

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15

Date: 06 Feb 2022

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács, Judge
Judge Chang-ho Chung, Judge
Choose ICC Judge... Title
Choose ICC Judge... Title

SITUATION IN UGANDA

**IN THE CASE OF
THE PROSECUTOR *v.* Dominic Ongwen**

Level of Confidentiality

Public Order for Submission of Reparation

Source: [Amuria District Development Agency (ADDA)]

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

The Office of the Prosecutor

[Ms Fatou Bensouda
Mr James Stewart]

Counsel for the Defence

[Mr. Krispus Ayena Odongo]

Legal Representatives of the Victims

[Mr. Joseph Akweny Manoba
Mr. Francisco Cox]

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

[Ms Paolina Massida]

**The Office of Public Counsel for the
Defence**

States' Representatives

Competent Authority of the Republic
of Uganda

Amicus Curiae

REGISTRY

Registrar

M. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

Mr Pieter de Baan

1. Introduction

The trial Chamber IX of the International Criminal Court, in the case of The Prosecutor v. Dominic Ongwen (the Ongwen Case), having regard to articles 64 and 75 of the Rome Statute (the Statute), rule 103 of the rules of procedure and evidence (the Rules), on the 4th February 2021 convicted Dominic Ongwen for the commission of 61 counts of war crimes and crimes against humanity. On the 6th May 2021, the Chamber sentenced Dominic Ongwen to a joint sentence of 25 years of imprisonment.

On the 6th May 2021, The Trial Chamber IX issued a Public Order for submissions on Reparations, intended to ensure the fair and expeditious conduct of reparations proceedings in the Ongwen case. Based on this, Amuria District Development Agency requested the leave to submit *amicus curiae* submissions on reparation in pursuant to Rule 103 of the Rules of Procedure and Evidence (the 'Rules') and Regulations 24bis, 34 and 38(2) of the Regulations of the Court (the 'Regulations'), in the situation in Uganda in the case of The Prosecutor v. Dominic Ongwen (the Ongwen case), for which it was granted. It is on this basis that Amuria District Development Agency (ADDA) is making reparation submissions to Trial Chamber IX.

Organisation Background:

Amuria District Development Agency (ADDA) is an indigenous local non-government organisation formed in June 2006 to contribute to the improvement of the living conditions and wellbeing of the local people by creating a socio-economically and politically vibrant society. The organisation has grown from an individual vision to a well-established organisation with a strong governing body and a well-established secretariat. The programmes of Amuria District Development Agency (ADDA) have also grown with a sizable funding to cover the districts of Teso and Karamoja sub regions in Eastern and Northern Uganda networking with other organisations and the local governments in the region. The head office where the secretariat sits is in Amuria headed by the Executive Director supported by other technical staff.

Organisation local expertise in the situation:

Amuria District Development Agency (ADDA) worked with the Victims Participation and Reparation Section of the ICC from 2007 to 2010 as an intermediary supporting

victims of the LRA and GoU conflict who expressed a desire to participate in the court as witnesses against Dominic Ongwen and Joseph Kony to fill participation forms. With this effort, a total of 3,500 victims of the conflict applied to participate and 1857 were accepted by the court and given codes.

In addition, Amuria District Development Agency (ADDA), with support from the Trust Fund for Victims of the International Criminal Court from 2008 to 2019, provided interim reparation to the victims of the LRA and GoU conflict through provision of physical rehabilitation and material support. Through this intervention, a total of 7,650 direct and 25,600 indirect beneficiaries were supported.

Equally, Amuria District Development Agency directly worked with the outreach section of the International Criminal Court devoting her efforts in community mobilisation and sensitization, including education geared towards increasing their understanding of the International Criminal Court, its mandates and who and how one can participate in the court processes.

Above all, in 2010, the organisation conducted a survey and documentation of the victims in the Teso region to map and ascertain which victim suffered which crime committed by who within the LRA ranks, establishment and command. This has helped guide in isolating the victims that suffered harm under Dominic Ongwen from those that suffered under other perpetrators within the establishment and command of the LRA.

Furthermore, from 2013 to date, ADDA embarked on civic and human rights education among the communities in Teso and Karamoja focusing on peace building, conflict transformation and economic rehabilitation of communities. This was undertaken through a variety of approaches including engagement of cultural and religious institutions, working with and through government institutions and engagement of youth and women among others.

2. PROCEDURAL HISTORY

The trial Chamber IX of the International Criminal Court, in the case of The Prosecutor v. Dominic Ongwen (Ongwen case) having regards to article 64 and 75 of the Rome Statute, and regulations 24bis, 34 and 38(2) on the 4th February 2021 convicted Mr. Dominic Ongwen for the commission of 61 counts of war crimes and crimes against humanity, and on the 6th May 2021, the Chamber sentenced Dominic Ongwen to a joint sentence of 25 years imprisonment. However, on the 6th of May 2021, the Trial Chamber IX issued Public Order for Submissions on Reparations, No. ICC-02/04-01/15.

The Trial Chamber IX directed persons and or organisations with local expertise interested in making submissions on specific issues to request leave from the Chamber, in pursuit to article 75 of the Rome statute and rule 103 of the Rules of Procedure and Evidence (RPE) to submit *amicus curiae* submissions on reparation.

The Chamber notes that 4,095 victims were authorized to participate in the case pursuant to article 68(3) of the statute and are currently represented by teams of legal representatives. The Chamber further notes that, significant information relevant to the five elements of reparations order is available in the case records. However, considering the interests of the victims and the convicted person, and further noting that the crimes for which Mr. Dominic Ongwen was convicted took place more than 15 years ago, the Chamber, therefore, considers that the reparations phase of proceedings should advance as efficiently and expeditiously as possible avoiding any delays.

3. THE APPLICABLE LAW

Rule 103 (1) of the Rules of Procedure and Evidence provides that at any stage of proceeding, a chamber may, if it considers desirable for the proper determination of the case, invite or grant leave to a state, Organisation or person to submit in writing or orally any observation on any issue the chamber deems appropriate. The Rules of Procedure and Evidence foresees that unsolicited application can be submitted by the states, organisations or individuals interested in addressing issues of consequence to the proceedings. Amuria District Development Agency (ADDA) is presenting these submissions relevant to reparations in light of article 75 of the Rome Statute, rule 16, 94

and 97 of the rules of procedure and evidence and regulations 86(9) and 88 of the regulations and pursuant to the order.

4. SUBMISSIONS

4.1 Introduction:

Amuria District Development Agency (ADDA) makes its submissions on reparations pursuant to paragraph 5(III) of the order for submissions on Reparations issued by Trial Chambers IX on 6th May 2021 ("Chamber" and "Order") in the case of the Prosecutor v. Dominic Ongwen (The Ongwen Case).

Forms of harms subjected to victims of the conflict:

Taking critical review and analysis of the available records including documentations and survey reports, Amuria District Development Agency was able to generate the general overview of the types of harm victims suffered and continue to suffer from as summarized below

- i. Physical harm which results from torture, beatings, mutilation, shootings which many victims still suffer from. Furthermore, abductees still have chest pains as they were forced to carry heavy baggage, as well as HIV and other sexually transmitted infection as a result of rape and sexual torture including male sodomy.
- ii. Psychological harm that results from exposure to hostile environment including being forced to kill other abductees, parents, relatives, or witness such acts being committed or forced to dismember dead bodies. Victims still experience psychological disorders including suicide tendencies, depression, dissociative behavior; inability to control aggressive impulses and poor management of trauma.
- iii. Material harm resulting from lack of access to production resources including shelter and land to women and their children born of war due to cultural norms and practices; and inability to access basic needs for child mothers and children born of war.
- iv. Abuse of individuals fundamental human rights as noted from deprivation of physical liberty; loss of schooling and/or vocational training or other training opportunities.

- v. Social harm resulting from family breakdown, rejection, forced child bearing, stigmatization, inadequate or no life skills and inability to obtain identification document especially for children born of war.

4.2 Processes undertaken:

The objective of the submission is to make a secure, ethical and victim – centred information of victims eligible for reparations in the Ongwen case, addressing aspects highlighted in the order. The organisation reviewed her records, reports including survey reports aimed to generate information on the categories of victims; direct and indirect victims of crimes committed by Dominic Ongwen and the Sinia Brigade in Teso sub region between 16th June 2003 and 31st December 2004. These include victims of sexual and gender-based crimes, former child soldiers, children of war (children born in captivity), the tortured, the missing and those confirmed dead, and attacks directed to public institutions. Amuria District Development Agency (ADDA) successfully generated information as regards victim's estimate numbers, their location, gender, and their vulnerabilities to be taken into account by the chamber when making decisions on the reparations to be awarded.

Amuria District Development Agency (ADDA) submission collects, to the extent possible, information regarding victim eligible for reparations in Dominic Ongwen case including their current needs, suitable types and modalities of reparations and as to whether victims may have received any form of reparation or compensation for the harms suffered resulting from the crimes for which Dominic Ongwen is convicted.

a) Lwala Girls Senior Secondary School:

On the 24th June 2003, the Sinia Brigade of the LRA rebels commanded by Dominic Ongwen attacked Lwala Girls Secondary school in Kaberamaido district and abducted a total of 180 girls out of the total number of 631 girls present the day of the attack, vandalized the school infrastructure including classrooms, dormitories, laboratories, teacher's houses and destroyed the school vehicle beyond repair. To date, only a total of 85 abducted girls out of 180 have been rescued and 7 of them have been confirmed dead. However, a total of 88 of 180 abducted girls have not been accounted for, and are feared dead or still under captivity.

The Summary of the 92 accounted for (the dead and the rescued) girls by district of origin is as stated in the table below.

SN	District	Rescued	Dead
1	Amuria	04	00
2	Dokolo	06	00
3	Kaberaido	29	03
4	Katakwi	14	01
5	Kumi	12	02
6	Lira	09	01
7	Soroti	11	00

Amuria District Development Agency submits that all the students, the teachers and the other school staff present within the school at the time of attack are direct victims of the war crimes and crimes against humanity for which Dominic Ongwen was convicted for, hence need for individual reparations to repair the harms suffered. The number of family members of direct victims (abducted girls) could not easily be established since the abducted girls came from different districts that are far apart. Similarly, the number of individuals living around or near the school who may have suffered harm during the attack directed to the school could not be established.

In the review of the records, reports and data base, it is noted that there was direct destruction of the public infrastructure in the school which among others included classrooms, dormitories, laboratories, teachers houses and the school vehicle. This calls for collective reparation to enable address the loss the community got as a result of the attack.

Analysis of specific crimes committed in the region:

i. Abductions

Amuria District Development Agency (ADDA) through analysis and review of the available documents and reports, noted that a total of 4,670 people between the ages of 10 to 50 years were abducted. Of those abducted, a total of 2,932 (62.8%) were males and 1,738 (37.2%) were females. These numbers of abductees covered information for all the four LRA Brigades. However, further scrutinizing and analyzing the available records and information, the Sinia Brigade, commanded by Mr. Dominic Ongwen was singled out as the most active LRA brigade in Teso Sub region from June 2003 to

December 2004. A total of 3,056 (65.4%) out of 4,670 abductees from Teso sub region were abducted by the Sinia Brigade under the command of Mr. Dominic Ongwen. These were categorized as 1,209 (39.9%) females and 1,847 (60.1%) males.

ii. Victims of sexual and gender-based violence

Further categorizing the forms and level of victimization, Amuria District Development Agency (ADDA) through the desk review of the available records and reports identified that 672 abductees (48 males and 624 females) were subjected to sexual and gender-based violence across all the four LRA Brigades. Of these, a total of 104 females were forced to marry and or bear children in captivity and 568 were subjected to other SGBV crimes. However, further analyzing the records of earlier interviews with the victims including available information, Amuria District Development Agency was able to single out victims SGBV crimes committed by Mr. Dominic Ongwen and the Sinia Brigade in Teso region. Through the desk review conducted, a total of 241 (36%) victims categorized as 10 males and 231 females were subjected to sexual and gender-based violence crimes under Mr. Dominic Ongwen and the Sinia Brigade commanded. Out of the 241 victims of sexual and gender-based violence crimes, 31 of them were forced to marry and or bear children in captivity.

iii. Children born of war:

Arising from the desk review of the documents and reports, including records of consultations earlier undertaken during the survey, a total of 104 women and girls were forced to marry and or bear children. A total of 208 children were born to these women and girls. This number is distributed to all the 4 active LRA Brigades in Northern Uganda. However, analyzing the available records and information and tagging the number to each brigade and or commander, the findings indicate that 31 women and girls were forced to marry and or bear children under the Sinia Brigade and a total of 125 (63 males and 62 females) children born of war were tagged to the Sinia Brigade commanded by Mr. Dominic Ongwen.

iv. Child Soldiers:

The abduction instituted by the LRA was aimed to play two main reasons and these included, i) to get people to carry the looted food and other items and ii) to get man power who could be trained and to be initiated into the LRA rebel ranks as fighting force. During the abduction spree, the elderly (those above the age of 30 years) was mainly to carry the looted the items and after instituting the assignment would either be killed or released. However, children from the age as low as 10 years would be initiated into the rebel ranks as fighting forces.

Abduction of children to be initiated into the rebel ranks formed one of the core reasons of the Sinia Brigade entry into Teso Subregion on 16th June 2003. Children who were abducted by the Sinia Brigade from Teso were distributed to other brigades as narrated by some of the former child soldiers. Some of the female abductees were either made to be house maids or wives to senior commanders while others were initiated into fighting force.

However, after review of the available records and information a total of 1,500 (32.1%) out of the 4,670 abductees were children comprising of 758 females and 922 males. This number was distributed to all the four LRA Brigades. Amuria District Development Agency (ADDA) conducted desk review of the all the available records and information tagging victims forced into the rebel ranks to the active LRA brigades and noted that a total of 1,019 (77.2%) categorized as 697 males and 322 females out of 1,500 children abducted from Teso and initiated into the rebel ranks were active within the Sinia Brigade under the command of Mr. Dominic Ongwen.

v. Missing Persons:

The available records and information within the organisation archives indicate that, a total of 4,670 people were abducted from Teso sub region and 4,390 (94%) returned. This leaves a gap of 280 of people still uncounted for and are either still in captivity or feared dead. This number is generated from all the four LRA Brigades active in northern Uganda. However, it has not been easy to exactly extract information for the missing persons under the hands of the Sinia Brigade due to lack of data as regards the brigade to went missing from. In this respect, to help the Chambers with an estimate of

potential beneficiaries, based on the rough estimate of the number of missing persons, divided the 280 between the four LRA brigades could provide a rough indicator figure of 70 missing persons under the Sinia Brigade.

vi. Confirmed dead:

Review of the available records reveals that a total of 846 (713 males and 133 females) victims abducted by the LRA lost life. This figure is generated from all the four Brigades of the LRA and were killed in different forms which included murder, battering, gunning, land mine, bomb blast or arson. Further scrutinizing the available records to tag victims that lost life to specific Brigades, it is found out that a total of 364 (43%) comprising 311 males and 53 females lost life under the hands of the Sinia Brigade commanded by Mr. Dominic Ongwen.

vii. Victims of torture

The available information within the confines of the organisation including records of consultations previous conducted with the victims indicate that those abducted were subjected to both physical and psychological torture among other inhuman treatment. The number of victims subjected to torture was 1,766 (1,119 males and 647 females) distributed to all the four LRA brigades. however, further scrutinizing the available information and records, a total of 822 (46.6%) abducted victims comprising of 498 males and 324 females were subjected to torture under the Sinia Brigade commanded by Mr. Dominic Ongwen.

i. **Physical torture:** The available records and information indicate that the LRA subjected their captives to serious and inhuman physical torture. Upon abduction, victims were forced to carry heavy load including weapons and looted merchandise and food and walking for long distance without rest of food and now experience chest pain, body weakness. This affected their life and health wellbeing. In addition, as a means to initiate them into the LRA, Victims were each given 100 strokes of cane and for those who escape and got or attempt/suspected of thinking of escaping were caned 150 strokes of cane as a deterrent measure. Furthermore, some of the victims had their body parts cut/mutilated, subjected to rituals as a means to make them forget their

homes/families, recurrent sexual abuse including sodomy and have contracted HIV and other sexually transmitted infections.

ii. Psychological Torture: Further examining the available information and records, victims report having had psychological torture and still continue experiencing psychological trauma resulting from attacks, rape, torture and enslavement. Loss of family members either through abduction and or killed, destruction of property and other psychological disorders still continue to haunt the victims.

Tabulated summary of victims that suffered harm for which Mr. Dominic Ongwen is convicted

Crime inflicted	Male	Female	Total
Abduction	1,847	1,209	3,056
Sexual and Gender Based Violence	10	231	241
Children born of war	63	125	188
Child soldiers	697	1,019	1,716
Missing persons	46	24	70
Confirmed dead	311	53	364
Torture	498	324	822
Total	3,472	2,985	6,457

Conclusion:

For the reparation process to be success, there is need put the interest of the victims to the forefront and should be conducted at the local level with full engagement of the victims in defining and designing the process hence taking full ownership of the process. This will involve reaching out to victims and recording their demands in an effective and meaningful way. There is need to provide holistic reparations approach aimed at addressing different needs purposely to repair complex and multifaceted types of harms suffered by different categories of victims. Furthermore, reparations need to take into account the complexity of the victims' situations to be able to enjoy

the awarded reparation and that collective reparation need to be undertaken where destruction of public institutions have been destroyed.

5. RELIEF OF SOUGHT

Amuria District Development Agency (ADDA) with honour and respect makes a submission to the Trial Chambers IX for reparations for victims of the LRA for the case of Dominic Ongwen in particular the number of victims, types of harms suffered, forms and modalities of reparations appropriate to address the harms suffered by the victims of the crimes for which Dominic Ongwen is convicted.



[Nathan Ebiru - Executive Director]
on behalf of
Amuria District Development Agency (ADDA)

Dated this 6th February 2022

Amuria, Uganda

At [place, country]