabilitation programmes in the region with the potential to address multi-dimensional harm of individual beneficiaries for the purposes of reparations;
 - i. information as to whether the victims of the crimes for which Mr Ongwen was convicted have received any form of compensation or reparations for the harm suffered as a result of these crimes; and
 - j. any additional information relevant to reparations.
3. The Chamber also instructed the Registry, with the assistance and cooperation of the Legal Representatives of Victims (“LRVs”⁵ and “CLR”⁶ respectively) as appropriate, to undertake a comprehensive mapping of direct and indirect victims potentially eligible for reparations in the Case (respectively “Mapping” and “Potential Beneficiaries”), identifying: *i*) the main categories of victims; *ii*) their current location; and *iii*) all data that it may be able to obtain regarding the victims’ gender, age group, and particular vulnerabilities which may need to be taken into

⁵ The LRVs team is composed of Joseph Akwenyu Manoba and Francisco Cox.

⁶ The Common Legal Representative of Victims is Paolina Massidda of the Office of Public Counsel for Victims.

account by the Chamber when deciding on the reparations to be awarded.⁷ The Chamber highlighted that the Registry is not expected or encouraged to register applicants or to collect individual applications for reparations, and that full compliance with the ‘do no harm’ principle should be ensured at all times.⁸ The Chamber further stressed the need for full cooperation and combination of the limited resources available between the parties,⁹ the Registry and the Trust Fund for Victims (“TFV”), particularly for the purposes of estimating the total number of victims, as well as for mapping and identifying: *i*) the extent of the harm suffered by the victims; *ii*) the most appropriate types and modalities of reparations; and *iii*) the costs to repair the harm.¹⁰ The Registry was eventually instructed to submit a progress report on the Mapping by Monday 5 July 2021 and a final report by Monday 6 September 2021.¹¹

4. On 5 July 2021, the Registry submitted its progress report on the Mapping and a request for an extension of three months (until 6 December 2021) for the submission of its final report on the mapping exercise and its submission on reparations, in light of the COVID-19 related in-country restrictions in Uganda.¹²
5. On 12 July 2021, the LRVs and CLR also requested a three month extension to submit their observations on reparations.¹³
6. On 19 July 2021, the Chamber granted an extension of time until 6 December 2021: *i*) for the Registry to file its final mapping report, and *ii*) for the Registry, the parties and the TFV to file their submissions on reparations.¹⁴

⁷ Order, para. 5(iv).

⁸ *Ibid.*

⁹ The Registry notes that in the context of reparations proceedings, the parties are the convicted person (“Defence”) and the victims (represented by the LRVs).

¹⁰ Order, para. 7.

¹¹ Order, para. 5(iv) and operative para. p.6.

¹² Registry, “Registry Progress Report on Mapping and Request for Extension of Time”, 5 July 2021, ICC-02/04-01/15-1863.

¹³ LRVs, “Victims’ Joint Request for extension of time limit to submit their observations on reparation proceedings”, 12 July 2021, ICC-02/04-01/15-1864.

¹⁴ Trial Chamber IX, “Decision on requests for extension of time”, 19 July 2021, ICC-02/04-01/15-1865.

7. On 27 July 2021, the LRVs requested authorization for the Registry to access a number of confidential documents from the record of the *Ongwen* case for the purpose of its mapping report.¹⁵ On 30 July 2021, the Chamber granted said request.¹⁶
8. On 15 September 2021, the Registry sought the Chamber's authorisation for the Office of the Prosecutor to share with the Victims Participation and Reparations Section a number of documents from the record of the *Ongwen* case.¹⁷ On 23 September 2021, the Chamber granted the request.¹⁸
9. On 9 November 2021, the LRVs requested an additional three-month extension of the time limit to submit their observations on reparations.¹⁹
10. On 18 November 2021, the Chamber, *inter alia*, partially granted the parties, the Registry, and the TFV an extension of the time limit to make their submissions on reparations, exclusively on issues which required further consultations, until 7 February 2022 and ordered them to provide as much information as possible on either some or all of the issues identified by the Chamber in paragraph 5(i) of the Order, by 6 December 2021.²⁰

¹⁵ LRVs, "Victims' Request for Authorisation to Disclose Confidential Information in the Record of the Case to the Registry for the Purpose of Mapping of Potential Victims Eligible for Reparations", 27 July 2021, ICC-02/04-01/15-1867.

¹⁶ Trial Chamber IX, "Decision on the Victims' Request for Authorisation to Disclose Confidential Information in the Record of the Case to the Registry for the Purpose of Mapping of Potential Victims Eligible for Reparations", 30 July 2021, ICC-02/04-01/15-1869.

¹⁷ Registry, "Registry Request for Access to Prosecution Documents", 15 September 2021, ICC-02/04-01/15-1872.

¹⁸ Trial Chamber IX, "Decision on the Registry Request for Access to Prosecution Documents", 23 September 2021, ICC-02/04-01/15-1875.

¹⁹ LRVs, "Victims' Request for an extension of the time limit to submit their observations on reparation proceedings", dated 9 November 2021 and notified on 10 November 2021, ICC-02/04-01/15-1890.

²⁰ Trial Chamber IX, "Decision on the Victims' Request for an extension of the time limit to submit their observations on reparation proceedings", 18 November 2021, ICC-02/04-01/15-1910.

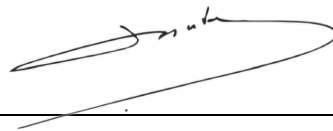
II. Applicable Law

11. The Registry submits the present filing relevant to reparations in light of article 75 of the Rome Statute, rules 16, 94 and 97 of the Rules of Procedure and Evidence and regulations 86(9) and 88 of the Regulations of the Court, regulation 110(2) of the Regulations of the Registry, and pursuant to the Order.

III. Submissions

12. The Registry hereby transmits the information requested in the Order in the following manner:

- Mapping Report (Public Annex I);
- Registry's Submissions on Reparations (Public Annex II).



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 6 December 2021

At The Hague, The Netherlands